

A meeting of the Town of Chili Zoning Board was held in the Administrative Office, 3235 Chili Avenue, Rochester, New York 14624 on January 22, 1991 at 7:30 p.m. The meeting was called to order by Chairperson Dan Melville.

PRESENT: Vince Indovina, Bill Oliver, John Hellaby, John Castellani and Chairperson Dan Melville.

ALSO PRESENT: Mike Mazzullo, Deputy Town Attorney; Larry Smith, Building Inspector.

Chairman Dan Melville declared this to be a legally constituted meeting of the Chili Zoning Board. He announced the fire exits and explained the meeting's procedures. He introduced the members of the Board and front table. There was a moment of silence observed for the troops in the Persian Gulf.

Dan Melville stated Ron Popowich and Gerry Hendrickson were excused. Dan Melville stated Applications 1 and 6 were withdrawn. There was discussion whether all signs were properly posted, and it was determined all the applications would be heard except those that had withdrawn.

2. Application of Gail Nowicki, owner; 3449 Chili Avenue, Rochester, New York 14624 for variance to erect an addition to house (in-law apartment) to be 53' from the rear lot line (90' req.) at property located at above address in R-1-20 zone.

John Nowicki was present to represent the application on his wife's behalf. He stated he appeared before the Planning Board on January 8, 1991 for a conditional use permit to erect an in-law apartment. He stated the conditional use was granted with the standard five in-law conditions. He indicated they are asking to be 53 ft. from the rear lot line where 90 ft. is required.

Dan Melville asked what the standard in-law conditions are, and Mr. Nowicki indicated they are: The conditional use is granted for use by in-law only and shall cease to exist when the in-law ceases to use it; the apartment may not be used as a rental unit; a copy of the Planning Board's decision must be filed in the Monroe County Clerk's Office under miscellaneous records and tied to the liber and page of the deed (the cost will be \$15.00 and payable to the Town of Chili); furnish a copy of the deed (both sides) to the Deputy Town Attorney along with the filing fee; and applicant should consider handicap accessibility for all new construction in the in-law apartment. Mr. Nowicki pointed out the last condition is really a recommendation.

Dan Melville asked if the Planning Board designated themselves lead agency for this application, and Mr. Nowicki indicated they did, and he that portion of the decision letter.

Vince Indovina asked if the garage is going to move to the back of the house, and Mr. Nowicki indicated it would as per the plans. Vince Indovina asked if the driveway would be alongside the house, and Mr. Nowicki indicated it would. Vince Indovina asked if they would use the same curb cut, and Mr. Nowicki indicated they would.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back as a local matter from the Monroe County Department of Planning.

DECISION: Approved by a vote of 4 yes, 1 abstention (John Hellaby) with no conditions and the following findings of fact were cited:

1. No material effect on neighboring properties.
2. Minimum variance needed to accomplish the desired addition.

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Gates-NEWS-Chili

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

Date.....1-16-91.....

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

GATES-CHILI NEWS

Issue Dated....1-16-91.....

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y., Monroe Co.
My Commission Expires April 30, 19_97

Patricia M. Smith
Patricia M. Smith
Publisher

Zoning Board Jan 1991

**LEGAL NOTICE
CHILI ZONING**

BOARD OF APPEALS

Pursuant to Section 267 of Town Law, a public hearing will be held by the Chili Zoning Board of Appeals at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on January 22, 1991 at 7:30 p.m. to hear and consider the following applications:

1. Application of Mary Ann Pupo, owner; 31 Bowen Road, Churchville, New York 14428 for variance to erect a dwelling to be 80' from front lot line (100' req.) and 20' from side lot lines (50' req.) at property located at 27 Plumer Road in PRD zone.

2. Application of Gail Nowicki, owner; 3449 Chili Avenue, Rochester, New York 14624 for variance to erect an addition to house (in-law apartment) to be 53' from rear lot line (90' req.) at property located at above address in R-1-20 zone.

3. Application of Gail Nowicki, owner; 3449 Chili Avenue, Rochester, New York 14624 for variance to erect a 12' x 16' utility shed to be 192 sq. ft. (160 sq. ft. allowed) at property located at above address in R-1-20 zone.

4. Application of Brian Hartman, owner; 9 Edgeware Road, Rochester, New York 14624 for variance to allow existing shed to be 2'

from garage (8' req.) and 7' from side lot line (8' req.) at property located at above address in R-1-15 zone.

5. Application of John Kinton, owner; 109 McGinnis Road, Scottsville, New York 14546 for Land Use Variance - to convert existing single family dwelling to a two family dwelling at property located at 4145 Union Street in RA-20 zone.

6. Application of Richard LeFrois and Joseph Spezio, 1020 Lehigh Station Road, Henrietta, New York 14467, property owner; D. Barbato estate; for variance to build an industrial building within the required 100' buffer

zone, variance to fill in the flood plain overlay at property located at 1861 Scottsville Road in L.I. & FPO zone.

7. Application of Donald Avery, P.E., 849 Paul Road, Rochester, New York 14624, property owner; E. Elder, C. Baker, A. Valvano, H. Ford; for variance to allow existing office building to be 71.2' from front lot line (75' req.) at property located at 2669 Chili Avenue in R-1-15 zone.

8. Application of Robert Lehr, owner; 92 St. Casimir Street, Rochester, New York 14621 for Land Use Variance to allow a boat marina with sales and rentals at property located at 20 Black Creek Road in

RA-20 & FPO zone.

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

**Daniel Melville,
Chairman
Chili Zoning Board of
Appeals**

3. Application of Gail Nowicki, 3449 Chili Avenue, Rochester, New York 14624 for variance to erect a 12' x 16' utility shed to be 192 sq. ft. (160 sq. ft. allowed) at property located at above address in R-1-20 zone.

John Nowicki was present on his wife's behalf, and he asked if there were any questions. Dan Melville asked what the shed would be used for, and Mr. Nowicki indicated a lawn tractor, snow mobile, trailer, etc.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back a local matter from the Monroe County Department of Planning.

DECISION: Approved by a vote of 4 yes, 1 abstention (John Hellaby) with no conditions and the following findings of fact were cited:

1. No material effect on neighboring properties.
 2. Minimum variance needed to accomplish the storage area needed.
4. Application of Brian Hartman, owner; 9 Edgewere Road, Rochester, New York 14624 for variance to allow existing shed to be 2' from garage (8' req.) and 7' from side lot line (8' req.) at property located at above address in R-1-15 zone.

Brian Hartman was present to represent the application. He stated he built the shed and put it alongside the house not realizing it was too close to the lot line or it had to be 8 ft. from the side of the garage. He indicated he would like to keep it where it is because there is no place else to put it.

Dan Melville asked what the shed would be for, and Mr. Hartman indicated it would be for a tractor, snowblower, children's toys, etc. Dan Melville asked if this would be used for any kind of repairs, and Mr. Hartman indicated it would not. Dan Melville asked if this is on a concrete slab, and Mr. Hartman indicated it is not, and he stated it is on blocks.

Vince Indovina questioned why the applicant has stated because of the slope of the land and the drainage easement, that the shed cannot be put in the back, and he further questioned why it could not be put back there if they just jacked up the back of the shed with additional blocks. Mr. Hartman stated he has a three-tier yard, and he stated he tried to put the shed in the back. He stated there is their children's swing set there, and with the shed, it would eliminate the play area for the children. Vince Indovina commented they are dealing with the fire code due to the 2 ft. between the shed and the home. Larry Smith stated there would not be a problem except the applicant could not store more than six gallons of fuel in the shed. Mr. Hartman stated he only would have the fuel that is in the lawn mower in there. Dan Melville asked if the Fire Marshal would have any concerns with this, and Larry Smith indicated he would not because of its size.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

John Castellani made a motion to amend the application to deny the side setback requirement, and John Hellaby seconded the motion. The Board all voted yes.

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

1. Shed is to be relocated so as not to be in violation of side setback.

The following findings of fact were cited:

1. Minimum variance to accomplish desired storage area.
2. Not detrimental to neighboring properties.
3. By eliminating the need for a side setback, the shed will be

less intrusive to neighboring properties.

4. There is difficulty in locating this shed in the back yard due to sloping property.
5. Application of John Kinton, owner; 109 McGinnis Road, Scottsville, New York 14546 for Land Use Variance to convert existing single-family dwelling to a two-family dwelling at property located at 4145 Union Street in RA-20 zone.

Alfred J. Heilman was present to represent the application. He stated this application was brought before the Zoning Board in October of 1989 and was denied. He stated some years ago the Finicker Farm was sold off, and there were two homes there. He stated the applicant owns one of those two homes. He stated Black Creek Park now exists around them.

Mr. Heilman stated the applicant bought the home in 1985 for \$70,000 and due to the mortgage situations then, he carries a \$77,000 mortgage. He stated the mortgage has been paid down somewhat in the 5 years; but not to a great extent. He stated attached to the application is a copy of the 1988 income tax return for the applicant.

Mr. Heilman stated the home in the 1950s was used as a double. He stated the home is designed that way. He stated the applicant would not change the exterior of the home and would need \$30,000 to renovate it. He stated \$15-16,000 would come through a grant for the maintenance of the building. He stated the property was appraised a year ago for \$80,000. He stated the house is a historical landmark to some degree.

Mr. Heilman stated Mr. Kinton has lived in Chili for 25 years. He stated in order to invest money in the home to renovate it, they would have to make this a double to return the money needed to pay off the mortgages. He stated with renovations, the applicant's investment in the property would be \$107,000.

Mr. Heilman stated the \$16,000 grant would pay itself off at approximately 10 percent a year if the applicant keeps the house for 10 years. He stated the applicant would come up with the balance of the needed renovation money himself. Mr. Heilman stated in the inside the only thing that needs to be done is the erection of a wall in one area to divide the house into two sections.

Mr. Heilman stated he believes the home created the hardship due to its age and was no fault of the applicant. He stated in order to justify the renovation work, a second rental income is needed. He stated this would not affect the neighborhood. He stated shortly after Black Creek Park was purchased, the RA-20 zoning went into effect. He stated RA-20 may not be appropriate here due to the park encompassing all the land in the area except these two homes.

Mr. Heilman stated the first time they presented this application the Town historian provided information about the home that has been included with this application.

Dan Melville asked when this was last heard, and it was determined the application was made in October of 1989, and the hearing was November 28, 1989.

Mr. Heilman stated when the applicant purchased the property, the taxes were \$700 and they are now \$1,200. He stated the two mortgages that exist now are approximately \$750 a month. He stated the house is rented to one person now for \$550 a month.

Dan Melville asked when the property was purchased, and Mr. Heilman indicated 1985. Dan Melville asked what the purchase price was, and Mr. Heilman indicated \$70,000 plus another \$7,000 due to the mortgage structure. Dan Melville asked if this was appraised for \$80,000, and Mr. Heilman indicated it was done so in 1989. Mr. Heilman commented the real estate market is a lot softer now. Dan Melville asked if the property has been listed for sale at all in the last year, and Mr. Heilman indicated it has not.

John Castellani commented they have not heard anything new from the last time this was denied. He further commented the applicant has not tried to sell the property. Mr. Heilman stated the applicant is looking for a way to protect his investment if he renovates the home.

John Kinton was present to represent the application also. He stated the

last time he approached the Board, he had not done a good job documenting the tax returns and the price of the house. He stated he did know the home was a single when he bought it, but he stated he also knew the Finicker family lived there since 1920 when the house was a double. He stated at the last meeting the Board recognized in 1955 this was a legal double in Chili. He stated he believed this could be a double when he bought it.

John Hellaby asked if this farm was purchased and divided out and the applicant bought one of those homes, and Mr. Kinton indicated that was correct. He explained he bought the home from Charles Gray who purchased it from Charles Finicker. John Hellaby asked if they are renting the home now, and Mr. Kinton indicated they are. John Hellaby asked if there is empty space for a second family, and Mr. Kinton indicated there is. He stated the current renting family only uses the north end. He stated the doors are bolted in the home. He stated the Finicker parents lived in the house with their son's family in the other half.

John Hellaby commented the last minutes indicated this would have to go before the Planning Board, and he asked if it would still have to go there. Mike Mazzullo stated he either thought so at the time he recommended that, or he misstated it. Mike Mazzullo stated this would not have to go before the Planning Board because they would only be making modifications to the inside. Mr. Heilman stated the applicant would be refurbishing the interior and would not be modifying it.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville stated this went before the Monroe County Department of Planning and was determined to be a matter of location determination.

Mr. Heilman stated the applicant did discuss this with his one neighbor who does not have a problem with this.

The Zoning Board declared itself lead agency and made a determination of no significant environmental impact, and the Board all voted yes on that declaration.

DECISION: Approved by a vote of 4 yes to 1 no (Bill Oliver) with the following conditions:

- 1. Obtain approval from Monroe County for septic and water.
- 2. Remains a one-family until the Building Department issues a Certificate of Occupancy For a two-family.

The following findings of fact were cited:

- 1. Applicant demonstrated there will be no detrimental impact on neighboring properties.
- 2. Applicant demonstrated a need to improve the structure.
- 3. The Zoning Board felt this would be a way to improve this property.
- 4. Applicant proved to the Board that this property is currently losing money, but can be made to get a reasonable return if this variance is granted.
- 5. Dwelling was used as a two-family in the past, and is set up for a two-family.
- 6. Improving this property will protect the integrity and condition of the site.
- 7. Application of Donald Avery, P.F., 849 Paul Road, Rochester, New York 14624, property owner: E. Elder, C. Baker, A. Valvano, H. Ford; for variance to allow existing office building to be 71.2' from front lot line (75' req.) at property located at 2669 Chili Avenue in R-1-15 zone.

Don Avery was present to represent the application. He stated back in 1985 plans were put forth to have an office building here, and at that time they were going to have an office building of 4800 sq. ft., which was approved by the Planning Board and everybody with the 75 ft. setback. He stated Dr. Lowell wanted to put a building up there recently, but they decided they would reduce the size of the previously proposed building down to 3680 sq. ft. He stated that plan was brought before the Board with the 75 ft. setback.

Mr. Avery then stated a change was made in the building and 4 ft. was added. He stated the ordinance on front yard setbacks indicates one can have a building as long as it is not forward any more than the line between the two buildings. He stated he forgot to look, however, under 115.C-14 which says that rule only applies to residential buildings. He stated he made the necessary changes on the drawings.

Mr. Avery stated he did not put the building in the back because the doctor wanted a lot of parking places, and he stated if he put it in the back, the bank would be too steep in the back for parking. He stated that bank is close to being a three on one slope. He stated he moved the building forward to a 71 ft. setback.

Mr. Avery stated when they had the instrument survey done, it came out at 71.2 ft. from the right-of-way line which made it in violation. He indicated that is why they are here. He stated the building is currently up. He stated the building did not increase over what they had on the original plan. He stated they ended up with 4,000 sq. ft. Mr. Avery stated they do not have the parking any closer than the 75 ft. He stated one of the buildings to the east is a residential building at 40.2 ft. setback, and he stated the beauty salon is at 33.7 ft. setback.

Dan Melville asked if the building got moved up because they added parking spaces, and Mr. Avery indicated they did not put extra parking spaces in. He stated they needed 4 ft. more for the building. He stated he could not push the building back because it would violate the ordinance on the one on three slope aspect in the back. Mr. Avery stated they did consider grading and the storm sewer system on the lot to the south of there so they would have a good system, too.

Dan Melville asked if they are required to have a certain amount of parking spaces per square foot of the building, and Mr. Avery indicated they need one parking space for every 200 sq. ft. Dan Melville asked how the parking conforms to that, and Mr. Avery stated they actually have quite a bit more parking. He stated 18 spaces are required and they have 40 ft. He stated the doctor indicated he needs extra spaces for his practice.

Vince Indovina asked what the actual square footage is of the existing structure, and Mr. Avery indicated it is 4,000 sq. ft. Mr. Avery stated when they first brought this building in, it was listed as 46' x 80'. He stated when they worked the geometry of the building out, the architect wanted to have it evened out to 50 ft., which required the additional 4 ft. be added.

John Castellani asked when the building was finished, and Mr. Avery indicated it is being used right now. Larry Smith stated they are operating on a temporary C of O. He stated the permit was issued with a condition they receive the variance within two months. Larry Smith stated there are some conditions left on it, but is basically completed.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville stated they did not receive any County Comments for this application, and Larry Smith stated this application is okay per Gerald Charipar and there is no impact.

DECISION: Unanimously approved by a vote of 5 yes with no conditions and the following findings of fact were cited:

1. Minimum variance required to rectify the situation.
 2. Less intrusive than the neighboring pre-existing non-conforming properties in the area.
8. Application of Robert Lehr, owner; 92 St. Casimir Street, Rochester, New York 14621 for Land Use Variance to allow a boat marina with sales and rentals at property located at 20 Black Creek Road in RA-20 & FPO zone.

Robert Lehr was present to represent the application. He stated he purchased this property back in 1970 at which time he applied for a land variance to use it as a marina, and it was approved. He stated he has not used it for boats. He stated it has been vacant for probably the last four years, and he stated they would like to reuse it as a marina. He stated the County has no problem with this as far as the airport is concerned.

Larry Smith stated the variance was first granted in 1967, was renewed for five years in 1972. John Castellani asked if this is a conditional use. Larry Smith stated a variance was granted for a gasoline pump. He stated there was a denial in 1982 for conversion to a party house. Larry Smith stated there was a variance in 1958 originally for the gasoline pump for the boats, boat livery and refreshment stand, two storage buildings. Mr. Lehr indicated that was before he owned it. He stated if this has operated since 1977, it has operated without a variance.

Dan Melville asked if they have been operating since 1977, and Mr. Lehr stated they have operated it until probably around 1982 or 1983. He stated he was not aware they had to renew this. John Castellani asked if this property has been vacant since then, and Mr. Lehr indicated it has been vacant. Mr. Lehr indicated they stopped using it in 1985 or 1986. Mr. Lehr stated they have had some problems with vandalism since the property has been vacant. He felt if they get something operating on the property, the vandalism might stop.

John Hellaby asked if the intention is to operate the marina sales and rentals the same way as it was before, and Mr. Lehr indicated they would operate it the same way. John Hellaby questioned the boat storage, and Mr. Lehr indicated they used to have canoes that they stored, and he stated they are not looking to store large power boats. Mr. Lehr indicated they maintained the business until there was the problem with the oil embargo in the mid 70s that hurt the business. He further stated the current use of the property is a financial burden to them.

John Hellaby asked if the fuel permits would have to be approved by DEC, and Mr. Lehr indicated he would not have fuel on site. He stated the tanks have been taken out. Larry Smith felt this application should go before the Planning Board.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Sandra Tacy - 22 Black Creek Road

She stated this property used to be her father's. She stated he dad did have some tanks on the property. Mr. Lehr stated the tanks were below ground and were filled with gravel and dirt. Ms. Tacy asked if the Board would restrict the hours of operation, and Dan Melville indicated they could address that in the conditions for the application. Bill Oliver asked Ms. Tacy if she would have an objection to 10 a.m. to 8 p.m., seven days a week, and Ms. Tacy indicated that would not be a problem. Ms. Tacy asked if this being a business would change the zoning of the area, and Dan Melville indicated it would not change the zoning. Vince Indovina pointed out this area is rural agricultural.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville stated this came back from the Monroe County Department of Planning as approved as far as airport, zoning and environmental reviews.

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

1. Applicant must apply to the Chili Planning Board for site plan approval for intended use, parking and any other action the Board deems necessary.

The following findings of fact were cited:

1. Character of the area has not changed since its prior use for the same reason.
2. Not detrimental to neighboring properties.
3. Hours of operation as stated in the application will not affect or cause excessive noise or traffic to the neighbors.

The Zoning Board minutes of 11/27/90 were accepted as is.

A meeting of the Town of Chili Zoning Board was held in the Administrative Office, 3235 Chili Avenue, Rochester, New York 14624 on February 19, 1991 at 7:00 p.m. The meeting was called to order by Chairperson Dan Melville.

PRESENT: Ron Popowich, John Hellaby, John Castellani,
Bill Oliver and Dan Melville.

ALSO PRESENT: Kathy Reed.

Chairman Dan Melville declared this to be a legally constituted meeting of the Chili Zoning Board. He announced the fire exits and explained the meeting's procedures. He introduced the members of the Board and front table. He asked for a moment of silence for Vince Indovina and the troops in the Persian Gulf.

1. Application of Wendy's Restaurants of Rochester, 20 North Union Street, Rochester, New York 14607 for variance to relocate existing freestanding sign 3' from new front lot line (20' req.) at property located at 3200 Chili Avenue in G.B. zone.

Richard Fox was present to represent the application. He stated they need to relocate the sign due to the widening of the road. He stated they will be using the same sign that was approved a few years ago. He stated given the entrance, existing light pole and the redesign of the road, the proposed location is the most logical.

Dan Melville asked if the sign would be at its current height, and Mr. Fox indicated it would. Bill Oliver asked if they would use the same sign, and Mr. Fox indicated they would. He added the State would give them an economic adjustment and indicated the same sign could be used. Mr. Fox indicated they will move the sign by April 3rd. He stated they would set the new pole in and just crane the sign from the old pole to the new pole.

