

CHILI ZONING BOARD

January 27, 1987

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 January 27, 1987 at 7:30 P.M. The meeting was called to order by Chairperson Tom Ward.

PRESENT: Ron Popovich, Ralph Wehner, Dan Melville, John Hellaby, Bob Pierson, Randy Allen, and Chairperson, Tom Ward.

ALSO PRESENT: Bob Connolly, Building Inspector; Marcia Havens, 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 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.

Mr. Charles LaRocca was present to request renewal of conditional use permit of real estate office in his home. The permit was last renewed a year ago. He is requesting that the renewal be extended to five years.

Tom Ward asked if there was much business at this office to which Mr. LaRocca replied that there wasn't. He explained that the majority of the business was conducted at his main office on Elmwood.

Tom Ward asked Bob Connolly if there were any complaints, and Bob said that there weren't any. Tom Ward asked Mr. LaRocca if the same conditions applied. Mr. LaRocca replied that there were to be no changes nor any plans for expansion. Mr. LaRocca also went on to explain that he and his wife were the only employees.

Ralph Wehner asked if there was a variance for the three signs off the light pole. Tom Ward replied that there wasn't. Mr. LaRocca mentioned that he had spoken with Bob Connolly on this issue. Bob Connolly said that New York State required these signs to be hung.

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

DECISION:

- John Hellaby made a motion for 5 year renewal which Dan Melville seconded. Unanimously approved by vote of 7 with the following conditions:
1. No on-street parking.
 2. To be used as an ancillary office only.
 3. Business to be operated by family and only 1 outside employee.
 4. Application be made to Building Department for any signage.
 5. Permit granted for a 5 year period.
2. Application of Perha 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.

Mr. James Valerio was present to represent Perna Homes. He explained that the sign would be similar to many other development such as Pines and Wildwood. He then submitted pictures of signs to the Board.

Mr. Valerio explained that the sign will probably contain green lettering on a brown background. He went on to say that the sign will contain the name of the development and two phone numbers. He explained the importance of an entrance sign as this gives a first impression.

Gates-NEWS-Chili

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

Date 1-21-87

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

GATES-CHILI NEWS

Issue Dated 1-21-87

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
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 27, 1987, at 7:30 p.m. to hear and consider the following applications.

1. 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.

2. 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.

3. Application of Passero Associates, 100 Liberty Pole Way, Rochester, New York 14604, property owner: Angelina Battaglia; for variance to erect a single family dwelling to be 60' from front lot line (100' req.) and 10' from side lot lines (50' req.) at property located at 35 Greyson Road in RA-20 & FPO zone.

4. Application of Passero Associates, 100 Liberty Pole Way, Rochester, New York 14604, property owner: Angelina Battaglia; for variance to erect a single family dwelling to be 60' from front lot line (100' req.) and 10' from side lot lines (50' req.) at property located at 37 Greyson Road in RA-20 & FPO zone.

5. Application of Electro-Ad

Sign Systems, P.O. Box 22898, Rochester, New York 14692, property owner: Genesee Management; for variance to erect one 18' x 6' and one 14½' x 3½' wall sign each containing a logo, variance to allow the total signage to be 158.75' (100 sq. ft. allowed) at property located at 1265 Scottsville Road in GB zone.

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

R. Thomas Ward, Chairman
Chili Zoning Board of Appeals

*January 27
Board Jan. 1987*

Tom Ward asked if the sign was to be mounted on 4 by 4's, to which Mr. Valerio replied that it was to be mounted on 4 by 4's and framed. Tom Ward also asked if the sign was to be mounted in concrete. Mr. Valerio explained that it was.

Tom Ward asked if there was to be any illumination, and Mr. Valerio said there would be a spotlight on a timer.

Tom Ward asked if the sign would be set back from the road right-of-way and Mr. Valerio explained that it would be just inside of it. Tom Ward explained that the sign must be a minimum of 20 feet from the road. Mr. Valerio elaborated that he would like the sign to be 20 to 25 feet from the road.

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

DECISION:

Ralph Wehner moved that the approval be granted for 2 years to which Dan Melville seconded. Unanimous approval by vote of 7 with the following conditions:

1. To be 20 feet from road right-of-way.
2. Permit granted for 2 years.
3. Application of Passero Associates, 100 Liberty Pole Way, Rochester, New York 14604, property owner: Angelina Battaglia; for variance to erect a single family dwelling to be 60' from front lot line (100' req.) and 10' from side lot lines (50' req.) at property located at 35 Greyson Road in RA-20 & FPO zone.
4. Application of Passero Associates, 100 Liberty Pole Way, Rochester, New York 14606, property owner: Angelina Battaglia; for variance to erect a single family dwelling to be 60' from front lot line (100' req.) and 10' from side lot lines (50' req.) at property located at 37 Greyson Road in RA-20 & FPO zone.

Applications 3 and 4 were heard concurrently.

Mr. Christopher Centola, the landscaper for Passero Associates, was present to represent the application. He explained that the lots were non-conforming in size on town and Monroe County tax accounts. He said that the dwelling was to be a raised ranch which was required to be 40 feet wide. He then submitted a map of the proposed homes to the Board. Mr. Centola explained that the homes would be set back 60 feet from the property line and 105 - 200 feet from the road right-of-way. The map illustrates the set backs.

Tom Ward asked if there were two separate parcels and Mr. Centola explained that there were two separate parcels with two separate tax accounts.

Tom Ward asked if the dwellings were being built on speculation to which Mr. Centola responded yes.

Mr. Frank Battaglia, the owner's son, was also present.

Bob Pierson asked if the property was adjacent to the fire station and Mr. Centola explained that as illustrated on the map that it would be adjacent.

Mr. Centola then submitted tax account maps to the Board.

Tom Ward asked about the length of the utilities in the road right-of-way and who is responsible. Mr. Centola explained that it depended upon the nature of the mishap. He further explained that he was willing to work with the Town as there could be a deed restriction that the Town would not be liable.

Tom Ward asked where the drainage will go to which Mr. Centola replied that it would drain to the back of the lot. Mr. Centola said they could slope the roofs, and that they had a 120' by 60' parcel to drain the water to.

Bob Connolly reminded the Board that they would be going to the Planning Board prior to actual development. Bob also said the lowest floor in the structure would have to be 2' above flood level.

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Tom Ward explained that the lowest architectural opening of the structure had to be in compliance with the National flood insurance requirements. Mr. Centola again said he would work with the Board and would abide by the Town Engineer's decision. Mr. Ward said this was fine, but that the Board or Town Engineer could not be held responsible for designing the structure. He suggested that they talk to Bob Connolly and submit completed plans to the Planning Board.

Randy Allen questioned why they were crowding two homes on these lots. He was told that according to the tax records, the parcels existed as two lots.

Marcia Havens asked what the sizes of the other lots on Greystone were. She was told they were approximately 100' x 80', but all were pre-existing and non-conforming.

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Mr. Rob Guelzow

He said it is very wet there, and he wants to see positive drainage. Because the Town ditch there is plugged, he said he would like to see them go to the road with a swale.

Tom Ward asked who owns the property to the South. He was told "Don Barbato owns it".

Tom Ward read County Comments, which approved the application insofar as airport considerations were concerned. Flood plain review elicited the following recommendations:

1. The Town must document the lowest floor elevation for all development within designated areas of special flood hazard.
2. Plans which show enclosed areas built below the base flood elevation must be designed and certified by a registered professional engineer or architect and must meet Federal criteria.
3. Flood insurance rate will be determined by the FEMA if lowest floor is 2' or more below flood level.

The Board directed the Deputy Town Attorney to investigate wording for deed restrictions that the property owner will be responsible for maintaining the utilities within the road right-of-way if this application is approved.

DECISION:

Board voted unanimously to table this application until the February 24, 1987 meeting pending further information as follows:

1. Submit a proposed final grading plan.
2. Submit a drainage plan.
3. Show on the plans the elevation of the lowest floor including basement and proposed lowest architectural opening.
5. Application of Electro-Ad Sign Systems, P.O. Box 22898, Rochester, New York 14692, property owner: Genesee Management; for variance to erect one 18' x 6' and one 14½' x 3½' wall sign each containing a logo; variance to allow the total signage to be 158.75' (100 sq. ft. allowed) at property located at 1265 Scottsville Road in GB zone.

Ms. Mary Jo Turpstra was present to represent the application. She submitted photos to the Board of the proposed signs to be erected.

Ms. Turpstra explained that the business had changed names. The signs on the cabinets were not changed.

Randy Allen asked if the proposed signs would face the airport and Ms. Turpstra explained that it would.

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

DECISION:

Unanimously approved by vote of 7 with no conditions.

Tom Ward, Chairperson
Chili Zoning Board

CHILI ZONING BOARD

February 24, 1987

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 February 24, 1987 at 7:30 P.M. The meeting was called to order by Chairperson Tom Ward.

PRESENT: Ralph Wehner, Dan Melville, Randy Allen, John Hellaby, Bob Peirson, and Chairperson Tom Ward.

ALSO PRESENT: Bob Connolly, Building Inspector; Marcia Havens, 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.

Marcia Havens explained the Appeals procedure.

APPLICATIONS BEFORE THIS BOARD WERE AS FOLLOWS:

1. Application of Certified Foods Corp., P.O. Box 90298, Rochester, New York 14692, property owner: Kenneth Wright; for Land Use Variance to convert existing barn into a wholesale Food Distribution Business at property located at 689 Beahan Road in RA-10 & FPO zone.

Mr. Alfred Heilman, Attorney, was present to represent Mr. Benner. Mr. Benner is currently renting the property from Mr. Kenneth Wright who is the owner of the property.

Mr. Heilman explained that there is three buildings on the property. He explained that Mr. Benner had been in business for 6 years in Henrietta and that the business he had been in was food distribution related. Therefore, he felt that Mr. Benner had the necessary experience to conduct the business.

Mr. Heilman explained that there would be an estimated 1-2 truck deliveries per week. The hours of operation would be Monday-Friday, 11-6, and Saturday, 9-2. A sign would be located in the back identifying the property as a business. The only changes to the inside would be partitions.

Tom Ward questioned the number of deliveries that was estimated. Mr. Benner said that there would be 1-2 deliveries per week in a stright body truck.

Tom Ward asked where the proposed warehouse would be located and Mr. Benner said that it would be in the existing building. Tom then asked if there were any plans for enlarging and Mr. Benner said that there wasn't.

Tom Ward asked why this particular property had been chosen and Mr. Benner said that it was because the suppliers were located down the street and that he felt he would receive customers from the Gates-Chili area. Tom asked if other properties had been looked at for this business and Mr. Benner said that they had but that they were not suited to the business.

Ralph Wehner asked if the warehouse would be bought or rented and Mr. Benner replied that it would be rented.

Dan Melville asked if the trailer parked on the property was going to be permanent or not and Mr. Benner said that it would be going.

Tom Ward asked if Mr. Benner was operating the business now and Mr. Benner said that he was on a limited basis.

Randy Allen questioned the vehicle traffic and Mr. Benner said that there was none other then the monthly deliveries. Randy then asked if the orders were pre-arranged. Mr. Benner said that they were and that they were picked up on a monthly basis. Randy asked how many customers ordered by bulk on a monthly basis and Mr. Benner said that there were about 100 a month.

Gates-NEWS-Chili

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

Date.....*2-18-87*.....

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

GATES-CHILI NEWS

Issue Dated.....*2-18-87*.....

Geraldine C. Snyder
.....
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 19*88*

Patricia M. Smith
.....

Patricia M. Smith
Publisher

zoning book 2/24/87

Legal Notices

LEGAL NOTICE CHILI ZONING BOARD OF APPEALS

Pursuant to Section 267 of Town Law, a public hearing will be held by the Chili Zoning Board of Appeals at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on February 24, 1987 at

7:30 p.m. to hear and consider the following applications:

1. Application of Certified Foods Corp., P.O. Box 92098, Rochester, New York 14692, property owner: Kenneth Wright; for Land Use Variance to convert existing barn into a wholesale Food Distribution Business at property located at 669 Beahan

Road in RA-10 & FPO zone.

2. Application of Martha Head, owner; 2816 Chili Avenue, Rochester, New York 14624, for variance to erect a house on proposed lot to be 45' from side lot line (60' req. on corner lot) at property located at above address (corner Chi-Mar Dr.) in R-1-12 zone.

3. Application of Roy Warner, 2361 Scottsville Road, Scottsville, New York 14546, property owner: M/M Jesse Warner; for variance to create two undersized lots— Lot 1 to be 2.66 acres (20 acres req.)

with a lot width of 192' (700' req.); Lot 2 to be 2.08 acres (20 acres req.) with a lot width of 150' (700' req.) and to allow a 30' side setback for proposed house (50' req.) at property located at above address in RA-20 zone.

4. Application of Michael Morelli, 50 Parsells Avenue, Rochester, New York 14609, property owner: M/M Alexander Tulloch; for variance to erect a 4' x 8' wall sign to include a logo at property located at 4370 Buffalo Road in GB zone.

5. Application of Chestnut Ridge Homes, 54 Chestnut Ridge Road, Rochester, New York 14624, property owner: William Baird; for variance to erect a house to be 18' from front lot line (40' req.) at property located at 13 Watchman Court in R-1-15 zone.

6. Application of Ace Swim Service, 3313 Chili Avenue, Rochester, New York 14624; property owner: Pat DeCroce; for variance to erect a 20' x 3' wall sign including two logo's to replace existing sign, variance to erect a 9½' x 4'

double faced freestanding sign including two logo's to replace existing sign at property located at above address in GB zone.

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

R. Thomas Ward, Chairman
Chili Zoning Board
Of Appeals

2/24/87

Tom Ward asked if there was any hardship and Mr. Heilman said that there was not.

Randy Allen asked what use the building had previously and Mr. Benner said that he did not know but felt that it was used for storage due to the fact that there was a food locker on the premises.

Mr. Heilman explained that the Water Authority across the street from the premises had given their approval for this application. He said that Mr. Benner had one other full time employee besides himself.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Ms. Loretta Simmons. She said that she owns Blair Supply located south of the property and that she is in favor of this application. She would like to see the area become more commercial.

Ken Andrews - 653 Beahan Road. He expressed concern over tractor trailer traffic on the property. He felt that the tractor trailer parked on the property was an eyesore. He was also concerned over the fact that this was a residential area and that he did not want to see it become commercial. He said that there was a big plywood sign denoting a business.

Leo Stupe. He expressed concern over the fact that the tractor trailer was in and out and that the business was operating commercially now. He said that the building was sealed up and that it did not use to be. He was also concerned because the barn was infested with rats.

Jerry Brixner - Town Councilman. He felt that the property should remain residential as this is a picturesque portion of Chili.

Dave Peso - 664 Beahan Road. He expressed concern over the increase in traffic that would result from approval of this application.

Mrs. Benner. She explained that she had power of attorney for Mr. Kenneth Wright and that the income of Mr. Wright was below poverty level. Therefore, she was asking that this application be approved.

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

FINDING OF FACTS:

1. Proposed usage is not similar to any of the permitted or conditional uses in the RA-10 or FPO zones.
2. No hardship was established.
3. No unique circumstances or characteristics of the property were presented or demonstrated.
4. Use would introduce additional vehicle traffic within a residential area.
5. Proposed use is not consistent with the Town of Chili's Master Plan.

DECISION: Unanimously denied by a vote of 6.

2. Application of Martha Head, owner; 2816 Chili Avenue, Rochester, New York 14624 for variance to erect a house on proposed lot to be 45' from side lot line (60' req. on corner lot) at property located at above address (corner of Chi-Mar Dr.) in R-1-12 zone.

Dick Stewart, son-in-law of Martha Head, was present to represent the application. He submitted drawings to the Board.

Mr. Stewart explained that Mrs. Head was trying to raise revenues to move but that the application may be premature as her nephew was potentially going to buy the property.

Via the map, Mr. Stewart explained that he was proposing the existing lot be split East to West creating a need for a variance.

Tom Ward asked if this was the configuration since the house was built and Bob Connolly said that the diagram was of the proposed lot.

Mr. Stewart explained that the Heads had purchased the back piece six years ago. Bob Connolly stated that this piece could not be built upon. Mr. Stewart said that this piece was used as a vegetable garden.

Tom Ward asked if there would be a 45' setback facing Hallock Road and Mr. Stewart said that the driveway could front Chi-Mar.

Tom Ward asked if the house would be subdivided if sold to the nephew and Mr. Stewart said "no".

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Bill Spruce - adjacent to the property. He asked if the variance would be temporary and Tom Ward said that it would be permanent. Mr. Spruce asked if it would have any effect on taxes and Tom Ward said it wouldn't.

^{Steinline}
Bill Steinline - 31 Hallock Road. He was opposed to the application. He felt that the variance should be granted to the future owner.

^{Steinline}
Mrs. Steinline - 31 Hallock Road. She expressed concern over Mr. Stewart's property appearance at his current residence. She felt that the proposed appearance of the lot would devalue the surrounding properties. She said that she would like to see the neighborhood preserved and the builder keep the neighborhood in perspective when building.

PRE-DECISION DISCUSSION:

Randy Allen asked what the correlation was between this property and the Stewart's on the corner. Tom Ward explained that the Stewart's property wasn't stipulated in the zoning request and that the variance was turned down. However, the court overruled the town.

Tom Ward stated that without a variance a house could be built.

Dan Melville asked if this was for one lot and Tom Ward said "yes". He then asked if a variance would have to be created before subdividing and Tom said "yes". He then asked if the property had to be subdivided and Tom said it did.

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

FINDING OF FACTS:

1. No hardship was established.
2. As the application was speculative at this time, the Zoning Board was unable to consider the minimum variance required for relief of the zoning ordinance.
3. It was not proven that a reasonable return could not be realized if sold as a single lot.

DECISION: Denied by a vote of 4-2 with positive votes being cast by Randy Allen and Tom Ward.

3. Application of Roy Warner, 2361 Scottsville Road, Scottsville, New York 14546, property owner: M/M Jesse Warner; for variance to create two undersized lots - Lot 1: To be 2.66 acres (20 acres req.) with a lot width of 192' (700' req.); Lot 2 to be 2.08 acres (20 acres req.) with a lot width of 150' (700' req.) and to allow a 30' side setback for proposed house (50' req.) at property located at above address in RA-20 zone.

Mr. Ray Warner was present to represent the application.

He explained that his father had passed away and that they were building to take care of his mother.

Tom Ward asked if the property would remain in the family and Mr. Warner said that it would.

John Hellaby asked if they were on the sewage system and Mr. Warner said they were on septic. He also asked if the area had been tested and Mr. Warner said that it had and the results were not low.

John Hellaby asked if they would be living there or selling it and Mr. Warner said that they would be living there.

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Randy Allen asked if the lot was lower than the house next door and Mr. Warner said that it wasn't.

John Hellaby asked if it had passed the preliminary tests and Mr. Warner said that it had.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

John Ander - 2380 Scottsville Road. He said that no one in the area objected to the application.

Tom Ward asked if a mortgage subdivide was required and Mr. Warner said that it wasn't.

PRE-DECISION DISCUSSION:

John Hellaby commented that by approving the application the door would be opened to future applications.

Tom Ward commented that in the past family subdivisions were considered an inherit right of the family.

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

DECISION: Unanimously approved by a vote of 6 with no conditions.

4. Application of Michael Morelli, 50 Parcels Avenue, Rochester, New York 14609, property owner: M/M Alexander Tulloch: for variance to erect a 4' x 8' wall sign to include a logo at property located at 4370 Buffalo Road in GB zone.

Mr. Mike Morelli, B and E Designs, was present to represent the application. He submitted drawings of the logo to the Board.

He explained that the logo would be a bathtub with mounted letters. The letters would be made of plywood with a paper face. He explained that the sign would be weather resistant. He said that the color scheme had not yet been decided.

Dan Melville asked how the sign would be anchored and Mr. Morelli explained that it would be mounted on siding above the entrance.

Tom Ward reminded the Board that the issue of concern was the logo and that Bob Connolly would be looking at the anchoring method.

PRE-DECISION DISCUSSION:

Randy Allen asked if the color was in the Town Code for this variance and Bob Connolly said "no".

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

DECISION: Unanimously approved by a vote of 6 with the following conditions:

1. A sign permit for this sign must be obtained.
5. Application of Chestnut Ridge Homes, 54 Chestnut Ridge Road, Rochester, New York 14624, property owner: William Baird; for variance to erect a house to be 18' from front lot line (40' req.) at property located at 13 Watchman Court in R-1-15 zone.

Mr. Bob Michaels, owner of Chestnut Homes, was present to represent the application. He asked for a letter from Bob Connolly on the Town requirements. He submitted drawings to the Board.

He explained that there were two other flaglots that he would need to ask for variances on and that he would appreciate any advice that the Board could give him.

He explained that he was asking for variance on lot #606 and that he was waiting interpretation from the Board before asking for variance on lots #607 and #608. Tom Ward explained that Bob Connolly has the power to give interpretation.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Otto Rosen He explained that he represented Mr. Baird and that he recommended approval of the variance.

Bob Connolly commented on the fact that the variance for front setback was only on this application. Mr. Michaels said that they were willing to accept guidance.

PRE-DECISION DISCUSSION:

Bob Connolly explained that a variance of 40' was required for the front and side. He said that the front setback begins at the buildable part of the lot.

Tom Ward read the definitions of frontage and setbacks.

Randy Allen asked if the roadway was dedicated and Tom Ward explained that it was a private drive not maintained by the Town.

Marcia Havens explained the intent of the ordinance and that this application did not fit the definitions.

Tom Ward said that the Planning Board had granted permission to create lot #608 and that with 20,000 square feet the building area was limited.

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

DECISION: Unanimously approved by a vote of 6 with no conditions.

6. Application of Ace Swim Service, 3313 Chili Avenue, Rochester, New York 14624; property owner: Pat DeCroce; for variance to erect a 20' x 3' wall sign including two logo's to replace existing sign, variance to erect a 9 $\frac{1}{2}$ ' x 4' double faced freestanding sign including two logo's to replace existing sign at property located at above address in GB zone.

Ron Eastman, President of Ace Swim Service, was present to represent the application. He submitted diagrams to the Board.

He explained that due to the fact that the business was changing names to Ace Swim and Leisure, it was necessary to have new signs.

Tom Ward asked how the old signs would compare in size to the new ones. Mr. Eastman explained that the post sign would be the same size and the plywood signs would be smaller.

Bob Peirson asked if the new signs would replace the old and Mr. Eastman said they would. Mr. Eastman also stated that the sign would be illuminated.

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

DECISION: Unanimously approved by a vote of 6 with the following conditions:

1. Sign permit required.
2. Electrical inspection and certification required.

OLD BUSINESS:

RE: Your application for variance to erect a single family dwelling to be 60' from front lot line (100' req.) and 10' from side lot lines (50' req.) at property located at 37 Greyson Road in RA-20 & FPO zone.)

RE: Your application for variance to erect a single family dwelling to be 60' from front lot line (100' req.) and 10' from side lot lines (50' req.) at property located at 35 Greyson Road in RA-20 & FPO zone.

Mr. Centola was present to represent the application. He submitted drawings to the Board.

He explained that a 3 $\frac{1}{2}$ ' pad would be added to the existing elevation to be 525.2. He said that this would be the same level as the garage.

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He explained that the water would be directed towards the rear to a 25' wide detention area which would be temporary.

Tom Ward asked if the 3½' would be fill and Mr. Centola said that it would be.

Tom Ward asked what the style of the house would be and Mr. Centola said that it would be a raised ranch. Tom felt it would be more colonial in style. Mr. Centola explained that the front door would be halfway between the first floor and that it would measure 529.5 in elevation.

Tom Ward asked who would be maintaining the utilities in the right-of-way. Marcia Havens said that she was looking into this as this may not be all the right-of-way. Mr. Centola said that the tax maps show it as the right-of-way.

Tom Ward asked about the deed abstract and survey and Mr. Centola said that that would be done after approval. Tom said that Passero Associates may want to purchase the right-of-way land and extend the property.

Tom Ward asked if Pure Waters maintains from the water main to the property and Mr. Centola said that he wasn't sure.

Tom Ward commented that it was a long length for utility maintenance and that it would be costly to the taxpayers. Mr. Centola said that the deed will include a clause stating that the owner is responsible for repairs and maintenance.

Marcia Havens said that this condition could be put on the Planning Board application.

PRE-DECISION DISCUSSION:

Tom Ward stated that the Flood Plain Elevation was met and not out of context.

Randy Allen said that he was uneasy about the right-of-way utilities.

Dan Melville said that he felt the elevation would be higher than the property on each side.

Bob Connolly said that he felt that the elevation was 519' and not 523'.

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

DECISION: Unanimously approved by a vote of 6 with the following condition:

1. Subject to Chili Planning Board and Town Engineer's review and approval.

The Chili Zoning Board will strongly recommend to the Chili Planning Board to carefully consider the following items:

1. The construction details of the dwellings if built on three (3) feet of fill;
2. The proposed drainage plan;
3. That the responsibility of maintenance of the sanitary laterals, gas and water service to the dwellings in the large right-of-way shall remain the responsibility of the homeowners, and/or;
4. That the owners investigate purchasing the unused right-of-way and combining same with the two proposed lots.

The December and January Chili Zoning Board minutes were approved.

Tom Ward,
Chairperson

CHILI ZONING BOARD

March 24, 1987

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 March 24, 1987 at 7:30 P.M. The meeting was called to order by Chairperson Tom Ward.

PRESENT: Dan Melville, John Hellaby, Ron Popowich, Ralph Wehner, Randy Allen, and Chairperson Tom Ward.

ALSO PRESENT: Bob Connolly; Building Inspector, Marcia Havens; 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.

APPLICATION BEFORE THIS BOARD WERE AS FOLLOWS:

1. Application of Stephen Inclima, 21 Loring Place, Rochester, New York 14624 for variance to erect a 20' x 28' attached garage to be 39' from front lot line (60' req.) at property located at above address in R-1-15 zone.

Mr. Stephen Inclima was present to represent the application. He submitted a drawing of the proposed garage and a packet of letters from his neighbors to the Board.

Mr. Inclima explained that he had owned the house for 17 years. He said that he would like to add this garage because of his growing family and that this was the cheapest way.

Tom Ward asked Mr. Inclima if his house was split level and Mr. Inclima said "yes".

Tom Ward asked Mr. Inclima why he didnt want to put an addition on the house and Mr. Inclima said that he had no room to do this. He said that he has a pool, a shed, and power lines in the way. Tom Ward commented on the fact that there were no obstructions on other porperties on Loring Place.

Tom Ward asked Mr. Inclima if the grade level contains the family room and Mr. Inclima said "no". Tom Ward asked what room is entered when entering the house and Mr. Inclima said that the living room was thru the front doors.

Tom Ward explained that approval of the application would set a precedent.

Tom Ward asked how old the pool was and Mr. Inclima said that he has had it for 4 years. Tom Ward asked if an extension to the rear had been considered and Mr. Inclima said that the pool was to hard to move. Tom Ward asked how high the pool was and Mr. Inclima said that it was even with the door.

Randy Allen asked if the house was a raised ranch and Mr. Inclima said that it was a split level.

Tom Ward stated that of the letters submitted from the neighbors, 8 were approvals and 1 stated a prederence for an addition to the back of the existing garage.

Randy Allen asked if the houses on the street were on a straight line and Mr. Inclima said that they were. Randy Allen asked if Mr. Inclima had any prices for this addition and Mr. Inclima said he didn't.

PRE-DECISION DISCUSSION:

Dan Melville said that he was concerned with this garage protruding in the front. He said that he felt this was out of character with the neighborhood.

Ron Popowich said that he agreed. He felt the addition should extend to the rear.

Dan Melville felt that it could easily be extended to the back.

Randy Allen felt that the Town Code conditions were not met to allow this addition and that approval would be setting a precedent.

Gates-NEWS-Chili

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

Date 3-18-87

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

GATES-CHILI NEWS

Issue Dated 3-18-87

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y., Monroe Co.
My Commission Expires April 30, 1989

Patricia M. Smith
Patricia M. Smith
Publisher

**LEGAL NOTICE
CHILI ZONING BOARD
OF APPEALS**

Pursuant to Section 267 of Town Law, a public hearing will be held by the Chili Zoning Board of Appeals at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on March 24, 1987 at 7:30 p.m. to hear and consider the following applications:

1. Application of Stephen Inclima, 21 Loring Place, Rochester, New York 14624 for variance to erect a 20' x 28' attached garage to be 39' from front lot line (60' req.) at property located at above address in R-1-35 zone.

2. Application of Robert Clark, 392 Chestnut Ridge Road, Rochester, New York 14624 for variance to erect a 24' x 48' storage building to be 1,152 sq. ft. (120 sq. ft. allowed) and to be 15' high (8' allowed) at property located at above address in R-1-20 zone.

3. Application of Gary Bresler, 6 Towpath Trail, Rochester, New York 14624 for variance to erect a 10' x 12' utility shed to be placed on a drainage easement at property located at above address in R-1-15 zone.

4. Application of Pontillo's Pizza, 2320 Lyell Avenue, Rochester, New York 14606 for Land Use Variance to convert 49' x 17½' portion of existing building into a take-out piz-

zeria at property located at 2709 Chili Avenue in NB zone.

5. Application of John Drago, 220 Humphrey Road, Scottsville, New York 14546 for variance to create 5 undersized lots to be 5 acres each (20 acres req.), variance for lots 1-3 to have a lot width of 243' (700' req.) and lots 4-5 to have a lot width of 270' (700' req.) at property located at 253 Humphrey Road in PRD & FPO zone.

6. Application of New Creation Fellowship, 692 Paul Road, Rochester, New York 14624 for variance to allow front parking for 46 vehicles, variance to allow the parking area to be on the property across the street more than 250' from the vehicle to church door at property located at 177 Archer Road in R-1-15 zone.

7. Application of Bruce Dingeldine, 13 Gilead Hill Road, North Chili, New York 14514 for variance to erect a 6' stockade fence to be placed on a drainage easement at property located at above address in R-1-15 zone.

8. Application of Marion Warchol, 16 Adela Circle, Rochester, New York 14624 for variance to erect a 30' x 24' addition to house to be 8' from side lot (10' req.) at property located at above address in R-1-15 zone.

At such time all interested persons will be heard. By

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

R. Thomas Ward,
Chairman
Chili Zoning Board
of Appeals

Printing done 3/19/87

DECISION: Unanimously rejected by a vote of 6.

FINDINGS OF FACT:

1. Granting this request would establish a precedent in this area, as all existing homes on Loring Place have a uniform setback.
 2. In view of the above, this request would be out of character in the neighborhood.
 3. It was not proven that other alternatives were unfeasible or impracticable.
 4. No hardship was proven.
 5. There are no unusual or unique conditions present on the subject property.
2. Application of Robert Clark, 392 Chestnut Ride Road, Rochester, New York 14624 for variance to erect a 24' x 48' storage building to be 1,152 sq. ft. (120 sq. ft. allowed) and to be 15' high (8' allowed) at property located at above address in R-1-20 zone.

Mr. Robert Clark was present to represent the application. He distributed plans for the storage building to the Board.

Mr. Clark explained that he had 2 antique cars, a boat, and 3 cars and that his garage could only hold 2 vehicles.

Tom Ward asked Mr. Clark if he had looked at storing these vehicles elsewhere and Mr. Clark said that he had but that it was expensive.

Tom Ward said that it was a residential area and that this was a large variance.

Tom Ward asked how long the property had been owned and Mr. Clark said that he has owned it for 4½ years.

Tom Ward asked if this was the minimum space required for storage and Mr. Clark said that it was. He said that he needed 40' for his two cars and 24' for the boat and trailer. Mr. Clark said that he would like to revise the application due to the fact that he only needed 14' in height.

Dan Melville asked what material the building would be constructed of the Mr. Clark said "metal".

John Hellaby asked if the driveway would be extended and Mr. Clark said "no".

Randy Allen asked what the flooring would be and Mr. Clark said that he would not be installing any flooring.

Tom Ward asked Mr. Clark if he would be working on the cars and Mr. Clark said "no".

Dan Melville asked if the building would be heated and Mr. Clark said "no".

Randy Allen asked if this was the minimum space needed and Mr. Clark said "yes".

Mr. Clark explained that he didn't want to leave everything outside as it made the yard look cluttered.

Tom Ward asked Mr. Clark where he would store the boat and cars if the application was denied. Mr. Clark said that he would store them elsewhere. He said that he needed to store these vehicles for insurance reasons and that the insurance would be higher if they were stored at another location.

Tom Ward stated that he had received a letter from Ralph Weber of 388 Chestnut Ridge Road who was opposed to this application for the following reasons:

1. Devaluation of the property.
2. Change character of neighborhood.
3. Not consistent with local homes.
4. Don't want to see.

Tom Ward stated that he had received a letter from the Turban's of 390 Chestnut Ridge Road who were also opposed for the following reasons:

1. Obstruction of view.
2. Building excessive for surrounding neighborhood.

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

James Wont - 396 Chestnut Ridge Road

He felt that this building would be an eyesore and that it would not be consistent with the neighborhood.

Mary Meyers - 394 Chestnut Ridge Road

She felt that this building would be out of character with the rest of the neighborhood.

PRE-DECISION DISCUSSION:

Randy Allen asked if there was a rule about unlicensed cars on the property and Mr. Clark said that the cars are licensed.

Ralph Wehner said that he felt that this building would be out of character.

Ron Popwich said that he felt that this would not be consistent with the neighborhood.

Tom Ward expressed concern over the fact that if the property should change hands, a business could easily be operated behind closed doors. He also felt that a 2½ garage was usually sufficient for families.

Ralph Wehner said that he felt that there were other alternatives to gaining more space. Tom Ward said that they still would need a variance.

Dan Melville said that he had noticed a cement slab at the property and why couldn't another garage be added to this for storage.

DECISION: Application denied by a vote of 4-2 with Dan Melville and Ralph Wehner casting the positive votes.

County Comments were deemed local determination.

THE FOLLOWING FINDINGS OF FACT ARE CITED:

1. The size of the building request would be out of character within the residential neighborhood.
 2. No hardship was proven or demonstrated.
 3. Other alternate building plans may be considered by the applicant which would minimize the variance requested.
3. Application of Gary Bresler, 6 Towpath Trail, Rochester, New York 14624 for variance to erect a 10' x 12' utility shed to be placed on a drainage easement of property located at above address in R-1-15 zone.

Mr. Gary Bresler was present to represent the application. He explained that the easement was located to the west of the property and behind the house.

Mr. Bresler said that he had nowhere else to put the shed and that his property was located at the highest point in the neighborhood. He felt that there was no drainage problem.

Tom Ward asked if the shed could be erected closer to the house and Mr. Bresler said that it couldn't be because the pool is located there. Mr. Bresler said that he felt that the drainage was not needed.

Tom Ward read a memo that he had received from Steve Chudyk from the Town of Chili stating that he did not recommend any obstruction to the drainage easement.

Ralph Wehner asked if this area was wooded and Mr. Bresler said that it was.

John Hellaby asked if this shed would be on a permanent foundation and Mr. Bresler said that it would be but that it could be moved.

Tom Ward asked if the shed would be on a concrete pad and Mr. Bresler said "yes". Tom Ward asked if it could be moved on a 24 hours notice and Mr. Bresler said "yes".

PRE-DECISION DISCUSSION:

Ralph Wehner said that he had never seen any drainage problems in that area. He also commented on the fact that there weren't any neighbors in to complain about this application.

Dan Melville said that this area was at a high point.

Ron Popowich said that he had never seen any drainage problems in that area.

Randy Allen said that he felt that a stipulation should be put on this application for 24 hour removal if necessary. Tom Ward agreed.

DECISION: Unanimously approved by a vote of 6.

1. That the present owner, and all subsequent owners of this property shall remove the shed and all supporting structures, including slab and footings, from within the easement within 24 hours upon proper notification from the Town of Chili; should drainage work be required within such easement. Failure to comply with this condition shall result in the Town's removal of said structure and the owner of the property at such time shall be liable for any costs incurred.
4. Application of Pontillo's Pizza, 2320 Lyell Avenue, Rochester, New York 14606 for Land Use Variance to convert 49' x 17½ portion of existing building into a take-out pizzeria at property located at 2709 Chili Avenue in NB zone.

Mr. Jerry Fricano, owner, and Mr. Todd Wellbridge, store manager, were present to represent the application. Mr. Fricano explained that there are 21 stores in Monroe County. He also explained that Pontillo's are family owned and operated. Mr. Fricano explained that he had received a letter from the Chili Avenue Preservation Group who were opposed to this application.

Tom Ward read the County Comments which approved the application insofar as airport considerations were concerned. However the following was offered:

The listing of conditional uses does not include restaurants which are limited to take-out service only. However, in our opinion, this use is compatible with the purposes of the Neighborhood Business District. Therefore, we suggest the Zoning Board of Appeals consider recommending to the Planning Board and the Town Board that the zoning ordinance be amended to allow this facility as a conditional use.

Tom Ward asked what the previous use of the building was and Mr. Fricano said that he believed it to be a Century 21 office.

Mr. Fricano explained that the business would consist mainly of deliveries. He said that 70-80% would be deliveries.

Tom Ward asked about the traffic during the peak time and Mr. Wellbridge said that 5% of the customers were incoming (2-3 orders per hour), 10-15% of the customers are call-ins (5-10 orders per hour), and the rest are deliveries (20-40 per hour). Mr. Fricano said that they like to deliver in bulk.

Mr. Wellbridge compared the Lyell Avenue store to the proposed store. He said that 30% is delivery at the Lyell Avenue store and 70% is pickup. He explained that delivery is encouraged and that 2 cars do the deliveries. He said that the average time for pickup is 2 minutes and the average time for walk-ins is 15 minutes. Mr. Fricano said that the drivers for Pontillo's are thoroughly checked.

Tom Ward asked about the condition of the parking and Mr. Fricano said that the parking lot was flat and consisted of gravel. He explained that there was parking in the rear.

Dan Melville asked if there would be pickup in the rear and Mr. Fricano said that the Health Department may object to that. Tom Ward said that that would have to be subject to the Health Department's approval.

John Hellaby asked if beer would be available and Mr. Fricano said only pop would be.

Ron Popowich asked if there would be video games and Mr. Fricano said "no".

Ralph Wehner asked what the distance was for delivery and Mr. Fricano said "2 miles".

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Carolyn Spudoni - 4 Earl Drive

She was opposed to the application because she felt that there would be problems with parking and kids loitering at the plaza.. She was also concerned about the ovens and the noise that would be created.

She asked what the hours of operation would be and Mr. Fricano said that they would be 4-11 during the week and 4-12 on the weekends.

Mr. Fricano explained that the ovens are approved by the U.S. Restaurant Division and that paneling would be installed to eliminate any burning.

Ralph Wehner asked if there would be seating for those waiting for their pizza and Mr. Fricano said that there would be benches that would seat 6-8 people.

Roger Stuphem - 2725 Chili Avenue

He was opposed due to the fact that he felt traffic would be a problem. He expressed concern over the exits created out of the plaza to avoid the light.

Tom Ward asked if two road cuts would satisfy Mr. Sutphen and Mr. Sutphen said "yes".

Bill Davis - 2726 Chili Avenue

He was opposed to the application because of the traffic that would be created.

Mr. Fricano said that he had asked that he would be the superintendent of the plaza and that this be specified in the lease. He said that he would not allow kids to loiter. He showed that Board the lease where Mr. Syracuse stated that the plaza would be maintained by Pontillo's Pizza and that:

1. loitering would be discouraged
2. vehicle parking would be discouraged
3. the area would be policed by Pontillo's
4. all damages and dangers would be reported

Dan Melville asked if any other locations were in a wood frame and Mr. Fricano said that the Park Avenue location was.

PRE-DECISION DISCUSSION:

Randy Allen asked if this application had to go before any other Board and Bob Connolly said that it didn't unless stated otherwise.

Ralph Wehner said that he was concerned about the traffic and Ron Popowich agreed.

Randy Allen said that he had no objections to the business but that when he visited the site he felt that an extra cut should be looked into. Dan Melville suggested that the Town Board write a letter to the State regarding this.

DECISION: Unanimously approved by a vote of 6 with the following conditions:

1. Variance is granted to current ownership of Pontillo's Pizza ONLY. All subsequent owners/tenants/lessee's shall be subject to proper Town of Chili review.

3/24/87

(following conditions continued)

2. This variance is granted for take-out service only with no on-site dining facilities.
3. All deliveries to and from the store shall be at the rear of the occupied space.
5. Application of John Drago, 220 Humphrey Road, Scottsville, New York 14546 for variance to create 5 undersized lots to be 5 acres each (20 acres req.), variance for lots 1-3 to have a lot width of 243' (700' req.) and lots 4-5 to have a lot width of 270' (700' req.) at property located a 253 Humphrey Road in PRD & FPO zone.

Doug Drago was present to represent the application. He submitted maps to the Board. Mr. Don Avery, Engineer, was also present.

Mr. Drago explained that he had been before the Planning Board of Feb. 10 and that they had agreed on the concept. Tom Ward asked at what stage the application stood with the Planning Board and Mr. Avery said that only the concepts had been presented and that preliminary approval would be applied for in the next meeting.

Tom Ward asked why create smaller lots and Mr. Drago said that he was keeping with the Community. Mr. Drago said that they would be good quality homes with a setback of 175' and a minimum of 2 car garages.

Tom Ward read the County Comments which offered the following comment:

While the base zone for this area of the town is RA-20 Rural Residential, the board should also recognize that in this area of the town is an overlay district which offers the option to the developer for Planned Residential Development. This option is not currently operative because this area of Chili does not have public sewers or public water. If at some point in the future this area is serviced with public sewer and water, then there would likely be pressure for this area to become much more densely developed. In that case these acre lots, if approved, would then be candidates for infill development.

Tom Ward said that this would meet the zoning test but that re-zoning would go to Planning Board.

Mr. Avery said that the property would fit in better with the sewers in this zone.

Tom Ward asked if the land was leased for farming and Mr. Drago said that until now it had been.

Tom Ward noted that it was currently one parcel.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Mr. Baker - 400 Chili-Scottsville Road
He was opposed to the application because he said that his property borders the proposed application and that his property is used for farming. He said that he would like to preserve the farmland and that with this subdivision, his taxes would go up. He was also concerned about kids getting hurt and the increase in his liability insurance.

Mr. Drago said that the property would eventually become residential and he was trying to propose something that everyone could live with.

Tom Ward asked Mr. Drago if he had considered selling the property and Mr. Drago said that he bought the property to dictate what would happen to it. Dan Melville asked if the property had then been bought with a purpose and Mr. Drago said that it had.

Mabel Baker - 400 Chili-Scottsville
She expressed concern over the fact that if the Board kept giving variances that things would get out of hand. She said that there would be traffic problems if this application was approved. She said that she didn't want to see the land become an eyesore.

Mr. Drago said that farmland doesn't pay the taxes.

PRE-DECISION DISCUSSION:

Randy Allen said that no hardship had been shown.

Dan Melville said that there was no hardship shown and that Mr. Drago had owned the property for a year. He said that it would be different if the property couldn't be sold.

Tom Ward said that this was an agricultural district for tax purposes.

John Hellaby said that perhaps the Boards should discuss the general overview of the area.

DECISION: Unanimously denied by a vote of 6.

FINDINGS OF FACT:

1. No hardship was proven.
 2. Applicant submitted no evidence of ability to realize a reasonable return on property if sold as zoned.
 3. The PRD Overlay Zone cannot be effective at this time as public sewers and public water are not available at this time.
 4. The applicant purchased the property within the last year with knowledge of present zoning restrictions.
 5. The applicant presented no unusual or extraordinary circumstances pertaining to the land.
 6. Based upon applicant's testimony, the land has been leased for active farming purposes in the recent past.
6. Application of New Creation Fellowship, 692 Paul Road, Rochester, New York 14624 for variance to allow front parking for 46 vehicles, variance to allow the parking area to be on the property across the street more than 250' from the vehicle to church door at property located at 177 Archer Road in R-1-15 zone.

Mr. Sanderline and Mr. Peers were present to represent the application. They explained that the church was growing and that the parking situation had resorted to both sides of Paul Road being used.

Tom Ward said that this was a hazard and that it was dangerous for people to cross the road. Mr. Sanderline said that there are parking attendants and that this proposed application would provide one crossing point for the people.

Tom Ward asked what the membership was and Mr. Sanderline said that there were 450 members. He said that there is only one Sunday service at 10:00 A.M. Tom Ward suggested that more services be provided and Mr. Sanderline said that there weren't enough people to warrant a second service.

Tom Ward asked how long they had owned the church and Mr. Sanderline said "3 years" and that the membership then was 300 people.

Mr. Peers said that the front was within the parking regulations but that the back wasn't. He said that the last half was out of the 250' range.

Tom Ward asked if it was necessary to have traffic at a right-of-way on Paul Road and Mr. Peers said that this was a possibility.

Tom Ward asked what was the existing parking and Mr. Peers said that there were about 100 cars and that 40 were parking on the road. He said that this created a bottleneck to traffic.

Tom Ward asked if Paul Road was a state road and Mr. Sanderline said "yes". Mr. Sanderline said that he contacted the State and he would be making an application if the application was approved. Per a conversation with someone from the State, there didn't appear to be any problem.

Tom Ward asked if there were any other activities and Mr. Peers said that normally wasn't.

Mr. Sanderline said that if the application was approved, cable would be installed to eliminate parking other than for the church.

Tom Ward asked who the nearest neighbor was and Mr. Sanderline said that was the house at the light on the corner.

Ron Popowich asked about the parking attendants and Mr. Sanderline said that there were 4-5 of them.

Dan Melville asked if the parking lot would be gravel and Mr. Sanderline said that it would be stone and gravel.

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

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Mr. Cotrina - 639 Paul Road

He was opposed to the application as he felt that another location should be found to hold the services.

Mr. Filer - 86 Archer Road

He was in favor of the application. He said that the parking is currently a hazard and that he cannot see to back out of his driveway.

Mr. Weimer - 2 Wheathill

He expressed concern over the parking lot being gravel as he didn't want any dust in the neighborhood.

Tom Ward said that the parking lot could be oiled or also blacktop.

PRE-DECISION DISCUSSION:

Dan Melville said that it needs to be done. He felt that no on street parking should be stipulated.

Randy Allen said that he spoke with two residents on Archer Road as follows:

1. Christmas tree shop - they felt that there was no problem.
2. House across Paul Road - they felt that it was a great idea.

Dan Melville felt that there should be a traffic light and that this could be reviewed at the Town Board meeting. He also felt that the lot should be oiled to keep the dust down.

Randy Allen felt that the situation should be reviewed in one year.

Bob Connolly felt that the lot should be subject to the Town Engineer's approval.

Dan Melville said that there should be a stipulation that there be screening.

DECISION: Unanimously approved by a vote of 6 with the following conditions:

1. No on-street parking shall be permitted on either Paul or Archer Roads.
2. This approval is contingent upon the approval of NYS DOT review and approval of road cut permit.
3. Approval is subject to the Town of Chili engineer's review and approval of the parking lot base and proposed grading.
4. That oil or other suitable material be applied to top of gravel or stone to prevent dust from becoming airborne.
5. That proposed hedges for screening be planted and shall be maintained at a height not to exceed 4' above grade level.
6. That the first parking spaces shall be located no closer than 60' from center line of Paul Road.
7. This permit is granted for a period of one year, at which time applicant shall apply for renewal.

7. Application of Bruce Dingeldine, 13 Gilead Hill Road, North Chili, New York 14514 for variance to erect a 6' stockage fence to be placed on a drainage easement at property located at above address in R-1-15 zone.

Mrs. Dingeldine was present to represent the application. She said that they would like to extend the fence to refrain the kids from the apartment complex. She said that she has dogs and she is concerned that one of the kids may get hurt. She said that another of the homes had received approval. She said that since her property was on a large hill, she had never experienced any drainage problems.

Tom Ward asked if there was an underground storm sewer and Mrs. Dingeldine said she was not aware of any.

Tom Ward read the memo from Steve Chudyk in which he was recommending no obstructions.

Tom Ward asked if she would agree to installing readily removable posts and Mrs. Dingeldine said that she would agree to that.

DECISION: Unanimously approved by a vote of 6 with the following conditions:

1. Fence posts within the drainage easement shall be installed in pipe sleeves to facilitate removal, if required.
 2. That the owner and all subsequent owners shall remove the fence (and sleeves, if required) at their own expense upon notification by the Town in the event that drainage work is required within the easement, or said fence (and sleeves) shall be removed by the Town and the owner of the property at such time shall be liable for such costs.
8. Application of Marion Warchol, 16 Adela Circle, Rochester, New York 14624 for variance to erect a 30' x 24' addition to house to be 8' from side lot line (10' req.) at property located at above address in R-1-15 zone.

Mr. Marion Warchol was present to represent the application. He said that the addition would include a master bedroom and a family room. He explained that the house had been built 8' between the lotline.

Mr. Warchol said that he had an inground pool in the back and that this was on a angle. He submitted drawings to the Board of the proposed addition.

Randy Allen asked if the project was underway and Mr. Warchol said that just the foundation had been erected.

Ralph Wehner asked if the siding would be the same as house and Mr. Warchol said "yes".

DECISION: Unanimously approved by a vote of 6.

RE: Certified Foods, P.O. Box 92098, Rochester, New York 14692,
Application for Land Use Variance for wholesale food distribution business in barn at property located 689 Beahan Road in RA-10 & FPO zone.

Please be advised that at the March 24, 1987 meeting of the Chili Zoning Board of Appeals, the board considered your request (letter dated March 6, 1987) for a rehearing on your land use variance application of February 24, 1987.

After reviewing this letter, the Board found no new substantial evidence or fact upon which to rehear the original application. By a unanimous vote of six (6), your request for a rehearing was denied, and the Town of Chili Building Inspector's cease and desist order shall be in effect upon receipt of this notice.

The Town of Chili's Zoning Board of Appeals' minutes were approved for the month of February, 1987.

Tom Ward, Chairperson
Chili Zoning Board

CHILI ZONING BOARD

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April 28, 1987

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 April 28, 1987 at 7:30 P.M. The meeting was called to order by Chairperson Tom Ward.

PRESENT: Ralph Wehner, Dan Melville, John Hellaby, Randy Allen, and Chairperson Tom Ward.

ALSO PRESENT: Bob Connolly; Building Inspector, Marcia Havens; 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.

Marcia Havens explained the Appeals Procedure.

APPLICATIONS BEFORE THIS BOARD WERE AS FOLLOWS:

1. Application of Patrick Golder, 15 Privateers Lane, Rochester, New York 14624, property owner: J. Hartung; for variance to erect a house to be 20' from west side lot line (50' req.) and 28' from east side lot line (50' req.) at property located at 39 Bowen Road in PRD zone.

Mr. Herman Klingenberger was present to represent Mr. Golder in this application. Via the map, Mr. Klingenberger explained the square footage of the land parcel. He submitted a tax map of the land to the Board. He explained that the land is surrounded by similar size parcels and that the house would be over 100' from the highway boundary.

Bob Connolly commented on the fact that the lot is a pre-existing, non-conforming lot.

Tom Ward asked if the results of the percolation tests were oday and Mr. Klingenberger said that everything was good and that it had been witnessed by the Health Department.

Ralph Wehner asked what the square footage on the house was and Mr. Klingenberger said that he wasn't sure.

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Mrs. James Hartung - present owners of the property. She said that the house is 2100 square foot. She explained that when building the lot, the ordinance changed. Tom Ward asked Mrs. Hartung if she lived in the house next door and she said "no".

DECISION: Unanimously approved by a vote of 5

2. Application of Dario Marchioni, owner; 120 Old Chili Scottsville Road, Churchville, New York 14428 for variance to erect a single family dwelling to be 80' from front lot line (100' req.), 10' from side lot line (50' req.) with a floor elevation of 518 (525 req.) at property located at 79 Names Road in RA-20, FPO, FW zone.

Mrs. Julie Marchioni was present to represent the application.

Tom Ward asked if this was an existing lot and Mrs. Marchioni said that it was. She explained that it was to be a house but that it had burned down and that they wanted to erect a new house.

Tom Ward said that the flood elevation plans show 525'.

Bob Connolly said that the basement floor was at 528'.

Tom Ward asked if the house would be a raised ranch and Mrs. Marchioni said "no".

Ralph Wehner asked if they would be using the same basement and Mrs. Marchioni explained that they wouldn't be because of the mess located there.

Gates-NEWS-Chili

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

Date... *4-22-87*

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

GATES-CHILI NEWS

Issue Dated... *4-22-87*

Geraldine C. Snyder
.....
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y., Monroe Co.
My Commission Expires April 30, 19*89*

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

**LEGAL NOTICE
CHILI ZONING BOARD OF
APPEALS**

Pursuant to Section 267 of Town Law, a public hearing will be held by the Chili Zoning Board of Appeals, at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on April 28, 1978 at 7:30 p.m. to hear and consider the following applications:

1. Application of Patrick Golder, 15 Privateers Lane, Rochester, New York 14624, property owner: J. Hartung; for variance to erect a house to be 20' from west side lot line (50' req.) and 28' from east side lot line (50' req.) at property located at 39 Bowen Road in PRD zone.

2. Application of Dario Marchioni, owner; 120 Old Chili Scottsville Road, Churchville, New York 14428 for variance to erect a single family dwelling to be 80' from front lot line (100' req.), 10' from side lot line (50' req.) with a floor elevation of 518 (525 req.) at property located at 79 Names Road in RA-20, FPO, FW zone.

3. Application of Michael Wilson, owner; 86 Emerald Point, Rochester, New York 14624 for conditional use permit to allow a computer consulting business out of home at property located at above address in R-1-15 zone.

4. Application of Charles Mulley Jr., owner; 93 Emerald Point, Rochester, New York 14624 for variance to erect a 5' high fence to be placed in a drainage easement at property located at above address in R-1-15 zone.

5. Application of Mark Drexler, owner; 131 Morgan Road, Scottsville, New York 14546 for variance to allow a house to be 77' from front lot line (80' req. in previous variance) at property located at above address in RA-20 zone.

6. Application of Forest Creek Equity Corp., owner; 80 W. Main Street, Rochester, New York 14614 for variance to allow the total maximum square footage of garages in the Autumn Woods Subdivision to be 1,100 sq. ft. (900 sq. ft. allowed) at properties located at 2 thru 42 Autumn Wood in R-1-20 & FPO zone.

7. Application of Forest Creek Equity Corp., owner; 80 W. Main Street, Rochester, New York 14614 for variance to allow 2 driveway cuts on each property in the Autumn Woods Subdivision (1 cut allowed) at

properties located at 2 thru 42 Autumn Wood in R-1-20 & FPO zone.

8. Application of Forest Creek Equity Corp., 80 W. Main Street, Rochester, New York 14614 for variance to erect 2 permanent subdivision signs to be 8' long x 2½' high (signs including brick wall-18"x4') and to be 5' from front lot lines (20' req.) at properties located at 2 & 3 Autumn Wood in R-1-20 zone.

9. Application of Harts Meadow Development Corp., owner; 2390 Ridge Road West, Rochester, New York 14626 for variance to erect 2-8' x 4' real estate development signs to be 64 sq. ft. (32 sq. ft. allowed), variance to erect a permanent 13' x 4' double faced freestanding sign at property located at 4201 Buffalo Road in RM & NB 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**

*Filing Book
April 1978*

Tom Ward asked about the elevation at the lowest opening and Mrs. Marchioni said that she wasn't sure.

Randy Allen said that he visited the property on April 28 and that he was wondering if any consideration had been given to the retaining wall. He felt that it would need an awful lot of fill.

Tom Ward asked if there were other houses in the area and Mrs. Marchioni said "yes".

Tom Ward was concerned about the proposed grading and what effect it may have on the neighbor's property. Bob Connolly said that they would need to go before the Planning Board on this. Tom said that they would need a better plan. Bob Connolly said that the original house was totaled.

Tom Ward read the County Comments as follows:

1. The application was approved insofar as airport considerations were concerned.

Floodplain Review:

1. According to the National Flood Insurance Rate Map, Community Panel Number 360412 0015A, effective date February 1, 1979, the base flood elevation in this area of Chili is 523 feet. Both part 44 CFR 60.3(B) (5) of the federal regulations and Section 115.E of the Chili Zoning Ordinance require that all calculations of the lowest flood elevation include basements in those calculations.
2. The Chili Zoning Ordinance requires all new construction to be two feet above the base flood elevation. While a variance is required in order to be in conformance with this local requirement, the National Flood Insurance Program guidelines requires all new construction to be at or above the flood elevation. In other words, the applicant could be in compliance with the guidelines of the National Flood Insurance Program and not in compliance with the local zoning ordinance, if the new construction were between the base flood elevation and two feet or more above the base flood elevation.
3. In order for the applicant and the town to be in compliance with the newest regulations from the National Flood Insurance Program and Chili's amended local ordinance, which should be effective April 1, 1987 (in order to be in compliance with the newest federal standards), the following actions must be required:
 - A. If the applicant wishes to construct a basement below the base flood elevation, the basement must be unfinished and used solely for storage or building access, and that enclosures below the lowest flood be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. The applicant should be aware that this will result in a substantial increase in the cost of construction. In addition the applicant must notify any prospective buyer that the cost of the National Flood Insurance premiums will be significantly increased in relation to the extent to which construction involves work below the base floor elevation. If these conditions are met, no variances are required to comply with the National Flood Insurance Program.
 - B. If the applicant wishes to construct a residence with a full finished basement, the Building Inspector must issue a variance in order to be in compliance with the National Flood Insurance Program and he must document the reasons why the variance was granted. (These variances are periodically reviewed by the Federal Emergency Management Agency and the New York State Department of Environmental Conservation. If an excessive number of variances have been granted by the municipality without proper justification, the town could jeopardize its standing in the National Flood Insurance Program.)