John Hellaby asked how far back would the sign be from where it is today, and Mr. Fox indicated it is outlined to be in the right-of-way. John Hellaby asked what would happen with the smaller entrance/exit signs, and Mr. Fox indicated he would like at least one of them to remain to the east.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Lester Frear - 864 Brook Road

He indicated he was representing the citizens of South Chili. He asked if the Town has given consideration to having some sort of uniform sign procedure for all businesses that will actually fit in with the master plan rather than looking at each individual application. Dan Melville stated the Town has uniformity in that the signs have to be 20 ft. from the road right-of-way. He stated this applicant is applying for a variance to that.

DECISION: Unanimously approved by a vote of 5 yes with no conditions and the following findings of fact were cited:

1. Special circumstances due to new road created the need to relocate sign. Minimum variance requested to alleviate the hardship.
2. Consistent with other signs in the area.
3. Won't be a safety hazard to traffic.
4. Sign needed to identify the property and business.

2. Application of First Baptist Church of Chili, 3182 Chili Avenue, Rochester, New York 14624 for variance to erect a 3' x 4' double-faced changeable letter sign advertising special events at property located at above address in G.B. zone.

Alan Inglesby was present to represent the application. He showed the Board a picture of the proposed sign. He indicated they would remove their current sign and would buy a new sign with changeable letters that would be able to

Gates-NEWS-Chili

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

Date.....*2-13-91*.....

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

GATES-CHILI NEWS

Issue Dated....*2-13-91*.....

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y., Monroe Co.
My Commission Expires April 30, 19*91*

Patricia M. Smith
Patricia M. Smith
Publisher

*Zoning Board
2-19-91*

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
19, 1991 at 7:30 p.m. to
hear and consider the

following applications:

1. Application of Wendy's
Restaurants of Rochester,
20 North Union Street,
Rochester, New York
14607 for variance to
relocate existing
freestanding sign 3' from
new front lot line (20' req.)
at property located at 3200
Chili Avenue in G.B. zone.
2. Application of First
Baptist Church of Chili,

3182 Chili Avenue,
Rochester, New York
14624 for variance to erect
a 3' x 4' double faced
changeable letter sign
advertising special events
at property located at
above address in G.B.
zone.

3. Application of Howard
Whelpton, 3187 Chili
Avenue, Rochester, New
York 14624 for variance to

relocate existing
freestanding sign 9' from
new front lot line (20' req.)
at property located at
above address in G.B.
zone.

4. Application of Jill
Corey, 19 Westway Court,
Rochester, New York
14624 for variance to erect
a 3' x 2 1/2' temporary
double faced freestanding
sign, variance to erect a 4'

x 6' double faced
freestanding sign at
property located at 780
Paul Road in G.B. zone.

5. Application of Pizza
Hut, 3208 Chili Avenue,
Rochester, New York
14624 for variance to
relocate existing
freestanding sign 10' from
new front lot line (20' req.)
at property located at
above address in G.B.

zone.

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

Daniel Melville,
Chairman
Chili Zoning Board of
Appeals

be red from both directions. He indicated they would have the logo of the church in the top of the sign. He stated the sign would be used primarily for their various church dinners and for special programs that the church runs during the year that would affect the entire community.

Dan Melville asked if the sign is going to be illuminated, and Mr. Inglesby indicated it would be to 11:30 p.m. Bill Oliver asked if the sign would have interior illumination, and Mr. Inglesby indicated it would be internally lit. He added it would be on a timer. Bill Oliver asked how the sign would be adhered to the ground, and Mr. Inglesby stated there are aluminum columns that would be at either end of the sign embedded in cement. He stated it would be embedded about 2 1/2 ft. down. Bill Oliver asked if the sign would be maintained by the church, and Mr. Inglesby indicated it would be. Bill Oliver asked if the sign would be aluminum, and Mr. Inglesby indicated it would be extruded aluminum with light. Dan Melville asked if this sign would be constructed by a sign company, and Mr. Inglesby indicated Bristol would be making the sign. John Hellaby asked if the 4 by 8 signs on the church would have the changeable letters, and Mr. Inglesby indicated they would not. He added the signs on the front of the church would be taken down and put up on the sides of the church.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

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

1. Hours of illumination to be from dusk till 11:30 p.m.

The following findings of fact were cited:

1. Special circumstances due to new road created the need to relocate the sign. Minimum variance requested to alleviate the hardship.
 2. Will improve visual appearance of the area.
 3. Will not be a safety hazard to traffic.
 4. Needed to identify the property and business.
3. Application of Howard Whelpton, 3187 Chili Avenue, Rochester, New York 14624 for variance to relocated existing freestanding sign 9' from new front lot line (20' req.) at property located at above address in G.B. zone.

Jarret Whelpton was present to represent the application. He stated they would like to move the existing sign that is there to the new location with the dimensions that is on the application. Dan Melville asked if any repairs would be done to the sign, and Mr. Whelpton indicated they would if necessary. Ron Popowich asked how far back would the sign be from the sign than it is now, and Mr. Whelpton indicated it would be 15 to 20 ft. back.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Shirley Whelpton - owner Chili Carpet Center
She stated the sign is where it is because of the vantage factor to the road, and she stated the road will come one foot away from their property line. She stated their house is not being taken down. She stated their store sits in back of their house and is hard to see from the road.

Dan Melville asked if they have ever considered a sign lower to the ground, and Mr. Whelpton indicated they could check with the sign people to see if that can be done. Dan Melville commented there has been some discussion at the Master Plan Committee meetings about not having the very tall signs along Chili Avenue. Ms. Whelpton commented they could only lower it so much and still maintain visibility.

Tom Ward - 73 Gateway Road
He felt Chili Carpet Center has been an asset to the Town and their sign has been fairly well maintained. He stated he would be in favor of this.

DECISION: Unanimously approved by a vote of 5 yes with no conditions and the following findings of fact were cited:

1. Special circumstances of new road created the need to relocate the sign. Minimum variance requested.
2. Sign needed to identify the property and business.
3. Will not be a safety hazard to traffic.
4. Application of Jill Corey, 19 Westway Court, Rochester, New York 14624 for variance to erect a 3' x 2 1/2' temporary double-faced freestanding sign, variance to erect a 4' x 6' double-faced freestanding sign at property located at 780 Paul Road in G.B. zone.

Jill Corey was present to represent the application. She stated she is going to move her office to 780 Paul Road. She indicated she would be moving the current sign down four tenths of a mile. She stated she would put the sign 12 ft. from the 780 Paul Road address front of the house and 4 ft. in from the west side of the house, locating it in the middle of the yard. She stated she would be using the same sign she has in front of her current office at 3187 Chili Avenue.

Dan Melville asked if that sign is illuminated currently, and Ms. Corey indicated it is not. Dan Melville asked if the sign is metal or plywood, and Ms. Corey indicated it is metal and plastic. She presented a picture of the sign to the Board.

John Hellaby questioned the application statement indicating the sign would be 4 by 6 ft. He did not think that is the size of the current sign. Ms. Corey indicated the property is going to be changed quite a bit when the road is finished, and she stated at that time she would like to make application for a permanent sign. She stated she is now asking for a temporary sign until she figures out what the road and property will look like. She stated there may be a berm in front of her house. John Castellani asked Ms. Corey if she is asking for a temporary and permanent sign now, and Ms. Corey indicated she is only asking for the temporary sign now. Ms. Corey indicated she would like to amend the application for just the temporary sign approval.

Ron Popowich asked if the temporary sign would be mounted on a pole, and Ms. Corey indicated it would be.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

DECISION: Unanimously approved by a vote of 5 yes with no conditions and the following findings of fact were cited:

1. Needed to identify the business.
2. Temporary sign is needed until construction of the road is complete.
5. Application of Pizza Hut, 3208 Chili Avenue, Rochester, New York 14624 for for variance to relocate existing freestanding sign 10' from new front lot line (20' req.) at property located at above address in G.B. zone.

Thomas Neilon, restaurant manager for Pizza Hut, was present to represent the application. He stated they are looking to bring the sign back close to their turnaround. He stated their sign is unique and is made out of wood, and he stated it enhances the looks of Chili Avenue. Mr. Neilon indicated he personally for Pizza Hut is directly responsible for maintaining the sign. He stated they will have a subcontractor to move the sign. He stated there is also a light on the opposite side of the driveway that will have to be moved as far back as the sign.

Dan Melville asked if that light pole illuminates the sign, and Mr. Neilon indicated that light is just for the driveway. He added the sign is interiorly illuminated.

Don Ciccarelli was also present to represent the application. He indicated he was filling in for Mr. Neilon's immediate supervisor. He stated the wooden

sign was especially for Chili, and Pizza Hut had to manufacture it to meet Chili's code several years ago. He stated Pizza Hut has won awards for their landscaped sign. He stated with the building being tucked away in a landscaped setting, they need the sign as close to the road as they can.

John Castellani asked if they would be using the same sign, and Mr. Neilon indicated they would use the same sign. He added the flowerbed beneath it would be moved to the new location. Bill Oliver asked how high would the sign be, and Mr. Neilon indicated it is between 12 to 14 ft.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Howard Whelpton - Chili Carpet Center

He asked if the sign has lexon, and Mr. Neilon indicated the sign has colored plexiglass. Mr. Whelpton recommended lexon for any signs that may be subject to vandalism.

ANYONE IN FAVOR OR OPPOSED: No one.

DECISION: Unanimously approved by a vote of 5 yes with no conditions and the following findings of fact were cited:

1. Special circumstances due to new road created a need to relocate the sign.
Minimum variance requested to alleviate the hardship.
2. Consistent with other signs in the area.
3. Won't be a safety hazard to traffic.
4. Sign needed to identify the property and business.

The meeting ended at 8:35 p.m.

A meeting of the Town of Chili Zoning Board was held in the Administrative Office, 3235 Chili Avenue, Rochester, New York 14624 on February 26, 1991 at 7:00 p.m. The meeting was called to order by Chairperson Dan Melville.

PRESENT: Ron Popowich, John Castellani, John Hellaby, Bill Oliver and Dan Melville.

ALSO PRESENT: Larry Smith, Building Inspector; Mike Mazzullo, Deputy Town Attorney.

Chairman Dan Melville declared this to be a legally constituted meeting of the Chili Zoning Board. He announced the fire exits and explained the meeting's procedures. He introduced the members of the Board and front table.

1. Application of Covie Duncan, owner; 31 Tarrytown Drive, Rochester, New York 14624 for variance to erect an 18' x 12' garage addition to be 3' from side lot line (10' req.) at property located at above address in R-1-12 zone.

Covie Duncan was present to represent the application. He stated they want the setback the same as the garage is now. He stated they did have a variance of this nature when the garage was built. He stated they want to continue extending the garage to the rear 12 ft. He stated the addition would be for a lawn mower and storage to get the clutter out of the yard. He stated they would have the garage door in the rear, one in the middle that stands there now and one in the front. He stated when the neighbor's property is developed with a garage, he will want access to the rear yard.

Dan Melville asked if they would conduct a business out of the garage addition, and Mr. Duncan indicated they would not. Dan Melville asked if the siding would match, and Mr. Duncan indicated it would. Ron Popowich asked if they have a utility shed in the back yard, and Mr. Duncan indicated they do. He added they had a variance for that, and he stated they use that for storage. Ron Popowich questioned the car in the backyard, and Mr. Duncan indicated it would go in the new structure.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

DECISION: Unanimously approved by a vote of 5 yes with no conditions and the following findings of fact were cited:

1. Consistent with neighboring properties.
 2. Consistent with existing house line.
 3. Not detrimental to the area.
 4. Minimum variance required to accomplish the objective.
2. Application of Harry Derck, owner; 122 Battle Green Drive, Rochester, New York 14624 for variance to erect a 10' x 12' utility shed to be 2' from garage (8' req.) and 30' from side lot line (55' req. abutting a street) at property located at above address in R-1-15 zone.

Harry Derck was present to represent the application. He stated he wants to build a shed parallel to the garage offset the same as the house, 30 ft. from the street. He submitted pictures to the Board showing the drainage swale in their yard that would not allow the shed to be placed following the zoning requirements. He stated they plan to build a deck on the back of the house leaving no space for the shed except where it is proposed.

Mr. Derck indicated his wife is handicapped, and the proposed location would allow her easier access. He stated they plan to blacktop underneath.

Dan Melville asked what the shed would be used for, and Mr. Derck indicated this riding lawn mower and storage. John Hellaby asked if the stake shown in the pictures is not the applicant's corner, and Mr. Derck indicated it is

Gates-NEWS-Chili

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

Date.....

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

GATES-CHILI NEWS

Issue Dated.....

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y., Monroe Co.
My Commission Expires April 30, 19_91

Patricia M. Smith
Patricia M. Smith
Publisher

*Zoning Book
2/91*

26, 1991 to hear and consider the following applications:

1. Application of Covie Duncan, owner; 31 Tarrytown Drive, Rochester, New York 14624 for variance to erect an 18' x 12' garage addition to be 3' from side lot line (10' req.) at property located at above address in R-1-12 zone.
2. Application of Harry Derck, owner; 122 Battle Green Drive, Rochester, New York 14624 for variance to erect a 10' x 12' utility shed to be 2' from garage (8' req.) and 30' from side lot line (55' req. abutting a street) at property located at above address in R-1-15 zone.
3. Application of Charles Lowell, owner; 2669 Chili Avenue, Rochester, New York 14624 for variance to erect a 5' x 4' single faced free-standing sign to include a pictorial design

at property located at above address in R-1-15 zone.

4. Application of Ronald DiChario, owner; 1260 Scottsville road, Rochester, New York 14624 for variance to erect a 6' x 6' wall sign to include a pictorial design at property located at 1220 Scottsville Road in G.B. zone.
5. Application of Scott Norton, owner; 30 Chester Avenue, Rochester, New York 14623 for variance to erect a 12' x 12' utility shed to be 2 1/2' from side lot line (8' req.) and 2 1/2' from rear lot line (8' req.) at property located at above address in RA-20 & FPO zone.
6. Application of Robert Titus, owner; 30 Bishopgate Drive, Rochester, New York 14624 for variance to erect an addition to house to be 35' from rear lot line (40'

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.

**Daniel Melville,
Chairman
Chili Zoning Board of
Appeals**

**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

not. He stated his property corner is off to the right. he stated there will be a street in through there eventually. John Hellaby asked if 2 ft. is the minimum it can be from the house, and Mr. Derck indicated it is. He stated he needs the room in the front to pull the lawnmower out and also give his wife room to get out. Ron Popowich asked if they do not want the shed in the back because of the drainage swale, and Mr. Derck indicated that was true and added the lot is angled at the back so it would be congested back there with the shed.

John Castellani asked where they would put the deck, and Mr. Derck indicated off the back of the house between the two atrium doors. He indicated they would do that in a couple of years. John Castellani asked if it would be advantageous to put it away from the house and the garage from a safety standpoint, and Mr. Derck did not believe the lot would allow him to do that. Ron Popowich asked if the shed is going to match the siding on the house, and Mr. Derck indicated they have contacted the builder to see what it would cost for them to have a shed built to match the house itself, same siding and roof. He indicated if that is too costly, they will paint it the same color as the house, beige. Dan Melville asked if the drainage swale is wet a lot of time during the year, and Mr. Derck indicated it is wet there when it rains. Bill Oliver asked if they ever anticipated having to put up that shed when they knew a variance would be requested, and Mr. Derck indicated he had no idea a variance would be necessary. He indicated he thought if the house was 30 ft. from the street, the shed could be that close. Bill Oliver asked if they discussed the shed with any of the realtors when they bought the house, and Mr. Derck indicated he did not. Dan Melville commented they do not usually do that because they do not know the code.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back from the Monroe County Department of Planning and has been approved.

DECISION: Unanimously approved by a vote of 5 yes with no conditions and the following findings of fact were cited:

1. Due to configuration of the lot, this is the minimum variance required to achieve the objective.
2. Special circumstances exist for use of this storage shed.
3. Application of Charles Lowell, owner; 2669 Chili Avenue, Rochester, New York 14624 for variance to erect a 5' x 4' single-faced freestanding sign to include a pictorial design at property located at above address in R-1-15 zone.

Charles Lowell was present to represent the application. He stated he needs the sign to identify the occupants of the building. He stated he asked Bristol Signs to design the sign with his logo and the names of the doctors who would be occupying the building. Dan Melville asked if the sign would be near the entrance, and Dr. Lowell indicated it would be right in front of the building. He stated there are two air conditioners in front of the building, and they would be right in front of those. He stated the sign would obscure the air conditioners.

Dan Melville asked if the sign would identify the entrance to the building, and Mr. Lowell indicated it would not. He stated there is a sign on the property that directs the traffic now. Ron Popowich asked if the signs would be illuminated, and Mr. Lowell indicated they would probably illuminate it with lights mounted on the ground shining up into the sign. John Hellaby asked if the signs would be illuminated from dusk to midnight, and he questioned the necessity of that. Mr. Lowell indicated they would not leave it lit all night but would have it lit to midnight on the same timer as the other lights on the property. He added the lighted sign would be good for publicity. Dan Melville asked how far back from the road is the sign, and Larry Smith indicated it would be 87 ft. He stated the sign would be parallel to the front of the building, and any lights on it would be shining at the building and wouldn't shine onto anyone else's property.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back from the Monroe County Department of Planning and has been approved.

DECISION: Unanimously approved by a vote of 5 yes with no conditions and no findings of fact were cited.

4. Application of Ronald DiChario, owner; 1260 Scottsville Road, Rochester, New York 14624 for variance to erect a 6' x 6' wall sign to include a pictorial design at property located at 1220 Scottsville Road in G.B. zone.

Cherie Bevona was present to represent the application. She indicated she is the director of marketing and public relations for Great Life Air Park Health and Fitness Center. She indicated they would like to erect a 175 ft. long canopy going all the way from the end of the building that is next to the car wash half way down the length of the building as it exists now. She stated the sign in question would be a 6 ft. diameter semi-circle that would be directly over the entrance to the health club. She explained according to the Building Department, the sign and the canopy are acceptable; however, to put a pictorial design, their logo on it, it requires a variance. Ms. Bevona indicated they would like their logo, the heart and line, on the canopy because it is their corporate logo. She stated the logo will draw more attention to their business than just a sign with the name only. She indicated they often get a number of new members to the club because they noticed it while driving by and seeing the sign. She stated their neighbors have distinctive signs also such as Wilair, Mobil, Burger King, the Shell station and Olympic Bowl has a similar canopy. She stated they do not feel their logo will create any hazards or interfere with operations in the area.

John Castellani asked if this would be lighted, and Ms. Bevona indicated it would be illuminated from dusk to dawn. She explained right now they have down lights on the building that illuminate the building dusk to dawn. John Castellani asked if it would be consistent with the rest of the building lights, and Ms. Bevona indicated it would. Bill Oliver asked what type of illumination it would have, and Ms. Bevona indicated it would underneath the canopy so the canopy would look like it is glowing.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back from the Monroe County Department of Planning as approved.

DECISION: Unanimously approved by a vote of 5 yes with no conditions and no findings of fact were cited:

5. Application of Scott Norton, owner; 30 Chester Avenue, Rochester, New York 14623 for variance to erect a 12' x 12' utility shed to be 2 1/2' from side lot line (8' req.) and 2 1/2' from rear lot line (8' req.) at property located at above address in RA-20 & FPO zone.

Scott Norton was present to represent the application. He indicated he is asking for a variance to build a 12' x 12' utility shed to be 2 1/2 ft. from the side lot line and 2 1/2 ft. from the rear lot line. He indicated he needs the shed for storage of his kids toys and tools.

Dan Melville asked if this would be a kit shed, and Mr. Norton indicated he would build it himself. Dan Melville asked if it would conform to the house, and Mr. Norton indicated it would not be sided the same as the house. He stated the house was asbestos shingled, so it would be T-111 painted white with the same trim as the house. Bill Oliver commented the property makes it difficult for this shed to be placed anywhere but on the lot line. Mr. Norton indicated if he were to move it, either way he would be interfering with his neighbors' homes. Larry Smith commented the applicant has a single car garage.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back from the Monroe County Department of Planning and has been approved with some comments. He read the comments. Larry Smith stated this structure would be okay in its location as far as the storage facility. Dan Melville commented the shed would not be habitable space so it would be all right as far as flood insurance.

DECISION: Unanimously approved by a vote of 5 yes with no conditions, and the following findings of fact were cited:

1. Best location on the property.
2. Not detrimental to neighboring properties.
3. Minimum variance required to achieve desired effect.
6. Application of Robert Titus, owner; 30 Bishopgate Drive, Rochester, New York 14624 for variance to erect an addition to house to be 35' from rear lot line (40' req.) at property located at above address in R-1-15 zone.

Robert Titus was present to represent the application. He indicated he would be adding onto his kitchen, enlarging the kitchen and dining area. He explained because of the way the house sits on the lot, it sits back farther than it has to be. He stated the house sits crooked on the lot because it is on the beginning of a circle. He stated the back corner of the addition would violate the 40 ft. lot line. He stated the present kitchen is inadequate, and he explained when they open the refrigerator, they bump the stove. He stated the eating area is inadequate, and he explained someone has to get up to let someone walk by.