- C. Another option which the town and the applicant should seriously consider is the construction of a single family residence without basement on a slab at the proposed elevation of 525.5 feet. This solution has the advantage of reducing construction cost for the applicant, reduce flood insurance premiums for any buyer, and would result in the town being in full compliance with the spirit and intent of the National Flood Insurance Program. We recommend that the applicant seriously consider this alternative.

PRE-DECISION DISCUSSION:

Randy Allen asked if this application would also be subject to the Planning Board's approval and Bob Connolly said "yes" as they would need site plan approval. Randy Allen asked if the drainage issues would be covered then and Bob Connolly said that they would be.

Tom Ward said that they should stipulate that the lot cannot be finished until approval is given. Marcia Havens said that as a stipulation, the applicant must comply with the Base Flood Plan.

Bob Connolly said that a reason needed to be stated as to why the variance was granted.

Tom Ward asked if the previous home had a crawl space as a basement and Bob Connolly said "yes".

Bob Connolly said that if the measurements were below the FPE, the property would be less marketable due to the high cost of insurance.

Randy Allen said that it would be very costly for the applicant to comply and therefore, the applicant may change his mind. Dan Melville agreed.

Bob Connolly said that this would be hard to enforce.

Randy Allen asked if it would be the Town's responsibility if the pressure behind the wall caused the house to cave in and Bob Connolly said "possibly".

Marcia Havens suggested that the Board may want to consider tabling the application for one month and asking the Town Engineer to review the flood elevation levels. Randy Allen said that the level of land could also be verified.

DECISION: Unanimously agreed by a vote of 5 to table the application for one month pending further information provided by the applicant:

1. Contour map by a licensed engineer showing proposed and existing grading.
2. Pending Town Engineer's investigation and opinion.
3. Application of Michael Wilson, owner; 86 Emerald Point, Rochester, New York 14624 for conditional use permit to allow a computer consulting business out of home at property located at above address in R-1-15 zone.

Mr. Michael Wilson was present to represent the application. He explained that the consulting business involved training and data processing and that 90% of the work was done at the client's place of business or thru interaction over the phone.

Tom Ward asked Mr. Wilson if he was going to be the sole proprietor and Mr. Wilson said "yes". Tom Ward asked if the hours would be Monday thru Friday from 8-5 and Mr. Wilson said that they would be.

Ralph Wehner asked if more than one client's vehicle would be parked at the house at the same time and Mr. Wilson said "no".

Tom Ward asked why the business would be in the home and if this would be a permanent set-up. Mr. Wilson said that due to the cost for rental space, he would rather use his home. He said that he has a den ideally suited for this purpose.

Randy Allen asked if this was Mr. Wilson's only occupation and Mr. Wilson said that he worked for Chili Plastics. Mr. Wilson said that

he does some consulting work for Chili Plastics. Randy Allen asked Mr. Wilson if he had considered changing occupations and Mr. Wilson said that he would switch his occupation to consultant for Chili Plastics if the position was created.

Tom Ward asked if he would be doing any advertising and Mr. Wilson said that he wouldn't be.

PRE-DECISION DISCUSSION:

Dan Melville felt that restrictions needed to be put on this application if approved.

DECISION: Unanimously approved by a vote of 5 with the following conditions:

1. No on-street parking.
 2. No outdoor advertising.
 3. Applicant to be sole owner and employee.
 4. This conditional use permit is granted for a period of one year.
4. Application of Charles Mulley Jr., owner; 93 Emerald Point, Rochester, New York 14624 for variance to erect a 5' high fence to be placed in a drainage easement at property located at above address in R-1-15 zone.

Mr. Charles Mulley Jr. was present to represent the application. He explained that the kids use his property for a thru-fair and that they are destroying his property. He mentioned that he also has a pool and that a fence would enhance his property.

Tom Ward asked if the easement was used as a storm water swale and if it flowed in a southerly direction. Mr. Mulley said that the property is high and that he has no water. He said that the water flowed east.

Tom Ward asked if it would be a picket fence and Mr. Mulley said that the fence would consist of 1 by 6 pieces and that it would be 5' high.

Tom Ward asked if it could easily removable and Mr. Mulley said that the posts were 4 by 4's with an 8' long drop in which 3' would be in the ground.

DECISION: Unanimously approved by a vote of 5 with the following conditions:

1. Fence posts within the easement area to be placed in sleeves.
 2. The owner, and all subsequent owners, shall bear full responsibility to remove the fence and supports from the easement area within 24 hours of receipt of proper notification from the Town. Failure to do so shall result in the Town of Chili's action to remove same and owner shall assume all costs of removal.
 3. The bottom of fence within the easement area shall be no less than 12" above the grade level.
5. Application of Mark Drexler, owner; 131 Morgan Road, Scottsville, New York 14546 for variance to allow a house to be 77' from front lot line (80' req. in previous variance) at property located at above address in RA-20 zone.

Mr. Mark Drexler was present to represent the application. He explained that the house was L shaped.

Tom Ward asked who staked out the property and Mr. Drexler said that the excavator had. Tom Ward asked who prepared the map and Mr. Drexler said that this was the instrument prepared for the closing.

Tom Ward asked about the neighbor's setback and Mr. Drexler said that his is 110' and should be 113'.

PRE-DECISION DISCUSSION:

Tom Ward asked if the 2' strip was reserved for the highway and Bob Connolly said "yes".

DECISION: Unanimously approved by a vote of 5.

6. Application of Forest Creek Equity Corp., owner; 80 W. Main Street, Rochester, New York 14614 for variance to allow the total maximum square footage of garages in the Autumn Woods Subdivision to be 1,100 sq. ft. (900 sq. ft. allowed) at properties located at 2 thru 42 Autumn Wood in R-1-20 & FPO zone.

Bob Fisher, Superintendent of Forest Creek Equity, was present to represent the application. He explained that the houses were priced at \$200,000 and up and that the buyers have requested larger garages. He explained that the lot consisted of 6-7 acres.

Tom Ward asked why they needed larger garages and Mr. Fisher said that they needed the room for boats, cars, and campers.

Marcia Havens read the following:

IN THE MATTER OF ESTABLISHING
TRACT RESTRICTIONS FOR T-E AUTUMN WOOD SUBDIVISION
IN THE TOWN OF CHILI, MONROE COUNTY, NEW YORK

For the common benefit of all owners of homesites in the subdivision known as AUTUMN WOOD, situate in the Town of Chili, County of Monroe and State of New York, as shown on a map thereof filed in the Monroe County Clerk's Office in Liber 240 of Maps, Page 90, and FOREST CREEK EQUITY CORP., the owner of all homesites in said subdivision hereby establishes the following restrictions as covenants running with the land.

1. All homesites in said subdivision shall be known as residential homesites only and shall not be used to any other purpose other than the erection and maintenance of a private detached dwelling for a single family not to exceed 2- $\frac{1}{2}$ stories in height, and a private garage for not more than three cars. The private garage must be attached to or built into the residence. The term attached shall be construed to mean any kind of attachment, whether by common wall, so-called breeze-way, a roofed porch, etc.
2. No residence shall be built nearer any side lot line than twenty (20) feet.
3. No homesite shall be resubdivided into smaller homesites but the homesites may be resubdivided into larger ones.
4. No commercial trade, professional, manufacturing or mercantile business shall be conducted on the premises herein, nor anything be done thereon which may be or become a nuisance to the neighborhood. No public buildings shall be permitted on any homesite.
5. No trailer, motor home, boat, tent, shack, barn or other structure shall be used for the purpose of a second residence on any homesite. No homesite or portion thereof shall be used for the purpose of outside storage of unused vehicles, junk or other abandoned equipment. No basement or substantially uncompleted structure shall be used as a residence.
6. No structure shall be moved onto any homesite unless it complies with the existing restrictions on the tract and has received the approval of the subdividers or the subdividers' agent authorized in writing to make such approval.
7. No sign, billboard or advertising structure of any kind may be erected or maintained on any of the homesites provided, however, one advertising sign, no more than eight (8) feet square in size, may be used for the sole purpose of advertising the property for sale.
8. No licensed or unlicensed recreational vehicles, motor homes, boats, storage trailers or trucks with storage cabs or unlicensed standard vehicles will be left in the driveway of any yard.
9. No wire link fence shall be placed upon any homesite except immediately surrounding any inground pool as may be required by the rules of the Monroe County Department of Health.

Wood fences will be permitted to be placed on the rear yard of any reverse frontage along Chili Avenue to within sixty (60) feet of the highway right-of-way line. The fence is restricted to four (4) feet in height. No fences shall be placed on, over or around the landscaped berms on any reverse frontage lot along Chili Avenue. No fences shall be placed on any homesite front yard area.

All fences are to be kept in good repair at all times, and any other fences erected on any homesite shall be in compliance with the zoning requirements of the Town of Chili.

10. No above ground pools shall be permitted on any homesite. Any in-ground pool will be permitted with a fence which shall be in compliance with the zoning requirements of the Town of Chili and Rules of the Monroe County Department of Health.
11. Dwellings shall be erected or placed in accordance with the subdivision map filed in the Monroe County Clerk's Office and in accordance with the requirements of the Town of Chili.
12. Trash receptacles, garbage containers and/or miscellaneous trash will remain in the garage until a reasonable time prior to collection at which time they may be set at the curb in front of each residence.
13. No exterior laundry lines shall be erected or attached to any structure within the Subdivision.
14. The Declarant reserves the right to grant easements for installation and maintenance of public utility improvements, including cable T.V., storm and sanitary drainage facilities, on any homesite in said subdivision to the responsible utility, authority, corporation or municipality and also reserves the right to dedicate all highways and required easements in said subdivision to the Town of Chili.

The Declarant further reserves the right to install storm water drainage facilities along the rear or side lot lines of any homesite, ten feet in width, following transfer of any lot, to remedy surface water drainage conditions.

15. Lots numbered 6 through 13 inclusive will be further restricted as follows:

The area within the 100 year flood plain elevation as described in the description attached hereto and made a part hereof (see Schedule A), and as shown on the filed subdivision map, shall be left in its natural state in order to provide the natural scenic beauty and to enhance the present or potential value of the surrounding development. In furtherance of this purpose there shall be no fences, sheds, buildings or structures of any kind erected within the bounds of the property described in the attached Schedule A. Also, no trees or other natural vegetation of any kind, which would affect the natural scenic beauty, shall be removed from the above-described area.

16. These covenants and restrictions are to run with the land and shall be binding on all parties and all persons claiming under them.
17. If the parties hereto, or any of them or their heirs or assigns, shall violate or attempt to violate any of the covenants or restrictions herein, it shall be lawful for any other person or persons owning any other homesites in said development or subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants or restrictions and either to prevent him or them from so doing or to recover damages and attorneys fees for such violations.
18. The entire homesite, including the landscaped berm shall be maintained by the property owner in accordance with the Town Code.
19. The invalidation of one of these restrictive covenants by judgment or court order or by common consent shall in no way

affect any of the other provisions and they shall remain in full force and effect.

SCHEDULE A

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Chili, County of Monroe and State of New York, being part of Lots 184 and 188, Township 2, Range 1 in the Fitzgerald Allotment of the East Pultny Tract, now in the Town of Chili, and being bounded and described as follows:

Commencing in the centerline of Chili Avenue (a 66 foot wide right-of-way) at a corner of lands owned by the grantors herein and at the northeasterly corner of premises conveyed to the First Presbyterian Society in Chili by Deed recorded in the Monroe County Clerk's Office in Liber 3215 of Deeds, page 188, which point is distant northeasterly 507.55 feet measured along said centerline from the intersection of said centerline with the centerline of the Chestnut Ridge Road; thence

- A. North $69^{\circ}39'00''$ East, a distance of 1400.62 feet to a point; thence
- B. South $00^{\circ}41'53''$ East, distance of 788.04 feet to the true point and place of beginning; thence
 1. South $45^{\circ}18'07''$ West, a distance of 123 feet to a point; thence
 2. South $55^{\circ}48'07''$ West, a distance of 683.23 feet to a point; thence
 3. South $39^{\circ}48'07''$ West, a distance of 153 feet to a point; thence
 4. South $59^{\circ}18'07''$ West, a distance of 198 feet to a point; thence
 5. North $71^{\circ}56'53''$ West, a distance of 133 feet to a point; thence
 6. South $58^{\circ}39'07''$ West, a distance of 164 feet to a point; thence
 7. South $47^{\circ}00'00''$ East, a distance of 164 feet to a point; thence
 8. South $97^{\circ}99'00''$ West, a distance of 97 feet to a point; thence
 9. North $82^{\circ}00'00''$ West, a distance of 228 feet to a point; thence
 10. North $59^{\circ}30'00''$ West, a distance of 150 feet to a point; thence
 11. South $06^{\circ}24'27''$ East, a distance of 483 feet to a point; thence
 12. South $32^{\circ}53'15''$ West, a distance of 169.71 feet to a point in the centerline of Black Creek; thence
 13. South $73^{\circ}35'54''$ East, a distance of 762 feet to a point; thence
 14. North $47^{\circ}44'07''$ East, a distance of 391.05 feet to a point; thence
 15. North $56^{\circ}35'33''$ East, a distance of 363 feet to a point; thence
 16. North $29^{\circ}52'40''$ East, a distance of 319.49 feet to a point; thence
 17. North $09^{\circ}09'44''$ East, a distance of 208.50 feet to a point; thence

18. North 42°30' 04" East, a distance of 114.80 feet to a point; thence
19. North 77°56' 41" East, a distance of 39.98 feet to a point; thence
20. North 40°26' 53" West, a distance of 203.96 feet to a point; thence
21. North 00°41' 53" West, a distance of 473.52 feet to a point and place of beginning.

Tom Ward asked if the garages would be used for repairs and Mr. Fisher said "no".

Marcia Havens asked if there would be an economic impact if the application was not approved and Mr. Fisher said that it was hard to say as they had received several requests.

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Ms. Nancy Montuley - 3133 Union Street
She explained that she was on the sales staff of Forest Creek Equity and that she was in favor of the application.

Mr. Steve Tschorke -
He explained that he worked for Forest Creek Equity and that he felt the larger garages would be a benefit.

DECISION: Unanimously approved by a vote of 5.

7. Application of Forest Creek Equity Corp., owner; 80 W. Main Street, Rochester, New York 14614 for variance to allow 2 driveway cuts on each property in the Autumn Woods Subdivision (1 cut allowed) at properties located at 2 thru 42 Autumn Wood in R-1-20 & FPO zone.

Mr. Bernie Iacovangelo was present to represent the application. He explained that with the larger homes and lots, people were requesting turn around driveways with side load garages.

Randy Allen asked what the policy was on parking and Mr. Iacovangelo said that there were none as far as parking. Mr. Iacovangelo explained that visitors would park in front of the home instead of the street.

Tom Ward said that he was concerned about access to the main road and any road cuts. Mr. Iacovangelo said that the circular driveway would only be on the owner's property. Mr. Iacovangelo said that they were asking for 7 driveways.

Tom Ward asked if they would be privately owned and maintained and Mr. Iacovangelo said "yes".

Dan Melville asked if the driveways would be blacktop or stone and Mr. Iacovangelo said initially stone but that the owner may choose to blacktop.

PRE-DECISION DISCUSSION:

Ralph Wehner asked about Lot 1 and what would keep them from making road cuts to Chili Avenue. Tom Ward said that the State would not allow this.

Randy Allen said that it would be safer to have to drive straight out of the driveway rather than back out.

DECISION: Unanimously approved by a vote of 5.

8. Application of Forest Creek Equity Corp., 80 W. Main Street, Rochester, New York 14614 for variance to erect 2 permanent subdivision signs to be 8' long x 2½' high (signs including brick wall - 18' x 4') and to be 5' from front lot lines (20' req.) at properties located at 2 & 3 Autumn Wood in R-1-20 zone.

Mr. Iacovangelo was present to represent the application. He explained that this would give an identity to the subdivision. He submitted pictures to the Board

Mr. Iacovangelo explained that they were proposing to put two signs along side of the road on a slight berm. The wood sign would contain

sandblasted letters. The sign would be affixed to a landscaped area consisting of bricks.

Mr. Tschorke said that the plants around the sign would be low so as not to obstruct vision. He said that there would be 2 large trees in the background and that the median would contain boulders, plants, and 4-5' shrubs.

Tom Ward asked who would maintain the signs and Mr. Iacovangelo said that it would be the responsibility of the lot owners. Tom Ward asked what if they weren't maintained and Mr. Tschorke said that they were low maintenance plants.

Marcia Havens said that the Town could enforce maintenance if it was put in the deed restriction. Mr. Iacovangelo said Marcia and he would work on the language to include this in the deed restriction.

Tom Ward asked if the median in the middle had been approved and Mr. Iacovangelo said "yes". Tom Ward suggested that they check with the Highway Commission about the rocks in the median.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Ms. Nancy Montuley - 3133 Union Street
She explained that she is on the Forest Creek Equity Sales Staff and that she approves of this application.

PRE-DECISION DISCUSSION:

John Hellaby asked if Lots 1 and 28 were available and Mr. Iacovangelo said "yes".

DECISION: Unanimously approved by a vote of 5 with the following conditions:

Applicant to provide deed restrictions which shall permit access to signs for repair should property owners fail to maintain said signs. Applicant to obtain the Deputy Town Attorney's approval of said deed restrictions, and pay for any/all costs associated with filing said restriction at the Monroe County Clerk's Office.

9. Application of Harts Meadow Development Corp., owner; 2390 Ridge Road West, Rochester, New York 14626 for variance to erect two 8' x 4' real estate development signs to be 64 sq. ft. (32 sq. ft. allowed), variance to erect a permanent 13' x 4' double faced freestanding sign at property located at 4201 Buffalo Road in RM & NB zone.

No one was present to represent the application.

DECISION: Tabled for one month voted unanimously by a vote of 5 due to the fact that the applicant failed to appear for the public hearing.

The March minutes of the Chili Zoning Board were approved.

Tom Ward
Zoning Board Chairman

CHILI ZONING BOARD

May 26, 1987

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 May 26, 1987 at 7:30 P.M. The meeting was called to order by Chairperson Tom Ward.

PRESENT: Ralph Wehner, Dan Melville, John Hellaby, Randy Allen, Ron Popowich, and Chairperson Tom Ward.

ALSO PRESENT: Bob Connolly; Building Inspector, Marcia Havens; 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.

Marcia Havens explained the Appeals Procedure.

APPLICATIONS BEFORE THIS BOARD WERE AS FOLLOWS:

1. Application of Harts Meadow Development Corp., owner; 2390 Ridge Road West, Rochester, New York 14626 for variance to erect 2-8'x4' real estate development signs to be 64 sq. ft. (32 sq. ft. allowed), variance to erect a permanent 13'x4' double faced freestanding sign at property located at 4201 Buffalo Road in RM & NB zone.

Mr. Armando Fallone was present to represent the application. He explained that one sign would be temporary and one would be a permanent double-faced sign. Tom Ward asked if the 8'x4' sign would be permanent and Mr. Fallone said "no". Mr. Fallone explained that the temporary signs would be taken down when the building is completely rented. He felt that this would be approximately 2 years. Mr. Fallone explained that the sign would contain a post and be surrounded by landscaping. He said that this would be maintained by the Homeowners Association.

Tom Ward asked if the signs would be lighted and Mr. Fallone said that they wouldn't.

PRE-DECISION DISICUSSION:

Ralph Wehner felt that the signs were rather large.

Randy Allen suggested stipulating maintenance by the Homeowners Assoc. as a condition.

DECISION: Unanimously approved by a vote of 6 with the following conditions:

1. Temporary signs (2 ea. 8'x4') approved for a period of one year.
2. For the 13'x4' permanent sign, applicant shall comply with the following:
 - a. That the declaration of restrictive covenants which have been, or will be, filed in the Monroe County Clerk's office relating to the Mayflower Village Townhouses, shall be amended to include the following provisions (or similar provisions if approved by the Chili Deputy Town Attorney):

"In order to preserve the aesthetic value of the properties comprising of the Mayflower Village Townhouses and the Town of Chili, the Town of Chili shall be entitled to give the Homeowners Association of said townhouse subdivision, a notice in writing of any disrepair of the permanent sign located on the common area. The Homeowner's Association shall have sixty (60) days, weather permitting, in which to make any repairs as stated in said notice. In the event that repairs are not made within sixty (60) days of notice, The Town of Chili may make any necessary repairs and assess the Homeowner's Association for the costs of

10
VAN'S
315-2
NEXT
14
10a

Dating Service, 381-1000

SOMETHING DIFFERENT: Singles brunch with the Pros. 17th, 11am. For reservations call Bunny 442-2762

6 Business Persons

ABSOLUTE DIVORCE Uncontested 6425 Parkway, Call Costa, DWI, \$450. Michael Conesline, Atty. 232-4841

AMBULANCE: National ambulance for instant service. Licensed 6425 Parkway, Call Costa, DWI, \$450. Michael Conesline, Atty. 232-4841

ARC, celebrating 30 years of service to the Rochester and Monroe County community

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It's premenstrual
syndrome
It may be mostly
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and
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Ask for Gay Clarke

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NY 14624

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10b Legal Notices

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, 929 1/2 Chili Avenue, Rochester, New York 14624 on May 28, 1987 at 7:30 p.m. to hear and consider the following applications:

1. Application of Herta Meadow Development Corp., owner: 2390 Ridge Road West, Rochester, New York 14628 for variance to erect a 2 1/2" x 4" real estate development sign to be 64 sq. ft. (32 sq. ft. allowed) variance to erect a permanent 13'x4' double faced freestanding sign at property located at 4201 Buffalo Road in RW & NB zone.

2. Application of Ferns Homes, owner: 849 Paul Road, Rochester, New York 14624 for variance to allow the total maximum square footage of garages in the Sunset Hills Subdivision to be 1,100 sq. ft. (900 sq. ft. allowed) at property located at 142 Sunset Circle in R-1-20 zone.

3. Application of Electro-Ad Sign Systems, P.O. Box 22898, Rochester, New York 14652, property owner: Wesley Moffet, et al; for variance to add 2 additional wall signs each being 2 1/2 x 12 ft. at property located at 800 Paul Road in GB zone.

4. Application of Stephen

tion to garage to be 4' from side lot line (10' req.) at property located at above address in R-1-15 zone.

10. Application of Jack Leng, owner: 98 Wilton Road, Rochester, New York 14624 for variance to erect a 23'x18' addition to house to be 18' from rear lot line (50' req.) at property located at above address in R-1-20 zone.

6. Application of Terrence Zapella, 12 Essex Terrace, Rochester, New York 14621, property owner: M/M Neil Davis, for conditional use permit to allow a kennel for 2 dogs at property located at 40 Sylvan Road in R-1-15 zone.

7. Application of Elton Simmers, owner: 785 Beaton Road, Rochester, New York 14624 for variance to extend upon a pre-existing use to add a 16'x50' 2nd story addition used as living space at property located at above address in L1 & FPO zone.

8. Application of Nicola Bida, 3385 Brighton-Honolua TL Road, Rochester, New York 14625; property owner: M/M Joseph Lottis; for variance to allow a fireplace to be placed on a drainage easement at property located at 91 Loyallist Avenue in R-1-15 zone.

9. Application of Greg Gooder-

to be 14.9 acres (20 acres req.) at property located at above address in PRD & FPO zone.

10. Application of John Chrominski, owner: 63 Hylcock Road, Rochester, New York 14624 for variance to create an undeveloped lot to be 11,240 sq. ft. (11,883 granted in prior variance) to allow a lot width of 74.9' (79.5 granted in prior variance) at property located at 679 Marshall Road in R-1-20 zone.

11. Application of William Allicco, owner: 35 Sequoia Drive, Rochester, New York 14624 for variance to erect a 12'x12' shed to house to be 25' from rear lot line (40' req.) at property located at above address in R-1-15 zone.

12. Application of Rosemary Ellis, 1077 Genesee Park Blvd., Rochester, New York 14619; property owner: M/M George Engler; for variance to erect an 8'x3 1/2' double faced addition to freestanding sign at property located at 453 Chilli Avenue in GB zone.

garage to be 20' from rear lot line (40' req.), variance to allow the total square footage of garage area to be 1,104 sq. ft. (900 sq. ft. allowed) at property located at above address in R-1-15 zone.

15. Application of John Donavan, owner: 40 Chestnut Drive, Rochester, New York 14624 for variance to erect a 21'x7' 1/2' enclosure to be 32' from rear lot line (50' req.) at property located at above address in R-1-12 zone.

16. Application of Nick's Imports, 3240 Chilli Avenue, Rochester, New York 14624, property owner: Nicola Bellone; for variance to erect an 8'x4' temporary freestanding sign at property located at 1098 Chilli Cr. Coldwater Road in GB zone.

17. Application of Robert Stock, owner: 21 Sequoi Drive, Rochester, New York 14624 for variance to erect a 16'x12' addition to house to be 45' from rear lot line (90' req.) at property located at above address in R-1-20 zone.

At such time all interested persons will be heard. By order of the Chairman of the Chili Zoning Board of Appeals,
R. Thomas Ward, Chairman
Chili Zoning Board of Appeals
add. 11-95

NOTICE OF PROPOSED CHANGES IN TARIFFS AND RATES

Yes in Telephone Company Rate Commission to be effective July 1, 1987 and new Centrex-CO lines in service.

As a result of the federally mandated UCL charges for all embedded lines and the FCC's order by decreasing the FCC's order by decreasing communication Charge (CIC) and restricted lines.

In addition, the Company proposes to increase the new and embedded non-RSP rates for primary non-restricted CIC and restricted lines.

*In this context, embedded means those Centrex-CO lines in service or ordered as of July 27, 1983; new means those Centrex-CO lines ordered after that date.

RATES AND CHARGES

The rates and charges are set forth in tariffs which are available for inspection at any office of the Telephone Company where business is transacted in person. The location of these offices can be found in the first pages of telephone directories. Tariffs are also available at the offices of the Public Service Commission. A list of the rates and charges will also be furnished to any person who requests it by writing to the following address:

Centrex-CO Services
P.O. Box 1981
Long Island City, N.Y. 11101

NEW YORK TELEPHONE COMPANY

'86 CHEVETTI
Auto, auto, \$389

'86 OLDS DELTA BROUGH
1,500 miles. \$897

'85 LeBARON
Auto, auto, \$639

'86 CONVERSION V:
Auto, auto, \$12.90

'86 TOYOTA TERCE
Silver, 5 spd, \$498

'84 FIREBIRD
Auto, 6 cyl, \$346

'86 COLT
Red, 6 sp, \$547

'85 COLT
Great Economy \$387

'84 PONTIAC TRANS AM
T-top, low mi, \$599

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409 LAKE AVE
727-451-8100

AUTOMOTIVE DIRECTORY

503 Auto Repair
RAPID OIL CHANGE
2627 W. Henrietta Rd.
475-1950

506 Accessories and Parts
BUICK POWER TRAIN: Complete, 262 VA, 20,000 miles, \$150. Call 624-2507.

ENGINE CHERRY PICKER: 1600 lb. pound capacity, \$126. Call 24-2507.

507 Tires/Recapping
A-1 used, Recapped Tires
Schumaker Tires 232-2994

508 Tires/Recapping
MOTORCYCLE TIRES: Dunlop/Continental, wholesale warehouse, Antone Tire Co., 158 Amherst St., 232-1500.

SET OF 4 TIRES \$90. Installed on Any car. Guaranteed. UNEEOA TIRE, 180 Hudson Ave., 548-8889

TIRES (4) 15 in. top tier Saur RoadHenders; all season; radials, 600 miles. Includes wheels \$200. 473-8582

509 Rental/Leasing
A luxury or economy car or van rental starting at \$12.95 per day. Tiffany Rentals, 235-2470.

510 Rental/Leasing
AFFORDABLE RENT-A-CAR. NEW AND USED. \$17.95 per day, 10¢ per mile. Cortese Dodge, 424-3000.

AMAZING! Rent an '87 Chevy. Starting at \$16.95/day & mileage. All cars have air cond., auto., stereo & more. O'Connor Chevrolet, 358-1000. Ext. 627.

511 Rental/Leasing
BOB HASTINGS Olds: Leases most makes & models at affordable prices. 588-6940.

CALL HART TAYLOR Lincoln Mercury Today and Save. 237-5800

512 Rental/Leasing
DODGETOWN Leasing: Low payments, no money down. 393-2808 for information.

513 Rental/Leasing
FORD Lease any Ford car or truck now, lease any make or model. Romeo Ford 671-3000

533 Rental/Leasing

HALLMAN CHEVROLET.
Lowest lease payments on any new car or truck. All makes and models. Call Rick Chevy, 548-2690

HOELTON Chevrolet leases most makes & models. Domestic or Import. 588-7373.

534 Rental/Leasing

FACESETTER NISSAN: V lease for LESS! All model 458-2120.

PANORAMA DODGE: Lot most makes & models. All able. Call 385-5700

CHEAPES \$1495 + under lease for less. Ralph P. Inc. 225-3200.