John Hellaby commented the addition looks like it will be close to the pool. He asked how far roughly would the addition be from that swimming pool, and Mr. Titus stated the pool is coming down and will be replaced. John Castellani asked if they built the original house, and Mr. Titus indicated they did not. He stated the house was built in 1969.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

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

1. Existing pool must conform to the Town Zoning Code.

The following findings of fact were cited:

1. Odd shape lot requires any addition to have a variance.
2. Positioning of house on the lot requires the variance.
3. Not detrimental to neighboring properties.
4. Minimum variance required to achieve the objective.
5. Applicant demonstrated that the addition is needed because of a very small kitchen.

The meeting ended at 8:25 p.m.

CHILI ZONING BOARD
March 26, 1991

A meeting of the Town of Chili Zoning Board was held in the Administrative Office, 3235 Chili Avenue, Rochester, New York 14624 on March 26, 1991 at 7:30 p.m. The meeting was called to order by Chairperson Dan Melville.

PRESENT: Gerry Hendrickson, John Castellani, Bill Oliver,
John Hellaby, Linda Collinge and Chairperson Dan Melville.

ALSO PRESENT: Mike Mazzullo, Deputy Town Attorney; Larry Smith, Building Inspector.

Chairperson Dan Melville declared this to be a legally constituted meeting of the Chili Zoning Board. He announced the fire safety exits and explained the meeting's procedures. He introduced the members of the Board and the front table. He stated Ron Popowich would be absent.

1. Application of Barry Helvey, c/o James Glogowski, L.S.; 1996 Spencerport, Road, Rochester, New York 14606, property owner; F. Sand, et al; for variance to create an undersized lot to be 2 acres (20 acres req.) with a lot width of 175' (700' req.), variance to erect a dwelling 30' from east side lot line (50' req.) at property located at 3948 Union Street in PRD zone.

James Glogowski was present to represent the application. He stated Mr. Helvey is buying a piece of property on Bowen Road. He stated the size is 175 ft. of road frontage and 500 ft. deep. He indicated Mr. Helvey wants a variance for the area from 20 acres to 2 acres. He stated the second variance requested is for a side line setback from 50 ft. to 30 ft. from the east property line.

Mr. Glogowski stated the tests were done on the property. He stated they will have a standard in-ground septic system on the property, and it will be served by a well.

Dan Melville asked if Mr. Helvey has purchased the property, and Mr. Glogowski indicated he is in the process of purchasing it with a purchase offer on the property. John Castellani questioned the address being on Union Street, and Mr. Glogowski indicated Union Street is not the street address for this property. He stated the address would be a Bowen Road address. He explained the property currently has no street address and is part of a larger parcel owned by Mr. Atkins, about 100 acres. John Castellani commented if the owner owns all the way to Union Street, that is the reason for the Union Street address. John Castellani asked if the person buying this property is a relative of the seller, and Mr. Glogowski indicated he is not a relative.

Gerry Hendrickson commented that property is kind of low. Mr. Glogowski stated there is a knoll, but he added they don't have a problem with water. He stated deep hole tests did not show any minerals. Gerry Hendrickson asked if Mr. Atkins is planning on selling more lots, and Mr. Glogowski indicated he did not know. He added there is a wetlands designation on the property.

Dan Melville asked if this piece of property is being just broken off to sell, and Mr. Glogowski indicated it is. Dan Melville asked if there is a reason they did not break off a 20-acre parcel, and Mr. Glogowski indicated his client did not want to spend that much money on land.

John Hellaby asked if it is possible to move the house over more, and Mr. Glogowski indicated it could be moved, but he added they are trying to use as much of the knoll as possible for the house location. Bill Oliver asked if the perk tests conformed with what is required, and Mr. Glogowski indicated they did. He added this would be a drop box system, not a flat system. He stated perk tests were from 3 minutes to 25 minutes.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back from the Monroe County Department of Planning as a local matter.

DECISION: Unanimously denied by a vote of 6 no with the following findings of fact:

1. No exceptional or extraordinary circumstances applied to the

Gates-NEWS-Chili

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

Date.....*3-20-91*.....

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

GATES-CHILI NEWS

Issue Dated...*3-20-91*.....

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y., Monroe Co.
My Commission Expires April 30, 19*91*

Patricia M. Smith
Patricia M. Smith
Publisher

*Zoning Board
March 1991*

**LEGAL NOTICE
CHILI ZONING**

BOARD OF APPEALS

Pursuant to Section 267 of Town Law, a public hearing will be held by the Chili Zoning Board of Appeals at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on March 26, 1991 at 7:30 p.m. to hear and consider the following applications:

1. Application of Barry Helvey, c/o James Glogowski, L.S.; 1996 Spencerport Road, Rochester, New York 14606, property owner; F. Sand, et al; for variance to create an undersized lot to be 2 acres (20 acres req.) with a lot width of 175' (700' req.), variance to erect a dwelling 30' from east side lot line (50' req.) at property located at 3948 Union Street in PRD zone.
2. Application of Louie Gorevski, owner; 228 Chestnut Ridge Road, Rochester, New York 14624 for variance to erect a 20' x 30' attached garage to be 2' from side lot line (10' req.) at property located at above address in R-1-20 zone.
3. Application of Clinton

- Galbraith, owner; P.O. Box C, Scottsville, New York 14546 for variance to create three undersized lots- Lot R-1 to be 1.35 acres (20 acres req.), lot width of 226.83' (700' req.) existing dwelling to be 36.1' from proposed side lot line (50' req.); Lot R-2 to be 1.11 acres (20 acres req.), lot width of 213.80' (700' req.); Lot R-3 to be 2.64 acres (20 acres req.), lot width of 320' (700' req.) at property located at 2272 Scottsville Road in RA-20 & FPO zone.
 4. Application of Perna Homes, owner; 849 Paul Road, Rochester, New York 14624 for variance for an interpretation regarding rear setbacks on corner lots, particularly property located at 13 Sunset Hill in R-L-20 zone.
 5. Application of Scottsville Road Mini Storage, 65 Steel Street, Rochester, New York 14606, property owner; J. & G. Frederico; for variance to erect an 8' x 4' double faced freestanding sign at property located at 1651 Scottsville Road in G.I., FPO, FW zone.
- At such time all

interested persons will be heard. By order of the Chairman of the Chili Zoning Board of Appeals.

**Daniel Melville,
Chairman
Chili Zoning Board of
Appeals**

property. Variance was needed for personal gain only.

2. The property has not been offered for sale to see if a reasonable return can be obtained.
 3. Did not pre-exist the code, contrary to the purpose of the zoning chapter.
2. Application of Louie Gorevski, owner; 228 Chestnut Ridge Road, Rochester, New York 14624 for variance to erect a 20' x 30' attached garage to be 2' from side lot line (10' req.) at property located at above address in R-1-20 zone.

Louie Gorevski was present to represent the application. He indicated he wants a 20' x 30' garage so he can have a back door to get the lawn mower out to cut grass. Dan Melville asked if they need the garage for storage of cars and lawn equipment, and Mr. Gorevski indicated they do. Dan Melville asked if the garage would conform to the siding of the house, and Mr. Gorevski indicated they would put up matching siding around the end of July.

Bill Oliver commented they have plenty of backyard, and he asked if there is any way to put the garage back behind the house. Mr. Gorevski stated the yard is large but odd-shaped. He stated there is an old septic system back there that has changed to water and sewer. He stated he doesn't know where the actual septic is and doesn't want to dig back there.

John Hellaby asked if there is presently a single-car garage on the property, and Mr. Gorevski indicated there is. He stated he would be putting screen doors on that garage to use in the summer. John Hellaby asked if that garage would be converted into a family room with a floor, and Mr. Gorevski indicated it would be left on a slab.

John Castellani asked if there is a cellar in the home, and Mr. Gorevski indicated there is. John Castellani asked if they need this garage for more than outside storage then, and Mr. Gorevski indicated that is true. He stated this would be for cars. John Castellani asked if he would operate a car repair business out of this garage, and Mr. Gorevski indicated he would not.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back from the Monroe County Department of Planning as a local matter.

DECISION: Unanimously approved by a vote of 6 yes with no conditions and the following findings of fact were cited:

1. Consistent with the neighborhood.
 2. Applicant demonstrated a need for the garage.
 3. Moving the garage to the rear of the property will not work due to a septic system in the back yard.
 4. This is the minimum variance required to alleviate the hardship.
3. Application of Clinton Galbraith, owner; P.O. Box C. Scottsville, New York 14546 for variance to create three undersized lots - Lot R-1 to be 1.35 acres (20 acres req.), lot width of 226.83' (700' req.), existing dwelling to be 36.1' from proposed side lot line (50' req.); Lot R-2 to be 1.11 acres (20 acres req.), lot width of 213.80' (700' req.); Lot R-3 to be 2.64 acres (20 acres req.), lot width of 320' (700' req.) at property located at 2272 Scottsville Road in RA-20 & FPO zone.

Daniel Schum was present to represent the application and Clinton and Barbara Galbraith, owners of the subject property. Mr. Schum wished to express his sadness in the passing of Vince Indovina.

Mr. Schum stated the parcel consists of three existing homes located on the east side of Scottsville Road. He stated they were part of the Wehle Farm. He stated the three homes presently exist and have been offered for sale by Mr. and Mrs. Galbraith for quite some time.

Mr. Schum stated the homes cannot be sold without a resubdivision. He stated the homes appeared before the Planning Board of Chili a month and a half ago and received preliminary approval subject to this Board's approval of the size of the lots and the setbacks. He stated there is no ability to move the homes.

Mr. Schum stated they have a practical difficulty in that they cannot comply with the existing zoning of RA-20. He stated the homes pre-exist at RA-20. He stated the homes were built prior to that RA-20 zone being established by the Town of Chili. Mr. Schum stated they need to establish lot lines so when the three lots are offered for sale, they can offer them as a bonafied approved subdivision lot in the Town of Chili. Mr. Schum indicated at the suggestion of the Planning Board of the Town of Chili, they have taken the existing driveway running easterly off of Scottsville Road and created a cross easement to serve Lots R-1 and R-2, so they each have a share of common access off Chili or Scottsville Road. He stated they know they would not be granted a separate driveway entrance, and nor would they want to create one. Mr. Schum stated they have taken the second entrance located further to the south and have allowed that to serve separately Lot R-3 located to the rear.

Mr. Schum indicated all the lots are undersized, that is, they do not meet the minimum RA-20 requirements, nor do they meet the minimum lot requirements. Mr. Schum indicated in some instances they have setback variation because of the existing location of the homes.

Mr. Schum indicated they have continually offered these for sale and have found no one willing to buy all of them as a package, that is, without subdividing them. Mr. Schum stated the large house existing just north of the property has had quite a bit of activity in the last three or four weeks. He stated the last two and a half years have not been quite so active. Mr. Schum stated on and off the Galbraiths have used two of the three properties for people who have helped them in their horse breeding business. He stated, however, that proves to be uneconomic to continue to allow the help to occupy the homes solely as an ancillary use to their business. Mr. Schum stated the buildings have been built as residences. He stated they are all separately serviced and would normally be a prime residence. He stated the only way they want to offer them for sale is to subdivide the lots.

John Castellani asked if the homes are all currently occupied now, and Mr. Schum indicated Lot R-3 has been occupied on a seasonal basis by the blacksmith, and the front two properties are unoccupied. Gerry Hendrickson asked when the big house was last used, and Mr. Schum indicated that home is not really part of the application. He stated that home is located further to the north. He thought that was occupied three or four years ago. He added that home has suffered quite a bit of damage, but there have been interested people in that property. John Castellani stated the total square footage of the property, all three lots would meet the existing zoning, and Mr. Schum did not believe that to be true. Dan Melville commented there is a total of about five acres. Mr. Schum indicated the subject parcel is currently one existing tax account number. He stated it consists of three separate single-family residences on one tax account number. John Castellani asked how old are these structures, and Mr. Schum did not have any record but believed them to have been built in the late 40s. John Castellani asked if there has been any new construction since then, and Mr. Schum indicated there is no new construction. He stated the subject property on Lot R-3 had some remodeling that was done in the past five years that mostly had to do with the interior.

Gerry Hendrickson stated the one barn in front had just been remodeled or rebuilt. Mr. Schum stated the barn to the far south of the property is not part of this application. He stated there is a large pasture to the south of this parcel, and he stated at the suggestion of the Chili Planning Board, they have jogged the south line of the Lot R-3 around that existing barn. Gerry Hendrickson indicated there used to be a gable barn there.

John Hellaby questioned the existing outline of the property being as it exists today. Mr. Schum indicated the outline would remain the same with one exception, that is the jog right around the one barn. He stated the existing lot line ran through the barn, and they did not want to create a violation in creating a subdivision, so at the suggestion of the Planning Board, they have jogged the line around the barn so it would not be part of this subdivision. He stated the L-shaped parcel is one tax account number in the Town of Chili. John Hellaby stated in the list of revisions it says in January they added

Lot R-3, and he asked if the original intention was to make two lots. Mr. Schum indicated that was not the original intention.

Mr. Schum explained when they came to the Building Department, they met with Kathy Reed who told them they actually had shown Lots R-1 and R-2. He further indicated this would really be a three-lot subdivision and should show three lots. Mr. Schum indicated they then asked the engineer to add it at that time.

Bill Oliver questioned the 9.6 ft. off the lot line and the asphalt tennis court on the other side of it. He asked why the lot could not be pushed over a little more. Mr. Schum indicated if they pushed the lot to the north, they would have to demolish the tennis court. He stated they do not want to do that. Dan Melville asked who owns the property to the north, and Mr. Schum indicated that is also the applicant's but is not a part of this application. Dan Melville asked if the other parcel is a separate tax account number, and Mr. Schum indicated it is.

Bill Oliver asked if a variance would be required with only 9.6 ft. to the lot line. Mr. Schum indicated part of the application this evening is the side lot variances required as a requirement of this subdivision. He indicated he met with the Building Department at some length to make the application of this and asked them to construe the ordinance for every variance that might be necessary. Bill Oliver pointed out the dimension 36.1 ft. and questioned where the 9.6 ft. dimension is in the application. John Castellani commented that figure was not in the listing either. Mr. Schum restated he asked the Building Department to list all the variances they need, and he concluded they must have missed that one. Dan Melville stated that variance was not advertised. Mr. Schum indicated he would be more than pleased to amend the application.

Dan Melville stated John Hellaby had just brought up to him on Lot R-3, that is only 42 ft. from the side lot line. He indicated that is supposed to be 50 ft. also. Larry Smith questioned whether this would be an illegal subdivision, the remainder of the parcel. Mr. Schum indicated he went through this with the Chairman of the Planning Board. He stated since this parcel has not been subdivided and represents one tax account number, it has not been subdivided to create an illegal subdivision.

John Castellani asked if the property to the north and to the south is owned by the Galbraiths, and Mr. Schum indicated it is. Mike Mazzullo felt they could amend the application. Dan Melville pointed out the one barn has nothing to do with the subject property, yet they would be creating another needed variance on another piece of property for the same owner. Mr. Schum indicated they only had three choices with that barn.

Mr. Schum indicated they could bulldoze it down, which is not practical or economically feasible; they could divide it along the existing lot line, which created two problems; or they could jog around it and create one problem. Mr. Schum indicated that one problem is the one variance application to make this lot comply. He restated the Planning Board suggested they jog around the barn to create enough room as required to service the barn on the adjoining property without jeopardizing the size or the access in the existing driveway. Dan Melville stated he would not have a problem with that. He stated, however, by jogging around it, they have created a barn that is in violation which should have come in under another variance, under that tax account number. Mr. Schum indicated he would make application for a variance for that parcel as well as the adjoining parcel to the north. Dan Melville asked if there would be any hardship if the Zoning Board did not act on this tonight and held it until they had the other applications in, so they could handle everything at once. Mr. Schum indicated he could make application for the barn on the property to the south. He stated the building to the north, the main house, he could not make application for because he cannot say what type of offer or how much any prospective buyer may wish to spend. He stated that is an attractive piece that can be divided many ways. Dan Melville stated as far as the house to the north is concerned, they would only be looking at the variance for the 9.6 ft. Mr. Schum indicated there would not be any hardship in that the barn is not going to move in a month. He stated, however, it does hold up the offers for sale. He stated they cannot offer it as an approved building lot or subdivided lot in the Town of Chili. Dan Melville pointed out an offer could be contingent on getting approval, and Mr. Schum agreed.

John Castellani felt this would be spot rezoning, and he stated this total property meets the requirements of the zone of that area. Mr. Schum stated it does not quite meet the requirements of the zone because it has five single-family dwellings on one tax account number. John Castellani commented that is pre-existing, non-conforming, and Mr. Schum indicated that is his problem. Mr. Schum stated there is no way they can divide this property into 20-acre parcels without bulldozing at least two of the three houses. John Castellani felt the applicant should be at the Town Board level looking for a rezoning. Mr. Schum stated there is a substantial greater practical difficulty having three single-family dwellings on a five-acre parcel rather than having what they are proposing. Mr. Schum commented when people built home upon home 30 or 40 years ago, they did not consider the fact it would be rezoned into a condition to subject them to this kind of a problem.

Gerry Hendrickson commented these homes were built for the employees of the farm. He further added the same buildings on the opposite side of the road down about 1,000 ft. are where the workers used to live, too.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back from the Monroe County Department of Planning as a matter for local determination.

John Castellani made a motion to table the application, and Gerry Hendrickson seconded the motion.

DECISION: Unanimously tabled by a vote of 6 yes to table for the following reason:

1. Tabled until applicant is ready to reapply with the additional variances.
4. Application of Perna Homes, owner; 849 Paul Road, Rochester, New York 14624 for variance for an interpretation regarding rear setbacks on corner lots, particularly property located at 13 Sunset Hill in R-1-20 zone.

There was discussion amongst the Board about the applicant and whether to hear it tonight. Mike Mazzullo advised the Board that he got notice of this application in the mail and then spoke to the Building Department. He stated it appears this particular address has been granted a building permit, and Larry Smith indicated that is correct. Mike Mazzullo stated in order for this to be in front of the Zoning Board, there has to be a denial in some regard for an application to be appealed. He stated this is a Zoning Board of Appeals. He stated there is no denial to this piece of property; therefore, it can't be in front of this Board. He stated the rest of the application is for an advisory opinion, and he stated the Board cannot give interpretations. He stated that interpretation is up to the Building Department to determine what they feel the code dictates. He stated if there is a disagreement between the Building Department and the builder, they would have to go before the Town Board to either have it redefined or more clearly defined, the code section. Dan Melville asked if this property currently has a building permit, and Mike Mazzullo indicated he confirmed it does. Dan Melville asked if this is in violation of any of their zoning ordinances, and Mike Mazzullo indicated that depends on the interpretation of the setback, but he stated they cannot retract it. Dan Melville asked if that means the property is not in violation of any of their ordinances, and Mike Mazzullo indicated that was true. Dan Melville closed the hearing.

There was a discussion off the record.

5. Application of Scottsville Road Mini Storage, 65 Steel Street, Rochester, New York 14606, property owner: J. & G. Frederico; for variance to erect an 8' x 4' double faced freestanding sign at property located at 1651 Scottsville Road in G.I., FPO and FW zone.

Dave McCrossen was present to represent the application. He stated he runs a consulting firm where he helps people building the mini storages and helps get them running a normal operation.

Dan Melville asked if the sign would be illuminated, and Mr. McCrossen indicated

it would not be illuminated. Linda Collinge asked if the sign would be a permanent sign, and Mr. McCrossen indicated it would be.

There was discussion over whether a sign advertising the variance was posted properly, and the Board determined they would hear the rest of the application.

John Hellaby asked if this would be a wooden sign, and Mr. McCrossen stated the construction of the sign board itself is MBO plywood, three-quarter inch. He stated there would be two pieces on two metal posts. John Hellaby asked if it is necessary to have this sign 20 ft. high, and Mr. McCrossen stated it could be lower. John Hellaby asked if this is the same type of sign that is on the property in Wheatland, and Mr. McCrossen indicated that is not one of his properties. He stated the sign would be simple, stating the name of the business, the address and the phone number.

Gerry Hendrickson asked if the sign is going to be on the back of the fence or in front of it, and Mr. McCrossen indicated it would be in back of the fence. Dan Melville indicated the sign would have to conform to the code and be 20 ft. from the road right-of-way, and Mr. McCrossen indicated he understood.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back from the Monroe County Department of Planning as a local matter.

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

1. The sign must be no higher than 10' from the existing grade level to the top of the sign.

The following findings of fact were cited:

1. Sign needed to identify the property.
2. The sign will not be a safety hazard to traffic on Scottsville Road.

CHILI ZONING BOARD
April 23, 1991

A meeting of the Town of Chili Zoning Board was held in the Administrative Office, 3235 Chili Avenue, Rochester, New York 14624 on April 23, 1991 at 7:30 p.m. The meeting was called to order by Chairperson Dan Melville.