SHARROW FORD-Now & U Cars & Trucks. Daily Rent Leasing. 586-4415

WE LEASE ALL MAKES. CA Tom LaBeau at Star Olds, 19 South Union St. 232-5650.

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PROFESSIONALLY Chauffeur Limousines for any occasion. TIFFANY LIMOUSINE 322-1111

536 Auto Loans

A A CREDIT PROBLEM? credit? Same day approval. Kevin Tubiolo 671-3000

A CREDIT PROBLEM? No Credit History? No Co-signer? NO PROBLEM! Fast Approval. Mr. Santita 671-5390

AFFORD-A-LOANS: From your nearest dealer & Rochester Community. Call 262-5813

AL'S CARS: No credit check. Weekly payments. Churches. 594-9287, 283-3020

539 Insurance

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*Joining Book
May 1987*

repairs made. Said assessment is to be a continuing lien on the common areas of the Homeowner's Association.

The Town of Chili is hereby granted a perpetual easement over the common areas for the purposes of making any necessary repairs of the permanent subdivision sign.

The above covenant and restrictions are to run with the land and shall be binding on all parties and all persons claiming thereunder."

All costs associated with the above filing shall be borne solely by the applicant. If the declaration of restrictive covenants has already been filed in the Monroe County Clerk's Office, this amendment shall be filed no later than thirty (30) days upon receipt of this notice.

2. Application of Perna Homes, owner; 849 Paul Road, Rochester, New York 14624 for variance to allow the total maximum square footage of garages in the Sunset Hills Subdivision to be 1,100 sq. ft. (900 sq. ft. allowed) at property located at 1-42 Sunset Circle in R-1-20 zone.

Mr. David Gutman, Attorney, was present to represent the application. He explained that Perna Homes clients were interested in 3 car garages. He submitted copies of the TRACT restrictions to the Board.

Tom Ward said that some lots are awful narrow for a 3 car garage and that they need to be aware of the setback requirements. Mr. Gutman said that it would be impossible to install 3 car garages on some of the smaller lots.

Randy Allen asked what the average square footage is on the homes and Mr. Gutman said that it's around 2000 sq. ft.

Dan Melville asked what the average size garage is and Mr. Gutman said "600 sq. ft."

PRE-DECISION DISCUSSION:

Dan Melville said that he would prefer to see larger garages rather than outside storage.

Randy Allen felt that as long as the house is in proportion to the garage, it would be okay.

DECISION: Unanimously approved by a vote of 6 with no conditions.

3. Application of Electro-Ad Sign Systems, P.O. Box 22898, Rochester, New York 14692, property owner: Wesley Moffett, et al; for variance to add 2 additional wall signs--each being 2½x2½ at property located at 800 Paul Road in GB zone.

Ms. Mary Jo Turpstra was present to represent the application. She submitted drawings to the Board. She explained that this application was a result of the Rochester Community Savings takeover.

Tom Ward asked if the signs would be illuminated and Ms. Turpstra said "yes". Tom Ward asked if the ATM machine would be available 24 hours a day and Ms. Turpstra said "yes". Tom Ward asked if the signs would be attached to the canopy and Ms. Turpstra said "yes".

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

DECISION: Unanimously approved by a vote of 6 with no conditions.

4. Application of Stephen Inclima, owner; 21 Loring Place, Rochester, New York 14624 for variance to erect a 6'x21' addition to garage to be 4' from side lot line (10' req.) at property located at above address in R-1-15 zone.

Bob Connolly stated that the applicant wished the application to be postponed for one month.

DECISION: Unanimously agreed to table the application for one month at the applicant's request.

5. Application of Jack Long, owner; 39 Wilelen Road, Rochester, New York 14624 for variance to erect a 23'x18' addition to house to be 15' from rear lot line (90' req.) at property located at above address in R-1-20 zone.

Mr. Glen Reed was present to represent the application. Mr. Reed explained that the addition was to be constructed on an existing patio on his corner pie-shaped lot. He said that there will then be more of the house closer to the lot line.

Tom Ward asked if it would affect his neighbor's to the west and Mr. Reed said that he'll be no closer to these neighbors.

Tom Ward asked about the addition and Mr. Reed said that it would be a family room and a full bath.

Randy Allen asked if there had been any contact with the neighbors and Mr. Reed said that there hadn't been other than the mailing for this meeting.

Tom Ward read the County Comments which approved the application insofar as airport considerations and environmental review were concerned.

DECISION: Unanimously approved by a vote of 6 with the following conditions:

6. Application of Terrance Zappia, 12 Elser Terrace, Rochester, New York 14611, property owner: M/M Neil Davis; for conditional use permit to allow a kennel for 3 dogs at property located at 40 Stover Road in R-1-15 zone.

Ms. Debbie Warner was present to represent the application. She submitted a drawing illustrating another alternative to the Board. She explained that they are buying the property and that the purchase offer has been accepted.

Ms. Warner said that they have 3 dogs and the statute only permits 2 dogs. She said that she has discussed this with some of the neighbors and that the majority had no problem with this.

Tom Ward asked if there would be a fence around the property and Ms. Warner said "yes". Tom Ward asked how long they have owned the dogs. Ms. Warner said that they are pure bred show dogs and that one they have owned for 5 years, one for 7 months, and one for 2½ years. She said that they are all males and that there would be no breeding on the property.

Ralph Wehner asked if all the dogs attend the 50 sanctioned dog shows a year and Ms. Warner said "yes". Ralph Wehner asked if the dogs are always outside and Ms. Warner said "no", that they were only out when they are home.

Tom Ward asked if the dogs are barkers and Ms. Warner said that they never had any complaints in the past.

Ralph Wehner asked how the dogs are with children should they ever get loose and Ms. Warner said that they are good with children.

Randy Allen asked about the size of the dogs. Ms. Warner said that one was small and the other two were 24". Randy Allen asked about the waste cleanup and Ms. Warner said that the waste would be double bagged and cleaned up immediately. Randy Allen asked if they were house-broken and Ms. Warner said "yes".

Marcia Havens asked if there was concrete flooring and Ms. Warner said that they would like to use concrete blocks. Marcia Havens asked if the dogs would pass away, would they be getting more dogs and Ms. Warner said that they would not have more than 3 dogs should that happen.

Randy Allen asked if the dogs had access to the garage and Ms. Warner said that one plan they would and the other plan they wouldn't.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Ron Bartouchi - 38 Stover Road

He expressed concern over the choice of plan because one located the kennel structure under his bedroom window. He said he preferred the alternate plan.

He was concerned about the fact that if one dog does pass away, a female dog may be brought in. Tom Ward said that they could put a condition on this.

Mr. Bartouchi submitted a letter from John Masters, Broker for Nothnagle, which stated that there is the potential for a 5-10% devaluation of the surrounding properties should this application get approved. Mr. Bartouchi submitted a petition consisting of 50-60 signatures from residents on Stover and Wethersfield opposed to this application.

Linda Meryl - 35 Wethersfield

She expressed concern over the dogs running around. Ms. Warner said that the dogs are worth too much money for this to happen and that they are confined to the owner's command.

Bob Meryl - 35 Wethersfield

He asked if the dogs would be tied up and Ms. Warner said "no". He asked if there was an access from the front to the back proposed area and Ms. Warner said that they would have to walk the dogs to the back area.

Mr. Meryl expressed concern over the cleanup in the winter. He felt that there would be a problem with hot and cold water as a source. He was also concerned about the devaluation of property.

Tom Ward said that if 2 dogs did not devalue the property, how would one more dog do this. Ms. Warner said that people would only see the white fence. Mr. Meryl said that he would prefer not to see the structure. He asked how high the fence would be and Ms. Warner said "6 ft."

Richard Larasella - 39 Stover Road

He was concerned over the fact of having 3 dogs in his neighborhood. He asked if this application could be approved for a limited time only.

Cathy Tilly - 36 Stover Road

She said that if this was approved, she would like it to be for a shorter time than one year.

Bernie Iacovangelo - Pumpkin Hill

He was present to represent the residents of Pumpkin Hill. He said that they were opposed to the application because of the increased noise level and the kennel.

Joan Novak - 33 Wethersfield

She asked if the dogs would be on the opposite side of the patio and Ms. Warner said "yes". She expressed concern over the structure. Ms. Warner said that they want to protect the dogs.

Cindy Willard - 32 Stover

She was opposed to the application because she was concerned over the fact that the dogs would be running around.

Bill Ayer - 35 Sequoia Drive

He was concerned about the structure.

Residents opposed:

Bob Meryl

Mary Bartouchi - opposed to the structure; not the dogs.

Bernie Iacovangelo - on behalf of the residents of Pumpkin Hill

Mrs. Rubenstein - Pumpkin Hill

Margaret Meed - Pumpkin Hill

Bernie Capone - 34 Stover

He expressed concern over the possibility of breeding.

Joan Novak - 33 Wethersfield

She said that she is not opposed to the dogs but that she is concerned about the property maintenance and the white stockade fence.

Ms. Warner said that she would be willing to have the application reviewed in 6 months.

PRE-DECISION DISCUSSION:

Dan Melville said that he felt the term "kennel" was the problem. He said that Ms. Warner had the right to put a fence up.

Randy Allen said that he felt that if the application was approved, no conditions should be placed on the structure because he felt that the neighbors would like the dogs to blend in. Dan Melville agreed.

DECISION: Unanimously approved by a vote of 6 with the following conditions:

1. There shall be no breeding of the dogs on the premises.
 2. The conditional use is limited solely to the three (3) dogs currently owned by the applicant.
 3. The applicant is hereby referred to Section 44-1 (Barking, howling, and/or whining dogs) of the Town Ordinance and shall be subject to same, and;
 4. That this conditional use is granted for a period of six (6) months from date of closing on property, and, in no case, to be later than the January 26, 1988 meeting of this Board. Please be advised that the request for renewal of this application for renewal shall be made at the Chili Building Department no less than thirty (30) days prior to the January hearing.
7. Application of Eldon Simmons, owner; 785 Beahan Road, Rochester, New York 14624 for variance to extend upon a pre-existing use to add a 15'x50' 2nd story addition used as living space at property located at above address in L.I. & FPO zone.

Mrs. Loretta Simmons was present to represent the application.

Tom Ward asked if this would be strictly for their own living and Mrs. Simmons said "yes". Tom Ward asked if they had received Planning Board approval and Mrs. Simmons said "yes". Mrs. Simmons said that several years ago, they had received approval to live there.

Tom Ward asked why they have chosen the front area and Mrs. Simmons said because they have a bad roof and that there is no room on the side. She said that this was the only place they could extend.

Randy Allen asked if this was currently under construction and Mrs. Simmons said "not yet".

Tom Ward read the County Comments which approved the application insofar as airport considerations and environmental review were concerned.

DECISION: Unanimously approved by a vote of 6 with no conditions.

8. Application of Nicosia Builders, 3385 Brighton-Henrietta TL Road, Rochester, New York 14623; property owner: M/M Joseph Lioni; for variance to allow a fireplace to be placed on a drainage easement at property located at 91 Loyalist Avenue in R-1-15 zone.

DECISION: Denied by a vote of 5 without prejudice with a positive vote being cast by Ron Popowich. Applicant and/or owner failed to appear. Applicant may reapply by filing the appropriate fee and information, otherwise the Town Building Department may issue appropriate removal notice within 30 days.

9. Applicaiton of Greg Goodberlet, 217 Stottle Road, Churchville, New York 14428, property owner: Walter Regan; for variance to create an undersized lot to be 14.9 acres (20 acres req.) at property located at above address in PRD & FPO zone.

Mr. Herman Klingenger, land surveyor, was present to represent the application. He submitted drawings to the Board. He said that Mr. Goodberlet wanted to purchase the parcel of land on the west side. Mr.

Goodberlet lives in the house on the parcel. The lot has existed that way, in effect, a separate parcel being separated by Stottle Road.

Tom Ward asked how long the lot has existed this way. Mr. Klingenberger said that it has existed on the west side subdivided from the large lot. Tom Ward asked if it had existed this way for more than 20 years and Mr. Klingenberger said that he thought so.

Tom Ward asked if the Goodberlets were any relation to the Regans and Bob Connolly said that he believed so. Mr. Joseph Guinan, Real Estate Agent, said tht Mr. Regan is the grandfather.

Randy Allen asked about the future intent of the lot and Mr. Klingenberger said that it would contain a house and a parcel of land. Mr. Guinan said that the land would be used for farming.

Marcia Havens asked if this was currently farmland and Mr. Guinan said "yes". Marcia Havens asked if theywere forced to have the extra chunk of land across the street, would this increase the value and Mr. Guinan said "no".

Tom Ward read the County Comments which stated the matter for local determination.

DECISION: Unanimously approvedby a vote of 6 with no conditions.

10. Application of John Choromanskis, owner; 63 Hallock Road, Rochester, New York 14624 for variance to create an undersized lot to be 11,240 sq. ft. (11,863 granted in prior variance), variance to allow lot width of 74.9' (79.5' granted in prior variance) at property located a 679 Marshall Road in R-1-20 zone.

Mr. Joseph Yankanich was present to represent the application.

Tom Ward asked why the variance for a smaller lot when the original had been approved. Mr. Yankanich said that there was a 5' tie discrepancy with the adjoining property in the survey.

Tom Ward asked if there was anything other than the deeds that would strictly define the ties and Mr. Yankanich said "no". Tom Ward asked who discovered the discrepancy and Mr. Yankanich said the he believed it was the adjoining property owner. Tom Ward said that the situation that they were not sure of the measurements but that they did not want to argue over the amount in controversy.

Randy Allen asked what would happen if they went to court and did not get the land. Mr. Yankanich said that this would not affect the land and that he is giving them the benefit of the doubt.

Tom Ward read the County Comments which approved the application insofar as airport considerations and environmental review were concerned.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Walt Pelkey - 682 Marshall Road

He expressed concern over a stockade fence and a house in the middle of the property. He said that he represents Mary Vote and that she bought 30' and deeded 10' to Mr. Young. He said that the deed stated 30-35' runs across the lot line.

He said that he felt that a hardship was not proven for a variance to be granted.

He said that he was concerned about the appearance from Marshall Road with a possible stockade fence. He felt that this would affect the value of the property. He said that he was opposed to the application.

Tom Ward said that the southside could have 12,000with a 60' setback in one zone where this would require 20,000 and a 90' setback.

Mary Vote - 685 Marshall Road

She said that she sold 10' to Mr. Young because he needed extra room for a garage.

Marcia Havens asked how much money had been expended and Mr. Yankanich said \$10,000 in improvements.

Tom Ward asked if there was an existing foundation and Mr. Yankanich said

that there was a basement only and that water and sanitary services had been installed.

John Choromanskis - 63 Hallock Road
He said that he wanted to resolve this without going to court. He said that most of the homes on the street are small. He said that he now does have a hardship.

PRE-DECISION DISCUSSION:

Tom Ward moved to table the application for further investigation and Dan Melville seconded this.

DECISION: Unanimously approved by a vote of 6 to table the application for one month pending further investigation of the board based upon testimony presented at the hearing.

11. Application of William Allocco, owner; 35 Sequoia Drive, Rochester, New York 14624 for variance to erect a 7'x12' shed to be 1' from side lot line (8' req.) at property located at above address in R-1-12 zone.

Mr. William Allocco was present to represent the application. He said that the shed would be off of the patio and that it would be used for storage.

Tom Ward asked if it would contain a permanent foundation or could it be moved. Mr. Allocco said that it would be on cinder blocks and that it could be moved. Tom Ward asked why the location was selected and Mr. Allocco said that this was a convenient place to put it.

Tom Ward read a letter from Marcia Peone, the adjoining neighbor, stating her approval.

Randy Allen asked if Mr. Allocco would be building it and Mr. Allocco said "yes".

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Joseph Guinan
He said that he lives in the back of the property and that he is in favor of this application.

DECISION: Approved by a vote of 5 with Tom Ward abstaining from the vote.

12. Application of Carthel Cissendanner, owner; 15 Stover Road, Rochester, New York 14624 for variance to erect a 12'x14' addition to house to be 25' from rear lot line (40' req.) at property located at above address in R-1-15 zone.

Mr. Steven Cangialosi was present to represent the application.

Tom Ward asked if this was the existing patio and Mr. Cangialosi said that this was only cinder block. Tom Ward asked about the distance straight back and Mr. Cangialosi said that it looks like 40'.

Marcia Havens asked what is to the west and Mr. Cangialosi said "another house". Marcia Havens asked why the lot is shaped this way and Bob Connolly said that it may be a conservation easement.

DECISION: Unanimously approved by a vote of 6 with no conditions.

13. Application of Rosemary Ellis, 1077 Genesee Park Blvd., Rochester, New York 14619, property owner; M/M George Engels; for variance to erect an 8'x3½' double faced addition to freestanding sign at property located at 3183 Chili Avenue in GB zone.

Mr. Gary McEllwin was present to represent the application. He said that the sign would be used to open a small business and that they would be renting it from the "House of Beauty". Mr. McEllwin said that there was no other way to advertise since there are no windows in the rear.

Tom Ward asked if the building is visible from the road and Mr. McEllwin

said "yes". Tom Ward suggested having the sign before the building and Mr. McEllwin said that the sign wouldn't stand out.

Tom Ward asked if the sign would be maintained and Mr. McEllwin said that it would be. He said that a professional contractor would be installing it.

Randy Allen said that the sign above has removable letters and that perhaps it should be compatible with that one.

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

DECISION: Unanimously approved by a vote of 6 with the following conditions:

1. Applicant shall be solely responsible to maintain the sign in accordance with the Chili Zoning Ordinance, and;
2. The Chairman of the Zoning Board be notified a minimum of one (1) week prior to placement of said sign for final review and approval of same.

14. Application of James Corke, owner, 25 Minute Man Trail, Rochester, New York 14624 for variance to erect an addition to be 28' from rear lot line (40' req.), variance to allow the total square footage of garage area to be 1,104 sq. ft. (900 sq. ft. allowed) at property located at above address in R-1-15 zone.

Mr. James Corke was present to represent the application. He said that the addition would be 20x24'. He said that this would be used for storage as his hobby is antique cars.

Tom Ward asked if this will operate as an auto repair shop and Mr. Corke said "no". Mr. Corke said that he fixes the antique cars but that he does not paint them.

Randy Allen said that he visited the property and that there was a car on the front lawn missing car doors. He asked if more than one car would be worked on at one time and Mr. Corke said "no". Mr. Corke said that this addition would be used for storage only.

Marcia Havens asked how many cars Mr. Corke owned and Mr. Corke said one antique car, 2 cars, and one motorcycle. Marcia Havens asked if the antique car would be in the garage at all times and Mr. Corke said "yes".

Tom Ward read the County Comments which approved the application insofar as airport considerations and environmental review were concerned.

DECISION: Unanimously approved by a vote of 6 with the following conditions:

1. There shall be no repair/restoration of vehicles other than those owned by the applicant, and;
2. There shall be no other type of commercial business operated at the applicant's address.

15. Application of John Donovan, owner, 40 Chestnut Drive, Rochester, New York 14624 for variance to erect a 21'x7½' enclosed porch to be 32' from rear lot line (60' req.) at property located at above address in R-1-12 zone.

Mrs. Donna Donovan was present to represent the application. She said that they already have a porch but that the roof consists of half shingles and half aluminum. She said that they were going to make one roof and that they would like to add storm windows and enclose the porch.

Tom Ward asked how long the porch has existed and Mrs. Donovan said that it has existed for the 5½ years she has been there.

Randy Allen asked about the foundation and Mrs. Donovan said that they would be using the same one that is there.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

George Stubbins - 34 Chestnut Drive

He said that he was in favor of the application and that the porch had been there for more than 30 years.

Tom Ward read the County Comments which approved the application insofar as airport considerations and environmental review were concerned.

DECISION: Unanimously approved by a vote of 6 with no conditions.

16. Application of Nick's Imports, 3240 Chili Avenue, Rochester, New York 14624, property owner: Nicolo Bellone; for variance to erect an 8'x4' temporary freestanding sign at property located at 1098 Chili Ctr. Coldwater Road in GB zone.

Mr. Mike Morelli from Instant Sign Company was present to represent the application. He said that the sign would be paper faced on plywood consisting of a white background with red and blue letters.

Mr. Morelli said that the sign will read "The Future Home Of..." instead of what was previously submitted.

Tom Ward said that the proposed sign needed to be a minimum of 20' from the road and Mr. Morelli said that they wanted to put it as close to the road as possible.

Tom Ward asked how long this sign would be there and Nick Bellone said "approximately 8 weeks".

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

DECISION: Unanimously approved by a vote of 6 with the following condition:

1. Temporary sign is approved for a period not to exceed six (6) months, or until the store opens, whichever is lesser.

17. Application of Robert Stocks, owner; 21 Sesqui Drive, Rochester, New York 14624 for variance to erect a 16'x12' addition to house to be 45' from rear lot line (90' req.) at property located at above address in R-1-20' zone.

Mr. and Mrs. Stocks were present to represent the applicant. They said that they were enlarging the family room. Mrs. Stocks said that the setback requirement had changed.

Dan Melville asked if this would have a basement and Mrs. Stocks said that there would be a wood floor.

Tom Ward read the County Comments which approved the application insofar as airport considerations and environmental review were concerned.

DECISION: Unanimously approved by a vote of 6 with no conditions.

APPLICATION OF: Dario Marchioni

RESIDING AT: 120 Old Chili Scottsville Road, Churchville, NY 14428

FOR: Variance to erect a single family dwelling to be 80' from front lot line (100' req.), 10' from side lot line (50' req.) with a floor elevation of 518 (525 req.) at property located at 79 Names Road

ZONING DISTRICT: RA-20 & FPO

DECISION: Unanimously agreed by a vote of 6 to table for one month. No new information was received. Applicant must notify the Town of Chili Building Department within ten days upon receipt of this letter of his/her intentions to pursue this matter. Failure to respond shall constitute denial of this application.

The April Zoning minutes were approved.

Tom Ward
Zoning Board Chairperson

CHILI ZONING BOARD

June 23, 1987

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 June 23, 1987 at 7:30 P.M. The meeting was called to order by Chairperson Tom Ward.

PRESENT: Ralph Wehner, John Hellaby, Randy Allen, and Chairperson Tom Ward.

EXCUSED: Dan Melville and Ron Popowich.

ALSO PRESENT: Bob Connolly, Building Inspector; Marcia Havens, 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.

Marcia Havens explained the Appeals Procedure.

APPLICATIONS BEFORE THIS BOARD WERE AS FOLLOWS:

1. Application of Stephen Inclima, owner; 21 Loring Place, Rochester, New York 14624 for variance to erect a 6'x21' garage addition to be 4' from side lot line (10' req.) at property located at above address in R-1-15 zone.

Bob Connolly said that the applicant requested that the application be withdrawn.

DECISION: Unanimous by a vote of 4 to deny the application without prejudice since the application was withdrawn at the applicants request.

2. Application of Robert Stryker, owner; 347 Westside Drive, Rochester, New York for variance to create an undersized lot to be 5 acres (20 acres req.) with a lot width of 257.5' (700' req.), variance to allow an 80' front setback (100' req.) at property located at 494 Chili Scottsville Road in PRD zone.

Mr. Charles Casage was present to represent Mr. Stryker in this application. Mr. Casage explained that one lot would be built for Mr. Stryker. He said that the perc's had tested 10-11 minutes. He said that 80' would not allow enough room for the septic system. Mr. Casage said that the corner parcel located in the woods would not be developed. He explained that there is a well on the property in which they will need to receive Health Department approval.

Tom Ward asked if a deep hole test had been done and Mr. Casage said "yes". Mr. Casage said that the Health Department was surprised at how well the area had been tested.

Tom Ward asked if this land was a portion of a larger parcel across the street and Mr. Casage said "yes" and that Mr. Stryker owns about 100 acres in full.

Tom Ward asked who lives in the farmhouse on the property and Mr. Stryker said that his nephew does.

Tom Ward asked why only 5 acres would be used to build the house and Mr. Stryker said that if he used more land, he would be taking soil conservation land.

Tom Ward asked if any of the land was farmed and Mr. Stryker said "yes". Tom Ward asked if the 13 acres on the submitted plans would be subdivided in the future and Mr. Stryker said "no". Tom Ward asked if this area would be for Mr. Stryker's use and Mr. Stryker said "yes".

Marcia Havens asked how long the property would be in the soil conservation program and Mr. Stryker said "10 years". Marcia Havens asked how much was owed in back taxes and Mr. Stryker said that there is a penalty but that he was not sure of the amount.

Tom Ward read the County Comments which deemed the application for local determination.

PRE-DECISION DISCUSSION:

Ralph Wehner said that the Board should consider the fact that the family would reside there.

Marcia Havens said that an economic hardship had been shown by the penalty that would exist with building on the soil conservation easement district area.

DECISION: Unanimously approved by a vote of 4 with no conditions.

Gates-NEWS-Chili

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

Date... *6-17-87*

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

GATES-CHILI NEWS

Issue Dated... *6-17-87*

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y., Monroe Co.
My Commission Expires April 30, 19 *89*

Patricia M. Smith

Patricia M. Smith
Publisher

**LEGAL NOTICE
CHILI ZONING BOARD OF
APPEALS**

at above address in R-1-12 zone.

Pursuant to Section 267 of Town Law, a public hearing will be held by the Chili Zoning Board of Appeals at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on June 23, 1987 at 7:30 p.m. to hear and consider the following applications:

1. Application of Stephen Inclima, owner; 21 Loring Place, Rochester, New York 14624 for variance to erect a 6'x21' garage addition to be 4' from side lot line (10' req.) at property located at above address in R-1-15 zone.
2. Application of Robert Stryker, owner; 347 Westside Drive, Rochester, New York 14624 for variance to create an undersized lot to be 5 acres (20 acres req.) with a lot width of 257.5' (700' req.), variance to allow an 80' front setback (100' req.) at property located at 494 Chili Scottsville Road in PRD zone.
3. Application of Northrup Fleming Corp., 3046 Chili Avenue, Rochester, New York 14624, property owner: Elder, Valvano, Baker; for variance to erect an 8'x16' double faced real estate development sign to be 96 sq. ft. (32 sq. ft. allowed) and to contain more than the project name at property located at 2869 Chili Avenue in R-1-15 zone.
4. Application of Victor Colombini, owner; 3193 Chili Avenue, Rochester, New York 14624 for variance to allow front parking for 31 vehicles at property located at above address in GB zone.
5. Application of Dr. Frank Pignatelli, 511 Beahan Road, Rochester, New York 14624, property owner: M/M William Head; for conditional use permit to allow a chiropractic office in home at property located at 2816 Chili Avenue in R-1-12 zone.
6. Application of Nicolsia Bldrs., 3385 Brighton-Henrietta TL Rd., Rochester, New York 14623, property owner: M/M Joseph Lioni; for variance to allow a fireplace to be placed on a drainage easement at property located at 91 Loyalist Avenue in R-1-15 zone.
7. Application of Menis Vamvakitis, owner; 1132 Scottsville Road, Rochester, New York 14624 for variance to allow front parking for an additional 12 vehicles at property located at above address in GB zone.
8. Application of Louis Moneta, owner; 13 Pinewood Knoll, Rochester, New York 14624 for variance to erect a gazebo to be 14' high (8' allowed) at property located at above address in R-1-15 zone.
9. Application of Grace Welch, owner; 7 Grenell Drive, Rochester, New York 14624 for variance to enclose a 20' x 10' porch to be 3' from side lot line (10' req.) at property located
10. Application of Arnold Carmichael, P.E., 570 Driving Park Avenue, Rochester, New York 14613, property owner: M/M Paul Sevene; for variance to erect a single family dwelling to be 80' from front lot line (100' req.) and 15' from side lot line (50' req.) at property located at 49 Names Road in RA-20 & FPO zone.
11. Application of Arnold Carmichael, P.E., 570 Driving Park Avenue, Rochester, New York 14613, property owner: M/M Paul Sevene; for variance to erect a single family dwelling to be 80' from front lot line (100' req.) and 15' from side lot line (50' req.) at property located at 77 Names Road in RA-20 & FPO zone.
12. Application of Gordon Brown, owner; 36 Solmar Drive, Rochester, New York 14624 for variance to erect an above ground swimming pool to be 40' from side lot line (55' req. on corner lot) at property located at above address in R-1-15 zone.
13. Application of Wilmorite Inc., 1265 Scottsville Road, Rochester, New York 14624, property owner: Genesee Management; for variance to erect a 2 story office addition to be 27' from side lot line (35' req.), 0' from rear lot line (40' req.) with a lot coverage of 70 percent (35 percent allowed) at property located at above address in GI 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

6/17

Thomas Ward
June
1987

3. Application of Northrup Fleming Corp., 3046 Chili Avenue, Rochester, New York 14624, property owner; Elder, Valvano, Baker; for variance to erect an 8'x16' double faced real estate development sign to be 96 sq. ft. (32 sq. ft. allowed) and to contain more than the project name at property located at 2669 Chili Avenue in R-1-15 zone.