PRESENT: John Castellani, Bill Oliver, John Hellaby,
Linda Collinge, Ron Popowich and Chairperson Dan Melville.

ALSO PRESENT: Mike Mazzullo, Deputy Town Attorney.

Chairperson Dan Melville declared this to be a legally constituted meeting of the Chili Zoning Board. He announced the fire safety exits and explained the meeting's procedures. He introduced the members of the Board and the front table. He brought up Item 5 to the front of the agenda.

5. Application of Steven Woodard, owner; 11 Revere Drive, Rochester, New York 14624 for conditional use permit to allow 3 amateur radio towers at property located at above address in R-1-15 zone.

Patrick Moyer was present to represent the application. Dan Melville stated he just received some comments from the County, and he read the comments regarding this being an unlisted action.

Mike Mazzullo explained Mr. Woodard put in the application, and for whatever purpose, there was no environmental assessment form required under the State Environmental Control Agencies. He stated certain actions someone does to their property are overseen by the DEC, and some of the other environmental agencies' review because of the impact it could have on the environment.

Mike Mazzullo stated earlier today around 2 to 2:30 p.m. he found out that the County and the Department of Planning has changed their stance on the application since it was first presented last year for the single antenna. He explained when the County saw it came back to Chili with three separate units, they changed their stance to an unlisted action.

Mike Mazzullo stated there are three types of actions. He stated this came back as an unlisted action. He stated that means there would be environmental assessment forms that would have to be made out by the applicant. He stated his review of the SEQR law includes handbooks and such that he had to go through to determine the appropriate course of action. He stated in order to follow the separate body of State law, SEQR, the Zoning Board has to have the information on the environmental assessment form including a visual impact statement which the applicant has to present.

Mike Mazzullo believed the Zoning Board would declare itself lead agency, which means the needed information would go to the Zoning Board. He stated the Zoning Board would notify the Town Board, the Planning Board and the County Planning Board of that declaration. He stated those other bodies have 30 days to tell the Zoning Board they would prefer to be lead agency.

Mike Mazzullo stated technically the Zoning Board doesn't have the authority to hear the application tonight because if they did hear it tonight, the people in the public that want to comment on anything that the applicant would say about the visual impact or some of the County recommendations would not be able to speak about that at a later time. He stated there would be only one public meeting.

Mike Mazzullo indicated he spoke with the County Planning Department to make sure the information received today by the Town was correct. He stated the Zoning Board is going to require the applicant to fill out the necessary forms. He stated the Zoning Board would table it until next month and have the full public meeting. He stated the reason for the change was this application included two more antennas than the one that was entertained last year, and that changed the County's position. He stated the Zoning Board would table this without prejudice.

Mr. Moyer stated the applicant wants to be cooperative.

An unidentified man in the audience asked when will the public be heard, and Mike Mazzullo indicated at the next Zoning Board meeting. Mike Mazzullo stated the applicant will probably have the necessary forms filled out as soon as possible. He stated those forms would be public and would be available.

Gates-NEWS-Chili

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

Date.....4-17-91.....

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

GATES-CHILI NEWS

Issue Dated.....4-17-91.....

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y., Monroe Co.
My Commission Expires April 30, 19_91

Patricia M. Smith
Patricia M. Smith
Publisher

*Zoning Book
4/1991*

**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 23, 1991 at 7:30 p.m. to hear and consider the following applications:

1. Application of Michael Kolozvary, owner, 367 Archer Road, 14623 for Land Use Variance to

allow the buying and selling of firearms at property located at above address in RA-20 & FPO zone.

2. Application of Judith Brankline, owner; 20 Hartom Road, Rochester, New York 14624 for variance to erect a 10' x 23' deck to be 29.5' from front lot line (60' req.) at property located at above address in R-1-12 zone.

3. Application of Donald Aselin, owner; 130 Battle Green Drive, Rochester, New York 14624 for

conditional use permit to allow an office in home at property located at above address in R-1-15 zone.

4. Application of Michael Alling, owner; 801 Brook Road, Scottsville, New York 14546 for variance to erect a 32' x 32' attached garage to be 1,024 sq. ft. (900 sq. ft. allowed), variance for garage to be 20' from side lot line (50' req.) at property located at above address in RA-20 & FPO zone.

5. Application of Steven Woodard, owner; 11

Revere Drive, Rochester, New York 14624 for conditional use permit to allow 3 amateur radio towers at property located at above address in R-1-15 zone.

6. Application of Clinton Galbraith, owner; P.O. Box C, Scottsville, New York 14546 for variance to allow existing barn to be 5' from proposed side lot line (50' req.) at property located at 2284 Scottsville Road in RA-20 & FPO zone.

At such time, all

interested person will be heard. By order of the chairman of the Chili Zoning Board of Appeals.

**Daniel Melville,
Chairman
Chili Zoning Board of
Appeals**

OLD BUSINESS:

1. Application of Clinton Galbraith, P.O. Box C, Scottsville, New York 14546 for variance to create three undersized lots. Lot R-1 to be 1.35 acres (20 acres req.), lot

width of 226.83' (700 req.), existing dwelling to be 36.1' from proposed side lot line (50' req.); Lot R-2 to be 1.11 acres (20 acres req.), lot width of 213.80' (700' req.); Lot R-3 to be 2.64 acres (20 acres req.), lot width of 320' (700' req.) at property located at 2272 Scottsville Road in RA-20 & FPO zone.

4-13

for the public's review. Mike Mazzullo advised the applicant the necessary forms should be in one week prior to the meeting so everyone could review them. Mike Mazzullo stated this would be readvertised, but he stated the Town would waive the advertising cost. He told the applicant they would have to put the signs up again, too.

Dan Melville made a motion to declare the Zoning Board lead agency for the purpose of conducting a visual impact statement which must be in the long form, and the applicant would have to present that statement at the next time before the Board. John Castellani seconded the motion. The Board all voted yes.

DECISION: Unanimously tabled by a vote of 6 yes to table for the following reason:

1. Applicant must supply to the Chili Zoning Board of Appeals the visual impact study they requested, and that study must be into the building office no later than 6 business days before the next meeting.
1. Application of Michael Kolozvary, owner, 367 Archer Road, 14623 for Land Use Variance to allow the buying and selling of firearms at property located at above address in RA-20 & FPO zone.

Michael Kolozvary was present to represent the application. He stated he is asking for permission to use a portion of his barn to conduct the business of firearms, buying and selling firearms. Dan Melville asked if he is currently conducting a business there now, and Mr. Kolozvary indicated he is in his home. Dan Melville asked how long has the business been operated out of that location, and Mr. Kolozvary indicated it has been a business since October of 1990. Dan Melville asked if the business was conducted at another location prior to the applicant's home, and Mr. Kolozvary indicated it was not.

Ron Popowich asked what the nature of the business is, and Mr. Kolozvary indicated the buying and selling of firearms. He stated this is a 30-year hobby of his that has outgrown itself. He stated this is no longer a hobby. He stated in order to comply with the State and Federal Laws, he has to have a business. Ron Popowich asked if there would be a firing range, and Mr. Kolozvary indicated not one that would be open to the public. He indicated he can fire his guns there himself.

John Castellani asked why this is a Land Use Variance and not a conditional use permit, and the applicant indicated he was told it is a Land Use Variance because he would be operating out of his barn. Larry Smith stated it is a Land Use Variance because the barn is a separate accessory structure. John Castellani asked what clientele would there be as far as volume, and Mr. Kolozvary indicated he may have one car a week. He stated most of his business is done at gun shows all over the State and the northeast part of the United States. John Castellani asked the applicant if he is really a collector as opposed to a sporting goods store operator that sells only guns, and Mr. Kolozvary indicated he is really a collector.

Linda Collinge asked what kind of security system would there be, and Mr. Kolozvary indicated he would have bars on the window openings right now. He indicated he would have a Slage Security System with an automatic timer.

Bill Oliver asked the applicant if he would handle black powder, and Mr. Kolozvary indicated he would. He added he would not have to have a federal license for that. He stated if someone has more than ten pounds, they are required to have a locker by the State of New York. Bill Oliver asked the applicant if he would handle gun parts, and Mr. Kolozvary indicated he would handle gun parts, too. Bill Oliver asked the applicant if he has advised the Fire Department of the black powder on the premises. Mr. Kolozvary indicated he has had two fires on his property already not related to the gun powder, and he further commented the Fire Department is aware of it.

John Hellaby asked if the business is done on appointment basis, and Mr. Kolozvary indicated it is a part-time business. He stated most people call him for appointments. John Hellaby asked if there would be any advertising on the property, and Mr. Kolozvary indicated his advertising is word of mouth and through the associations that he belongs to.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville stated this came back from the Monroe County Department of Planning as a matter for local determination.

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

1. Subject to immediate fire marshal inspection and each year thereafter.
2. Applicant must supply fire marshal with a detailed inventory and list of ammunition, gun powder, etc.
3. No on-street parking of vehicles pertaining to the business.
4. No signs on the property pertaining to the business.

The following findings of fact were cited as a reason for approval:

1. The property is isolated and landlocked so there will not be a detrimental impact to the neighboring properties.
2. The barn sits well back from the road so there won't be a traffic or safety hazard.
3. Operated as a business in the past.
4. Applicant demonstrated he had a good security system to protect the contents.

Before a decision was made on Mr. Kolozvary's application, Dan Melville moved to declare the Zoning Board lead agency and made a determination of no significant environmental impact, and Ron Popowich seconded the motion. The Board all voted yes.

2. Application of Judith Brankline, owner; 20 Hartom Road, Rochester, New York 14624 for variance to erect a 10' x 23' deck to be 29.5' from front lot line (60' req.) at property located at above address in R-1-12 zone.

Kenneth Brankline was present to represent the application. He stated they are looking to erect a porch or deck on the front of their house. Dan Melville asked why they want such a large deck in the front of their house. Mr. Brankline indicated they had a bunch of large ugly bushes in front of their house when they bought it that died, and he stated they had covered the front of the house. He stated they would like to erect a porch half the length of their house. Dan Melville asked if this would project out 10 ft., and Mr. Brankline indicated it would be 10 ft. from the house, but actually only about 4 ft. past the steps where the steps are already. He stated it would cover the dead ground where the bushes were.

John Hellaby asked the applicant if he would plant bushes in front of the deck when it is done, and Mr. Brankline indicated he would not. Ron Popowich asked if the height of this with the railing is going to be 4 ft. 8 inches, and Mr. Brankline indicated it would be.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED:

Jerry Brixne - 14 Hartom Road
He indicated he was in favor of this.

Dan Melville indicated this came back as a local matter.

DECISION: Unanimously approved by a vote of 6 yes with no conditions and following findings of fact were cited:

1. The house is currently non-conforming as other houses in that area so it is not detrimental to the area.
2. Deck is a reasonable replacement for landscaping.
3. Minimum variance required to accomplish the desired project.

3. Application of Donald Aselin, owner; 130 Battle Green Drive, Rochester, New York 14624 for conditional use permit to allow an office in home at property located at above address in R-1-15 zone.

Don Aselin was present to represent the application. He indicated he wishes to continue to have an office in his home as he did at Haymarket Street in Chili for 20 years. He stated he is now required to get a permit for Battle Green Drive.

Dan Melville asked what kind of business would be conducted out of this property, and Mr. Aselin indicated it would be sporting goods. Dan Melville asked if people would be coming to the house, and Mr. Aselin indicated occasionally people stop by to pick up a catalog or something, but he stated he has sales people that are on the road tied into other businesses they have. He stated they would have no retail operations at this site. He explained they sell the goods to colleges, high schools, Kodak, etc. Mr. Aselin indicated the traffic would be very little. He stated the operation is run by himself and his wife.

John Hellaby asked if people that come to the house are by appointment, and Mr. Aselin indicated there are no appointments, but people usually call before they are coming over. He added all their orders are placed with the manufacturer, and the manufacturer drop ships the merchandise to the customer. Mr. Aselin indicated he represents seven different companies in New York State. He indicated his desk has two desks, a chair, computer equipment and a copier. John Castellani asked if there would be any signage, and Mr. Aselin indicated there would be no signage.

Bill Oliver asked if there would be employees besides the applicant and his wife, and Mr. Aselin indicated he does have employees that are on the road and would not work out of this office. He added all but one of the employees live out of town.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

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

1. No signs pertaining to the business on the property.
2. No on-street parking pertaining to the business.
3. No storage of solvents or flammables on the property pertaining to the business.
4. Approval good for one year.

The following findings of fact were cited:

1. Customary Home Occupation.
 2. No retail business will be conducted on the property so there will not be a detrimental impact on the neighborhood.
 3. No increase in traffic pertaining to the business.
4. Application of Michael Alling, owner; 801 Brook Road, Scottsville, New York 14546 for variance to erect a 32' x 32' attached garage to be 1,024 sq. ft. (900 sq. ft. allowed), variance for garage to be 20' from side lot line (50' req.) at property located at above address in RA-20 & FPO zone.

Debra Rogowicz was present to represent the application. She stated they have a very small house with no basement. She stated her and Mr. Alling have a barn that is rotting out, and she stated they are looking to put the garage where there is already a driveway. She stated the garage would be a 32' x 32' structure. She stated part of that structure would be a porch as well as a workshop. She stated it would be used for car storage and that portion would be 24' x 24'.

Dan Melville asked if there would be a second story, and Ms. Rogowicz indicated there would be a second story. She stated they have a one-bedroom house,

and she stated they are planning on putting a guest room in the second story of the garage. She stated it would not be a permanent residence for anyone. Dan Melville asked if the bedroom would have access from the house, and Ms. Rogowicz indicated it would have access from the garage only. Dan Melville asked if they would be renting out the room above the garage, and Ms. Rogowicz indicated they would not be renting it.

John Hellaby asked if it would be a problem to continue the one wall down and install a door so the two living areas are separated from garage space, and Ms. Rogowicz indicated that would be possible.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

DECISION: Unanimously approved by a vote of 6 yes with no conditions and the following finding of fact:

1. Applicant demonstrated a need for a large garage because there is no basement and a very small house so storage is needed.
6. Application of Clinton Galbraith, P.O. Box C, Scottsville, New York 14546 for variance to allow existing barn to be 5' from proposed side lot line (50' req.) at property located at 2284 Scottsville Road in RA-20 & FPO zone.

Daniel Schum was present to represent the application. He stated this application is made in conjunction with the Old Business Item 1 on the agenda. He stated this application was brought about as a result of the comments in part made by the Board at the last meeting. He stated the application is for an area variance that was tabled at the last meeting as there were questions concerning why certain lot lines and setbacks were not included in the application. He stated the very next day he met with the Building Inspector and his clerk and confirmed that, in fact, the application was proper, and the reason that some of them were not put in the application is that they are existing lot lines and existing buildings predating the ordinance. Mr. Schum indicated it was brought up at the last meeting that the existing framed barn located on the property would require the property line to be jogged around it, but it would still create a side line variance. Mr. Schum stated the only alternative would be to bulldoze the barn. He stated the barn is a viable structure that has value and adds beauty to the property. Mr. Schum indicated they know of no other way to accomplish compliance with the code other than to wipe out the lot line and sell all four or five structures and the barn together. He stated the applicants have attempted to do that and have been unsuccessful. Mr. Schum indicated they have had offers for various structures but never for the whole grouping. Mr. Schum indicated the reason for the subdivision is to make it affordable for someone to occupy these structures.

Ms. Collinge asked what the barn is currently being used for, and Mr. Schum indicated it is being used as a barn. He stated it has a tackle and storage for hay and straw. He stated it is not being occupied as a residence. John Hellaby asked how the property lines are today. Mr. Schum used a map to explain the current property lines. John Hellaby asked if the lines currently cut off the edge of the barn, and Mr. Schum indicated it actually cuts through the barn. He stated until they had it surveyed, his clients had no idea that barn was actually encroaching across the property line for 20 - 30 years. He stated it didn't matter to them because they owned both properties. Larry Smith stated it was the suggestion of the Planning Board that the property line jog around the barn.

John Hellaby asked if the property line between R-1 and R-3 is being added and a line between lots R-1 and R-2 are added, why then would they not consider the 24.8 ft. setback for the existing dog kennel. Mr. Schum indicated the kennel is an accessory structure. John Hellaby felt if those lines were used, the setback should have been included as part of the variance. Mr. Schum stated the kennel would not have any commercial viability without an application to the Zoning Board. Larry Smith stated an accessory structure shall not be located within 8 ft. of the principal use.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back from the Monroe County Department of Planning as a matter for local determination.

DECISION: Unanimously approved by a vote of 6 yes with no conditions and the following find of fact was cited:

1. Minimum variance required to eliminate the hardship.

OLD BUSINESS:

1. Application of Clinton Galbraith, P.O. Box C, Scottsville, New York 14546 for variance to create three undersized lots - Lot R-1 to be 1.35 acres (20 acres req.), lot width of 226.83' (700' req.), existing dwelling to be 36.1' from proposed side lot line (50' req.); Lot R-2 to be 1.11 acres (20 acres req.), lot width of 213.80' (700' req.); Lot R-3 to be 2.64 acres (20 acres req.), lot width of 320' (700' req.) at property located at 2272 Scottsville Road in RA-20 & FPO zone.

DECISION: Unanimously approved by a vote of 6 yes with no conditions and the following findings of fact were cited:

1. Pre-existed our code.
2. Best possible break up of the property so it is the minimum variance required to alleviate the hardship.
3. Applicant demonstrated he couldn't sell the property as it exists.
4. Full review by the Chili Planning Board as to reasonableness of the application and approval by the Planning Board.

Larry Smith stated the County Comments for Application 3 were not received by the Town, but he stated he did talk to the County, and the County finds that application to be a matter for local determination.

The March 26th, 1991 minutes of the Chili Zoning Board were accepted as corrected!

The meeting ended at 8:35 p.m.

CHILI ZONING BOARD

May 28, 1991

A meeting of the Town of Chili Zoning Board was held in the Administrative Office, 3235 Chili Avenue, Rochester, New York 14624 on April 9, 1991 at 7:30 p.m. The meeting was called to order by Chairperson Dan Melville.

PRESENT: Ron Popowich, John Castellani, Gerry Hendrickson, John Hellaby, Bill Oliver, Linda Collinge and Chairperson Dan Melville.

ALSO PRESENT: Richard Drake, Assistant Building Inspector; Mike Mazzullo, Deputy Town Attorney.

Chairperson Dan Melville declared this to be a legally constituted meeting of the Chili Zoning Board. He announced the fire safety exits and explained the meeting's procedures. He introduced the members of the Board and the front table.

1. Application of William Daugherty, owner; 122 Stryker Road, Scottsville, New York 14546 for variance to create an undersized lot to be 4.02 acres (20 acres req.) variance to allow a lot width of 200' (700' req.) at property located at above address in PRD & FPO zone.

Don Avery was present to represent the application. Dan Melville questioned whether the property was properly posted, and the Board confirmed it was. Mr. Avery indicated they did put up five signs.

Mr. Avery indicated the applicant owns property on Stryker Road and is bounded by Chili-Scottsville Road. He stated on top of the hill there is a farm house and barn across the road. He stated they would like a 200 ft. wide lot. He stated it is in a PRD zone. He stated there is not enough frontage to have 2,700 ft. wide lots. Mr. Avery indicated the applicant also wants to have a lot there to leave as much land around him for farming. He stated he owned the property for 17 years and has lived in Chili for 70 years.

Mr. Avery indicated percolation test were done and the results were good. He stated there would be a water line in front of the house. He stated the person the applicant is renting the house to is his daughter and her two children. He stated there are wetlands in the back and a buffer, but the lot would not interfere with that. He stated there would be no interference with the neighbors. He stated the applicant owns the property across the street.

Dan Melville asked if the applicant just wants a 200 x 700 ft. lot, and Mr. Avery indicated that was correct. Dan Melville asked why they would want to divide it in the center, and Mr. Avery indicated that is because of sight distance from a driveway. Dan Melville asked if there are any sewers, and Mr. Avery indicated there are no sewers. He stated the property perks for a standard field. Dan Melville asked if they have water yet, and Mr. Avery indicated bids went out yesterday and by the time the house is built, it will probably be in. He stated they would be in Chili District #2. Dan Melville asked what would the parcel be used for, and Mr. Avery indicated it would be a home for the applicant and his wife. Dan Melville asked why they need a separate parcel.

William Daugherty was present to represent the application also, and he stated he lives at 2 Creekside Drive in Churchville. Mr. Daugherty indicated he was told he couldn't have two houses on the same piece of property.

John Castellani asked if there would be any transfer of property rights, and Mr. Avery indicated there would not be. John Castellani asked if the daughter would have a deeded portion, and Mr. Avery indicated she would not. John Castellani asked the applicant if he would continue to own both parcels, and Mr. Avery indicated the applicant would. Gerry Hendrickson asked if the property would go into ag district, and Mr. Avery indicated it would not. He stated they would still continue to have a small farm.

John Hellaby asked if any consideration has been given to make the lot wider, and Mr. Avery indicated 200 ft. was sufficient to leave as much as possible for farming, and with 200 ft. they would be able to comply with all setback requirements.