Mr. Mike Northrup and Mr. Ed Fleming of the Northrup Fleming Corporation were present to represent the application. Mr. Northrup said that the application should read a 4'x8' double faced sign. He said that the sign would be a For Sale sign for office condominiums. He explained that the sign would only be temporary, approximately 180 days.

Mr. Northrup said that the sign would be grey with maroon letters. He said that the sign would contain the Northrup and Fleming names and phone numbers, the Century 21 real estate agent's name and phone number, and a disclosure from the attorney general which is required by law.

Tom Ward asked who would be doing the sign and Mr. Northrup said "Bristol Sign Painters". Tom Ward asked if it was necessary for the sign to contain all that information and Mr. Northrup said that he felt that it was important. Tom Ward asked if the sign would be illuminated and Mr. Northrup said "no".

Randy Allen asked if the sign would be 30' from the edge of the road and Mr. Fleming said that it would but that the area was circular.

Ralph Wehner asked if the signs would be side by side and Mr. Fleming said "no", and that they would be back to back.

Tom Ward read the County Comments which approved the application insofar as airport considerations and environmental review were concerned.

PRE-DECISION DISCUSSION:

Ralph Wehner said that he would like to see the applicant come back next month with an illustration of the sign.

Randy Allen said that he would like the sign to be approved by Bob Connolly. Bob Connolly said that he would prefer the sign be approved by the Board.

Ralph Wehner made a motion to table the application for one month and Tom Ward seconded the motion.

DECISION: Unanimously agreed by a vote of 4 to table the application for one month pending submission of an accurate and detailed description and drawing of a sign that is actually proposed. This drawing is to be drawn in a more professional manner and to be in scaled dimensions.

4. Application of Victor Colombini, owner; 3193 Chili Avenue, Rochester, New York 14624 for variance to allow front parking for 31 vehicles at property located at above address in GB zone.

Mr. Victor Colombini was present to represent the application. Via the map, he showed the Board the 16 additional parking spaces in the rear.

Tom Ward asked what the current parking capacity is and Mr. Colombini said "8-9 spaces". Tom Ward asked if all the requested parking is needed and Mr. Colombini said "yes". Tom Ward asked what the distance would be on the closest parking space to the asphalt and Mr. Colombini said that he thought it would be at least 6'. Tom Ward asked if it would create a hardship if the Board were to require the parking to be 40' from the edge of the pavement and Mr. Colombini said that it would create a hardship since he would be adding a bakery and ice cream business.

Tom Ward asked if the plans had been presented to the Department of Transportation and Mr. Colombini said that they had and that they had been approved.

Ralph Wehner asked if the roadway leading to the back parking lot would be large enough to accommodate cars and Mr. Colombini said that the width is 24' and that he felt this would be large enough. Mr. Colombini said that the back parking lot would be strictly gravel and that it would mainly be used for employees.

Tom Ward asked what the distance was between the parking lot and the restaurant at the lot next door and Mr. Colombini said that he was not sure.

Randy Allen asked why the Department of Transportation did not allow a second curb cut or a second entrance and Mr. Colombini said that he was not sure. Tom Ward said that the State tries to restrict curb cuts.

Randy Allen expressed concern over the fact that with the addition of ice cream, the area may become a local hangout. Mr. Colombini said that he didn't feel that this would happen as not all 3 businesses would have peak hours at the same time.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Gary Fowler 0 7 Heather Trail

He felt that it was ridiculous to deny the application for more parking spaces since there is an existing problem.

Tom Ward read the County Comments which deemed this application for local determination.

DECISION: Unanimously approved by a vote of 4 with no conditions.

5. Application of Dr. Frank Pignatelli, 511 Beahan Road, Rochester, New York 14624, property owner: M/M William Head; for conditional use permit to allow a chiropractic office in home at property located at 2816 Chili Avenue in R-1-12 zone.

Mr. Ken Keller was present to represent Dr. Pignatelli in this application. He explained that Dr. Pignatelli would be residing in the house and that the first floor would be the office and the second floor would be Dr. Pignatelli's residence. Mr. Keller said that the exterior would contain a parking lot for patients equipped to handle handicapped patients as well. The house and the garage are currently existing.

Tom Ward asked if the property had been purchased and Mr. Keller said that the purchase offer had been accepted and that it was contingent upon the zoning variances. Tom Ward asked how long the property had been listed for sale and Mr. Keller said that it was handled by Nothnagle but that he was not sure how long it had been for sale. Tom Ward asked what the asking price was and Mr. Keller said "\$94,000". Tom Ward asked how many parking spaces would be needed and Mr. Keller said "9". Tom Ward asked if the parking lot would be paved and Mr. Keller said "eventually". Tom Ward asked if the residence would be occupied by Dr. Pignatelli and not rented and Mr. Keller said that Dr. Pignatelli would occupy the residence. Mr. Keller explained that the kitchen would be on the first floor but otherwise the residence would be limited to the second floor.

Tom Ward asked what the measurements were on the first floor and Mr. Keller said "900 square feet". Tom Ward asked if Dr. Pignatelli has an established practice and Mr. Keller said that Dr. Pignatelli does with another doctor on Beahan Road.

Tom Ward asked if research had been done on leasing an existing office and Mr. Keller said that it had. Mr. Keller explained that Dr. Pignatelli had wanted to avoid the expense of renting during the early years of his practice. Mr. Keller said that there are other doctors practicing in their residence within the area. Tom Ward said that he could not think of any similar situations in the immediate area.

John Hellaby asked if they had an idea on what the traffic would be and Dr. Pignatelli said that it was hard to estimate it but that he felt that at the most there would be 3-4 cars an hour. Mr. Keller said that there would be room for more parking if the business should prosper.

Marcia Havens asked how many treatment rooms there would be and Dr. Pignatelli said "2". Marcia Havens asked if it would be possible to have less parking and Dr. Pignatelli said that he didn't think that that would be a good idea with the patient overlap and the possibility of future growth. Marcia Havens asked if there would be screening around the parking area and Mr. Keller said that they would be glad to comply with the Board.

Bob Connolly asked if the kitchen was the only area on the first floor that would part of the residence and Mr. Keller said "yes".

Randy Allen asked if the practice experienced a rapid growth, would the business be relocated and Mr. Keller said that the practice would be moved but that Dr. Pignatelli would remain in the house.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

George Spring - 2820 Chili Avenue

He asked what the hours of operation would be and Tom Ward said Monday, Wednesday, and Friday 9-7 and Tuesday and Thursday would be 9-6. Mr. Spring expressed concern over the fact that he would be viewing a parking lot from his property. Mr. Spring asked what would happen if the property was subdivided and Marcia Havens said that the conditional use permit would no longer be valid and that a land use variance would then be required.

Ralph Wehner asked if there were any future plans for more employees and Dr. Pignatelli said that there would only be a receptionist, no other doctors.

George Mowrer - 2811 Chili Avenue

He asked where the entrance would be and Mr. Keller said that it would be off of Chili Avenue. Mr. Mowrer said that he was opposed to the application because he felt that it would increase traffic and have an impact on commercial business.

Tony Pomanelli - 51 Beahan Road

He said that he was in favor of the application. He said that he is a patient of Dr. Pignatelli and that it would be nice to have those services available locally.

Marianne Bishop - 11 Wyncrest Drive

She said she is in favor of the application. She explained that she is a patient of Dr. Pignatelli and that his services would be an asset to the community.

Ray Reinagel - 2796 Chili Avenue

He was opposed to the application because he felt that approval of this application would snowball into more area commercial uses.

Tom Ward said that he had received a letter from John and Margarita McDonald of 2816 Chili Avenue who were opposed to the application because they felt it would change the character of the neighborhood, increase traffic, and decrease the value of the surrounding properties.

Mr. Keller said that he didn't feel the traffic would be increased but that the flow would change insignificantly.

Tom Ward read the County Comments which approved the application insofar as airport considerations and environmental review were concerned.

PRE-DECISION DISCUSSION:

Ralph Wehner expressed concern over the large amount of parking spaces being requested.

Tom Ward said that the primary use should be residential and that no other offer to buy the house had been received. He was concerned about setting a precedent in a residential area.

Randy Allen said that the sign would need to be on a separate variance.

DECISION: Denied by a majority with positive votes being cast by Ralph Wehner and Randy Allen.

FINDINGS OF FACT:

1. The proposed office space is not consistent with the zoning ordinance's definition of customary home occupation, in that it will utilize greater than 25% of the space, thereby making the office space the primary use, rather than the secondary or incidental use in the residentially zoned property.
2. Testimony presented by the applicant's attorney stated that the applicant's contingencies pertaining to obtaining Town approvals had to be removed as a second purchase offer had been submitted to the seller of the property. Applicant/representative could not prove that the other purchase offer was for use as a residential property.
3. Parking area proposed by applicant would be out of character with the surrounding residential neighborhood.
4. All other immediate adjacent properties and those within a one-half ($\frac{1}{2}$) ± mile radius of subject property are currently residential.

6. Application of Nicosia Builders, 3385 Brighton-Henrietta TL Rd., Rochester, New York 14623, property owner L M/M Joseph Lioni; for variance to allow a fireplace to be placed on a drainage easement at property located at 91 Loyalist Avenue in R-1-15 zone.

Mr. Vince Nicosia of Nicosia Builders was present to represent the application. He explained that there is 20' between the properties on the easement. He said that the fireplace was 14" on the easement.

Tom Ward asked if there was an easement to the east side as well and Mr. Nicosia said "no". Tom Ward asked if there would be a hardship if the application was denied and Mr. Nicosia said that then the fireplace would need to be torn down.

Tom Ward stated that he had received a letter from Steve Chudyk recommending that this not be done.

Tom Ward asked if there was a drainage pipe and Mr. Nicosia said "yes". Tom Ward asked what size the pipe is and Mr. Nicosia said that he's not sure but that there is more than enough room to replace the pipe.

Tom Ward asked if they would agree to a stipulation placed on the removal of the fireplace and Mr. Nicosia said that they would agree.

Randy Allen asked who would be liable if the Town hit anything and Mr. Nicosia said that the Town would not be.

DECISION: Unanimously approved by a vote of 4 with no conditions.

7. Application of Menis Vamvakitis, owner; 1132 Scottsville Road, Rochester, New York 14624 for variance to allow front parking for an additional 12 vehicles at property located at above address in GB zone.

Mr. Louis Childs, Architect, was present to represent the application. He explained that they were before the Planning Board and that they need a variance. Mr. Childs explained that front parking was needed because of the trucks and because people like to and have doing it.

Tom Ward asked if there would still be parking on the outer extremities and Mr. Childs said "yes". He said that they were not replacing but adding parking.

Tom Ward asked how far the distance would be from the right of way to the parking space and Mr. Childs said "30"

Ralpy Wehner asked if there would be marked handicapped spaces and Mr. Childs said that that could be done as there already is a handicapped sidewalk ramp.

Tom Ward read the County Comments which approved the application insofar as airport considerations and environmental review were concerned.

DECISION: Unanimously approved by a vote of 4 with no conditions.

8. Application of Louis Moneta, owner; 13 Pinewood Knoll, Rochester, New York 14624 for variance to erect a gazebo to be 14' high (8' allowed) at property located at above address in R-1-15 zone.

Mr. Louis Moneta was present to represent the application. He explained that the gazebo would be 15' high. Tom Ward asked if it had been built and Mr. Moneta said that it was 95% completed. Tom Ward asked why it is so high and Mr. Moneta explained that he had an existing lot and that the gazebo would be 3'7" from ground level.

DECISION: Unanimously approved by a vote of 4 with no conditions.

9. Application of Grace Welch, owner; 7 Grenell Drive, Rochester, New York 14624 for variance to enclose a 20'x10' porch to be 3' from side lot line (10' allowed) at property located at above address in R-1-12 zone.

Ms. Grace Welch was present to represent the application. She explained that the porch would contain a glass and screen enclosure and that it would not be heated.

Tom Ward asked how long the porch has been existing and Ms. Welch said "34 years". She explained that 2-3 years ago, a roof had been added to the porch.

Randy Allen asked Ms. Welch how the neighbors feel about this and Ms. Welch said that she didn't know.

COMMENTS OR QUESTIONS FOR THE AUDIENCE:

Vic Wall - 3104 Chili Avenue

He said that his property is located opposite of Grenell Drive. He said that he is in favor of the application and that it would be advantageous to Ms. Welch.

DECISION: Unanimously approved by a vote of 4 with no conditions.

10. Application of Arnold Carmichael, P.E., 570 Driving Park Avenue, Rochester, New York 14613, property owner: M/M Paul Sevene; for variance to erect a single family dwelling to be 80' from front lot line (100' req.) and 15' from side lot line (50' req.) at property located at 49 Names Road in RA-20 and FPO zone.

Mr. Arnold Camichael, Licensed Engineer, was present to represent the application. He explained that the lots were formed in the 1930's. He said that there would be a crawl space and that the elevation would be 525'.

Tom Ward asked about the retention area with the low lot and Mr. Carmichael said that the flood plain was due to the Genesee River and Black Creek. Mr. Carmichael said that the elevation of the house would be the same as the house to the east of the property but not to that of the west which has an elevation of 528'. He said that there would be no occupation below 525' since the area below would contain a crawl space. Tom Ward asked if there were utilities in the crawl space and Mr. Carmichael said "no".

Tom Ward asked if this was a hardship and Mr. Carmichael said that it was because the property would then be an unusable lot. Tom Ward asked how long Mr. Sevene has owned the property and Mr. Sevene said "6 months". Tom Ward asked if the house would be for Mr. Sevene's use and Mr. Sevene said that it would not be for his use but maybe for his son's.

Randy Allen asked about the square footage on the house and Mr. Carmichael said that the house does conform to the zoning requirements.

Bob Connolly said that he was concerned about the garage floor. He said that it should be made accessible for water to go in and out. Mr. Carmichael agreed.

Tom Ward asked Mr. Sevene if he was aware of the zoning requirements when purchasing the property and Mr. Sevene said "yes".

Tom Ward read the County Comments which offered the following comments:

Airport Review and Decision

The applicant seeks dimensional variances to the front and side yard setback requirements to erect a single family residence at 49 Names Road. The site is located within the one-mile boundary of the Rochester-Monroe Airport, but is outside the approach-departure corridor of any instrument-equipped runway. However, according to the Rochester-Monroe County Airport Master Plan this site is located between the 65 Ldn and 75 Ldn noise contour line and is therefore subject to moderately high noise levels from aircraft operations. I approve this application insofar as airport considerations are concerned. I also recommend that a noise reduction level of 25 decibels be achieved by using the attached construction standards in the building of this residence.

Zoning Review

We have reviewed this application and have no specific recommendation to make on this matter. However, we wish to offer the following comments for the Board's consideration:

1. The map should clearly indicate that this residence is to be built on a slab, and will not have a basement.
2. The notation on the plan concerning the base flood elevation should also note the source of this information: The Flood Insurance Rate Map, Community Panel number 360412 0015 A, effective date February 1, 1979.

DECISION: Unanimously approved by a vote of 4 with no conditions.

11. Application of Arnold Carmichael, P.E., 570 Driving Park Avenue, Rochester, New York 14613, property owner: M/M Paul Sevene; for variance to erect a single family dwelling to be 80' from front lot line (100' req.) and 15' from side lot line (50' req.) at property located at 77 Names Road in RA-20 & FPO zone.

Mr. Arnold Carmichael was present to represent the application. He said that he was moving the lot ahead to be in line with the corner lot. He explained that previously there was a structure on the vacant lot next door.

Tom Ward asked about the low lot retention area and Mr. Carmichael said that they would be using 2-3' of fill. Tom Ward asked about the mature trees and Mr. Carmichael said that they would try and save them.

Tom Ward asked why the front setback could not be maintained and Mr. Carmichael said that the house would sit way back and that it would be out of character with the neighborhood. Tom Ward asked if there would be a crawl space and Mr. Carmichael said "yes".

Tom Ward asked Mr. Sevene if the house would be for his use and Mr. Carmichael said "no". Tom Ward asked the purchase prices for both lots and Mr. Sevene said "\$4500 for application 10 lot and \$5000 for application 11 lot".

Tom Ward read the County Comments which offered the same comments as application 10.

DECISION: Unanimously approved by a vote of 4 with no conditions.

12. Application of Fordon Brown, owner; 36 Solmar Drive, Rochester, New York 14624 for variance to erect an above ground swimming pool to be 40' from side lot line (55' req. on corner lot) at property located at above address in R-1-15 zone.

Mr. Gordon Brown was present to represent the application. He explained that the pool would be 21' by 32' and that it would be parallel to the back line. He said that it would be 65' from the road of which 20' is not his property.

Tom Ward asked about drainage easements and Mr. Brown said that there weren't any.

Tom Ward asked if it would be possible to turn the pool 90 degrees and meet the zoning requirements and Mr. Brown said that it would be possible but that the tree above would create debris in the pool.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Don Faso - 134 Hillary Drive

He was in favor of the application and had no objections.

Randy Allen asked if the pool was under construction currently and Mr. Brown said "no".

DECISION: Unanimously approved by a vote of 4 with no conditions.

13. Application of Wilmorite Inc., 1265 Scottsville Road, Rochester, New York 14624, property owner: Genesee Management; for variance to erect a 2-story office addition to be 27' from side lot line (35' req.) 0' from rear lot line (40' req.) with a lot coverage of 70% (35% allowed) at property located at above address in GI zone.

Mr. David Rice of Sear Brown Associates was present to represent the application. He explained that they would be adding to the existing building which is Page Airways. He said that it would be the same height as the existing building and that the total above ground construction would be 7818'. Below ground, he explained that there would be an elevator and storage. Mr. Rice explained that the property crosses both Chili and Rochester town lot lines. He said that the parking would be off the lot.

Tom Ward asked about the intent on noise reduction buffers and Mr. Rice said that it would be a brick building with permanent windows.

Randy Allen asked if Mr. Rice had received approval from the city and Mr. Rice said that he hadn't as of yet.

Tom Ward asked what the need for expansion was and Mr. Rice said that it was to give the employees more room. Mr. Rice said that they would not be increasing employees or traffic.

Ralph Wehner asked if the outside structure of the new building would match that of the old and Mr. Rice said "yes".

Tom Ward read the County Comments which offered the following comments:

Approved insofar as airport considerations were concerned.

Zoning Review

We have reviewed this application and find we have no recommendation for the board on this matter. However, we wish to offer the following observations:

1. The requested variances would not have any adverse effect on adjacent properties or their future development.
2. The variance requested in terms of the rear setback requirement is no greater than what is required for the existing office building and hangers on this site.
3. The leased property from the Rochester-Monroe County Airport allows the applicant ample area for parking for this project.

In addition we would like to offer the following comment for the Board's consideration:

According to the Tax Account parcel map for this area, and the proposed site plan, the site is within the Town of Chili and the City of Rochester. The applicant should be encouraged to contact Mr. John Spoelhof, Director of Zoning in the City of Rochester to determine if site plan approval will be required for this project. However, it does not appear that the Chili Zoning Board of Appeals' review of this application is dependent on the outcome of this inquiry.

DECISION: Unanimously approved by a vote of 4 with no conditions.

OLD BUSINESS:

1. Application of John Choromanskis, 63 Hallock Road, Rochester, New York 14624 for variance to create an undersized lot to be 11,240 sq. ft. (11,863 granted in prior variance), variance to allow a lot width of 74.9' (79.5' granted in prior variance) at property located at 679 Marsahll Road in R-1-20 zone.

Tom Ward said that he had investigated the matter further and that the possibility of a discrepancy does sometimes happen. He said that he is not so concerned over the size variance since the Marshall lots may be extended and further developed. He said that the owner did make an attempt to resolve the issue by taking the property line problem to the neighbor. Marcia Havens said that also \$10,000 had already been invested in property improvements.

DECISION: Unanimously approved by a vote of 4 with no conditions.

2. Application of Dario Marchioni, 120 Old Chili Scottsville Road, Churchville, New York 14428 for variance to erect a single family dwelling to be 80' from front lot line (100' req.), 10' from side lot line (50' req.) with a floor elevation of 518' (525' req.) at property located at 79 Names Road in RA-20 & FPO zone.

Tom Ward said that he hadn't received anything from either the applicant or the Town Engineer.

DECISION: Agreed by a vote of 4 to table for one month.

The May Zoning Board minutes were approved.

CHILI ZONING BOARD

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July 28, 1987

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 July 28, 1987 at 7:30 P.M. The meeting was called to order by Chairperson Tom Ward.

PRESENT: Ron Popowich, Randy Allen, John Hellaby, Dan Melville, Ralph Wehner, Dick Mastrodonato, and Chairperson Tom Ward.

ALSO PRESENT: John Madigan, Building Inspector; Marcia Havens, 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.

Marcia Havens explained the Appeals Procedure.

APPLICATIONS BEFORE THIS BOARD WERE HEARD AS FOLLOWS:

1. Application of Dorothy Reid, owner; 3 Flint Lock Circle, Rochester, New York 14624 for conditional use permit to allow a consulting business in home at property located at above address in R-1-15 zone.

Ms. Dorothy Reid was present to represent the application. She said that the business would be service oriented with a concentration on financial and personal planning. She said that she would be the sole owner during 1987 and that the business would be conducted from a 12' x 8' spare room in her home. She explained that the spare room would basically contain a computer, a telephone, and a desk and that there would be no inventory on the premises.

Ms. Reid said that the parking in her driveway would hold 4-6 vehicles but that the majority of time, the initial interview would be conducted in the client's home. She said the hours would be Monday - Thursday 8:30 - 4:40, Friday 8:30 - 2:30, and Saturday 9:30 - 12. She explained that she has a great deal of education and experience in this field.

Tom Ward asked if she is currently working and Ms. Reid said "no". Tom Ward asked why she would be starting this business and Ms. Reid said that she was starting the business for financial reasons and also to build a clientele. Ms. Reid said that she would be traveling a lot to the client's home.

Tom Ward asked if this was a two story home and Ms. Reid said "yes". Randy Allen asked if the 12' x 8' room was on the second floor and Ms. Reid said "yes".

Tom Ward read the County Comments which approved the application insofar as airport considerations and the Zoning and environmental review were concerned.

DECISION: Unanimously approved by a vote of 7 with the following conditions:

1. No on-street parking.
 2. No outdoor advertising or signs.
 3. Business hours shall be restricted to those stated by the applicant (Monday thru Thursday - 8:30 a.m. to 4:30 p.m.; Friday - 8:30 a.m. to 2:30 p.m.; Saturday - 9:30 a.m. to 12 noon).
 4. Business shall be limited to the property owner and no more than one (1) employee.
 5. Business shall not occupy more than 25% of total floor area of the dwelling.
 6. This conditional use permit is granted for a period of one (1) year, at which time applicant may reapply.
2. Application of Hans Grashof, owner; 56 Hallock Road, Rochester, New York 14624 for variance to erect a 6' x 25' additions to house to be 7.9' from side lot line (10' req.) at property located at

Gates-NEWS-Chili

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

Date... 7-22-87

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

GATES-CHILI NEWS

Issue Dated... 7-22-87

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y., Monroe Co.
My Commission Expires April 30, 19 89

Patricia M. Smith
Patricia M. Smith
Publisher

1987 July Zoning Book

**LEGAL NOTICE
CHILI ZONING BOARD OF
APPEALS**

Pursuant to Section 267 of Town Law, a public hearing will be held by the Chili Zoning Board of Appeals at the Chili Town Offices, 3235 Chili Ave., Rochester, New York 14624 on July 24, 1987 at 7:30 p.m. to hear and consider the following applications:

1. Application of Dorothy Reid, owner; 3 Flint Lock Circle, Rochester, New York 14624 for conditional use permit to allow a consulting business in home at property located above address in R-1-15 zone.

2. Application of Hans Grashof, owner; 56 Hallock road, Rochester, New York 14624 for variance to erect a 6' x 20' addition to house to be 7.9' from side lot line (10' req.) at property located at above address in R-1-12 zone.

3. Application of Allen Kinch, owner; 58 Red Bud Road, Rochester, New York 14624 for variance to erect a 12' x 20' utility shed to be 240 sq. ft. (120 sq. ft. allowed), variance for shed to be 9' high (8' allowed) and to be 3' from side lot line (8' allowed) at property located at above address in R-1-15 zone.

4. Application of Kim Saylor, owner; 21 Lonran Drive, Rochester, New York 14624 for variance to erect an above ground swimming pool to be 43' from side lot line (55' req. on corner lot) at property located at above address in R-1-15 zone.

5. Application of Brian Joseph, owner; 13 Gateway Road, Rochester, New York 14624 for variance to erect a 28' x 18' addition to garage to be 43' from front lot line (60' req.) at property located at above address in R-1-15 zone.

6. Application of Robert Warner, owner; 117 Stryker Road, Scottsville, New York 14646 for variance to erect a 20' x 22' detached garage to be 38'

from front lot line (55' req.) and 5' from house (8' req.) at property located at above address in PRD zone.

7. Application of Kathleen Meintel, owner; 5 Wheat Hill, Rochester, New York 14624 for variance to erect a 10' x 12' utility shed to be 10' high (8' allowed) and to be 31' from rear lot line (55' req. abutting a road) at property located at above address in R-1-15 zone.

8. Application of Darryl Baron, owner; 22 Battlegreen Drive., Rochester, New York 14624 for variance to erect a 4' high fence to be placed in a drainage easement at property located at above address in R-1-15 zone.

9. Application of Ora Pendergrass, owner; 62 Lexington Parkway, Rochester, New York 14624 for variance to erect a 12' x 12' utility shed to be 144 sq. ft. (120 sq. ft. allowed) at property located at above address in R-1-15 zone.

10. Application of the Landing Pad, 1280 Scottsville Road, Rochester, New York 14624, property owner: Ronald DiChario; for variance to erect a 4' x 4' double faced "A" frame freestanding sign, variance for sign to be placed on a lot line (20' req.) at property located at above address in GB zone.

11. Application of Empire Sign Company, 101 Louise Street, Rochester, New York 14606, property owner: Larry Gruendike; for variance to erect a 23½' x 3½' wall sign to include a logo at property located at 4223 Buffalo Road in R-1-15 zone.

12. Application of John Rowe, owner; 108 Riverside Drive, Rochester, New York 14623 for renewal of land use variance to allow a restaurant/bar at property located at 2771 Scottsville Road in RA-20 zone.

13. Application of Ronald Bell, owner; 7 Gary Hill Drive, Rochester, New York 14624 for variance to erect a 10' x 12'

utility shed to be 10' high (8' allowed) at property located at above address in R-1-15 zone.

14. Application of Forest Creek Equity Corp., owner; 80 W. Main Street, Rochester, New York 14624 for variance to erect 2 real estate development signs to be 8' x 4' each and to total 64 sq. ft. (32 sq. ft. allowed), variance for signs to contain more than the project name at property located at 845 Marshall Road in R-1-15 zone.

15. Application of J. Kozel & Son, owner; 1150 Scottsville Road, Rochester, New York 14624 for variance to erect a 6' high chain link fence where 3' is allowed at property located at above address in GB zone.

16. Application of June Babiuk, 50 Humphrey road, Scottsville, New York 14646, property owner: M/M Glenn Schneider; for renewal of variance for a 3½' x 4' freestanding sign that advertises a business on another property (50 Humphrey road) at property located at 236 Scottsville Road in PRD, FPO & FW zone.

17. Application of Dr. Frank Pignatelli, owner; 511 Beahan road, Rochester, New York 14624 for conditional use permit to allow a chiropractic office in home at property located at 2816 Chili Avenue 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

7/22

above address in R-1-12 zone.

Mr. Hans Grashof was present to represent the application. He explained that the addition was for a dining room. He said that the dining room is currently 9' x 11' and that the addition would make the dining room 15' x 11' which would accommodate a dining room table and cabinet.

Tom Ward asked how long he had owned the property and Mr. Grashof said "10 years". Tom Ward asked if there would be a hardship if the application was denied and Mr. Grashof said "no". Tom Ward asked if the dining room was at the back or the front and Mr. Grashof said "the back".

Ralph Wehner asked if it would be a one or two story addition and Mr. Grashof said that it would be a one story addition and that it would have no impact from the road view.

Tom Ward asked if any neighbor's houses were this close to the lot line and Mr. Grashof said "yes". Ralph Wehner asked if the neighbor's house was on the same side as the proposed addition and Mr. Grashof said "yes". Ralph Wehner asked about the appearance of the addition and Mr. Grashof said that it would be brick and match the rest of the house.

Randy Allen asked if the neighbor was aware of the addition and Mr. Grashof said that he previously was.

Tom Ward read the County Comments which approved the application insofar as airport consideration and the zoning and environmental review were concerned.

DECISION: Unanimously approved by a vote of 7.

3. Application of Allen Kinch, owner; 58 Red Bud Road, Rochester, New York 14624 for variance to erect a 12' x 20' utility shed to be 240 sq. ft. (120 sq. ft. allowed), variance for shed to be 9' high (8' allowed) and to be 3' from side lot line (8' allowed) at property located at above address in R-1-15 zone.

Mr. Allen Kinch was present to represent the application. He explained that the shed would be used to store a lawnmower, woodworking tools, and his dog. He said that he only has a 1½ car garage.

Tom Ward asked if he could get by with a smaller shed and Mr. Kinch said that he would be willing to minimize the size to 160'. Tom Ward asked if there would be an overhead door on the shed and Mr. Kinch said that there wouldn't be. He said that there would be a lock on the door, landscaping around the shed, and a roof on the shed identical to the house.

Tom Ward asked why he was asking for 3' on the side lot line and Mr. Kinch said that the previous owner had a variance. Mr. Kinch said that he would be keeping the shed inside the fence. Tom Ward asked if he would agree to minimizing this and Mr. Kinch said that he would.

Ron Popowich asked if he would be operating the woodworking equipment in the shed and Mr. Kinch said that he would be. Dan Melville asked if electric would be installed in the shed and Mr. Kinch said that eventually it would be put in. Tom Ward asked if the woodworking would be done commercially and Mr. Kinch said "no".

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Gary Adamson - 53 Red Bed Road
He submitted a petition consisting of 35 names from the neighborhood opposed to the application as it states. He was opposed for the following reasons:

1. structure would not be best for the area
2. corner lot visible from both sides of the road
3. could possibly affect house values
4. shubbery would take a long time to grow if used for screening purposes
5. if sold, new owner could use for a business

Rosemary Stepanik - 57 Red Bud Road

She said that she would like to look at all the specifics before the application was passed.

Robert Mowers - 60 Red Bud Road

He was in favor of the application because he felt that Mr. Kinch had a real need.

Tom Ward stated that he was in receipt of a letter from Arthur Jenson of 76 Bright Oaks Drive stating his approval of the application.

Seth Welch - 70 Bright Oaks Drive

He said that he is opposed to the size of the shed and not the shed itself.

Ralph Wehner asked if there would be a fence in the backyard and Mr. Kinch said "yes". Ralph Wehner asked about the truck parked in the backyard and Mr. Kinch said that it would be moved.

Tom Ward stated that the application was now for a 160' shed and asked for the neighbors opinions. The neighbors felt that the application would be better as long as it was as close to the ordinance as possible.

Randy Allen made a motion that the shed be 160 sq. ft., 6' from the rear lot line. Dan Melville seconded the motion.

DECISION: Approved by a vote of 6 with Ron Popowich casting the negative vote.

The application was granted upon the following conditions:

1. Shed size shall be limited to 160 sq. ft.
2. Shed shall be no less than six (6) feet from south lot line.
4. Application of Kim Saylor, owner; 21 Lonran Drive, Rochester, New York 14624 for variance to erect an above swimming pool to be 43' from side lot (55' req. on corner lot) at property located at above address in R-1-15 zone.

Mr. Kim Saylor was present to represent the application. He said that there wasn't any place else to put the pool.

Tom Ward said that the pool won't be any closer to the neighbor's lot line than the existing house and Mr. Saylor said that was correct. Tom Ward asked if it will be enclosed by a fence and Mr. Saylor said "yes".

Randy Allen asked if the pool was already purchased and Mr. Saylor said "yes". Randy Allen asked if Mr. Saylor would be installing the pool and Mr. Saylor said "yes".

Tom Ward asked if a service line was being installed and Mr. Saylor said "yes".

DECISION: Unanimously approved by a vote of 7.

5. Application of Brian Joseph, owner; 13 Gateway Road, Rochester, New York 14624 for variance to erect a 28'x18' addition to garage to be 43' from front lot line (60' req.) at property located at above address in R-1-15 zone.

Ms. Donna Hall was present. She asked that the application be tabled for one month.

DECISION: Unanimously agreed by a vote of 7 to table the application for one month per the applicant's request.

6. Application of Robert Warner, owner; 117 Stryker Road, Scottsville, New York 14546 for variance to erect a 20' x 22' detached garage to be 38' from front lot line (55' req.) and 6' from house (8' req.) at property located at above address in PRD zone.

Mr. Robert Warner was present to represent the application. He explained that he didn't have a garage.

Tom Ward asked how old the house was and Mr. Warner said that he wasn't usre but that it was quite old. Tom Ward asked if it would be installed in the rear yard and Mr. Warner sias that the front would be even with the back of the house.

Randy Allen asked what the closest house was and Mr. Warner said that it is 200' away.

Tom Ward read the County Comments which deemed the application for local determination.

DECISION: Unanimously approved by a vote of 7.

7. Application of Kathleen Meintel, owner; 5 Wheat Hill, Rochester, New York 14624 for variance to erect a 10' x 12' utility shed to be 10' high (8' aowed) and to be 31' from rear lot line (55' req. abutting a road) at property located at above address in R-1-15 zone.

Ms. Kathleen Meintel was present to represent the application. She explained that the shed would be used to sotre the lawnmower and garden tools and that it would backup to Archer Road.

Tom Ward asked why that location and Ms. Meintel said that it's a corner lot and that it's difficult to find another location. Tom Ward asked how long she had owned the house and she said "2 years". Ms. Meintel said that there is berm by the road. Marcia Havens asked how high the berm is and Ms. Meintel said "8'". Ralph Wehner asked if there were any neighbors with sheds and Ms. Meintel said that there was and that it was in the same area.

DECISION: Unanimously approved by a vote of 7.

8. Application of Darryl Baron, owner; 22 Battle Green Drive, Rochester, New York 14624 for variance to erect a 4' high fence to be placed in a drainage easement at property located at above address in R-1-15 zone.

Mr. Darryl Baron was present to represent the application. He said that it would be a chain link fence and that it would not impede dainage.

Tom Ward asked why the fence would go into the easement and Mr. Baron said that it would be 20' into the easement and not more because of the steep slope that exists. Mr. Baron said that without using the easement, the yard would be awful small. Tom Ward asked why he wanted a fence and Mr. Baron said that he has small children.

Tom Ward asked how long he has owned the house and Mr. Baron said "since June". Tom Ward asked what's alongside the drainage easement and Mr. Baron said that a neighbor's fence was there. Tom Ward asked if approved, would Mr. Baron be willing to take down the fence for Town maintenance within 24 hours and Mr. Baron said that he would if need be.

Tom Ward read the County Comments which offered the following comments:

1. Approved the application insofar as airport considerations were concerned.
2. Before the Zoning Board of Appeals acts on this variance request, it should address the question of how the town will have access to this drainage easement in order to adequatley maintain this drainageway. Once the town has resolved the question of access, it must also have assurance that the fence material itself will not impede storm-water flow and cause drainage problems on adjoining parcels. If these questions are not addressed, the board should not approve this variance request.

Tom Ward asked if approved, would Mr. Baron be willing to put in sleeves and Mr. Baron said "yes".

Tom Ward felt tht approval of this applicaiton would be precedent setting.

DECISION: Approved by a vote of 4 with negative votes being cast by Ralph Wehner, Ron Popowich, and Tom Ward. The following conditions were placed on the application.

1. Fence within the easement must be removed within a maximum of 24 hours notice, or immediately in the event of high water or threat of flooding.
 2. Fence shall not encroach more than 15' into the easement, and may be less subject to the town engineer's approval.
 3. Fence posts and sections within the easement area shall be placed in "sleeves" (i.e. PVC piping) to facilitate prompt removal.
 4. In the event that the present property owner or any/all subsequent property owners fail to remove the fence within the time period specified, the Town of Chili is empowered to remove the fence from within the easement and the property owner shall be responsible for any costs incurred by the Town for removal.
9. Application of Ora Pendergrass, owne; 62 Lexington Parkway, Rochester, New York 14624 for variance to erect a 12' x 12' utility shed to be 144 sq. ft. (120 sq. ft. allowed) at property located at above address in R-1-15 zone.

Ms. Ora Pendergrass was present to represent the application. She said that they already have the shed.

Tom Ward asked what type the shed was and Ms. Pendergrass said that it is a wooden, pre-fab shed with a shingled roof. Tom Ward asked what she would be storing in the shed and Ms. Pendergrass said a "lawnmower, garden tools, and lawn furniture". Tom Ward asked about the roof and Ms. Pendergrass said that it was sloped.

Marcia Havens asked about the siding on the shed and Ms. Pendergrass said that it would be vinyl and that it would match the house.

Tom Ward read the County Comments which approved the application insofar as airport considerations and the zoning and environmental review were concerned.

DECISION: Unanimously approved by a vote of 7.

10. Application of the Landing Pad, 1280 Scottsville Road, Rochester, New York 14624, property owner: Ronald DiChario; for variance to erect a 4' x 4' double faced "A" frame freestanding sign, variance for sign to be placed on lot line (20' req.) at property located at above address in GB zone.

Mrs. Linda Ventura, operator of the Landing Pad, was present to represent the application. She explained that the sign would only be used during the hours of 11-3 on Monday thru Friday.

Tom Ward asked if they had any other signs and Mrs. Ventura said that there is one on the building but nothing out front to advertise their lunch hours. Tom Ward asked if it would be a permanent sign and Mrs. Ventura said that it would only be temporarily used. Tom Ward asked who would be responsible for the sign and Mrs. Ventura said that her husband would be. Tom Ward asked how long the sign would be up and Mrs. Ventura said that it would be up until they think of another way. Tom Ward asked if the sign would be professionally painted and Mrs. Ventura said that the sign was already done and that it had been done by professional painters.

Randy Allen asked if there was any changes or if there would be any changes from the diagram and Mrs. Ventura said "no".

Tom Ward read the County Comments which approved the application insofar as airport considerations and the zoning and environmental review were concerned.

Ron Popowich said that there is a sign on the building and Mrs. Ventura said that it only says the Landing Pad. Tom Ward asked if they had considered advertising any other way and Mrs. Ventura said that they had only taken over the Landing Pad a year ago and that they hadn't thought about it but that she would assume so.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

John Hanna - Marshall Road

He said that he had spoken to Ron DiChario and that the sign was only a temporary method. He said that this is the only place in the immediate area that serves lunch.

DECISION: Approved by a vote of 6 with Tom Ward casting a negative vote.

The application was granted upon the following conditions:

1. Granted for a period of six (6) months.
 2. Sign shall be displayed only between the hours of 11:00 a.m. and 3:00 p.m.
11. Application of Empire Sign Company, 101 Louise Street, Rochester, New York 14606, property owner: Larry Gruendike; for variance to erect a 23½' x 3½' wall sign to include a logo at property located at 4223 Buffalo Road in R-1-15 zone.

Mr. Chuck Finser was present to represent the application. He explained that the sign was already installed but that it didn't have the logo.

Tom Ward asked if there were any other signs on the building now and Mr. Finser said "no". Mr. Finser said that the company requires the logo. Tom Ward asked how much room the logo would take up and Mr. Finser said "2-3'". Randy Allen asked what the logo represented and Mr. Finser said tht it's a company insigna.

Tom Ward read the County Comments which deemed the application for local determination.

DECISION: Unanimously approved by a vote of 7.

12. Application of John Rowe, owner; 108 Riverside Drive, Rochester, New York 14623 for renewal of land use variance to allow a restaurant/bar at property located at 2771 Scottsville Road in RA zone.

Mr. John Rowe was present to represent the application. He explained that his 5 year variance was up and that he was requesting another 5 year variance. Tom Ward asked if there were any problems or complaints and Mr. Rowe said "no".

Tom Ward read the County Comments which deemed the application for local determination.

DECISION: Unanimously approved by a vote of 7.

1. The land use variance shall be limited to the present owners only and may not be transferred to subsequent owners.
 2. This variance shall expire five (5) years from this date or property is transferred to new owner.
 3. Subject to all previous conditions.
13. Applicaiton of Ronald Bell, owner; 7 Gary Hill Drive, Rochester, New York 14624 for variance to erect a 10' x 12' utility shed to be 10' high (8' allowed) at property located at above address in R-1-15 zone.

Mr. Ronald Bell was present to represent the application. He said that there would be a crawl space in the rafters. Tom Ward asked about the roof and Mr. Bell said that it was a round, gable roof. Tom Ward asked

what would be stored in the shed and Mr. Bell said "a tractor and a snowblower".

DECISION: Unanimously approved by a vote of 7.

14. Application of Forest Creek Equity Corp., owner; 80 W. Main Street, Rochester, New York 14624 for variance to erect 2 real estate development signs to be 8' x 4' each and to total 64 sq. ft. (32 sq. ft. allowed), variance for signs to contain more than the project name at property located at 845 Marshall Road in R-1-15 zone.

Mr. Bernie Iacovangelo was present to represent the application. He said that the sign would be for Wellington and that it would contain the real estate agent and the sales agents. He said that it would only be temporary.

Tom Ward asked if the agents names were on the other temporary signs and Mr. Iacovangelo said that they were at Autumnwood and Pumpkin Hill. Tom Ward asked about the distance from Marshall Road to the property and Mr. Iacovangelo said that it would be 600' from the first residential home. Tom Ward asked if it would be one sided and Mr. Iacovangelo said "yes". Tom Ward asked if it would be illuminated and Mr. Iacovangelo said "no". Tom Ward asked who had done the signs and Mr. Iacovangelo said "B&E Design Colorprint".

Dan Melville asked how long the signs would be up and Mr. Iacovangelo said "5 years". Ralph Wehner asked if "Coming Soon" on the sign would be painted over at the appropriate time and Mr. Iacovangelo said "yes".

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Mayo Manark - 27 Hallock Road

He asked how high the sign would be and Mr. Iacovangelo said that it would be 8' x 4' sign and 4' out of the ground. He asked if it would obstruct traffic and Mr. Iacovangelo said "no".

Jane Wynn

She works for Forest Creek and she felt that the signs were important.

Mr. Iacovangelo said that they will be back with the permanent signs. Tom Ward said that the application would be reviewed on a year to year basis and Mr. Iacovangelo said "okay".

Tom Ward read the County Comments which approved the application insofar as airport considerations and the zoning and environmental review were concerned.

Dan Melville made a motion that the application be reviewed in 2 years and Ralph Wehner seconded it.

DECISION: Unanimously approved by a vote of 7.

The application was granted upon the following conditions:

1. Signs granted for a period of two (2) years.

15. Application of J. Kozel & Son, owner: 1150 Scottsville Road, Rochester, New York 14624 for variance to erect a 6' high chain link fence where 3' is allowed at property located at above address in GB zone.

Mr. Kozel was present to represent the application. He said that a 6' fence is needed to enclose the property.

Tom Ward read the County Comments which approved the application insofar as airport considerations and the zoning and environmental review were concerned.

DECISION: Unanimously approved by a vote of 7.

16. Application of June Babiuk, 50 Humphrey Road, Scottsville, New York 14546, property owner: M/M Glenn Schneider; for renewal of variance for a 3' x 4' freestanding sign that advertises a business on another property (30 Humphrey Road) at property located at 236 Chili Scottsville Road in PRD, FPO & FW zone.

Ms. June Babiuk was present to represent the application. She said that she had permission from the Schneiders. She also said that the sign had been maintained. She explained that she is in for renewal of her variance.

Tom Ward read the County Comments which deemed the application for local determination.

DECISION: Unanimously approved by a vote of 7.

The application was granted upon the following conditions:

1. Granted for a period of five (5) years.
 2. Any/all previous conditions still apply.
17. Application of Dr. Frank Pignatelli, owner; 511 Beahan Road, Rochester, New York 14624 for conditional use permit to allow a chiropractic office in home at property located at 2861 Chili Avenue in R-1-12 zone.

Mr. Richard Stowe, Attorney, was present to represent the application. Mr. Stowe explained that he was representing Dr. Pignatelli. Mr. Stowe said that Dr. Pignatelli owns and resides at the property and that he was returning with a new application for consideration. He said that the only exterior modifications were a proposed parking area of 6 spaces accomplished by squaring off the driveway and a handicap ramp. He said that there would initially be no employees but that eventually he may need a secretary. He said that they would be adding screening so that the parking lot would not be visible by the neighbors. He explained that there would be two treatment rooms and a waiting room area. Mr. Stowe said that the exterior would appear residential, as is the character of the neighborhood. He explained that the hours would be Monday, Wednesday, and Friday 9 a.m. - 7 p.m. and eventually Tuesday and Thursday 9 a.m. - 2 p.m. and that the office hours would be by appointment only. He said that they would be maintaining the residential quality and that there were other commercial uses in the area.

Mr. Stowe said that the percentage of the home utilized would be secondary to the home residence which the Board would be able to manage and oversee.

Randy Allen asked what percentage of the house would be used for the business and Mr. Stowe said "28-29%". Tom Ward said that the Board was concerned with the accumulative effect.

Tom Ward said that he has two petitions that he is in receipt of, one in favor and one opposed to the application. The petition in favor contained 99 names and the petition opposed contained 70 names. The petition opposed stated the following reasons:

1. change character of neighborhood
2. open to commercial endeavors

Mr. Stowe stated that there were some names on both petitions.

Randy Allen said that the neighbor directly adjacent, behind, and across the street are in favor of the application. Ron Popowich said that the neighbor behind has his house up for sale.

Marcia Havens asked about signs and Mr. Stowe said that they have not yet submitted them.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Marjorie McDonald - 2807 Chili Avenue
She asked about the rooms in the house and Mr. Stowe explained via the map.

John McDonald - 2807 Chili Avenue
He asked what the square footage was on the office and Mr. Stowe said that 543 sq. ft. of the first floor would be used for office.

Jim Fallesen - 2804 Chili Avenue
He asked what other businesses were in the area and Tom Ward said that there were people who cut hair on Amanda Drive.

Hans Grashof - 56 Hallock Road

He asked what would happen when the doctor moves, would the property be sold as a business and Mr. Stowe said that the conditional use permit is only issued to Dr. Pignatelli.

Andy Dennis - 2809 Chili Avenue

He asked about signs and Tom Ward said that this doesn't apply to this meeting since they are not applying for a sign variance.

Barbara Fallsen - 2804 Chili Avenue

She said that she hasn't heard anything about the investigation into Chilci Avenue commercial uses and Tom Ward said that there is no present plan for rezoning in that area.

John Hanna - Marshall Road

He asked about signs and Tom Ward said that that is a separate issue.

PEOPLE IN FAVOR OF THE APPLICATION:

Patrick Culett - 37 Belmont

He felt that Dr. Pignatelli would be an asset to health care in Chili.

Ron Bishop - 11 Lindquist Drive

He said that Dr. Pignatelli is an excellent chiropractor and a true gentleman. He explained that he has been a patient of Dr. Pignatelli.

Mayo Manark - 27 Hallock Road

He felt that this application would be an improvement to the property. He said that he had no problem with the application.

Judy Lockwood - 31 Stony Point Road

She said that she is a patient of Dr. Pignatelli. She said that she would be traveling a shorter distance if this application was approved, thereby, reducing traffic.

George Spratt

He said that he has found that he can work equitably with Dr. Pignatelli to make the application acceptable.

PEOPLE OPPOSED TO THE APPLICATION:

John McDonald - 2807 Chili Avenue

He expressed concern about the traffic and the possible devaluation of property. He submitted a handout discussing his objections.

George Mower - 2811 Chili Avenue

He was concerned that a precedent would be set.

Eileen Reynolds - 12 Douglas Drive

She was concerned about the traffic impact. She said that she wanted to keep the area residential.

Marjorie McDonald - 2807 Chili Avenue

She said that Dr. Pignatelli had bought the house with his eyes open since there was a contingency.

Patti Barrett - 41 Hallock Road

She expressed concern over the traffic.

Barb Fallesen - 2804 Chili Avenue

She expressed concern over the traffic issue. She said that she felt that a right turn only sign might help.

Mrs. Reinagel - 2796 Chili Avenue

She was concerned a precedent would be set.

Mayo Manark - 27 Hallock Road

He said that the conditional use permit was only approved for a time period.

Raymond Reinagel - 2796 Chili Avenue

He asked if Dr. Pignatelli can keep applying for renewal of the conditional use permit should this be approved and Tom Ward said "yes".

Ron Bishop - 11 Lindquist Drive

He said that he felt approval of this application would not increase traffic.

Dan Melville asked how many patients would be seen a day and Dr. Pignatelli said that it would be hard to tell but he would schedule the appointments about 30 minutes apart.

Jim Fallesen - 2804 Chili Avenue
He said that he was concerned about the traffic.

PRE-DECISION DISCUSSION:

Randy Allen said that he was in favor of the application because it met the following criteria:

1. weight of petitions were even - don't put much weight on petition importance
2. parking will be about the same since a parking lot will be provided - no on street parking allowed
3. traffic would be about the same - many already using Chili Avenue already
4. rezoning is not the issue
5. precedent is not the issue since overall plan for Chili will need to be addressed at some point
6. person's right to start business
7. presented properly according to requirements of Town

Ron Popowich said that it wouldn't be a visual eye-sore. He said that he lives near there and the traffic would probably increase.

Tom Ward said that there were considerable changes from the last application.

DECISION: Approved by a vote of 5-2 with Dan Melville and Tom Ward casting the negative votes.

The conditions set forth by the board are as follows:

1. The conditional use permit is granted for a period of one (1) year.
2. Office hours shall be between 9:00 a.m. to 7:00 p.m. on Monday, Wednesday and Friday; and 9:00 a.m. to 6:00 p.m. on Tuesday and Thursday.
3. There shall be no more than one (1) additional employee, other than owner.
4. On street parking will not be permitted.
5. Applicant shall advise the NYSDOT of the approval of this conditional use permit and request that the NYSDOT monitor and evaluate the intersection with respect to the potential for an increase of in and out traffic from the property onto Chili Avenue. The applicant shall also state in his letter to the NYSDOT that the department's recommendations, if any, shall be submitted to the Chili Zoning Board of Appeals. The applicant shall file with the Chili Building Department a copy of his letter to the NYSDOT as well as proof of delivery of the letter.
6. Additional shrubbery (6' high arbor vitae) shall be planted to screen the north end of the parking lot, the handicapped ramp, and elsewhere as shown on submitted drawings and statement of intent.
7. There shall be no further expansion of the business without proper Town of Chili approvals.
8. There shall be no outdoor advertising, other than that expressly permitted by the Town of Chili sign ordinance.
9. That all statements and representations set forth in the applicant's Letter of Intent shall be binding as additional conditions of this approval.

The Board also listed the following Findings of Facts pertaining to the application:

- A. That the application, as presented, meets the test requirements for conditional uses:
 1. Dr. Pignatelli has stated that there shall be no more than one (1) outside employee.
 2. The total square footage to be occupied by the office is approximately 29% of the total structure, the remainder to be used for residential use.

3. The applicant will reside at the premises.
4. The chiropractic office will be a secondary use to the main dwelling.

The board also finds that the conditional use in this application will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the town for the following reasons:

1. The only exterior modifications will be enlarging the driveway and the installation of a handicapped ramp, both of which shall be screened by shrubbery.
2. There are existing mature trees on the lot which will remain for additional screening.
3. The subject property is a larger parcel than those typical of the surrounding properties.

OLD BUSINESS:

1. Application of Northrup Fleming Corp., 3046 Chili Avenue, Rochester, New York 14624 for variance to erect an 8' x 4' double faced real estate development sign to be 64 sq.ft. (32 sq. ft. allowed) and to contain more than the project name at property located at 2669 Chili Avenue in R-1-15 zone.

DECISION: Approved by a vote of 6 with Dan Melville abstaining from the vote. The application was granted with the following condition:

1. Granted for a period of 6 months.

Dario Marchioni:
120 Old Chili Scottsville Road, Churchville, NY 14428

Variance to erect a single family dwelling to be 80' from front lot line (100' req.), 10' from side lot line (50' req.) with a floor elevation of 528 (525 req.) at property located at 79 Names Road.

DECISION: The application was denied by a unanimous vote of 7 since the applicant failed to provide proposed and existing contour maps, as well as information pertaining to base-ment.

The June Chili Zoning Board minutes were approved.

Tom Ward
Zoning Board Chairperson

CHILI ZONING BOARD
September 22, 1987

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 22, 1987 at 7:30 P.M. The meeting was called to order by Vice Chairperson Dan Melville.

PRESENT: Randy Allen, John Hellaby, Ralph Wehner, Richard Mastrodonato, and Vice Chairperson Dan Melville.

ALSO PRESENT: John Madigan; Building Inspector, Marcia Havens; Deputy Town Attorney.

EXCUSED ABSENCES: Tom Ward, Ron Popowich.

Vice Chairperson 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.

Marcia Havens explained the Appeals Procedure.

APPLICATIONS BEFORE THIS BOARD WERE AS FOLLOWS:

1. Application of Richard Briggs, owner; 2684 Chili Avenue, Rochester, New York 14624 for renewal of conditional use permit to allow a fuel oil distributing business in home at property located at above address in R-1-20 zone.

Mrs. Eunice Briggs was present to represent the application. She explained that the business consisted of phone in and mail in orders.

Dan Melville asked if they had any trucks or a repair business and Mrs. Briggs said "no". She said that they had two trucks parked at EZ Excavating. Randy Allen asked if any vans were used in the business and Mrs. Briggs said "no".

Dan Melville read a letter dated September 22, 1987 from Frank Siebert of 2625 Chili Avenue stating his views on the application. Mr. Siebert felt that the property was an eyesore. Dan Melville distributed pictures of the property to the Board.

John Madigan said that he has had a lot of complaints about the property. Randy Allen asked if the complaints were directed towards the business or the property and John Madigan said that the complaints were in regards to the unlicensed cars and the van on the property. Dan Melville asked how many unlicensed cars there were and John Madigan said "one". Randy Allen asked if the van was part of the business and Mrs. Briggs said that it wasn't since it belonged to her son.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Carol Walworth - Benedict Drive

She said that she was concerned about the safety as when coming up the hill it is dangerous with the oil truck parked there.

Mel McMullen -

He asked if the owners of all the cars parked on the property resided in the house and Mrs. Briggs said that the majority did. Dan Melville asked if they were licensed and Mrs. Briggs said "yes". Mr. McMullen asked if they were repairing motorcycles for a profit and Dan Melville said that the applicant was here for issuance of a permit.

Barb Falleson - 2804 Chili Avenue

She said that the appearance of the property is bad. She asked where citizens could complain about this and Dan Melville said that complaints could be directed towards the Building Department.

Glen Corn - 2688 Chili Avenue

He said that the property area was unsafe with the oil truck and van parked there.

Dr. Nick Desiderio -

He said that he wanted the Board to reconsider the variance if the oil truck was not for the business.

Geri Terisi -

She said that the oil truck had been there for a full year and if they couldn't

Gates-NEWS-Chili

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

Date.....*9-16-87*.....

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

GATES-CHILI NEWS

Issue Dated.....*9-16-87*.....

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y., Monroe Co.
My Commission Expires April 30, 19*89*

Patricia M. Smith
Patricia M. Smith
Publisher

RECEIVED

Zoning Book 9-1987

**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 22, 1987 at 7:30 p.m. to hear and consider the following applications:

1. Application of Richard Briggs, owner; 2584 Chili Avenue, Rochester, New York 14624 for renewal of conditional use permit to allow a fuel oil distributing business in home at property located at above address in R-1-20 zone.

2. Application of Doreen Fowler & Daniel Murphy, owner; 1791 Scottsville Road, Rochester, New York 14623 for Land Use Variance to convert existing building into a convenience store with two apartments on the second floor at property located at above address in RA-20 & FPO zone.

3. Application of Dr. Frank Pignatelli, owner; 2816 Chili Avenue, Rochester, New York 14624 for variance to erect a 3' x 2' double faced freestanding sign, variance for sign to be 5' from front lot line (20' req.) at property located at above address in R-1-20 zone.

4. Application of Electro Ad

Sign Systems, P.O. Box 22898, Rochester, New York 14624; property owner: Genesee Management; for variance to erect 2- 6' x 3' double faced freestanding signs to include a logo, variance for signs to be 10' from front lot line (20' req.) at property located at 1285 Scottsville Road in G.I. zone.

5. Application of Electro Ad Sign Systems, PO, Box 22898, Rochester, New York 14692, property owner: Francis Seibert; for variance to erect a 3' x 1½' double faced freestanding sign, variance for sign to be 5' from front lot line (20' req.) at property located at 2725 Chili Avenue in R-1-12 zone.

6. Application of Rex Hays, owner; 161 King Road, Churchville, New York 14428 for variance to erect a 18' x 14' utility shed to be 224 sq. ft. (120 sq. ft. allowed), variance for shed to be 15' high (8' allowed) at property located at above address in R-1-15 zone.

7. Application of Shelly Thompson, owner; 896 Chili Ctr. Coldwater Road, Rochester, New York 14624 for Land Use Variance to allow a boarding kennel on property located at above address in R-1-12 zone.

8. Application of Thomas Phillips, owner; 32 Evergreen Drive, Rochester, New York 14624 for variance to erect a 10' x 12' utility shed to be 11' high (8' allowed) at property located at above address in R-1-15 zone.

9. Application of James Marco, owner; 173 Hillary Drive, Rochester, New York 14624 for variance to erect a 10' x 12' utility shed to be 9' high (8' allowed) and to be 2'10" from garage (8' req.) at property located at above address in R-1-15 zone.

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keep the residence, how could they keep the business.

Bill Davis - 2726 Chili Avenue

He said that he was opposed to the application because there were too many cars and trucks.