Dan Melville indicated he received a petition on the application from residents

Gates-NEWS-Chili

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

Date.....5-22-91.....

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

GATES-CHILI NEWS

Issue Dated.....5-22-91.....

Geraldine C. Snyder
.....

Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y., Monroe Co.
My Commission Expires April 30, 19_93

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 May 28, 1991 at 7:30 p.m. to hear and consider the following applications:

1. Application of William Daugherty, owner; 122 Stryker Road, Scottsville, New York 14546 for variance to create an undersized lot to be 4.02 acres (20 acres req.), variance to allow a lot width of 200' (700' req.) at property located at above address in PRD & FPO zone.
2. Application of St. Mary's Hospital, c/o Home Leasing Corp., 850 Clinton Square, Rochester, New York 14604, property owner: Roberts Wesleyan College; for variance to erect a 3'9" x 4'6" single faced freestanding sign including a logo, variance for sign to be on lot line (20' req.), variance to erect a second wall sign including a logo at property located at 7 College Greene Drive in P.U.D. zone.
3. Application of Home Leasing Corp., 850 Clinton Square, Rochester, New York 14604, property owner: Roberts Wesleyan College; for variance to erect a 2' x 3' single faced freestanding sign including

a logo at property located at 4 College Greene Drive; variance to allow logo's on for sale signs on each lot in the College Greene Subdivision in P.U.D. zone.

4. Application of Bruce Sheldon, owner; 22 Harold Avenue, Rochester, New York 14623 for variance to replace existing 7' x 12' utility shed to be 2' from side and rear lot lines (8' req.) at property located at above address in RA-20 & FPO zone.

5. Application of Earl Thorpe, owner; 29 Morrison Avenue, Rochester, New York 14623 for variance to allow existing shed to be 2' from side and rear lot lines (8' req.) at property located at above address in RA-20 & FPO zone.

6. Application of Theodore Sylvio, owner; 1761 Scottsville Road, Rochester, New York 14623 for variance to erect a 28' x 24' deck for an outdoor cafe to be 28' from side lot line (100' req. on corner lot) at property located at above address in RA-20 & FPO zone.

7. Application of Ryan Homes, 1280 Scottsville Road, Rochester, New York 14624, property owner: William Baird; for variance to erect two temporary signs: Sign 1 to be 5' x 3' and to be 2' from side lot line (20' req. adjoining a street); Sign 2 to be 3'5" x 5'3" including a logo and to be 1' from side lot line (20' req.) at

property located at 158 Battle Green Drive in R-1-15 zone.

8. Application of Jane VerDow, owner; 3048 Chili Avenue, Rochester, New York 14624 for renewal of conditional use permit to allow a physical therapy practice in home at property located at above address in R-1-12 zone.

9. Application of Steven Woodard, owner; 11 Revere Drive, Rochester, New York 14624 for conditional use permit to erect three amateur radio towers 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.

**Daniel Melville,
Chairman
Chili Zoning Board of
Appeals**

James Book
5/28/91

in the area who are opposed signed by 10 people on Scottsville-Chili Road.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back from the Monroe County Department of Planning as a local matter.

DECISION: Denied by a vote of 5 no to 2 yes (John Hellaby, Gerry Hendrickson) with the following findings of fact cited:

1. The Board members felt this was more like spot zoning.
 2. Applicant did not look into other alternatives before applying for a variance.
 3. No exceptional circumstances applied to the property.
2. Application of St. Mary's Hospital, c/o Home Leasing Corp., 850 Clinton Square, Rochester, New York 14604, property owner: Roberts Wesleyan College; for variance to erect a 3'9" x 4'6" single-faced freestanding sign including a logo variance for sign to be on lot line (20' req.), variance to erect a second wall sign including a logo at property located at 7 College Greene Drive in P.U.D. zone.

Lori Tones was present to represent the application. Dan Melville questioned whether the new signage law was in effect, and Mike Mazzullo indicated it has not been filed yet and is only in the minutes of the Town Board meeting. Ms. Tones indicated St. Mary's is asking for two variances. She indicated one is for a main sign. She stated there has been a request for alteration of the sign to be wider and the location to be switched to the other side of the entrance. Dan Melville asked if they want to increase the size of the sign, and Ms. Tones indicated they do. Dan Melville stated the application would have to be readvertised then. Ms. Tones indicated the applicant would be willing to come back. She commented the applicant felt the distance from Buffalo Road requires a larger sign.

Dan Melville suggested adjourning the hearing until the new signage law is filed with the Secretary of State when the applicant would probably comply then. He stated the filing would be before the next meeting. Ms. Tones indicated they would like the sign double-faced. Dan Melville asked if the new law would cover double-facing, and Richard Drake did not know. John Castellani indicated this would not be heard tonight because it was not advertised properly.

Gerry Hendrickson made a motion to table the application, and John Castellani seconded the motion. The Board unanimously approved the motion.

Ms. Tones indicated they are also looking to put lettering on the building, and John Castellani suggested she check with the Building Department. There was some discussion on that issue. Dan Melville commented they may have been told they need a second variance because of the logo that the new law would address. Ms. Tones indicated she was told they need two variances because of the two signs on the building. Richard Drake indicated they need the variance because they are applying for two wall signs with only one road frontage. Dan Melville stated the application has been tabled. He further stated this came back from the Monroe County Department of Planning as a local matter.

DECISION: Unanimously tabled by a vote of 7 yes for the following reason:

1. Tabled for readvertisement for increased size of sign.
3. Application of Home Leasing Corp., 850 Clinton Square, Rochester, New York 14604, property owner: Roberts Wesleyan College; for variance to erect a 2' x 3' single-faced freestanding sign including a logo at property located at 4 College Greene Drive; variance to allow logos on for sale signs on each lot in the College Greene Subdivision in P.U.D. zone.

Ms. Tones was present to represent the application. She indicated the application is for two separate variances. She stated one sign is for a freestanding sign to inform people they can tune their radio to a certain dial for information on the community. She stated this is a special community for seniors. She indicated they have had many people stop by not realizing it is a senior community.

She stated there are no signs presently indicating it is a senior community.

Ms. Tones indicated the other sign would be for lot signs with logos to identify individual lots left for sale. She indicated the signs would just state the lot number. She commented technically she would be allowed a 2 x 3 ft. for sale sign, but she indicated they only want lot signs. She stated they do not want 2 x 3 ft. signs. She stated they have requested 12" x 18" signs.

John Hellaby asked if the sign up in the main entrance is just there during the construction phase, and Ms. Tones indicated it is temporary in the sense they have nine out of 142 homes, so it would be there a while. Ms. Tones indicated they would like it to be permanent. She stated it would be nice to have a sign that recognizes this community as a senior community.

Dan Melville asked if they have a permanent sign now, and Ms. Tones indicated they do have a sign, but nothing indicating it is a senior community. She indicated at one time they felt that should be included in the sign but never did that. Dan Melville asked how many identifying signs would they need for the property. Ms. Tones indicated the main sign is out on Buffalo Road. She stated the requested sign is in further. Ms. Tones indicated they did not put senior community on the original subdivision sign due to the close proximity to the doctors' offices. She indicated they did not want to create the impression the doctors' offices were for the senior community only. Ms. Tones indicated they only need a 2' x 3' sign.

Ron Popowich asked if they would want the sign to be permanent regarding the senior community, and Ms. Tones indicated they would. She stated the college will always be handling the resales on the units and will always have to market it as a senior community. She stated half the people that come in interested are underage. Ron Popowich asked if they advertise in the papers, and Ms. Tones indicated they do, in the local papers. Ron Popowich indicated he was not questioning the size but the need. Ms. Tones indicated they could put senior community on the main sign, but they do not feel it would be as effective. Ron Popowich questioned if they do not want anyone to know it is a senior community until they get past the doctors' office. Ms. Tones indicated they do not mind if people know it is a senior community, but she added if the people come in and they think they are entering into a senior community and they are going to a doctors' office, the natural assumption might be it is for the people in that senior community. Dan Melville pointed out people usually have appointments with doctors and are not drop-in visits. Ms. Tones felt with the location of the doctors' office it would affect their advertising.

John Hellaby asked who takes care of the FM radio, and he questioned what assurances there are that people outside of the community will not be receiving interference from this station. Ms. Tones indicated the frequency goes about 500 ft. only. She indicated one would have to have their radio tuned to the station, and she further stated the frequency would not be able to be picked up on Buffalo Road.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back from the Monroe County Department of Planning as a local matter. Bill Oliver made a motion to set a time limit for the application at one year. There was no second.

DECISION: Denied by a vote of 5 no to 2 yes with the following findings of fact cited:

1. Applicant currently had identification signs on the property.
2. The Board felt that another permanent identification sign was excessive.
3. The Board felt a temporary sign would fill the applicant's needs during construction.
4. Application of Bruce Sheldon, owner; 22 Harold Avenue, Rochester, New York 14623 for variance to replace existing 7' x 12' utility shed to be 2' from side and rear lot lines (8' req.) at property located at above address in RA-20 & FPO zone.

Diane Sheldon was present to represent the application. She indicated they

want to get a variance to replace an existing shed that was put up almost 20 years ago when they put in an in-ground pool. She indicated she also has statements from the three adjoining property owners that also have no problem with them putting up the shed. She submitted that to the Board.

Dan Melville asked if this shed is for storing lawnmowers, and Ms. Sheldon indicated it is for the storage of pool equipment, the pool pump, etc. Dan Melville asked if the shed is up now, and Ms. Sheldon indicated it is partially up now.

Dan Melville indicated the Board was in receipt of three letters from Frank and Margaret Caruso of 20 Harold Avenue; the Fonnells; and Earl and Betty Thorpe. Dan Melville indicated those letters were all in favor of the application.

Ron Popowich asked if they are replacing an existing shed, and Ms. Sheldon indicated they are because it was damaged in the ice storm. Ron Popowich asked if the shed was moved out a foot from the rear lot line, would that put it close to the pool, and Ms. Sheldon indicated it would.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back from the Monroe County Department of Planning as approved.

DECISION: Unanimously approved by a vote of 7 yes with no conditions, and the following findings of fact were cited:

1. Best place on property to place this shed due to pool in yard.
2. Replacement of existing structure which was pre-existing, non-conforming.
3. Petitions from neighbors in favor of placement.
5. Application of Earl Thorpe, owner; 29 Morrison Avenue, Rochester, New York 14623 for variance to allow existing shed to be 2' from side and rear lot lines (8' req.) at property located at above address in RA-20 & FPO zone.

Earl Thorpe was present to represent the application. He indicated they are requesting a variance to replace their shed that was torn down with the ice storm. He stated the original shed was 10' x 10', and he stated this would be a 9' x 10' shed. He indicated it is still on the same concrete block with bolts in it, though. He indicated he called the Town Hall about the ordinance on the shed, and there was none because it was undersized. He indicated he neglected to ask about a lot line distance because he figured it would be grandfathered in as the old shed that was built in 1972. He stated this is a metal shed.

Dan Melville asked if somebody from the Town notified them they were in violation, and Mr. Thorpe indicated he was. He stated it would be an inconvenience to move the shed due to the concrete bottom. Mr. Thorpe presented some letters to the Board in favor of the application. Dan Melville indicated the Board was in receipt of a letter from Bruce Sheldon. He indicated the other letter submitted from the County the Town already had a copy of.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this did come back from the Monroe County Department of Planning and has been approved.

DECISION: Unanimously approved by a vote of 7 yes with no conditions and the following findings of fact were cited:

1. Replacement of existing structure which was pre-existing, non-conforming.
2. Structure being placed on existing base from previous structure.
3. Best place on the property to place this structure.
6. Application of Theodore Sylvio, owner; 1761 Scottsville Road, Rochester, New York 14623 for variance to erect a 28' x 24' deck for an outdoor cafe to be 28' from side lot line (100' req. on corner lot) at property located at above address in RA-20 & FPO zone.

Tracy Sylvio was present to represent the application as one of the owners of Dribbles Sports Bar. She indicated it is their intention to erect a deck as per the blue prints submitted. She stated there are minor changes being made in the blue prints. She indicated she has been in front of the Planning Board for preliminary approval as long as she meets the eight necessary conditions set on the application.

Ms. Sylvio indicated there was a blue print change regarding the error that one side of the deck was not enclosed. She indicated the deck would be totally enclosed. She indicated they have been having the blue prints drawn up, and they will be submitted to the Building Department.

Dan Melville asked what this deck would be used for, and Ms. Sylvio indicated a cafe. She stated they feel a deck right now is essential to encourage business. She stated their summertime business decreases dramatically. She stated it seems that the students go home, and people tend to spend a lot more time outdoors. She indicated they are trying to attract a lunch crowd, and this is just something that has been a kind of trend, sitting outside on a deck. She stated this would only going to be used for basically daytime hours. She stated they would be closing the deck by 11 p.m. She stated there would be no additional lighting on the outside of the building, so there would not be light outside for evening use. She indicated they would have small tables out there for people to grab a bite to eat and sit outside. She stated there would not be any exit or entrance except for an emergency exit from the deck.

Dan Melville asked if there would be someone from the business that would be on that deck to monitor what is going on out there, and Ms. Sylvio indicated there would be. Dan Melville questioned whether someone would be able to pass drinks over the fence to underage people. Ms. Sylvio indicated there is a 7 ft. privacy fence that encloses the whole deck, so there would not be access or exit from there. She indicated they would not be able to hand a drink over.

Dan Melville questioned the parking situation since this would take up some of the space for parking. Ms. Sylvio indicated they would only lose two and a half spaces. She indicated they are working on the plan with the Building Department now. She indicated they own the parcel directly behind there. She indicated that is an empty parcel right now that they just keep mowed. She indicated they have not determined the square footage of the expansion yet.

Dan Melville asked if they are able to expand that parking, and Ms. Sylvio indicated they are working on it. Dan Melville pointed out one of the conditions the Planning Board placed on the applicant is they want the applicant to write a letter to the New York State Department of Transportation requesting that "no parking" signs be placed on Scottsville Road. Ms. Sylvio indicated there are people that come up and park on Scottsville Road. She commented they really have no control over that. She indicated that condition was decided for the safety of the people that pull up for the side streets. Ms. Sylvio indicated she was advised by someone in the Town that it would take three or four years through normal channels, but if she wrote the letter, it might expedite that. She indicated she has written the letter.

Dan Melville asked how the parking is handled on the subdivision streets. Ms. Sylvio indicated she has no control over that. She indicated they have advised their neighbors that some of that parking problem is not related to Dribbles Sports Bar. Ms. Sylvio stated there is a house directly across the street from Dribbles that had a lot of college kids there that were parking in the applicant's parking lot and on the side streets. Ms. Sylvio indicated they have advised their neighbors to call the police if they have any problems.

Dan Melville asked if the applicant would have an objection to writing a letter to the Town requesting "no parking" signs be put on those side streets, and Ms. Sylvio indicated they would have no objection.

Ron Popowich asked if this is the only place they could put this deck, and Ms. Sylvio indicated it is. She stated there is an existing doorway out the building there. Ron Popowich asked if one would be able to see through the privacy fence at all, and Ms. Sylvio indicated no. John Castellani asked by having the exit to the deck, would that take away a fire exit, and Ms. Sylvio indicated it would not because they are putting an emergency fire exit on the east side. She indicated that is not currently included in the blue prints. She stated on the east side of the deck there would be a door with a breaker bar on it and an alarm for emergency exit only.

John Hellaby commented the parking is a big issue. He stated the way he reads the letter, they cannot proceed with construction until all the eight conditions are met, and Ms. Sylvio indicated that was correct. John Hellaby asked if the Zoning Board felt they would like the plans for the parking spaces before passing judgment, would that create a hardship. Ms. Sylvio indicated that would because while they keep going through the approval process, summertime is coming and going. She stated they already have to wait until June 11, 1991 to be seen by the Planning Board for final approval. She asked the Zoning Board to give the benefit of the doubt to the Planning Board and their judgment regarding this application. Dan Melville commented the Zoning Board could always make their approval subject to the Planning Board passing judgment on their concerns.

Bill Oliver questioned the safety guard post, and Ms. Sylvio stated the people that helped her husband put together the design suggested that be put in there. Ms. Sylvio thought the reason for that is to protect anybody from pulling up and not stopping before the deck.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Marlene Kretser - Traffic and Safety Committee
She stated at the last Planning Board Don Faso did mention for Traffic and Safety to go over this and also to write a letter to the D.O.T. for "no parking" signs, so the Traffic and Safety Committee would be looking at this at their next meeting.

ANYONE IN FAVOR OR OPPOSED:

Donna Whitney - 4 Charles Avenue
She indicated she lives behind the bar. She asked the Board to deny any request for the enlargement of the parking. She stated the vacant lot the applicant is referring to is directly behind her bedroom, maybe 25 ft. She stated she would hate to see parking on two sides of her house. Dan Melville indicated they are only addressing the deck tonight.

Lori Statt - 8 Charles Avenue
She stated she is opposed to the idea not because she doesn't want the bar to be successful, but as it is now, the bar has caused a lot of problems. She stated the parking is unsafe. She stated there are people out until 2 a.m. screaming and yelling.

Dan Melville indicated this came back from the Monroe County Department of Planning as approved.

DECISION: Approved by a vote of 6 yes to 1 no with the following conditions:

1. The Board requests the applicant to write a letter to the Chili Town Board asking for no parking signs on Alfred Avenue and Charles Avenue and ask that a local law be passed so the Monroe County Sheriff's Department can enforce the no parking regulation.
2. Applicant must have review from Traffic and Safety Committee.
3. Conditioned on final approval by the Planning Board.

The following findings of fact are cited in support of this decision:

1. Minimum variance required to meet the needs of the business.
 2. Conditions set forth above address the needs of the neighbors.
 3. Hours limited by the Planning Board to protect neighboring properties from excessive noise.
 4. Privacy screening makes the structure less obtrusive to the neighbors.
7. Application of Ryan Homes, 1280 Scottsville Road, Rochester, New York 14623 14624, property owner: William Baird; for variance to erect two temporary signs: Sign 1 to be 5' x 3' and to be 2' from side lot line (20' req. abutting a street); Sign 2 to be 3'5" x 5'3" including a logo and to be 1' from side lot line (20' req.) at property located at 158 Battle Green Drive in R-1-15 zone.

No one was present to represent the application.

DECISION: Unanimously denied without prejudice for the following reason:

1. Applicant did not show up for hearing.
8. Application of Jane VerDow, owner; 3048 Chili Avenue, Rochester, New York 14624 for renewal of conditional use permit to allow a physical therapy practice in home at property located at above address in R-1-12 zone.

Jane VerDow was present to represent the application. She indicated she appeared approximately two years ago in front of the Chili Zoning Board for conditional use variance which was granted, and she stated nothing has changed since then. She indicated she did not see any need to upgrade the business at this point. She indicated she currently complies with all the conditions.

Ron Popowich asked if there have been any complaints, and Richard Drake indicated there have been none. Dan Melville asked how many years they would need this for, and Ms. VerDow indicated she does not anticipate any changes for five years. She added if she needs to change anything, she can always come back to the Board. She indicated the only condition that she would like to modify is the hours of operation. She stated she has many requests to start at 7 a.m. during the summer hours. She indicated she would probably want that condition from May through September. She commented she does not choose to do that on a regular basis herself, but she stated some people do request that.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back from the Monroe County Department of Planning as a matter for local determination.

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

1. No on-street parking related to the business.
2. No signs on the property.
3. Hours of operation to be Monday through Thursday, 7 a.m. to 8 p.m. and Friday, 7 a.m. to 6 p.m.
4. No more than two patients and one staff car on the property during business hours relating to the business.
5. Code enforcement officer can inspect the property at any time during business hours when owner is present.
6. Application approved for a period of five years.

The following findings of fact are cited in support of this decision:

1. No complaints from neighbors.
2. No increase in traffic causing safety problems.
3. This business can cohabitate in the area with little or no affect on neighboring properties.
9. Application of Steven Woodard, owner; 11 Revere Drive, Rochester, New York 14624 for conditional use permit to erect three amateur radio towers at property located at above address in R-1-15 zone.

Mr. Moyer was present to represent the application as the applicant's attorney. He indicated he wants to make sure the application includes SEQR. Mr. Moyer stated Mr. Woodard is a duly licensed amateur radio operation and would like to install or actually has installed because of miscommunications with the Town three amateur radio antenna systems on his property. Mr. Moyer indicated they are present under Chapter 115 Article 5, 115 - 12C 10 conditional use permit which allows for communication towers for personal use as long as they do not exceed the height restrictions in the chapter. Mr. Moyer indicated the applicant submits that none of these antennas do violate the height restrictions. He stated two of the antenna systems are attached to Mr. Woodard's house.

He stated the towers and the guys withstood the recent ice storm unlike some of the trees in the community. Mr. Moyer stated the building code exempts from the building height restrictions things like aerials other than freestanding, and that is Section 115 - 46 of the code.