Mary Masters - 2736 Chili Avenue

She said that she was opposed to the application because there are 12-14 cars parked there every morning and an oil truck in the street.

Brad McMullen -

He said that he was opposed because of the loud parties.

Mrs. Briggs said that the motorcycle is for her son. She said that the water up her driveway has created a mess. She said that about 10 cars pertained to the family.

Dan Melville asked if the oil truck was on the premise and Mrs. Briggs said "no". Dan Melville asked if customers visited the property and Mrs. Briggs said that there were about 2 a week. Dan Melville said that one of the conditions on approval granted 3 years ago was that there were to be no customers on the premises.

Randy Allen asked if the bulldozer was related to the oil business and Mrs. Briggs said that it wasn't and that it would be removed as soon as possible.

Dan Melville read the County Comments which approved the application insofar as airport, zoning, and environmental reviews were concerned.

PRE-DECISION DISCUSSION:

Randy Allen said that 2 of the 1984 restrictions had not been met since the oil truck was parked in front and there were customers on the premise. He said that it is difficult to say whether the appearance, parties, and trash were related to the business.

Ralph Wehner said that he is concerned about the appearance and the conditions not being met.

Marcia Havens suggested that the Board consider granting the variance for a shorter period of time.

Randy Allen said that he felt they could approve the permit for 6 months.

DECISION: Unanimously approved by a vote of 5 with the following conditions:

1. No parking of commercial vehicles on premises.
2. No service work of any kind related to the business.
3. No customers on premises.
4. No on street parking of vehicles related to the business.
5. Application approved for six months.
6. No storage or disposal of trash or debris related to the business on the property.

The Zoning Board is also recommending that the property owners keep all trash and debris picked up.

2. Application of Doreen Fowler and Daniel Murphy, owner; 1791 Scottsville Road, Rochester, New York 14623 for Land Use Variance to convert existing building into a convenience store with two apartments on the second floor at property located at above address in RA-20 & FPO zone.

Mr. Alfred Heilman was present to represent the application. He said that they had been before the Planning Board and that they felt it was a hardship. He said that there was a fire in front of the building and that the building was unattractive unused. He said that there would be no changes in the building structurally and that the lower front portion would be used as a grocery store. He said that there would be no additional lighting and that there was plenty of parking now. He said that there is a hardship on the property and that it would be more difficult to rezone. He said that the Planning Board recommended that the

area not be rezoned. Mr. Heilman said that there is a little store on the other side of the bridge in Henrietta that may be closing. He said that they were not looking for a sign. He submitted statements from 16 neighbors in the area agreeing to the application.

Dan Melville asked if the building was always residential and Mr. Heilman said that it wasn't and that there was once a small construction business but the variance had been lost because the building was vacant for a year. Dan Melville asked about the unlicensed cars on the property and Mrs. Doreen Fowler said that they were hers and that she would get rid of them.

Marcia Havens asked about a sign and Mr. Heilman said that it would be free-standing on the building itself. Marcia Havens said that there was an economic hardship. Marcia Havens asked if the price of remodeling and demolishing had been compared and Mr. Heilman said that it would cost \$10,000 - \$20,000 to remodel and much more to tear the building down. Mrs. Fowler said that there was only damage to the front and that she is selling her other property to have funds to remodel this property. Marcia Havens asked what the plans were for buffering and Mrs. Fowler said that the neighbors property has a wooden fence. Mrs. Fowler said that the house sits back and that the property to the south was hers.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Sue McMullen -

She asked what the hours of operation would be and Mr. Heilman said "7 a.m. - 10 p.m., 7 days a week". She said that the only thought she had was for the property behind and Mr. Heilman said that the store would only be accessed off of Scottsville Road. She said that she was concerned about the need for additional lighting with the traffic and Mr. Heilman said that there are lights on the building now.

John Madigan asked how many apartments there were and Mrs. Fowler said that there were two and that at one time college boys were living there. John Madigan asked how many people could there be in the apartments and Mrs. Fowler said "4-5 people".

Dan Melville said that the statement submitted contained 16 signatures of neighbors from Scottsville Road, Morris Avenue, Chester Avenue, and Ballantyne Road.

Dan Melville read the County Comments which approved the application insofar as airport and environmental reviews were concerned. The following was offered on the zoning review:

If the Zoning Board of Appeals decides to grant this use variance, this proposal will require preliminary site plan approval from the Chili Planning Board. At that time, we wish to review this application in order to address issues such as access to Scottsville Road, paved area crossing property lines, and paved area within state and town rights-of-ways.

PRE-DECISION DISCUSSION:

Marcia Havens said that if approved, site plan approval by the Planning Board was needed. She said that there was economic hardship.

DECISION: Unanimously approved by a vote of 5 with the following conditions:

1. No additional lighting on building.
 2. Access to property be only from Scottsville Road.
 3. No variations of hours. Hours of operation to be from 7:00 a.m. to 10:00 p.m. seven days a week.
 4. The grocery store is limited to the lower front portion of building as stated in letter of intent.
3. Application of Dr. Frank Pignatelli, owner, 2816 Chili Avenue, Rochester, New York 14624 for variance to erect a 3' x 2' double faced freestanding sign, variance for sign to be 5' from front lot line (20' required) at property located at above address in R-1-20 zone.

Dr. Frank Pignatelli was present to represent the application. Dan Melville asked why the sign would be 5' from the front lot line and Dr. Pignatelli said that trees and telephone poles were in the way.

Randy Allen said that the area should be kept residential and that he was concerned about the sign being so close to the road. He asked if there was room for a compromise. Dr. Pignatelli said that he would prune the trees and that there is room for a compromise. Ralph Wehner asked about putting it on the other side of the driveway and Dr. Pignatelli said that that was a possibility but that he thought it might be too close to Chi-Mar Drive.

Randy Allen asked if Dr. Pignatelli knew where the edge of the lot line was and Dr. Pignatelli said that it is before the 2 telephone poles. Randy Allen asked if the sign would be 7-10' away from the grass and Dr. Pignatelli said that that was correct. Marcia Havens asked how far the sign would be from the edge of the pavement and Dr. Pignatelli said that it would be at least 20-25' from the edge of the pavement to the sign. Marcia Havens asked why Chili Avenue was spelled out on the sign and Dr. Pignatelli said that just the name, profession, and number would appear on the sign. Marcia Havens asked if there would be any problem obscuring vision of people pulling out and Dr. Pignatelli said that there wouldn't be a problem since the sign was far enough back.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Frank Baron - 41 Hallock Road

He asked why there would be a sign when there were other ways to advertise. Dr. Pignatelli said that the sign would be easier found, a convenience to patients, and not used because he was expanding. Dan Melville asked if it would be used for identification purposes and Dr. Pignatelli said that it would with advertising as a second motive.

Dr. Jim Meyer - 2738 Chili Avenue

He said that if the purpose of the sign was advertising, this would bring more people. He said that he was concerned about the concept of Chili Avenue. He said that he objected to unfair treatment because he previously applied for a land use variance and was denied because the neighbors complained. He said that he objected because the Board was not taking a stand one way or another on the creeping number of commercial businesses.

Barb Falleson - 2804 Chili Avenue

She said that she was concerned about the safety issue. She gave dates of accidents that have happened in that area. She said that she wondered about the placement and size of the sign.

Jim Falleson - 2804 Chili Avenue

He was opposed to the application because of the safety issue and the statement that was previously made before the Zoning Board stating that a sign was probably not necessary.

Frank Baron - 41 Hallock Road

He agreed with Jim Falleson.

Dr. Jim Meyer - 2738 Chili Avenue

He was opposed to the application.

Carol Walworth - Benedict Drive

She was opposed because she did not want to see anymore signs.

Alice Dowd - 11 Benedict Drive

She agreed with Carol Walworth.

Dr. Pignatelli said that he thought erecting a sign to use as a landmark would add to the safety. He said that the business would not change traffic. He said that the attorney representing the initial application before the Zoning Board never said that they wouldn't come back and apply for a sign.

Dan Melville read the County Comments which approved the application insofar as airport and environmental reviews were concerned. The following comment was offered on the zoning review:

On freestanding signs which identify the service and the person providing the service, it is not necessary to include the complete address. A simple sign including the number of the location would be sufficient.

PRE-DECISION DISCUSSION:

Ralph Wehner said that he can sympathize with trying to find a house number without identification. Dan Melville agreed.

Randy Allen said that he had a problem with a 5' setback. John Madigan said that he can take a look at it once the sign is up. Randy Allen made a motion to amend that application to be 10' from the lot line and Richard Mastrodonato seconded the motion.

Ralph Wehner said that Chili Avenue should be taken off of the sign as the applicant mentioned.

DECISION: Unanimously approved by a vote of 5 with the following conditions:

1. Sign must contain only the name, business and house number.
2. No lighting of sign.

* Please note that a sign permit is required.

4. Application of Electro Ad Sign Systems, P.O. Box 22898, Rochester, New York 14624, property owner: Genesee Management; for variance to erect 2 - 6' x 3' double faced freestanding signs to include a logo, variance for signs to be 10' from front lot line (20' required) at property located at 1265 Scottsville Road in G.I. zone.

Ms. Karen Swink of Electro Ad was present to represent the application. She said that they were asking 10' from the lot line for visibility. She said that the sign would not be illuminated. She said that the signs would be used for the Wiliare and Wilmorite buildings.

Dan Melville asked why there would be two signs and Ms. Swink said that there were two parking lots. Ralph Wehner asked if the proposed signs would be where the temporary signs are now and Ms. Swink said "yes". Dan Melville asked if the temporary signs would be removed and Ms. Swink said "yes". Randy Allen said that these signs seem too close to the road and that they would obstruct vision and Ms. Swink said that she wasn't sure of this since she hadn't been there.

Ralph Wehner asked what the distance would be from the bottom of the sign to the ground and Ms. Swink said "3-5".

Randy Allen said that he was concerned about vision. He asked if one sign would be on the inside of the driveway and the other sign would be on the other side of the building. Ms. Swink said that that was correct.

John Hellaby asked if the sign could be condensed from 3' to 2' and to just say parking and Ms. Swink said "yes".

John Madigan said that the poles were on the lot line.

Dan Melville read the County Comments which approved the application insofar as airport, zoning, and environmental reviews were concerned.

DECISION: Unanimously approved by a vote of 5 with the following conditions:

1. Sign not to exceed a height of 8'.
2. No lighting of sign.

5. Application of Electro Ad Sign Systems, P.O. Box 22898, Rochester, New York 14624, property owner: Francis Seibert; for variance to erect a 3' x 1½' double faced freestanding sign, variance for sign to be 5' from front lot line (20' required) at property located at 2725 Chili Avenue in R-1-12 zone.

Ms. Karen Swink of Electro Ad was present to represent the application. She said that the sign would not be illuminated and that it would afford visibility. She said that the appearance was similar to Dr. Desiderio's sign.

Dan Melville asked why a 5' setback and Ms. Swink said that there were trees and brush in the area. She submitted photos to the Board.

Randy Allen said that there are currently two freestanding signs on the property now and Ms. Swink said that there were and that they are 20' from the shoulder of the road. Randy Allen asked if the signs currently there were there by permit and John Madigan said that the signs were pre-existing because at that time there was no sign ordinance.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Stephanie Smiel -

She said that she works for Electro Ad signs and that she was in favor of the applicaiton. She said that the sign is strictly for identification purposes and that it would not block the view.

Dr. Jim Meyers - 2738 Chili Avenue

He said tht he was opposed to the application for his previously stated reasons. He said that there were no trees or brush in front of the house and that the applicant already has a sign in perfect order.

Jim Falleson - 2804 Chili Avenue

He said that he was opposed because of the safety issue and because he does not want to see anymore signs.

Carol Walworth - Benedict Drive

She was opposed because she did not want to see anymore signs.

Alice Dowd - 11 Benedict Drive

She was opposed because she did not want to see anymore signs.

Barb Falleson - 2804 Chili Avenue

She said that she felt that the reason for the sign was because of the competition.

Randy Allen said that there are two small freestanding signs on the property and and awning that say "Dentist".

Dan Melville read the County Comments which approved the application insofar as airport, zoning, and environmental reviews were concerned.

PRE-DECISION DISCUSSION:

Randy Allen said that the existing signs should be removed and to be replaced by the proposed signs. Randy Allen made a motion to amend the application to be 10' from the lot line and Richard Mastrodonato seconded the motion.

DECISION: Unanimously approved by a vote of 5 with the following conditions:

1. No lighting of sign.
2. The a present signs must be removed.

* Please note that a sign permit is required.

6. Application of Rex Hays, owner; 161 King Road, Churchville, New York 14428 for variance to erect a 16' x 14' utility shed to be 224 sq. ft. (120 sq. ft. allowed), variance for shed to be 15' high (8' allowed) at property located at above address in R-1-15 zone.

Mr. Rex Hays was present to represent the application. He said that the application was amended to 12' x 14' and 13' high. He said that he doesn't have a garage. He said that he had a 10' x 12' metal shed but that it had been town down. He said that the shed would be used for storage of equipment from his basement. He said that there would be a floor put in to use up above the storage and half for a kids playhouse. He said that there would be an awning to protect wood.

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

DECISION: Unanimously approved by a vote of 5 with no conditions.

7. Application of Shelly Thompson, owner; 896 Chili Ctr. Coldwater Road, Rochester, New York 14624 for Land Use Variance to allow a boarding kennel on property located at above address in R-1-12 zone.

Mrs. Shelly Thompson was present to represent the application. She said that the proposed garage would board up to 5 dogs. She said that the dogs would be inside except when the pens were being cleaned. She said that there would be no smell because she would clean with bleach. She said that individual runs were to be used for the dogs when cleaning the pen. She said that she had discussed it with the neighbors to the left which are the Thomas family.

Ralph Wehner asked if the dogs would belong to the Thompsons and Mrs. Thompson said "no".

Randy Allen said that this would be a business and Mrs. Thompson said that that was correct.

Mrs. Thompson said that there would be a heated unit.

Marcia Havens asked how long ago the property was purchased and Mrs. Thompson said that they closed 6 weeks ago. Marcia Havens asked if the house was advertised as a single family home and Mrs. Thompson said "yes". Marcia Havens asked if there was any economic hardship and Mrs. Thompson said that the business was for supplemental income. Marcia Havens asked if the house was back on the market, could they get fair market value for it and Mrs. Thompson said "yes".

John Hellaby asked if there were floor drains and Mrs. Thompson said "no". Mrs. Thompson said that they intend to put one in. Marcia Havens asked if the floor drains would go to the sanitary sewer and Mrs. Thompson said that she had not yet checked. Marcia Havens asked if they were hooked to the sanitary sewer now and Mrs. Thompson said "yes". Marcia Havens asked if they were aware of the zoning when they purchased the property and Mrs. Thompson said "yes".

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Betty Carbone - Chili Ctr. Coldwater Road
She said that she was opposed to the application. She said that she has two dogs and that she is concerned about the noise.

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

PRE-DECISION DISCUSSION:

Ralph Wehner said that this was a commercial use.

Randy Allen said that he had a problem with this and that he felt this was not a permitted use.

Marcia Havens said that an economic hardship had not been shown.

DECISION: Unanimously denied by a vote of 5 for the following reason:

1. Applicant failed to show a hardship.

The following findings of fact are cited:

1. Property was purchased as a single family residence.
 2. Applicant testified that property can be sold as a single family residence without economic loss.
 3. Applicant purchased property with knowledge of zoning restrictions.
 4. Property was purchased only 6 weeks ago.
 5. Applicant currently is using home as a residence.
 6. Business is not compatible with area in that barking dogs may disturb other residences around the property.
 7. It would be a commercial use rather than residential use.
8. Application of Thomas Phillips, owner; 32 Evergreen Drive, Rochester, New York 14624 for variance to erect a 10' x 12' utility shed to be 11' high (8' allowed) at property located at above address in R-1-15 zone.

Mr. Thomas Phillips was present to represent the application. He said that this would be used for additional storage. Dan Melville asked what would be stored and Mr. Phillips said that a lawnmower, snow blower, and other equipment would be stored there. Dan Melville asked what the shed would be constructed of and Mr. Phillips said "wood". Dan Melville asked about siding and Mr. Phillips said that it would be T1-11 siding. Dan Melville asked about the floor and Mr. Phillips said that it would be a 3/4" plywood floor.

DECISION: Unanimously approved by a vote of 5 with no conditions.

9. Application of James Marco, owner; 173 Hillary Drive, Rochester, New York 14624 for variance to erect a 10' x 12' utility shed to be 9' high (8' allowed) and to be 2'10" from garage (8' required) at property located at above address in R-1-15 zone.

Mr. James Marco was present to represent the application. He said that it would be a wood shed with a plywood floor and T1-11 siding. He said that the shed would

enclose the existing pool filter and pump and would be used for additional storage. He said that this would be the best location.

Dan Melville asked if the shed was up now and Mr. Marco said that it was partially up since there was a misunderstanding on the need for a permit.

Ralph Wehner asked if he would be storing flammables since it was so close to the house and Mr. Marco said that he wasn't anticipating storing any but that he wasn't aware that he shouldn't. Ralph Wehner said that he did not like the shed so close to the house.

DECISION: Unanimously approved by a vote of 5 with no conditions.

Marcia Havens said that she had received correspondence from Mr. Ed. Reifsteck, Attorney. She said that he suggested an amendment to the Board's decision. Mr. Reifsteck suggested that the findings should be included to say that this was based on common upstated New York practices. The Board felt that this addition would not be supported. Dan Melville made a motion to affirm the decision as stated in the draft minutes of August 25, 1987 and Randy Allen seconded the motion.

DECISION: Approved by a vote of 4 with John Hellaby abstaining.

The minutes of the August Chili Zoning Board meeting were approved.

Dan Melville
Vice Chaiperson, Chili Zoning Board

CHILI ZONING BOARD

October 27, 1987

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 27, 1987 at 7:30 P.M. The meeting was called to order by Chairperson Tom Ward.

PRESENT: Randy Allen, John Hellaby, Ralph Wehner, Richard Mastrodonato, Ron Popowich, Dan Melville, and Chairperson Tom Ward.

ALSO PRESENT: John Madigan; Building Inspector, Marcia Havens; 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.

Marcia Havens explained the Appeals Procedure.

APPLICATIONS BEFORE THIS BOARD WERE AS FOLLOWS:

1. Application of Mr. & Mrs. Albert Friday, owner; 978 Coldwater Road, Rochester, New York 14624 for a variance to erect a 12' x 14' enclosed porch to be 57' from front lot line (75' required) at above address in R-1-12 Zone.

Mr. Albert Friday was present to represent the application. He said that he believed that no other homes on the road were set back as they were supposed to be.

Tom Ward asked why he needed the enclosed porch and Mr. Friday said that they would like to sit out in the summer. Tom Ward asked if there was an existing porch now and Mr. Friday said "no". Tom Ward asked why they weren't putting the porch in the back and Mr. Friday said that it wouldn't tie into the roof in the back. Tom Ward asked if the house would be ahead of the other homes on the road and Mr. Friday said that it would be in line with the other homes.

Tom Ward read the County Comments which deemed the application for local determination.

DECISION: Unanimously approved by a vote of 7.

2. Application of Harts Meadow Corporation, owner; 2390 Ridge Road West, Rochester, New York 14624 for variance to erect a 4' x 8' temporary sign on sales trailer at property located at 4201 Buffalo Road in RM Zone.

Mr. Alan Burr of 149 Parklands was present to represent the application. He said that the sign would be used to identify the 30' x 8' trailer on site which was the sales unit. He said that they were late on requesting the variance. He said that the setback would be 200'.

Tom Ward asked why it was such a large sign and Mr. Burr said that it was a temporary sign. Tom Ward asked how long this sign would be used for and Mr. Burr said "6 months". Tom Ward suggested using a smaller sign and Mr. Burr said that the sign had already been erected in concrete. Tom Ward asked what the financial investment was and Mr. Burr said "\$350 plus installation charges". Dan Melville asked if the sign would be lit and Mr. Burr said "yes".

Tom Ward read the County Comments which deemed the application for local determination.

DECISION: Unanimously approved by a vote of 7 with the following condition.

1. Not to exceed 6 months.
3. Application of Forest Creek Equity Corporation, owner; 80 West Main Street, Rochester, New York 14614 for renewal of variance for two 4' x 8' real estate development signs at property located at 844 Paul Road in RM Zone.

Gates-NEWS-Chili

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

Date... *10-21-87*

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

GATES-CHILI NEWS

Issue Dated... *10-21-87*

Geraldine C. Snyder
.....
Notary

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

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

LEGAL NOTICE
CHILI ZONING BOARD OF
APPEALS

Pursuant to Section 267 of Town Law, a public hearing will be held by the Chili Zoning Board of Appeals at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on October 27, 1987 at 7:30 p.m. to hear and consider the following applications:

1. Application of Mr. & Mrs. Albert Friday, owner; 978 Coldwater Road, Rochester, New York 14624 for a variance to erect a 12' x 14' enclosed porch to be 57' from front lot line (75' req.) at above address in R-1-12 Zone.

2. Application of Harts Meadow Corporation, owner; 2390 Ridge Road West, Rochester, New York 14624 for variance to erect a 4' x 8' temporary sign on sales trailer at property located at 4201 Buffalo Road in RM Zone.

3. Application of Forest Creek Equity Corporation, owner; 80 West Main Street, Rochester, New York 14614 for renewal of variance for two 4' x 8' real estate development signs at property located at 844 Paul Road in RM Zone.

4. Application of Faith Christian Fellowship, A/K/A New Christian Fellowship, owner; 692 Paul Road, Rochester, New York 14624 for variance to erect an 8' x 4' double faced freestanding sign to include a pictorial design at property located at above address in R-1-15 Zone.

5. Application of JoAnn Hanna, owner; 15 Solmar Drive, Rochester, New York 14624 for renewal of conditional use permit to allow beauty shop at property located at above address in R-1-15 Zone.

6. Application of Forest Creek Equity Corporation, owner; 80 West Main Street, Rochester, New York 14614 for variance for 12 to 15, 3' x 4' removable curb signs in the shape of flags to be used only when real estate sales office is open at 845 Marshall Road in RM Zone.

7. Application of V.I.P. Structures, Inc., 75 College Avenue, Rochester, New York 14607, property owner: Yorkmel Declaration of Trust; for variance to erect a 4' x 8' single sided real estate sign showing project name and contractor (project name only per-

mitted) located at 27 Jetview Drive in L.I. Zone.

8. Application of V.I.P. Structures, Inc., 75 College Avenue, Rochester, New York 14607, property owner: Steven Hess; for variance to erect a 4' x 8' single sided real estate sign showing project name and contractor (project name only permitted) located at 21 Jetview Drive in L.I. Zone.

9. Application of Dewey Clark Associates, 186 North Water Street, Rochester, New York 14606, property owner: Edwards Partnership; for variance for front parking for Training Facility for the Handicapped (parking for commercial buildings in rear req.) at 401 Paul Road in L.I. & FPO Zone.

10. Application of Ron Feiock, 26 Fenton Road, Rochester, New York 14624 for variance to erect a 10' x 10' storage shed to be 5' from rear lot line and 3' from side lot line (8' req.) in R-1-20 Zone.

11. Application of Forest Creek Equity Corporation, owner; 80 West Main Street, Rochester, New York 14624 for variance to erect a 9' x 4' double faced freestanding sign at 845 Marshall Road in R-1-15 Zone.

12. Application of Faith Christian Fellowship A/K/A New Christian Fellowship, 692 Paul Road, Rochester, New York 14624, property owner: George Cardella; for Land Use Variance to allow a church at 151 Weidner Road in G.I. & 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 10-21

*James
Book
Oct 27
1987*

Mr. James Valerio was present to represent the application. He said that this was a variance request for temporary signs at Pumpkin Hill. Tom Ward asked how long the signs would be needed and Mr. Valerio said "1 year".

Tom Ward read the County Comments which deemed the application for local determination.

DECISION: Approved by a vote of 6 with Tom Ward abstaining. The following condition was imposed.

1. For one year.

4. Application of Faith Christian Fellowship, A/K/A New Christian Fellowship, owner; 692 Paul Road, Rochester, New York 14624 for variance to erect an 8' x 4' double faced freestanding sign to include a pictorial design at property located at above address in R-1-15 Zone.

Mr. Jay Saterwaite was present to represent the application. He said that the sign would be internally illuminated, attractive, and that it would fit into the scheme of the church.

Tom Ward asked for a comparison on the size of the old sign to the new sign and Mr. Saterwaite said that the old sign was 3' x 5'. Tom Ward asked why there would be a new sign and Mr. Saterwaite said that the letters were fading on the old sign and that the wood was deteriorating. Tom Ward asked if the sign would be lit all night and Mr. Saterwaite said that there would be a timer on the light and that it would be lit all night. Tom Ward asked what impact this would have to the residential neighborhood and Mr. Saterwaite said that the current sign was spotlighted all night.

Ralph Wehner asked if it was necessary to have the pastor's name on the sign since it may change and Mr. Saterwaite said that he felt it was necessary since people identify the church by its pastor.

Tom Ward read the County Comments which deemed the application for local determination.

DECISION: Unanimously approved by a vote of 7 with the following condition:

1. Existing sign to be removed upon installation of new sign.

5. Application of JoAnn Hanna, owner; 15 Solmar Drive, Rochester, New York 14624 for renewal of conditional use permit to allow beauty shop at property located at above address in R-1-15 Zone.

JoAnn Hanna was present to represent the application. She said that she wanted to have the permit renewed with the same restrictions that were given 4 years ago.

Tom Ward asked if there were any complaints and Jack Madigan said "no". Tom Ward asked if the same restrictions were okay and Ms. Hanna said "yes". Tom Ward asked if she wanted another 3 years and Ms. Hanna said "yes". Tom Ward asked what the hours of operation were and Ms. Hanna said "Monday, Wednesday, Friday from 10-4 and one night per week".

DECISION: Unanimously approved by a vote of 7 with the following condition:

For a period of 5 (five years) with the same conditions as original permit.

6. Application of Forest Creek Equity Corporation, owner; 80 West Main Street, Rochester, New York 14614 for variance for 12 to 15, 3' x 4' removable curb signs in the shape of flags to be used only when real estate sales office is open at 845 Marshall Road in RM Zone.

Mr. James Valerio was present to represent the application. He said that the same flags would be used as is in place in front of Pumpkin Hill. He said that they would be put out during the office hours of

12-5 when the model was open.

Tom Ward asked if they would be along Marshall Road and Mr. Valerio said "yes". Mr. Valerio said that he would like Marshall Road and Paul Road approved.

Randy Allen asked if there would be any hour deviations and Mr. Valerio said that it may deviate but that it would generally be 5 hours a day during the afternoon or evening hours. Randy Allen asked if they would be taken in and out every night and Mr. Valerio said "yes".

Tom Ward read the County Comments which deemed the application for local determination.

DECISION: Denied by a vote of 3-3. The votes were as follows:
Ron Popowich-no, Ralph Wehner-no, John Hellaby-no,
Dan Melville-yes, Randy Allen-yes, Richard Mastrodonato-yes, and Tom Ward - abstaining.

The Board states the following findings of fact:

1. The flag signs would not be in character with the adjacent residential areas.
2. Conventional real estate A-frame type signs could be utilized to indicate location and hours when the model is open.
3. No demonstrated need or hardship was presented.
7. Application of V.I.P. Structures, Inc., 75 College Avenue, Rochester, New York 14607, property owner: Yorkmel Declaration of Trust; for variance to erect a 4' x 8' single sided real estate sign showing project name and contractor (project name only permitted) located at 27 Jetview Drive in L.I. Zone.
8. Application of V.I.P. Structures, Inc., 75 College Avenue, Rochester, New York 14607, property owner: Steven Hess; for variance to erect 4' x 8' single sided real estate sign showing project name and contractor (project name only permitted) located at 21 Jetview Drive in L.I. Zone.

Applications 7 and 8 were heard concurrently. Mr. Frank Petnati of VIP was present to represent the applications. He said that the signs were up now because they were unaware of the necessary variance. He said that they would like to keep the information on the signs as is.

Tom Ward said that the signs look like they were advertising VIP Structures. Tom Ward asked about the timing and Mr. Petnati said that 27 Jetview Drive would be done at the end of the year and 21 Jetview Drive should be done by May of 1988. Mr. Petnati said that 6 months should do it.

Ralph Wehner asked what would be done with the graffiti and Mr. Petnati said that they would repair it.

Tom Ward read the County Comments which approved the application insofar as airport considerations, zoning review, and environmental review were concerned.

DECISION ON APPLICATION #7: Unanimously approved by a vote of 7 with the following condition:
1. The sign must be maintained and the existing graffiti is to be removed within 10 (ten) days upon receipt of this notice.

DECISION ON APPLICATION #8: Unanimously approved by a vote of 7 with the following conditions:
1. For a period of six (6) months.
2. Sign is to be maintained.

9. Application of Dewey Clark Associates, 186 North Water Street, Rochester, New York 14606, property owner; Edwards Partnership; for variance for front parking for Training Facility for the Handicapped (parking for commercial buildings in rear req.) at 401 Paul Road in L.I. & FPO Zone.