Mr. Moyer further stated the third antenna is about 37 ft. tall with a total height of about 56 ft. He stated there was some confusion on this, but he stated it is their understanding that Mr. Woodard has a variance for his property to erect a 60 ft. top freestanding tower. He stated that was communicated to him by Mr. Mazzullo, the Deputy Town Attorney, so that is the only antenna that would be freestanding. Mr. Moyer stated that antenna is within the height restriction of the variance. He restated all three antenna meet the height restrictions.

Dan Melville asked when that variance was granted, and Mike Mazzullo stated what he had indicated was that variance was not granted. He stated the Board chose not to hear it. Mike Mazzullo indicated he said it was removed from the Zoning Board of Appeals because FCC would take predominance over a single antenna, and then the height restrictions. He further explained, therefore, the Board would not have the authority under the United States Constitution which is higher than the local ordinance to deny one providing it met all other requirements. Mr. Moyer indicated they argue the restriction the preemption does not restrict, and there is nothing that says one antenna. Mr. Moyer commented there was discussion with prior counsel for the applicant, and that was the understanding. Mike Mazzullo stated the understanding of the prior counsel was that it dealt with one antenna. He explained Mr. Woodard appeared before the Board on his own, and it was removed, and he must have left with that impression and never contacted the Town or Mike Mazzullo.

Mr. Moyer stated Mr. Woodard put up the antenna, contacted the Town and there was miscommunication. He indicated there was an Article 78 proceeding started on the height for the first antenna. He stated the other two were not restricted by height because of the ordinance. Mr. Moyer stated anything that specifically states freestanding antennas are only restricted as to height, and ones that are attached or are projections from buildings, are not covered by the height restrictions. Mike Mazzullo indicated that is according to the interpretation of the Building Department. Mr. Moyer agreed and added they know there are other concerns, particularly since they were asked to do the SEQOR review, and he stated they would like to address some of those up front.

Mr. Moyer stated Mr. Woodard has gone out of his way to try to make this visually as unobtrusive as possible. He stated there are many mature trees in the area, so most of the antennas are not visible. He stated the only people that see the antennas are the people in the neighborhood. Mr. Moyer stated within the ranges that are discussed in the SEQOR guidelines as well as what has been identified on the submitted map, other structures that are equally tall or taller and equally as imposing is a windmill within site of the property; within a quarter mile and a half mile radius, a number of other structures. He stated there are some transmission lines. He stated there is the new Wegmans' building.

Mr. Moyer stated the topography map that they have included shows that there are high voltage transmission towers in the area. He stated there is a commercial radio tower a short distance away. He stated there is a microwave tower at Bausch and Lomb. He added further out is the WHAM tower. Dan Melville asked if those are in residential zones, and Mr. Moyer indicated some of them are. Dan Melville asked which ones are, and Mr. Moyer indicated he did not have an overlay on that, but he stated they could do that. He stated if the windmill is not in a residential zone, it is on the edge of one.

Mr. Moyer indicated they feel there is not going to be any impact on property value. He stated studies in other communities have found there hasn't been an impact, and he stated they have included for the Board's information a study from Columbus, Ohio that was part of another lawsuit.

Mr. Moyer indicated the radio tower interference is a question. He stated it is their position that under the purview of the federal government, under the FCC, that that is also preempted. Mr. Moyer stated because Mr. Woodard understands that this is a potential problem, he has done a number of things. Mr. Moyer indicated Mr. Woodard has tried to work with every neighbor that has contacted him. He stated Mr. Woodard has contacted back and tried to work around his schedule of operations to lessen any interference. He stated Mr. Woodard has

also hired a radio frequency engineer to come and check out his station and give it a clean bill of health. Mr. Moyer indicated the engineer's statement has been included for the Board. Mr. Moyer added the engineer is present to answer any questions.

Mr. Moyer indicated there is the airport safety question, and he stated that has been pretty well addressed. He stated they have included an FAA letter that says Mr. Woodard is well within the FAA restrictions, plus the County Planning Board has okayed this as well in terms of the airport.

Mr. Moyer indicated the public service impact is a question. He stated they feel Mr. Woodard's hobby is a valuable asset to the community, and that there is a net gain to the general community by having licensed amateur radio operators in Town. Mr. Moyer stated that is the reason why the FCC has made unprecedented intrusion into local government because of the public service activities, including local soccer tournaments.

Mr. Moyer indicated under the safety question, one question raised was that one of the towers could be climbed. Mr. Moyer indicated since that question was raised, Mr. Woodard has installed an anti-climb device so as to prevent any child or some person not knowing what they were doing from climbing the tower.

Mr. Moyer indicated the final question raised has been referred to earlier, that much of the local regulation of antenna towers has been preempted by the FCC. Mr. Moyer stated they feel that Mr. Woodard has gone out of his way to try to be as compliant as he possibly could with the regulations. Mr. Moyer stated Mr. Woodard would have applied for the building permit first if he had not had the communication problem.

Mr. Moyer introduced David Halliday as the frequency engineer to answer any technical questions.

Dan Melville asked if there currently is a satellite dish mounted to one of the antennas, and Mr. Moyer indicated there is not. Dan Melville asked if there was one there, and Mr. Moyer said, "No." He further stated there is not a satellite antenna. He stated he did not want to be technical and did not want to play semantics. He stated there is a dish antenna that was mounted on one of the antenna towers. He stated it is impossible for that dish antenna as it is located and its purpose to receive satellite signals because it is not pointed in the air. He stated it does operate on the same frequencies. He stated it is pointed, however, on a horizontal for other kinds of communications.

Dan Melville asked if the tower that is sitting on the roof has been inspected by Chili's Building Inspector to see if that roof can actually hold that tower, and Mr. Moyer indicated it has not. Dan Melville asked, when installing the towers, has there been any trees removed to install them. Mr. Moyer indicated no trees have been removed. Dan Melville asked how the tower that is on the roof is secured to the roof.

Steve Woodard was also present to represent the application. He stated that tower is bolted through the roof through about six inches of wood with 3/8 or 1/2-inch screws. Dan Melville asked if that is going into 2 x 6s on the roof, and Mr. Woodard indicated it is, under the roof. Mr. Woodard added there are 11 guys on it also. Dan Melville asked what the strength of the guys are, and Mr. Woodard indicated he did not know that without looking. He indicated 3,900 pounds. Dan Melville asked if the tower to the rear of the yard is mounted into any footers, and Mr. Moyer indicated it is. Dan Melville asked how deep the footers are, and Mr. Woodard indicated they are about 4 ft. deep. He stated he ordered five yards of concrete for that and poured about four yards into the hole.

Dan Melville asked Richard Drake if one were to put footers in their yard, would they have to have a permit and have it inspected, and Richard Drake indicated that is required. Dan Melville asked if the Building Department has done any inspection on those footers, and Richard Drake indicated they have not. Mr. Woodard stated when he did this the first time, he was told by the Building Department they had no jurisdiction and he needed no permit. Dan Melville asked the applicant if he told the Building Department he would be putting footers in, and Mr. Woodard indicated he did not. He commented that was in the plans submitted the first time.

Dan Melville commented he noticed in the rear of the property it looks like

there were laying on the ground some metal things, parts of the tower. He asked if that is possibly for extension of a tower; and Mr. Woodard indicated it is not. Dan Melville asked if the towers are currently on the exact spot as the survey map, and Mr. Woodard indicated they are. Dan Melville indicated he was interested in how far the tower is from the rear property line to the antenna. Mr. Moyer referred to the map for the dimensions. He indicated it is approximately 124. Dan Melville asked who drew the towers on the map, and Mr. Moyer indicated Mr. Woodard did it. Dan Melville asked if they did that to a map that was stamped by a licensed surveyor. Mr. Moyer indicated they didn't have it surveyed. He stated they did add the antennas to the survey map they had. Dan Melville indicated they are not supposed to write on a surveyor's map unless it is so stated on the map. Mr. Moyer indicated the applicant would be happy to have it surveyed.

Dan Melville asked why the applicant needs three towers. Mr. Woodard indicated he cannot put all of the antennas on one structure because they won't fit. Dan Melville asked the applicant if he runs more than one radio at a time, and Mr. Woodard indicated he runs several radios at the same time. Mr. Moyer stated the applicant operates on a number of different frequencies. He further added Mr. Woodard cannot talk on 12 or 13 different frequencies at the same time, but what he does is every different frequency he operates on requires an antenna. Mr. Moyer stated if Mr. Woodard had one 80 ft. tower, he could mount all the antennas he would need to do the operation. He stated Mr. Woodard's compromise over that is to go with three smaller towers.

Dan Melville asked if they have any case law to cite from New York, and Mr. Moyer indicated there is no case law from New York. He stated this type of situation is still being litigated in a lot of places. He stated the newest thing since he has submitted the material is that the State of Florida outlawed all local regulation of antenna towers on a statewide basis.

Dan Melville commented in Mr. Halliday's statement he said that a lot of the poor reception or interference that the residents are getting is maybe due to poor antennas. He questioned how that would explain interference with cable tv.

David Halliday, also present to represent the application, indicated a lot of times cable tv interference is caused by signal ingress into the cable because of poor cable connections. He stated that is common with Greater Rochester Cablevision. He stated the cable company will actually come out for no charge and investigate the cable when there are instances of this type of interference. Mr. Halliday stated the cable is a closed system and is supposed to be leak proof. He commented that is why people pay for cable. Mr. Halliday stated in cases where that does not exist, it is almost always because there is a broken or corroded connection, or someone has made one of their own connections at the port to their house with less than standard quality material. He further stated when the cable company discovers that, they fix it and the problem goes away. Mr. Moyer stated most of the time when cable is brought into the house, right away it is not hooked up to one television set that is cable ready, but is hooked up to a vcr with another wire going to the television with another wire going to another device. He further stated every time a wire is added, and particularly with Radio Shack cables, there are problems.

Mr. Halliday indicated a lot of problems come from using a splinter going to two tv sets. He stated a lot of people use a vcr to tune their tvs. He stated many people leave the tv set on Channel 3 and use the vcr to tune the tv. Mr. Halliday stated vcrs have been cited by the FCC as very RF interceptable. He stated the reason for that is because the Japanese when they manufacture the vcrs, don't shield them properly. He stated in cases where vcrs have been at issue in interference problems, the FCC refuses to act because the problem is the deficient design in the vcr tuner to be sustainable to interference. He further stated the government is trying to work on a set of regulations to solve that, but the Electronics Industry Association is dead set against it because it would up the cost of the vcr and reduce the profitability of the component.

Mr. Moyer stated Mr. Woodard has in every case where someone has complained about an interference problem has spent his time to attempt to at least work with them to rectify the problem. Mr. Moyer commented the place to go with these kinds of concerns is the FCC. Mr. Moyer stated Mr. Woodard is not trying to impose his radio operation on other people from the standpoint of going into vcrs and all those kinds of things. Mr. Moyer stated in one case Mr. Woodard went over and was helping his neighbor and the interference came on at the time he was standing there, so it was not Mr. Woodard causing that interference.

Mr. Moyer stated Mr. Woodard's operations are very low and he is not on every night.

Dan Melville stated in the Boulder, Colorado case law, on that decision that was made by the U.S. District Court there, that was for one antenna, and Mr. Moyer indicated it was. Dan Melville stated every case law he has read in this regard has been for one antenna. Mr. Moyer indicated that was correct because it has never come up before.

Dan Melville asked how they know all the guy wires are on Mr. Woodard's property when they do not have a surveyor's map. Mr. Woodard stated he paid for a staked survey when he bought the place, and he knows where the pins are.

Ron Popowich questioned why they could not put all the antennas on the existing tower on the house. Mr. Woodard indicated it would be too close. He stated if he were to do that, he would have to run the guys out farther from the base. He indicated he could do that if he were off the roof of the house. Ron Popowich asked how deep the lot is, and Mr. Moyer indicated it is 167' x 95'. Ron Popowich commented the house is like 100 ft. from the front; the depth of the house is 24; and then there is an antenna shown back 65 ft. He stated that would put it in someone's yard. Mr. Woodard indicated the numbers on the map do not add up. He stated as he recalled it is 17 ft. from the base of the tower to the lot line. Mr. Moyer stated they are willing to table this until they can get a more accurate survey.

John Castellani asked, on the guy wires what kind of protection is there from it being an attractive hazard. He stated he could envision some child running across the yard at night and getting injured on the wires. Mr. Woodard indicated it was his intention to put shrubs around all the wires until this application process started. Mr. Moyer pointed out some of the guys are terminated actually on the house. John Castellani asked what type of anti-climb devices are on the tower. Mr. Woodard indicated it is a smooth metal surface enclosing the tower for 10 ft. that cannot be climbed. John Castellani asked if there is any climbable cross lattice, and Mr. Woodard indicated there is none.

Linda Collinge asked what is to stop the applicant from putting up more towers. Mr. Woodard indicated he would not have enough room. Mr. Moyer indicated if there were many more towers on the site, they would start interfering with each other.

John Hellaby asked who installed the towers, and Mr. Woodard indicated he did. John Hellaby asked the applicant if he has had experience with the construction of these towers, and Mr. Woodard indicated he has put in five or six. He added his brother assisted him in putting up his own towers. He stated his brother used to work in that regard for a living. John Hellaby asked, if requested by this Board, could the applicant supply the Board with a structural engineer's report as far as the roof structure of the house being adequate to support the tower, and Mr. Woodard indicated they could do that. He further stated if people keep raising the issue of the concrete in the ground that can't be moved, he would be more than willing to put one 80 ft. structure up and go through the whole process with the Town's inspections. John Hellaby pointed out on the manufacturer's guide diagrams on a 50 ft. tower it calls for 17.5 sq. ft. for a round antenna or 10.5 sq. ft. for a flat membered antenna. He commented he noticed there are two of the antennas on one structure. Mr. Woodard stated they are installed well within that. John Hellaby asked who the lightning protection was installed by, and Mr. Woodard indicated it was himself. Mike Mazzullo stated the State Building Code would cover that. John Hellaby asked if the Board asked the applicant for proof of adequate insurance coverage, would he be able to provide that. He commented he is concerned about that because the towers are capable of reaching the surrounding neighbors' property if one were to fall down. Mr. Moyer indicated Mr. Woodard did check with his insurance agent to check to see if it would cover the neighbors, and it would.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Jerry Ernst - 27 Battle Green Drive
He asked if there has been a prior permit pertaining to these radio antenna, and Dan Melville indicated there has not. Mr. Ernst indicated he was curious why all this has happened without any permits being issued. Mr. Ernst asked if there was an antenna that looks like a satellite dish well above the tree line in the neighborhood. Mr. Moyer indicated there was a dish antenna which is now mounted on the applicant's car. Mr. Ernst commented after the hearing that could go back up on the tower, and Mr. Moyer indicated it could. Mr. Ernst

stated since the ice storm there is visual damage to the antenna. Mr. Ernst stated Wegmans and Bausch and Lomb should not be used in comparison because they cannot be seen from the neighborhood. Mr. Woodard indicated the antennas were damaged after the ice storm but not the towers. Mr. Ernst indicated he was opposed to this application.

Ken LaDue

He indicated he is opposed to this. He stated he is the son of Byram and Marty LaDue that live next door. He asked how many of the Board members have physically gone out to the property and seen it, and Dan Melville indicated everybody has. Mr. LaDue presented the Board with a pictorial review of the tower situation. Mr. LaDue indicated the first meeting was over the 35 ft. tower that was allowed. He questioned what zone the 35 ft. restriction is for, and Mike Mazzullo indicated it is a height restriction for the entire Town. Mr. LaDue indicated at that meeting two years ago Dan Melville asked if the tower would have an effect on the neighbors, and the response from Mr. Woodard at that time was he had no complaints to date. Mr. LaDue stated right now there are many concerns about the towers. Mr. LaDue indicated in that meeting John Hellaby asked if the tower would extend past 45 ft., and Mr. LaDue commented there now has been reference to an 80 ft. tower. Mr. LaDue indicated at that meeting John Castellani asked if the towers would be hidden by the trees, and Mr. LaDue indicated the towers are not currently hidden by the trees. Mr. LaDue indicated at that meeting Bill Oliver voiced a concern the towers would fall on the neighbors' property, and the response by Mr. Woodard at that time was only 10 ft. of the neighbors' property would be affected.

Mr. LaDue indicated he is concerned if there is a fire in Mr. Woodard's house, what would happen to the tower. Mr. LaDue indicated Mr. Woodard in the past has indicated he wanted to provide a phone patch to overseas servicemen, and Mr. LaDue questioned how many phone patches are needed. Mr. LaDue indicated the applicant's attorney out in Henrietta has an installation, either he or his neighbor. Mr. LaDue stated the installation in Henrietta does not have anyone living behind it, though.

Mr. LaDue felt the guy wires on this property are definitely a safety hazard. Mr. LaDue indicated his father mows his lawn twice a week, and he indicated he is concerned his father at 81 years old is not that stable and could hit the guy wires that are right on the property line. Mr. LaDue indicated the towers on Mr. Woodard's roof could fall on his parents' home. He stated when his parents purchased their home there were a lot of trees and they liked the seclusion. He stated they know see towers.

Mr. LaDue stated Mike Mazzullo in the past has indicated the Board lacks the authority to have a hearing on amateur radio antennas and further stated the U.S. FCC has exclusive jurisdiction through the area of Freedom of Speech. Mr. LaDue indicated he felt that was incorrect. He stated the FCC limits tower heights to 200 ft. He asked if that means that Mr. Woodard could extend his towers another 100 ft. in this residential area. Mr. LaDue indicated the FCC also states transmission interferences are to be resolved with neighbors. Mr. LaDue indicated he has talked to many people that have interference but do not want to cause trouble bringing it up. Mr. LaDue stated the FCC also mentions words like "reasonable" as far as the installation of amateur radio stations. Mr. LaDue questioned if this is a reasonable station. Mr. LaDue indicated in a letter from the FCC to his parents dated April 25, 1991 they indicated their office had been notified of the Town meeting concerning the antenna subject. The letter indicated local zoning laws and rules involving this case must be made by the Town itself. The letter stated the FCC has no jurisdiction over local zoning ordinances and actions. Mr. LaDue expressed the concerns for neighbors in his area that are opposed to this. Mr. LaDue indicated this situation has affected the neighborly relations in the area.

Justine Winnicki

She questioned the property values mentioned earlier by Mr. Moyer, and she asked if those values were considered where there are no towers around. She stated they do not have telephone poles in their neighborhood. She stated there are nothing but trees in this area, and she felt the towers would then make the property values go down.

Dan Melville asked on the case law if they concerned residential zones, and Mr. Moyer indicated it was in residential areas. He stated the study did not go into detail as to whether there were other electrical lines in the area.

Steve Fortaro - Revere Drive

He stated the comparison to Wegmans and Bausch and Lomb is far off base. He felt the towers would bring the area property values down. He did not feel Mr. Woodard has addressed the neighbors' concerns.

Arnold Latoski - 26 Battle Green Drive

He indicated he has nothing against amateur radio operators. He indicated he does not understand the need for three towers in today's day of technology. He indicated he has done some research on this topic and found in the amateur radio operators' handbook they make the statement saying in this day of high tech and miniaturization, wires stretched between two trees will suffice, but the old ham radios axiom of the higher the better still prevails. He stated on 19 Minuteman Trail there is a ham radio, and he stated one would have to look for that antenna. Mr. Latoski stated next door to him for years Mr. Robert Boyack operated a ham radio station with a tower up in back of his house which was not visible, and it didn't interfere with his tv, his phone, nothing.

Mr. Latoski acknowledged the fact the Japanese did not seal the sets against frequency interference. Mr. Latoski stated for years that did not matter, though. Mr. Latoski commented Mr. Woodard could comment he has a lot of money in his equipment, but Mr. Latoski indicated he has a lot of money invested in his home. Mr. Latoski indicated the towers are visible from his kitchen and bathroom.

Mr. Latoski stated Mr. Woodard didn't talk to his neighbors about this. Mr. Latoski presented the Board with a petition with over 40 names on it of people in the immediate neighborhood that are against this. He read the petition regarding the concerns over interference, the number of towers, the unattractiveness of the towers and the decreasing property values.

Dan Melville asked Mr. Latoski if he has telephone problems, and Mr. Latoski indicated he does. He stated he has a cordless phone, and he added he has to unplug his cordless phone to get his regular phones to work now. Mr. Latoski indicated he talked to Mr. Ed Picket about the improper shielding of tvs and vcrs. He indicated Mr. Picket is from GRC, the head technician. Mr. Latoski indicated he has had people come down to his house and tell him that he has a strong signal to his tv set, but as soon as it enters into the tv set, due to the lack of proper shielding, he gets interference. Mr. Latoski felt this is a rectifiable situation and the neighbors should not have to research this problem out.

Mr. Latoski asked what a high gain antenna is. Mr. Halliday indicated it is an antenna of the type that directs the signal primarily in one direction, mostly to the exclusion of others. He stated those are usually antennas with many elements. He stated Mr. Woodard's antenna are high gain. Mr. Halliday indicated the benefit to a high gain antenna is by forcing most of the signal in one area, most of it is excluded from other directions, and the antenna have to be turned in a specific direction to talk in that direction. Mr. Latoski asked if those towers all have rotators, and Mr. Woodard indicated they do.

Mr. Latoski indicated in the FCC interference handbook under high gain or directional antenna it indicates the effective radiated power, ERP, of a high gain antenna operated at maximum power levels can create a blanketing effect. He stated it further indicated one should consider using a non-directional antenna or consider reducing operations. Mr. Latoski asked what a blanketing effect is. Mr. Halliday indicated a blanketing effect would be an effect where the tv signal is blanked out. He stated tv pictures would go absolutely black while the tv set is still on.

Mr. Halliday commented there was mention of the use of maximum power. He stated Mr. Woodard does not use that. Mr. Halliday indicated the FCC rules further indicate that an amateur should use the minimum power necessary to establish communications. Mr. Halliday indicated one of the problems with the bands and the frequencies Mr. Woodard operates on is they are in the VHF and UHF part of the spectrum. He stated it is limited on those frequencies because of the structures of trees, buildings and the curvature of the earth. He stated it requires more power on an antenna at a lower height to communicate over a given distance than it does for the same antenna at a higher height where it is clear of the obstructions. He stated if the antenna are clear of the obstructions, they can do it with less power. He stated the further benefit of that is the main beam of this highly directional antenna is so far above the tv antennas, the telephones, the vcrs, that very little of the signal is below the antenna, it is out in front of the antenna so it reduces the interference more.

Mr. Latoski stated in Mr. Woodard's request for a variance he made a statement

that his request for a 35 ft. tower would still not be sufficient, but now he still has that tower. He asked what he is going to do with the tower in the backyard, the one that is visually offensive to the neighbors. Mr. Latoski asked what the applicant's intentions are with respect to the tower that is set in concrete. Mr. Latoski commented everyone in the neighborhood has to try to get along, and this situation makes it difficult.

Dan Melville stated the Board was in receipt of a petition that had 44 signatures on it from the people in the neighborhood against this application.

Marlene Kretser - 56 Lexington Parkway

She indicated she does not live in the immediate area, but she stated she does know Mr. Woodard. She indicated she called Mr. Woodard up when she was having problems with her tv and within an hour, FCC from Buffalo called up and wrote a letter to Mr. Woodard. She indicated Mr. Woodard called her then. Ms. Kretser indicated she can see one of the antennas. She indicated she has nothing against ham radio operators. She indicated all she wants to be able to do is watch tv without interference. She indicated she has interference on both her tvs, cable and not cable. She indicated she does have a vcr but does not leave it plugged in. She stated the interference is not constant. Ms. Kretser indicated she called the cable company, and they told her if it was cable, it would be constant.

Ellen Jermyn - 60 Lexington Parkway

She indicated she has had the cable company down twice, and they have guaranteed all the lines to the house and the wires going to the television sets. She stated she was told if there was interference all the time, it would be cable. She stated she pays for cable and should be able to enjoy it without interference. Ms. Jermyn stated they have received literature from FCC but nothing from Mr. Woodard.

John Gilley - City of Rochester

He indicated he is a licensed amateur radio operator holding an extra class license. He stated Mr. Woodard and his station are a friend to the neighborhood and the community. He stated amateur radio is a sport, hobby and a service all in one. He stated Mr. Woodard is the newsletter editor of one of the nation's most prestigious amateur radio club newsletters. He stated Mr. Woodard does that without pay or remuneration. He stated amateur radio is a great activity for the youth of today. He indicated he is in favor of this.

Bob Melvin - City of Rochester

He stated he is in favor of this. He stated he called up the Town a year ago to see what their regulations were on towers and was told at the time the maximum height was 90 ft., and it was only regulated by the FCC. He stated the higher an antenna is, the less interference there is. He stated amateur radio operators do not maliciously try to interfere with other people. He indicated he did not want to see other people that may be interested in this hobby discouraged. He asked what the real regulation is regarding the towers in Chili.

Mike Mazzullo stated there are very competing interests. He stated the Town of Chili has the opportunity as a little municipality to legislate through zoning. He stated that is just part of the code book. He stated they legislate through zoning to try to keep the community under a certain amount of regulations. Mike Mazzullo stated the Town of Chili decided no one could have a structure that is more than 35ft. in the Town. He stated there are some other various statutes that deal with auxiliary buildings and attachments to existing structures. He stated that is what Wegmans had to do a few years ago.

Mike Mazzullo indicated the first time Mr. Woodard came in, he dealt only with height. At that time, the applicant had no attorney. Mike Mazzullo stated the reason Mr. Moyer, who represents Mr. Woodard, has presented all the federal cases is that the federal government has said because the constitution gives you the freedom of speech, they have said that these types of communication through amateur radio is a protected speech. Mike Mazzullo further indicated they have said they preempt the Town code. He stated the federal government is not going to let local towns legislate the ability of someone to communicate. Mike Mazzullo indicated the position of the application would be that his right to communicate was prevented by the local government. Mike Mazzullo stated the federal government has taken away a lot of the towns and municipalities' authority to regulate these kinds of situations. Mike Mazzullo stated in his opinion the only time it becomes an issue at local regulation would be when the situation involves the number of towers.

Mike Mazzullo stated the FCC says a tower can be 200 ft. high. He stated there are other rules and regulations that apply to that, whether they can safely be put up, but the issue is not if one can be put up in the Town of Chili. He stated the only issue would be what control does the Town of Chili have in this. Mike Mazzullo stated the letter that was submitted earlier that indicated the FCC has no jurisdiction over local zoning ordinances is correct. He stated they have tried to pass the buck back to the Town. He stated the FCC knows the Town creates the zoning. He stated the FCC requires the people to have licenses.

Mike Mazzullo indicated with the first tower, all the case law indicated Mr. Woodard had a right to have the type of tower that Mr. Woodard asked for. He stated then all of a sudden there are three towers. Mike Mazzullo indicated they are present now to see if under the conditional use laws of the Town of Chili, can Mr. Woodard have three towers. He further stated even if three towers can be built, they have to be built correctly to the New York State Building Code. Mike Mazzullo stated if they are not granted, then Mr. Woodard has a right to pursue another lawsuit as to what right the Town of Chili has to regulate his free speech.

Mike Mazzullo explained he does not represent either side in this. He stated his job is to just give legal advice to the Board. Mike Mazzullo indicated if residents are having trouble with interference, there is nothing in the code book that allows the Town to effect that. He stated that is the role of the FCC. He stated what the Town can determine is the health, safety and welfare factors, property rights. He stated if people have proof through any type of analysis that their property values have gone down, people trying to put them up on the market and they don't get sold, those are the things they can use. He stated the reason the applicant is here is he did not get permits to put up the two towers.

Mr. LaDue asked why the applicant had to pick a dense populated area on Revere Drive to purchase a house and install these towers.

Jerry Brixner - 14 Hartom Road

He asked if there is anything regulating the proximity of the guide wires to the property line. Mike Mazzullo indicated they do not violate any of the setback restrictions of the Chili Town Board. He added it is open to the Building Inspector's interpretation of what an ancillary structure is. He explained if it is not an appendage to an ancillary structure, then it doesn't have setback requirements. Mr. Brixner indicated when he checked with the Building Inspector a week ago, there was nothing in the files on this. He asked if the Town has written the FCC for guidance on this particular situation. Richard Drake indicated he had no knowledge of that. Mr. Brixner asked if anybody from the Town has written the FCC relative to this case and their judgement. Dan Melville indicated no one has to his knowledge. Mike Mazzullo indicated the Zoning Board is not allowed to do that. He stated this Board can only hear the evidence and cannot produce their own evidence. Mr. Brixner pointed out Mike Mazzullo has interpreted case law though, and Dan Melville pointed out that case law was presented to the Board.

Mike Mazzullo indicated he has in the past researched some of the case law and regulations when the Town was sued by Mr. Woodard. Mike Mazzullo explained the lawsuit history and added a letter indicating his decision on that matter was misplaced by the applicant's previous counsel. He indicated in that letter it explained to Mr. Woodard what the Town would allow him to do.

Mr. Brixner asked if a permit has been granted for the towers, and Mike Mazzullo indicated no permits have been issued. Mr. Brixner asked what was at issue tonight. Mike Mazzullo indicated Mr. Woodard was given authority to put up the first antenna. He explained Mr. Woodard came to the Town of Chili seeking a variance when it was determined there was a height restriction. He further stated after the initiation of a lawsuit, the Town learned of the federal preemption and the fact the Town did not have the authority to prevent the tower. He stated at that point Mr. Woodard should have come to the Building Department for a building permit. Mike Mazzullo pointed out just because the applicant had the right to put up the towers, if they don't meet the code, he couldn't have them. Mike Mazzullo stated the problem was Mr. Woodard was not advised that he needed permits except other than the fact he had permission for the one tower. He further explained Mr. Woodard did not understand he still needed a permit because it can be regulated as it is built.

Mr. Brixner indicated the minutes that he had seen from Mr. Latoski indicated the first time this came before the Zoning Board, it was denied. Mike Mazzullo

agreed it was. Mr. Brixner commented that was for one tower, and Mike Mazzullo indicated it was. Mr. Brixner asked when the permission was granted. Mike Mazzullo stated when it was denied, Mr. Woodard then hired an attorney. He stated Mr. Woodard then sued the Town of Chili in Supreme Court and presented their legal arguments in the form of a lawsuit. Mike Mazzullo indicated he responded to that legal argument, and had Mr. Woodard presented the evidence at his initial hearing, most likely he would have been granted his initial request to have the one tower. Mike Mazzullo indicated when the lawsuit was discontinued, Mr. Woodard was allowed one tower.

Mr. Brixner asked if homes are in the proximity of the towers in the case law studies. Mr. Moyer indicated a summary of the study was submitted to the Town. Mr. Brixner thought there was some contradictory evidence from the FCC as to their consideration that this might be a local matter. Mr. Brixner questioned how thorough Mr. LaDue's documentation was to the FCC. Mr. LaDue stated basically there is no documentation.

Mr. LaDue indicated Mr. Woodard has done an excellent job as far as communicating back and forth with his parents, resolving the interference problem. Mr. LaDue indicated the major problem is the lower property values this would cause.

Mr. Brixner indicated he is opposed to this.

Bill Beckic - resident of Riga
He indicated he is in favor of this. He asked the Board to consider the proven ability of amateur radio operators such as Mr. Woodard to provide very reliable communications during periods of natural disaster. He stated the next relevant consideration is the ability of amateur radio operators to serve as very positive role models to young people.

Richard Driscoll - resident of the Town of Gates
He indicated he is in favor of this. He indicated he is an amateur radio operator himself, and he stated he checks with his neighbors all the time for complaints. Mr. Driscoll indicated GRC had a problem according to a next door neighbor of a friend of his, and the resolution to this problem came from the Cable Commission of New York State because GRC does not want to get involved in any of these issues. He stated if someone has a problem with cable, they can very well have bad connections, but because of their negligence to get involved, Mr. Woodard has the problem and nothing does get resolved. He stated by the time the resolution does come around by the Town, there is an irate party on either side. He advised if anyone in the audience has a problem with interference, they should get a hold of the Cable Commission of New York State. Mr. Driscoll stated the amateur radio operators do try to assist the community despite what is being stated tonight.

Mike Norris - 83 Treetop Lane
He indicated he is an amateur radio operator. He stated as long this is structurally safe, he is in favor of this. He stated one person's eyesore may be a beautiful thing to another person.

Mr. Latoski stated he has nothing against amateur radio operators. He stated the residents should not be made out as the bad guys here. He questioned what kind of systems the people in the audience have.

Mike Mazzullo stated at one point in the applicant's presentation there was a statement by Mr. Moyer and Mr. Woodard that the reception that he wants could be accomplished with one tower, and Mr. Moyer indicated that was correct. Mike Mazzullo asked why the one tower would have to be 80 ft. as opposed to 60 ft. Mr. Halliday indicated the trees in the neighborhood are approximately 60 ft. tall, and one of the problems with VHF and UHF communications is their nature of following the contours of the earth. He stated one of the problems is that the trees cause great obstruction to the signal. He stated it is necessary to be on top of the trees, above the trees, and due to the number of antennas Mr. Woodard would be placing at the top of the structure, 80 ft. seems to be a reasonable distance to space them apart. Mike Mazzullo asked what those devices would look like if they were mounted on one tower. Mr. Moyer indicated there would be one support structure with whatever guy lines are needed.

Mike Mazzullo questioned what the freestanding tower could be used for in the future, and Mr. Woodard indicated it is at its limit now. Mike Mazzullo asked how big would the steel pole have to be if there were one tower to accommodate all the antenna. Mr. Woodard indicated it would be 18 inches on the face. He stated the tower on the house and the one on the end of the house is 12 inches

on its face. Mike Mazzullo questioned whether the existing tower in the backyard could be used, and Mr. Moyer indicated because of the concrete base that the tower is in, the antenna is at its maximum for that type of structure within the limits of the manufacturer. He further commented it would be similar in appearance except instead of four-sided it would be three-sided. Mr. Woodard commented one tall tower would have to be guyed to the front yard. Mike Mazzullo asked what would be mounted on the one structure, and Mr. Moyer indicated similar to what is mounted on the house antenna now. Mr. Woodard indicated they would all go on the one tower.

Bill Oliver did not feel there would be room for the guy wires for an 80 ft. tower. Mr. Woodard commented the chart that the Board was looking at would not apply to the tower he would put up. Mr. Woodard indicated the one tower would be a heavier gauge steel, but it would still only be 18 inches on the face up. He stated the structure would be the size of a large tree up to 60 ft. and then it would spread out when it got up to the top as the antennas are now.

Mike Mazzullo indicated with the County review as far as the airport, the only thing they sent to the Town was the height as the towers are now is fine for the airport. He asked the applicant if the County gave out any height restriction in regards to the tower, and Mr. Woodard indicated he has permission from the FAA and New York City for 120 ft. Mr. Moyer indicated the FAA letter is in the package submitted to the Board. Mike Mazzullo commented earlier it was mentioned the higher the tower, the less interference, and Mr. Halliday indicated that was correct. Mr. Halliday passed out a handout. Mr. Halliday indicated low antennas because of their high directionality concentrate the signal in one direction. He further explained if that happens to be in the direction pointing towards a tv antenna, most of the signal goes into the tv set. He stated the same thing is true about the concentration of the beam when it is up high. He stated when it is up high, very little of the signal goes below the antenna. He stated they want it to go forward across the horizon, so very little of the signal emanates below the signal or to the nearly ground level antennas. He referred to the diagram and stated as one goes from 1 ft. to 16 ft., the power goes down by a factor of 205, so it doesn't take very much increase in height before the power density is insignificant.

Mike Mazzullo indicated when the applicant came in before he wanted a 65ft. tower, and at that time, the applicant indicated that one structure would accommodate all the communication he needed. Mike Mazzullo stated the applicant at that time stated he could reach other continents very easily and could patch in with China and some of our military bases in other continents. Mike Mazzullo asked why that one 65 ft. tower is now insufficient to meet the needs of the applicant two years later. Mr. Woodard indicated he miscalculated the height of the trees. He stated he guesstimated the trees to be 60 ft. He stated once he got to the top of his 65 ft. tower, he could see that he miscalculated that, and about 70 ft. is the tree level. Mike Mazzullo asked whose trees are they, and Mr. Woodard indicated they are all over the neighborhood. Mike Mazzullo asked if the trees on Mr. Woodard's property are the problem, and Mr. Woodard indicated the trees on his property are considerably lower than the LaDue's. Mike Mazzullo commented the trees are going to keep growing. Mr. Moyer asked if the Town wants to know if the applicant goes for a compromise of one 80 ft. tower, would he come back in two years requesting a 120 ft., and Mike Mazzullo indicated that is where his questioning was leading. Mr. Moyer indicated there was also a change in the type of operations that Mr. Woodard was doing since two years ago. Mr. Moyer stated the overseas operations does not require as high an antenna height as the type of operations he is in.

Mr. Halliday clarified trees don't obstruct lower frequencies. He stated the short wave bands, the VHF and the UHF are why the tv stations are on top of Pinnacle Hill. He stated that is a clear shot to the horizon. Mr. Moyer indicated Mr. Woodard would have to speak to the future, but he felt Mr. Woodard would not be back in again if he had one 80 ft. tower.

Mike Mazzullo questioned the visual impact. He stated one of the reasons they are all present is the County recommended the applicant address the visual impact to the neighbors. Mr. Moyer indicated they filled out the form the best they could given the generality of the form. Mr. Moyer indicated they used the State Environmental Visual Impact Form. He indicated the form asked them where the project would be visual from, and it lists a whole number of things including lands that are dedicated to public use. He stated then the form indicates if it is visual from any of the items listed on that list, how far away is the tower to those listed items. Mr. Moyer stated the towers

are only visible from a local road. He stated he did not think the towers are visible from any State road. Mr. Moyer indicated the towers are seasonally screened to some extent. Mr. Moyer stated they have indicated it is visible within a quarter of a mile from a suburban and industrial area, and it is visible within one mile from a suburban/industrial/commercial area. Mr. Moyer indicated they have identified within a half mile there are similar projects, and two to three miles out there are more such projects.

Mr. Moyer stated they feel the impact is minimal. He commented one man's visual eyesore is another man's pleasure. He stated they question what the difference is between this and someone that parks their motor home out front of their home.

Bob Marchiano - Henrietta

He indicated he is an amateur radio operator. He indicated he has a 46 ft. tower in a residential area. He stated his tower can be seen for miles. He stated none of his neighbors have expressed concern about their property values going down. He further indicated he has two antennas, two towers.

Mr. Halliday indicated he owns the tower next to Mr. Moyer in the Town of Pittsford. He indicated he had to get it approved, and his tower is visible from a development of \$500,000 homes. He indicated the developer of those homes did not feel it was important enough to come to the variance hearing. Mr. Halliday further stated his tower is visible from the 17th hole of Locust Hill Country Club, and he stated Locust Hill did not feel it was of any significance. He stated instead of opposition, the people of the neighborhood thought it was a benefit to the community.

Mr. LaDue indicated he had photos of that property in Pittsford, and he indicated the towers are not visible from the expensive homes. He submitted the photos to the Board.

Bill Miller - Town of Gates

He stated he has one freestanding tower with three antenna. He stated it is 65 ft. tall. He stated he has a 15 f. tower on his roof with two antenna. He stated he has another 3 ft. tower on his garage with one antenna. He explained there are many other operators in his area. He stated they do not need permits in the Town of Gates because of the FCC rulings and the Town has agreed to let them do it. He stated they do not have any interference problems in their neighborhood. He stated CBs cause a lot of interference. He stated CB antenna are little sticks in the air and are hardly visible.

Mr. Latoski stated he just cannot ignore these towers. He felt the applicant has ruined the environment of his home. He stated he knows the interference problem can be rectified. He felt the applicant should have approached the neighbors with what he was doing. He did not feel the applicant has followed the correct safety procedures.

Mr. Moyer indicated the applicant is willing to follow any building inspections and make any necessary changes that are in reason. Mr. Moyer indicated they even approached Mike Mazzullo before they received a letter from the Building Inspector on this, because he stated they want everything to be done right. He stated there had been miscommunication in the past.

Dan Melville indicated this did come back from the Monroe County Department of Planning and was approved insofar as airport and zoning considerations.

The Board brought SEQR off the table for discussion. John Castellani made a motion for a negative declaration as far as SEQR is concerned, and Linda Collinge seconded the motion. The Board all voted yes on the motion.

DECISION: Unanimously denied by a vote of 7 no with the following findings of fact cited in support of this decision:

1. No instrument survey was presented defining the exact locations of the structures and property line.
2. Neighbors were concerned that the structures can cause a safety hazard, especially since there wasn't any inspections by the Building Department.
3. Neighbors were concerned that the towers can fall on a residence causing property damage and personal injury.
4. The Board felt that with three towers constructed with guy wires

can cause a safety problem to children running by the wires.

5. Applicant demonstrated he can still operate his amateur radio with one tower at approximately 80' high.

The Chili Zoning Board of Appeals has declared itself lead agency under the State Environmental Quality Review (SEQR) Act. The Board has declared this application to have a negative declaration. This decision was based on information supplied by the applicant on the Environmental Assessment Form and/or evidence submitted at a public hearing, and for the following reasons:

1. No substantial environmental problems caused by this structure.
2. No real estate appraisals were presented to show that properties in the area will decrease in value if this structure was approved.

The Zoning Board recommends that the applicant reapply to the Board of Appeals for one tower that will meet his needs. The Board will waive the one-year restriction on reapplying.

The Zoning Board meeting minutes of 4/23/91 were accepted. The meeting ended at 11:35 p.m.

CHILI ZONING BOARD
June 18, 1991

A meeting of the Town of Chili Zoning Board was held in the Administrative Office, 3235 Chili Avenue, Rochester, New York 14624 on June 18, 1991 at 7:30 p.m. The meeting was called to order by Chairperson Dan Melville.

PRESENT: Ron Popowich, John Castellani, Gerry Hendrickson, John Hellaby, Bill Oliver, Linda Collinge and Chairperson Dan Melville.