10/27/87

Mr. Jack Morton was present to represent the application. He said that the building would be on an 8 acre parcel. He said that they had a choice of parking for either the front or back. He said that they felt that the parking lot would be a disadvantage in the front because of the surrounding residential area and the trees existing there now. He said that the parking would be 5-6' below the road level. He said that they had looked at other options and felt that this option was best.

Tom Ward asked if this was a pre-existing or subdivided parcel and Mr. Morton said that it was a subdivided parcel. Tom Ward asked why they didn't use a larger parcel to accommodate the building and the parking and Mr. Morton said that it was because of economics. Tom Ward asked what the status of the application was regarding the Planning Board and Mr. Morton said that they had just went for concept approval. Mr. Morton said that they had also contacted the neighbors in the area. Tom Ward asked what was immediately to the west of the property and Mr. Morton said "the armory".

Mr. Morton said that the Planning Board had questioned if the state would allow two accesses. He said that the tractor trailers would be in front if they changed the parking to the front. He said that they also didn't want the maintenance building in the front.

Tom Ward asked about the landscaping and Mr. Morton said that there would be berm and trees to screen the building. Mr. Morton said that they would have a fully landscaped plan as was requested by the Planning Board.

Ralph Wehner asked if they felt that they would use all the parking and Mr. Morton said that the 199 spaces would not be full at all times. Mr. Morton said that there would be about 75 cars in the daytime. Ms. Ann Brady said that there would be some evening activities between the hours of 7-9 P.M. Randy Allen asked how much parking was at the armory and Mr. Morton said that he would guess about 60 spaces.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Bonnie Platt - 114 Paul Road
She said that she liked the idea of berm and parking towards the front.

Tom Ward said that he received a letter dated October 25 from Barbara Kelly of 308 Paul Road. He said that she felt strongly that the variance should not be allowed because she was concerned about her property value.

PRE-DECISION DISCUSSION:

John Hellaby felt that it was a good concept because they were trying to protect the neighbor's interest. Dan Melville felt that it was the best solution to the property.

DECISION: Unanimously approved by a vote of 7 with the following condition:

1. Subject to the Chili Planning Board's approval at final site plan.

The Chili Zoning Board of Appeals has declared itself lead agency under the State Environmental Quality Review (SEQR) Act. We find this application to be an Unlisted Action and have determined that there will be no significant environmental impact. This decision was based on information supplied by the applicant on the Environmental Assessment Form and/or evidence submitted at a public hearing.

10. Application of Ron Feiock, 26 Fenton Road, Rochester, New York 14624 for variance to erect a 10' x 10' storage shed to be 5' from rear lot line and 3' from side lot line (8' req.) in R-1-20 Zone.

Ms. Noelle Feiock was present to represent the application. She said that they were putting this up to replace two existing sheds. She said that it would fit in more with the landscape instead of splitting the yard.

Tom Ward read the County Comments which approved the application insofar as airport considerations, zoning review, and environmental review were concerned.

DECISION: Unanimously approved by a vote of 7.

11. Application of Forest Creek Equity Corporation, owner; 80 West Main Street, Rochester, New York 14624 for variance to erect a 9' x 4' double faced freestanding sign at 845 Marshall Road in R-1-15 Zone.

Mr. James Valerio was present to represent the application. He said the entrance from Wellington would be off of Paul Road. He said that the sign would be used to establish an identity for the development. He said that he felt that it would do a lot for the area. Mr. Valerio said that he would also like to put a sign on the Marshall Road side next year and Tom Ward said that that would be another application. Mr. Steve Tschorke of 46 Pinewood Knoll said that the sign would follow the same format of previous signs. He submitted a drawing to the Board. He said that there would be low plants around the sign with taller plants in the background. He said that there would also be stone columns. Mr. Valerio said that the sign would be maintained by the Homeowners Association.

Ron Popowich asked if the sign would be lit and Mr. Valerio said that it would be lit externally.

Tom Ward read the County Comments which approved the application insofar as airport considerations, zoning review, and environmental review were concerned.

DECISION: Approved by a vote of 6 with Tom Ward abstaining. The following conditions were imposed:

The the declaration of restrictive covenants which have been, or will be, filed in the Monroe County Clerk's Office relating to the Wellington Subdivision, shall be amended to include the following provision (or similar provisions if approved by the Chili Deputy Town Attorney):

"In order to preserve the aesthetic value of the properties comprising the Wellington Subdivision and the Town of Chili, the Town of Chili shall be entitled to give the Homeowners Association of said subdivision, a notice in writing of any disrepair of the permanent sign located on the common area. The Homeowner's Association shall have sixty (60) days, weather permitting, in which to make any repairs as stated in said notice. In the event that repairs are not made within sixty (60) days of notice, the Town of Chili may make any necessary repairs and assess the Homeowner's Association for the costs of repairs made. Said assessment is to be a continuing lien on the common areas of the Homeowner's Association.

The Town of Chili is hereby granted a perpetual easement over the common areas for the purposes of making any necessary repairs of the permanent subdivision sign.

The above covenant and restrictions are to run with the land and shall be binding on all parties and all persons claiming thereunder."

All costs associated with the above filing shall be borne solely by the applicant. If the declaration of restrictive covenants has already been filed in the Monroe County Clerk's Office, this amendment shall be filed no later than thirty (30) days upon receipt of this notice.

12. Application of Faith Christian Fellowship A/K/A New Christian Fellowship, 692 Paul Road, Rochester, New York 14624, property owner; George Cardella; for Land Use Variance to allow a church at 151 Weidner Road in G.I. & FPO Zone.

Tom Ward stated that the application had been withdrawn. Mr. Jay Saiterwaite verified this.

The September minutes of the Chili Zoning Board were approved.

Tom Ward
Zoning Board Chairperson

CHILI ZONING BOARD

November 24, 1987

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 24, 1987 at 7:30 P.M. The meeting was called to order by Chairperson Tom Ward.

PRESENT: Dan Melville, Randy Allen, John Hellaby, Ron Popowich, and Chairperson Tom Ward.

ALSO PRESENT: Marcia Havens; Deputy Town Attorney, Jack Madigan; Building Inspector.

ESCUED ABSENCES: Ralph Wehner, Richard Mastrodonato.

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.

Marcia Havens explained the Appeals Procedure.

APPLICATIONS BEFORE THIS BOARD WERE AS FOLLOWS:

1. Application of James Valerio, 849 Paul Road, Rochester, New York 14624, property owner: Giacomo Perna; for a variance for front parking at proposed office building located at 849 Paul Road in GB zone.

Mr. James Valerio was present to represent the application. He outlined the letter that was submitted in October. He said that they would like to start building in the spring of 1988. He said that they would be moving the house on the property to another location. He said that the Planning Board had told them that they must obtain a front parking variance. Mr. Valerio explained about the proposed plan of redesigning Paul Road and that the project had been delayed until 1991. He said that they had designed a scheme to take into consideration the possible redesigning of Paul Road and that they would need a front parking variance because the building sits so far back. He said that there would be sufficient green space in the front with landscaping used as a buffer to the parking area. He said that the hardship was that they needed to place the building far back for the possible redensing of Paul Road. He said that they would make sure that this was a first class project.

Tom Ward asked what the square footage was and Mr. Valerio said "25,000". Tom Ward asked how many parking spaces were required and Mr. Valerio said that 180 spaces were required and that they would have 187. Mr. Valerio said that they would lose 32 spaces when or if the road comes through. He said that by his calculations, they wouldn't need more than 110 spaces. Mr. James Perna said that there was also a hardship because of the frontage on both roads if the road comes through.

Tom Ward asked how far the present structure was from the right of way and Mr. Perna said "80'". Tom Ward asked if there would be one entrance/exit from Paul Road and Mr. Valerio said that that was correct. Tom Ward asked if there was also a connection to the plaza and Mr. Valerio said "yes".

Don Faso, Chairman of the Planning Board, said that they have conceptual approval from the Planning Board. He said that it was the consensus of the Planning Board that the applicant should proceed with the number of parking spaces based on Paul Road as it is now.

Ron Popowich felt that the plans were well laid out considering the State's plan.

DECISION: Approved by a vote of 4 with Tom Ward abstaining.

2. Application of Brian McConnell, 3 Sunderland Trail, Rochester, New York 14624 for a variance to erect an inground swimming pool (16' x 32') 28' from lot line on a corner lot (55' equired) located at 3 Sunderland Trail (corner of Marshall Road) in R-1-15 zone.

Mr. Brian McConnell was present to represent the application. He said that his property was on a corner lot. He said that his backyard was enclosed with a 6' stockage fence.

Tom Ward asked why the pool wasn't behind the house and Mr. McConnell said that they would also need a variance that way and the mature trees would need to be taken out.

Ron Popowich asked if the pool was in and Mr. McConnell said "yes". Ron Popowich asked if a pool permit was obtained and Mr. McConnell said that he would get the permit if the variance was granted. Tom Ward said that there had been a mix-up

with the Building Department and that he was advised to come before the Zoning Board. Tom Ward asked if a variance had been granted for the fence and Mr. McConnell said "yes". Tom Ward asked if there was a cover on the pool and Mr. McConnell said that he has the cover and that it would be put on when the contractor was finished.

Ron Popowich said that he didn't like the way the whole thing was handled. Tom Ward said that he had looked at the property and that there was a hardship. He said that he saw no other alternative and that everything looked pretty good. Randy Allen said that the hardship was the lot and not the pool. Ron Popowich said that he hoped the fence could be put back for safety reasons and Mr. McConnell said that the original grade would be restored next week.

DECISION: Unanimously approved by a vote of 5.

Tom Ward said that the Planning Board had declared themselves lead agency for environmental review on the rezoning of Robert Fallone's parcel of property. He asked if anyone had any objections. Randy Allen made motion that the Zoning Board had no objection and John Hellaby seconded it.

DECISION: Unanimously agreed upon by a vote of 5.

The October Chili Zoning Board minutes were approved.

Tom Ward
Zoning Board Chairman

CHILI ZONING BOARD

December 22, 1987

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 22, 1987. The meeting was called to order by Chairperson Tom Ward.

PRESENT: Dan Melville, Ralph Wehner, Ron Popowich, John Hellaby, Randy Allen, Richard Mastrodonato, and Chairperson Tom Ward.

ALSO PRESENT: Marcia Havens; Deputy Town Attorney, Jack Madigan; 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.

Marcia Havens explained the Appeals Procedure.

APPLICATIONS BEFORE THIS BOARD WERE AS FOLLOWS:

1. Application of David Pizzo, owner, 664 Beahan Road, Rochester, New York 14624, for a variance to erect a 16' x 20' shed (320 sq. ft., 120 sq. ft. allowed), to be 12 ft. high (8' allowed) at above described address in RA-10 zone.

Mr. David Pizzo was present to represent the application. He said that the shed would be used for lawn furniture storage and for maintenance of snowmobiles.

Tom Ward asked if any engine repair would be done and Mr. Pizzo said "no". Tom Ward asked why a smaller shed wasn't considered and Mr. Pizzo said that he needed the space of a big shed.

Ralph Wehner asked what kind of finish would be on the shed and Mr. Pizzo said that he would paint the house and the shed blue. Randy Allen asked if any additional work would be done and Mr. Pizzo said that there would be a roof and overhead doors. Randy Allen asked about the floor and Mr. Pizzo said that it would be gravel.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Kenneth Adnrews - 653 Beahan Road
He said that he had no objections and that he did not consider the shed an eyesore.

Tom Ward read the County Comments which approved the application insofar as airport considerations, zoning review, and environmental review were concerned.

DECISION: Unanimously approved by a vote of 7 with the following conditions:

1. For residential use only.
 2. The structure shall be painted to match house by June 15, 1988.
 3. Building permit be obtained.
2. Application of Empire Sign Co., 101 Louise Street, Rochester, New York 14606, owner: Stop-N-Go Foods, Inc.; for variance to erect a 6' x 14½' (174 sq. ft.) free-standing sign (64 sq. ft. allowed) on an existing pole at 3215 Chili Avenue in G.B. zone.

No one was present to represent the application. John Hellaby made a motion to table with Ron Popowich seconding it.

DECISION: Agreed by a vote of 6 to table the application for one month. Dan Melville cast the negative vote. The applicant failed to appear. Failure to appear at the 1/26/88 hearing shall constitute a denial of application and forfeiture of application fees.

Gates-NEWS-Chili

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

Date... *12-16-89*

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

GATES-CHILI NEWS

Issue Dated... *12-16-89*

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y., Monroe Co.
My Commission Expires April 30, 19 *89*

Patricia M. Smith
Patricia M. Smith
Publisher

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**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 December 22, 1987, at 7:30 p.m. to hear and consider the following applications:

1. Application of David Pizzo, owner, 664 Beahan Road, Rochester, New York 14624, for a variance to erect a 16' x 20' shed (320 sq. ft., 120 sq. ft. allowed), to be 12 ft. high (8' allowed) at above described address in RA-10 zone.

2. Application of Empire Sign Co., 101 Louise Street, Rochester, New York 14606, owner: Stop-N-Go Foods, Inc.; for variance to erect a 6' x 14½' (174 sq. ft.) free-standing sign (64 sq. ft. allowed) on an existing pole at 3215 Chili Avenue in G.B. zone.

3. Application of Janet Coriddi, owner, 608 Chestnut Ridge Road, Rochester, New York 14624, for variance for a side setback of 9'6" (10 ft. required) at above described address in R-1-15 zone.

4. Application of Chili Country Club, Chili Ventures, Inc. owner; 760 Chili-Scottsville Road, Scottsville, New York 14546, for variance for a 8' free-standing sign to be set back from Chili-Scottsville Road in RA-20 and FPO zones.

5. Application of Joseph Valvano, Sr., owner, 65 Furlong Road, Rochester, New York 14623, for Land Use Variance to operate a Bait and Tackle Shop at 1735 Scottsville Road in RA-20 and FPO zones.

6. Application of Mr. and Mrs. Robert Stryker, owner, 347 Westside Drive, Rochester, New York 14624, for variance for a side setback of 30' (50' required) for a modular home at 471 Chili Scottsville Road in PRD zone.

7. Application of John Glavin, attorney for Clarence Tomb, Jr., owner; 101 Executive Office Building, Rochester, New York 14614, for variance for a front setback of 39.7' (60' required) for an existing front porch on property located at 51 Springbrook Drive in R-1-15 zone.

8. Application of Avery Engineering, 849 Paul Road, Rochester, New York 14624, owner: Dallas Davis; for variance for 18' to Residential Zone (40' required) for addition at property located at 3774 Chili Avenue in G.B. zone.

9. Application of Joseph Mannara, 12 Pine Ridge Drive, Rochester, New York 14624, owner, for variance to allow existing garage to be 25.8' from side lot line (55' required on corner lot), variance to erect a 12' x 22' detached garage to be 3' from existing garage (8' required) and 10.8' from side lot line (55' required on corner lot) at property located at above described address in R-1-15 zone.

10. Application of Frances Truist Schrader, 3300 Chili Avenue, Rochester, New York 14624, owner; for variance for front parking at proposed Day Care Center at property located at 3304 Chili Avenue in G.B. zone.

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

**R. Thomas Ward, Chairman
Chili Zoning Board of
Appeals** 12-16

Zoning Board 12/19/87

3. Application of Janet Coriddi, owner, 608 Chestnut Ridge Road, Rochester, New York 14624, for variance for a side setback of 9'6" (10 ft. required) at above described address in R-1-15 zone.

Mr. Paul Coriddi was present to represent the application. He said that he built the house and that it was not over far enough on the corner. Tom Ward asked if this was an addition and Mr. Coriddi said that it was a new house. Tom Ward asked if Mr. Coriddi had built it himself and Mr. Coriddi said "yes". Tom Ward asked if it had been staked and Mr. Coriddi said that it had been but the side was not staked far enough.

DECISION: Unanimously approved by a vote of 7.

4. Application of Chili Country Club, Chili Ventures, Inc. owner; 760 Chili Scottsville Road, Scottsville, New York 14546, for variance for a 4' x 8' free-standing sign to be 20' from Chili-Scottsville Road in RA-20 and FPO zones.

Mr. Lawrence Moore of 590 Norton Road was present to represent the application. He said that the sign would be used to promote the pro-shop. He said that currently there was no sign.

Tom Ward asked if the sign would be lit and Mr. Moore said that it would be lit until 11 p.m. Tom Ward asked if there would be spotlights on the sign and Mr. Moore said "yes". Tom Ward asked what the sign would consist of and Mr. Moore said "mahogany board". Tom Ward asked why the sign would not be back farther and Mr. Moore said that he would put the sign 55' from the center of the road.

DECISION: Unanimously approve by a vote of 7 with the following conditions:

1. Sign permit is required.
2. Sign is to be a minimum of 20' from road right of way.

5. Application of Joseph Valvano, Sr., owner, 65 Furlong Road, Rochester, New York 14623, for Land Use Variance to operate a Bait and Tackle Shop at 1735 Scottsville Road in RA-20 and FPO zones.

Mr. Joseph Valvano was present to represent the application. He said that he has a client that would like to install a bait shop. He said that he had previously applied for a variance for a beauty shop and that he had problems.

Marcia Havens said that initially the building was located in a commercial zone but that it was changed to a residential zone. She said that the property has been unused for more than 6 months. She said that the Planning Board had recommended that rezoning be granted but that the Town Board denied it.

Tom Ward asked if Mr. Valvano intended on doing something with the adjoining parcel and Mr. Valvano said that he would like to get the property rezoned as one parcel. Tom Ward asked if there was adequate parking and Mr. Valvano said "yes". Tom Ward asked how long he had owned the property and Mr. Valvano said "since 1985". Tom Ward asked what the previous use was and Mr. Valvano said that it was a dress shop. Tom Ward asked why it was vacant for so long and Mr. Valvano said that he could not get the prospective beauty shop client approved. Tom Ward asked if the other parcel was part of the application and Mr. Valvano said "no".

Randy Allen asked if Mr. Valvano felt that the irregular shaped building could be converted to a residential structure and Mr. Valvano said "no". Randy Allen asked if Mr. Valvano had any idea of what was involved in the bait shop and Mr. Valvano said that there would be no boat rental. Randy Allen asked if Mr. Valvano felt that the bait shop would be in harmony with the neighborhood and Mr. Valvano said that he wasn't sure but that he would prefer a beauty shop to be there. Mr. Valvano said that he was glad to have a client to rent to.

Tom Ward asked if the building could be a residential family home and Mr. Valvano said that in his opinion, it couldn't. Tom Ward said that it looks impractical to build on this lot because of the irregular shape.

Tom Ward asked if next door was RA zone and Mr. Valvano said "yes".

Jack Madigan said tht he had a problem with the drainage because the drainage was ruined when the lot was filled in. Jack Madigan said that the problem was not getting addressed. Mr. Valvano said that CP Ward had been in to clean it out. Mr. Valvano said that he would be glad to help the property owner if anything detrimental had been done.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Steve Nelson - 8 Alfred Avenue

He asked about the two lots and if they would be adjoined in the future. He said that he was skeptical because of the indefinit plans for the rest of the land. He asked if he would have a chance to address the issue if the lots were joined and Marcia Havens said that he would be hearing from the Planning and Zoning Boards. Mr. Nelson said tht he would like to see the building occupied.

Marcia Havens said that she was concerned about the small amount of information given for the bait and tackle shop. She recommended that the Board table the application for one month and have the prospective tenant come in to speak about the shop.

DECISION: Unanimously approved by a vote of 7 with the following conditions:

1. That the proposed tenant submit to the Chili Zoning Board of Appeals a comprehensive "letter of intent" including:
 - a. Hours of operation.
 - b. Items offered for sale on premises.
 - c. Anticipated traffic of customers on site at any time.
 - d. Size and frequency of delivery trucks/vehicles.
 - e. Methods of garbage disposal (including bait), etc.
 - f. Any signage proposed for the property, including any window signs and freestanding signs.
 - g. Any and all other information that pertains to the business use of this property for review and approval of the Chili Zoning Board.
2. There shall be no outdoor sales or storage of materials for sale, nor shall there be any outdoor repairs of any anture on the premises.

The Board approved this land use variance based upon the fact that this property was developed and improved as a commercial structure while previously zoned for such use and does not include any adjacent property presently owned by the applicant.

6. APPLICATION WITHDRAWN

7. Application of John Glavin, Attorney for Clarence Tomb, Jr., owner; 101 Executive Office Building, Rochester, New York 14614, for variance for a front setback of 39.7' (60' required) for an existing front porch on property located at 51 Springbrook Drive in R-1-15 zone.

Mr. John Glavin was present to represent the application. He said that the Town records indicate that a variance had been granted in 1958 for 50.5' setback. He said that he was not sure what had happened but that the porch has existed for 20 years.

Tom Ward asked how this came to light and Mr. Glavin said "from a real estate closing".

Tom Ward read the County Comments which deemed the application for local determination.

DECISION: Unanimously approved by a vote of 7.

8. Application of Avery Engineering, 849 Paul Road, Rochester, New York 14624, owner: Dallas Davis; for variance for 18' to Residential Zone (40' required) for addition at property located at 3774 Chili Avenue in G.B. zone.

Mr. Don Avery was present to represent the application. He said that the owner would like to add an addition that would look architecturally the same as the existing building. He said that the drive to Mr. Davis's house would be from Chili Avenue. Mr. Avery said that he tried to work it out with a permanent so that a variance would not be needed; however, he was advised to come before the Zoning Board for a variance. He said that the drive would remain.

Tom Ward asked why this wasn't in the original construction and Mr. Avery said that he wasn't involved at that time. Tom Ward asked about parking spaces and Mr. Avery said that the Planning Board had approved 27 where 30 were required. Mr. Avery said that there would be 2 handicapped parking spaces. Tom Ward asked if approval of the variance would remove any parking spaces and Mr. Avery said "no". Tom Ward asked about the deliveries and where they would go. Mr. Avery illustrated the entrances via the map.

Mr. Avery said that the Planning Board wanted signs for the entrance and exit and where they were allowed. Tom Ward asked if there would be a hardship if this application was not approved and Mr. Avery said that additional space was needed to serve the public. Ralph Wehner asked what the addition would include and Mr. Avery said that there would be additional products, storage, and public restrooms. Randy Allen asked if there would be a driveway for the neighboring property and Mr. Avery said "correct".

Tom Ward read the County Comments which deemed the application for local determination.

Ralph Wehner said that the area was always presentable.

DECISION: Unanimously approved by a vote of 7.

9. Application of Joseph Mannara, 12 Pine Ridge Drive, Rochester, New York 14624, owner, for variance to allow existing garage to be 25.8' from side lot line (55' required on corner lot), variance to erect a 12' x 22' detached garage to be 3' from existing garage (8' required) and 10.8' from side lot line (55' required on corner lot) at property located at above described address in R-1-15 zone.

Mr. Joseph Mannara was present to represent the application. He said that he would like to create a 3' sidewalk and add an extra garage. He said that he would like to widen the driveway to meet the additional garage. He said that the driveway would bend around. He said that the garage had always been there and he was not sure why a variance was needed. He said that this alternative would be better than adding a shed in the back for storage.

Tom Ward asked Jack Madigan why the existing garage needed a variance and Jack Madigan said that the records show no variance. Mr. Mannara said that he had lived in the house since it was built in 1973.

Tom Ward asked what would happen if the application was denied and Mr. Mannara said that he felt that a garage would be better than a mini barn. Tom Ward said that Mr. Mannara was asking for a considerable variance and Mr. Mannara said that he couldn't make the garage deeper because of the family room addition. Mr. Mannara said that it was also cheaper to do it the proposed way as he found out when he received several estimates.

Tom Ward asked what the distance was from the wall to the first window in the existing dwelling and Mr. Mannara said "6-7'". Ralph Wehner asked if Mr. Mannara would build an addition on the garage if the application was denied and Mr. Mannara said the he wouldn't. Mr. Mannara said that he believed he would then be overbuilding for the neighborhood.

Tom Ward said that he didn't understand the extra cost if the addition was added to the garage. Mr. Mannara said the the proposed way would cost \$4500-4600 and if the garage was attached, it would cost \$7000.

Jack Madigan said that the original permit called for a smaller garage and Mr. Mannara said that he had bought the house as is and that he was not aware of the original permit.

PRE-DECISION DISCUSSION:

Dan Melville said that it seemed that it would be cheaper to attach but Mr. Mannara says different. Randy Allen said that it would be awful close to the road on the side. Randy Allen said that it would seem close to the trees and unique to the neighborhood. Ralph Wehner said that he agreed with Randy Allen. Tom Ward said that he was concerned about setting a precedent. Marcia Havens said that some hardship had been shown with the extra cost but Chili residents usually cope with storage issues by installing a shed. Tom Ward said that here may be a traffic problem with vision obstruction. Ralph Wehner said that the Board should consider that there were no neighborhood complaints.

DECISION: Unanimously approved by a vote of 7 to allow the existing garage to be 25.8' from side lot line, and voted 5 yes - 2 no to erect a 12' x 22' detached garage to be 3' from existing garage and 10.8' from side lot line. The negative votes were cast by Ron Popowich and Tom Ward.

10. Application of Frances Truisi Schrader, 3300 Chili Avenue, Rochester, New York 14624, owner; for variance for front parking at proposed Day Care Center at property located at 3304 Chili Avenue in G.B. zone.

Mr. Don Avery and Ms. Frances Truisi Schrader were present to represent the application. Mr. Avery said that the Planning Board had granted site plan approval. He said that the Building Department had to approve the internal work. He said that they would be asking for front parking to be 41' from the road. He said that McDonalds across the street is in a G.B. zone and that they have front parking. Mr. Avery said that the first parking space would be 15' from Rose Road.

Ms. Schrader said that at full capacity, there would only be 35 kids which would require 4-5 teachers. She said that they wouldn't need all the parking spaces. She said that the teachers could park at her house on the adjoining property. She said that her tenants in the second floor apartment would be using 2' spaces.

Tom Ward asked if the parking spaces could be moved from the front of Rose Road and Mr. Avery said "yes". Tom Ward asked if the cars would have adequate room to move in and out and Mr. Avery said that it would be kind of tight. Randy Allen asked if the Planning Board required 16 spaces there and Ms. Schrader said "yes".

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Christopher Schmidt - 37 Shrubbery Lane
He asked if the back parking had been approved by the Planning Board and Ms. Schrader said "yes". He asked if the Planning Board had wanted fencing and Ms. Schrader said "no". Tom Ward asked if Mr. Schmidt would like fencing and Mr. Schmidt said that shrubbery would be fine.

Tom Ward asked what the hours would be and Ms. Schrader said that initially they would be 7 days a week, 24 hours a day.

Mr. Schmidt asked if parking could be expanded to the parking line without a variance.

Dan Melville asked how many parking spaces would be in the back lot and Ms. Schrader said "6". Tom Ward asked if the parking could be moved to the front, on the side of the driveway and Mr. Avery said that that would be okay. Mr. Schmidt said that he was looking for a buffer zone because he was opposed to the back parking. Tom Ward asked if a 6' high stockade fence would be okay and Mr. Schmidt said "yes".

Tom Ward read the County Comments which offered the following comments:

1. This proposed day care facility has been reviewed by the Chili Planning Board for a special permit and preliminary site plan approval. The Zoning Board of Appeals should be familiar with any conditions set forth by the Planning Board prior to making a decision on this application.
2. If the Zoning Board of Appeals decides to grant relief to

this applicant, it should be the minimum relief necessary so that the development is consistent with the existing land use pattern and character of this area. The Board must determine that the front yard is the only place which can be used to provide the necessary parking spaces and that this variance will not change the character of the neighborhood.

DECISION: Unanimously approved by a vote of 7 with the following conditions:

1. Subject to any and all conditions imposed by the Chili Planning Board.
2. Landscaping and shrubbery as shown on plan be submitted to this board and prepared by Avery Engineering shall be required and installed promptly and shall be subject to the Conservation Department's approval.
3. This board shall require a 6' (six feet) high solid stockade fence to be erected on the northerly property line, commencing at the westerly parking space and continuing un-interrupted to a point no less than 5' (5 feet) easterly of the existing frame garage to adequately protect the adjacent residential areas to the north from automobile headlights, etc. This condition hereby waives any requirement for the applicant to obtain a variance for a 6' high fence in that front area of a corner lot towards Rose Road.

INFORMAL HEARING

Mr. Ron Mariano of Case-Hoyt was present. He showed the Board a map of the area and said that it was designed for traffic issues. He said that a variance was required because of the Beaver Road reconstruction. He said that he was here to review this with the Board to answer any questions.

Tom Ward asked if he had been before the Planning Board and Mr. Mariano said that they were going for preliminary site plan approval on January 12. Tom Ward asked if the Planning Board can grant variances from the curb cut and Marcia Havens said that she usually recommends that the Zoning Board grant the variances. The Board had no further questions at this time.

The minutes from the November 24, 1987 meeting of the Chili Zoning Board were approved.

Tom Ward
Zoning Board Chairperson