ALSO PRESENT: Mike Mazzullo, Deputy Town Attorney; Larry Smith, Building Inspector.

Chairman Dan Melville declared this to be a legally constituted meeting of the Chili Zoning Board. He announced the fire safety exits and explained the meeting's procedures. He introduced the members of the Board and front table.

Dan Melville indicated Application 4 was withdrawn.

1. Application of James Powers, owner; 17 Evergreen Drive, Rochester, New York 14624 for renewal of conditional use permit to allow an office in home at property located at above address in R-1-15 zone.

James Powers was present to represent the application. He indicated he would like to continue to have an office in home where he would have no employees, virtually not traffic. Dan Melville asked what the office is for, and he questioned whether there would be any retail business. Mr. Powers indicated there would be not retail. He indicated he is a manufacturer's rep and would be using a fax and a phone out of this location. He indicated the only traffic to the property related to business is when an engineer picks him up at the property to go somewhere else. Dan Melville asked how long the applicant would like the conditional use permit for, and Mr. Powers indicated five years. Dan Melville asked the applicant if he would be in agreement with the same conditions, and Mr. Powers indicated he would be. Dan Melville read the conditions.

Ron Popowich asked if there have been any complaints regarding this business, and Larry Smith indicated there have been no complains. Linda Collinge indicated she lives kiddy-corner to Mr. Powers and sees no visible sign of the business.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

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

1. No signs on the property pertaining to the business.
 2. No on-street parking pertaining to the business.
 3. Approved for a period of five years.
2. Application of Daniel Carter, owner; 10 Morgan Road, Scottsville, New York 14546; for variance to erect a 20' x 30' detached garage to be 5' from side lot line (50' req.), variance to allow the total square footage of garage area to be 1,200 sq. ft. (900 sq. ft. allowed) at property located at above address in RA-20 zone.

Daniel Carter was present to represent the application. He indicated he wants a 20' x 30' garage detached from the house that would match the house. He stated it would be vinyl sided with an asphalt roof. He indicated his hobby is car collecting, and he has six cars. He stated he doesn't like leaving them outside.

Dan Melville asked the applicant if he has a garage now, and Mr. Carter indicated he does. Bill Oliver asked the applicant if he would work on other people's cars in this garage, and Mr. Carter indicated the garage would be for personal use only, strictly storage.

Gates-NEWS-Chili

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

Date.....6-12-91.....

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

GATES-CHILI NEWS

Issue Dated.....6-12-91.....

Geraldine C. Snyder

Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y., Monroe Co.
My Commission Expires April 30, 19_93

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 June 18, 1991 at 7:30 p.m. to hear and consider the following applications:

1. Application of James Powers, owner; 17 Evergreen Drive, Rochester, New York 14624 for renewal of conditional use permit to allow an office in home at property located at above address in R-1-15 zone.

2. Application of Daniel Carter, owner; 10 Morgan Road, Scottsville, New York 14546; for variance to erect a 20' x 30' detached garage to be 5' from side lot line (50' req.), variance to allow the total square footage of garage area to be 1,200 sq. ft. (900 sq. ft. allowed) at property located at above address in RA-20 zone.

3. Application of Zona Pierce, owner; 23 West Canon Drive, Rochester, New York 14624 for variance to erect a 10' x 12' deck to be 49' from front lot line (60' req.) at property located at above address in R-1-15 zone.

4. Application of Peter Seidenberg, owner; 6 Edgeware Road, Rochester, New York 14624 for variance to erect a 10' x 16' utility shed to be 6' from garage (8' req.) at property located at above address in R-1-15 zone.

5. Application of John Donovan, owner; 40 Chestnut Drive, Rochester, New York 14624 for variance to erect an 8' x 16' utility shed to be attached to garage (8' req.), and to be 7' from side lot line (8' req.) at property located at above address in R-1-12 zone.

6. Application of Vincent Provenzano, owner; 10 Windsor Park, Rochester, New York 14624 for variance to erect a 700 sq. ft. deck to be 10' from rear

lot line (35' req.) at property located at above address in R-1-15 zone.

7. Application of Mark Plantholt, owner; 621 Chestnut Ridge Road, Rochester, New York 14624 for variance to erect a 20' x 15' deck to be 76' from rear lot line (90' req.) at property located at above address in R-1-20 zone.

8. Application of Ryan Homes, 1280 Scottsville Road, Rochester, New York 14624, property owner: W. Baird; for variance to erect two temporary freestanding signs: Sign 1 to be 5' x 3' and to be 2' from side lot line (20' req. abutting a street); Sign 2 to be 3'5" x 5'3" with logo and to be 1' from front lot line (20' req.) at property located at 158 Battle Green Drive in R-1-15 zone.

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

**Daniel Melville,
Chairman
Chili Zoning Board of
Appeals**

John Hellaby asked if the placement of the garage is based on the septic system, and Mr. Carter indicated it is. He added the proposed placement works well for the driveway, too. Ron Popowich asked if the applicant stores cars anywhere else. Mr. Carter indicated he does, and he indicated one is out of state. Ron Popowich asked if the current garage is 30' x 20', and Mr. Carter indicated it is. Ron Popowich asked the applicant if he plans on getting more cars, and Mr. Carter indicated he does not. Ron Popowich asked if four cars would fit in each garage, and Mr. Carter indicated it would be three in each garage. Ron Popowich asked the applicant if he has checked into storing the cars someplace else. Mr. Carter indicated he used to pay \$75 a month per car, and he commented that is getting too expensive. Mr. Carter commented four cars are off the road in the winter and should be stored inside.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back from the Monroe County Department of Planning as a local matter.

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

1. Not to be used for commercial use.

The following findings of fact were cited:

1. Minimum variance required to alleviate the financial hardship described by the applicant.
 2. Best place on property to build the garage.
 3. Not detrimental to neighboring properties.
 4. Consistent with the RA-20 zone.
 5. Garage construction will match the house.
3. Application of Zona Pierce, owner; 23 West Canon Drive, Rochester, New York 14624 for variance to erect a 10' x 12' deck to be 49' from front lot line (60' req.) at property located at above address in R-1-15 zone.

Louis Bagnato, Zona Pierce's husband was present. He indicated they want a 10' x 12' deck. Dan Melville asked if Mr. Bagnato would be building the deck, and Mr. Bagnato indicated they would have a contractor do it.

John Castellani questioned Mr. Bagnato if they are sure of the measurements, and Mr. Bagnato indicated that is what he contractor measured. John Castellani indicated he was concerned if the measurements were wrong, the applicant would have to come back. Dan Melville asked if the contractor used an instrument survey, and Mr. Bagnato indicated it was a survey map. Larry Smith indicated it was a tape map.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

DECISION: Unanimously approved by a vote of 7 yes with no conditions and the following findings of fact were cited:

1. Consistent with the neighborhood.
 2. Minimum variance required to alleviate the hardship.
 3. Reasonable use of the property.
4. Application of Peter Seidenberg, owner; 6 Edgeware Road, Rochester, New York 14624 for variance to erect a 10' x 16' utility shed to be 6' from garage (8' req.) at property located at above address in R-1-15 zone.

The application was withdrawn.

5. Application of John Donovan, owner; 40 Chestnut Drive, Rochester, New York 14624 for variance to erect an 8' x 16' utility shed to be attached to garage (8' req.), and to be 7' from side lot line (8' req.) at property located at above address in R-1-12 zone.

Donna Donovan was present to represent the application. She indicated they would like permission to erect an 8' x 16' shed attached to the side of the garage without access going into the garage. She stated the only access would be from the back yard. Dan Melville asked if this is currently up, and Ms. Donovan indicated it is. Dan Melville asked why they could not locate it in the rear of the yard, and Ms. Donovan indicated the shed that was previously there was in the back corner and was destroyed by the ice storm. She stated the adjoining neighbors have tried to clean up the back corner. She stated if they put a shed over on the side, the way their trailer sits and the way the shrubbery is along the side, the shed would be pretty much hidden.

Dan Melville asked what the shed is for, and Ms. Donovan indicated storage of tractor and lawn equipment. Ron Popowich asked if the neighbors are concerned with this, and Ms. Donovan indicated the neighbors indicated they like it better along side than in the back corner. Ron Popowich asked if the metal shed in the corner is gone, and Ms. Donovan indicated it is.

John Hellaby asked if there is a wood shed presently almost directly behind the garage. Ms. Donovan indicated they have a play house for their kids. Bill Oliver asked why they could not put this right behind the garage. Ms. Donovan indicated they do have a garage door that opens out to the back of the yard.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back from the Monroe County Department of Planning as a local matter.

DECISION: Unanimously approved by a vote of 7 yes with no conditions and the following findings of fact were cited:

1. Minimum variance required to alleviate the hardship.
2. Shielded from view with shrubs.
3. Will be replacing a metal shed.
4. Better placement than existing metal shed.

6. Application of Vincent Provenzano, owner; 10 Windsor Park, Rochester, New York 14624 for variance to erect a 700 sq. ft. deck to be 10' from rear lot line (35' req.) at property located at above address in R-1-15 zone.

Vince Provenzano was present to represent the application. He indicated he needs a variance because there is a setback of 35 ft., and he only has 35'7" according to the tape map. Dan Melville asked the applicant if he would be building the deck himself, and Mr. Provenzano indicated he would hire a contractor.

Linda Collinge asked how come this has to be so big. Mr. Provenzano indicated in the neighborhood he lives in, big is better. He added this would be attached to the house only at the sliding door so they could get landscaping in between the deck and the house. He stated the whole thing would be wrapped in landscape that would be done by another contractor.

John Hellaby asked if the one-sided area would have a gazebo or would it be all deck. Mr. Provenzano indicated that would be a conversation area, not a gazebo. John Hellaby asked if the conversation area would be covered, and Mr. Provenzano indicated it would not. John Castellani asked if any of the deck would be covered, and Mr. Provenzano indicated it would not be.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

DECISION: Unanimously approved by a vote of 7 yes with no conditions and the

following findings of fact were cited:

1. Consistent with other decks in the area.
 2. Minimum variance required due to small lot sizes.
 3. Reasonable use of the property.
7. Application of Mark Plantholt, owner; 621 Chestnut Ridge Road, Rochester, New York 14624 for variance to erect a 20' x 15' deck to be 76' from rear lot line (90' req.) at property located at above address in R-1-20 zone.

Mark Plantholt was present to represent the application. He indicated he is asking for a variance to build a deck. Dan Melville asked the applicant if he would be building this himself, and Mr. Plantholt indicated he is going to try. Dan Melville asked if the deck would be covered at all, and Mr. Plantholt indicated it would not be covered.

Ron Popowich asked if this would stick out from the house 15 ft., and he questioned the math on the application. Mr. Plantholt indicated there would be an overhang. John Castellani asked the applicant if he was sure about the variance he was asking for, and Mr. Plantholt indicated he was.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back from the Monroe County Department of Planning as a local matter.

DECISION: Unanimously approved by a vote of 7 yes with no conditions and the following findings of fact were cited:

1. Consistent with other decks in the area.
 2. Reasonable use of the property.
 3. Minimum variance required to alleviate the hardship.
8. Application of Ryan Homes, 1280 Scottsville Road, Rochester, New York 14624, property owner: W. Baird; for variance to erect two temporary freestanding signs: Sign 1 to be 5' x 3' and to be 2' from side lot line (20' req. abutting a street); Sign 2 to be 3'5" x 5'3" with logo and to be 1' from front lot line (20' req.) at property located at 158 Battle Green Drive in R-1-15 zone.

Bob Lesswing was present to represent the application. He indicated he was given some information and told to show up at the meeting. He stated he is a salesman that works out of the trailer. He stated they are going to erect a model home there in the very near future. He stated the sign would be there approximately a year and a half to two years. He indicated the model home would be behind the trailer and is already staked out.

Dan Melville questioned them only needing the signs for a year and a half. He asked if they would maintain and keep the signs in good repair, and Mr. Lesswing indicated they would. He added they maintain the property.

Linda Collinge commented the signs are practically on top of one another. She asked if they could combine the signs and put it on the corner. Mr. Lesswing indicated they could do that, but he indicated he would have to find out if they were willing to do that. He further commented one sign is going to be more of an entry sign, and the other sign would have the hours on it in front of the model. Linda Collinge questioned why the sign with the hours does not have Sunday on it. Mr. Lesswing indicated the sign in the application is a replicate of the sign they would use.

John Hellaby asked if these signs would be illuminated, and Mr. Lesswing thought they might have spot lighting on them, and he added he was not sure. Ron Popowich questioned whether these would be illuminated because they are so close to the road. Larry Smith indicated he would like a condition of approval to check that.

John Castellani asked Mr. Lesswing if he would like to delay the application until he finds out about the lighting. Mr. Lesswing indicated he knew they were applying for two signs only. John Castellani indicated if the application is granted without the lighting, and the applicant wants lighting, it would be a year before they could come back in.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

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

1. Approved for one year.
2. Sign not to be illuminated.

The following findings of fact were cited:

1. Sign needed to identify the property.
2. Not detrimental to neighboring properties.
3. Not detrimental to traffic or safety.

The meeting ended at 8:25 p.m.

CHILI ZONING BOARD
June 25, 1991

A meeting of the Town of Chili Zoning Board was held in the Administrative Office, 3235 Chili Avenue, Rochester, New York 14624 on June 25, 1991 at 7:30 p.m. The meeting was called to order by Chairperson Dan Melville.

PRESENT: Ron Popowich, John Castellani, Gerry Hendrickson, John Hellaby, Bill Oliver, Linda Collinge and Chairperson Dan Melville.

ALSO PRESENT: Mike Mazzullo, Deputy Town Attorney; Richard Drake, Assistant Building Inspector.

Chairman Dan Melville declared this to be a legally constituted meeting of the Chili Zoning Board. He announced the fire safety exits and explained the meeting's procedures. He introduced the members of the Board and front table. The Pledge of Allegiance was stated.

1. Application of Robert Krueger, owner; 3652 Chili Avenue, Rochester, New York 14624 for variance to erect a 10' x 16' utility shed to be 1' from garage (8' req.) and 16' from side lot line (55' req. abutting a street) at property located at above address in R-1-15 zone.

Robert Krueger was present to represent the application. He indicated he owns property with his wife Pat. He stated they currently have a shed approximately 9' or 10' x 10' where they would like the new one to go. He stated the metal shed is falling apart. He stated they put an addition on the house previously and remodeled the house in the back. He stated behind the garage area now is a patio area. He stated the new shed would be adjacent to the patio. He stated the 10' x 16' shed would be the same color as the house. He stated he would like to put on matching siding. He stated adjoining where the garage is he would like to put a window to match the windows of the house. He indicated facing the back patio would be two doors. He stated the roof would match the house. He stated there is not a lot of depth to the yard. He indicated there is a steep slope to the south of the property. He indicated the property in the back drains the area and he would not want to fill that area in. He indicated there are a lot of trees there they would not want to cut down.

Dan Melville asked if the old metal shed would be removed, and Mr. Krueger indicated it would be. Dan Melville asked if the shed would be for storage of lawn mowers, and Mr. Krueger indicated it would be for garden equipment. Ron Popowich asked if there is any other place to put the shed on the property, and Mr. Krueger indicated there is not. He commented it would be more obtrusive to the neighbors if it were sitting out in the open. He further commented there are evergreens in the requested location that would hide the shed.

Mr. Krueger indicated he did not join the shed to the house because of the angle created would leave an area for leaves to collect. Bill Oliver asked if this would be the same size as the existing shed to match the concrete slab. Mr. Krueger indicated the new shed would be extending over that. Bill Oliver asked the applicant if he would be adding to the slab, and Mr. Krueger indicated he would add gravel and would lay sand all around the edges leaving no open spaces.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Joseph Poulu

He indicated he lives next door. He stated when his home was built, he had to be 55 ft. from the lot line and could not put on a double-car garage because of the uniform code in Chili. He questioned if that has changed.

Dan Melville indicated this is an accessory structure and the setback requirements are different. Mr. Poulu asked if this would face the front of his house, and Mr. Krueger indicated Mr. Poulu is on Lawnsberry and he is on Chili Avenue. He stated the houses are at angles to each other.

John Castellani asked Mr. Poulu if he applied for a variance, and Mr. Poulu indicated he did 30 years ago. He added this shed would cut off the front of his property visually. Ron Popowich commented the shed would be in the same location as the existing shed. Mr. Poulu commented the existing shed was illegal. Richard Drake indicated there was no variance for the existing shed.

Gates-NEWS-Chili

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

Date.....6-19-91.....

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

GATES-CHILI NEWS

Issue Dated....6-19-91.....

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y., Monroe Co.
My Commission Expires April 30, 19_93

Patricia M. Smith

Patricia M. Smith
Publisher

Friday, June 1991

**LEGAL NOTICE
CHILI ZONING BOARD
OF APPEALS**

Pursuant to Section 267 of Town Law, a public hearing will be held by the Chili Zoning Board of Appeals at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on June 25, 1991 at 7:30 p.m. to hear and consider the following applications:

1. Application of Robert Krueger, owner; 3652 Chili Avenue, Rochester, New York 14624 for variance to erect a 10' x 16' utility shed

to be 1' from garage (8' req.) and 16' from side lot line (55' req. abutting a street) at property located at above address in R-1-15 zone.

2. Application of Donald Kykendall, owner; 54 Laredo Drive, Rochester, New York 14624 for variance to erect a 10' x 32' open porch to be 44' from front lot line (60' req.) at property located at above address in R-1-12 zone.

3. Application of St. Mary's Hospital, c/o Home Leasing Corp., 850 Clinton

Square, Rochester, New York 14604, property owner; Roberts Wesleyan College; for variance to erect a 6' x 5' double faced freestanding sign with logo, variance to erect a second wall sign with a logo at property located at 7 College Greene Drive in P.U.D. zone.

4. Application of Gerald Conley, owner; 5 Freedom Pond Lane, North Chili, New York 14514 for variance to erect at 16' x 10' deck to be 15' from rear lot line (25' req.) at property

located at above address in P.U.D. zone.

5. Application of Frank Gifford, owner; 18 Freedom Pond Lane, North Chili, New York 14514 for variance to erect a 12' x 10' deck to be 16' from rear lot line (25' req.) at property located at above address in P.U.D. zone.

6. Application of Chili Gardens Apartments, 2660 Chili Avenue, Rochester, New York 14624, property owner; Iacovangelo; for variance to allow 9 dumpsters on property not

to be fully enclosed at property located at above address in RM zone.

7. Application of Roger Martin, owner; 709 Westside Drive, Rochester, New York 14624 for variance to erect an addition to house and open porch to be 37' from front lot line (75' req.) at property located at above address in R-1-20 zone.

8. Application of Steven Woodard, owner; 11 Revere Drive, Rochester, New York, 14624 for conditional

use permit to allow or amateur radio tower 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.

**Daniel Melville,
Chairman
Chili Zoning Board of
Appeals**

Mike Mazzullo indicated it did not violate the setback. Mr. Krueger indicated the shed was there when they bought the property eight or nine years ago.

ANYONE IN FAVOR OR OPPOSED:

Mr. Poulu indicated he was opposed to this.

Mr. Krueger commented this does not obstruct the view of the road.

Dan Melville indicated this came back from the Monroe County Department of Planning as a matter for local determination.

DECISION: Unanimously approved by a vote of 7 yes with no conditions and the following findings of fact were cited:

1. New shed will be replacing an existing shed.
 2. Exceptional or extraordinary circumstances apply to the property in that the property has a slope towards the rear of the yard which makes it impossible to locate the shed farther back into the property.
 3. Shrubbery will hide the shed.
 4. Applicant demonstrated a need to have the shed for storage.
2. Application of Donald Kykendall, owner; 54 Laredo Drive, Rochester, New York 14624 for variance to erect a 10' x 32' open porch to be 44' from front lot line (60' req.) at property located at above address in R-1-12 zone.

Donald Kykendall was present to represent the application. He indicated a change on the drawing calling for 4 x 4 posts. He stated he is going to change that to 6 x 6 posts and would use a 12 x 12 perimeter. Dan Melville asked if this would be an open porch, and Mr. Kykendall indicated it would be. Dan Melville asked if this would be sided, and Mr. Kykendall indicated it would not.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

DECISION: Unanimously approved by a vote of 7 yes with no conditions and the following findings of fact were cited:

1. Irregular shaped lot makes conforming to the setback impossible.
 2. Will be an improvement to the area.
 3. Consistent to the neighborhood.
 4. No visual restrictions.
 5. Will not cause any safety problems to the traffic.
 6. Minimum variance required to achieve the objectives of the applicant.
3. Application of St. Mary's Hospital, c/o Home Leasing Corp., 850 Clinton Square, Rochester, New York 14604, property owner; Roberts Wesleyan College; for variance to erect a 6' x 5' double-faced freestanding sign with logo, variance to erect a second wall sign with a logo at property located at 7 College Greene Drive in P.U.D.

Mike Mazzullo indicated his wife has worked for Rochester Eye Associates in the past and has a contractual relationship with them as an RN. He indicated he does not feel this would present a conflict of interest. He stated his wife would be a beneficiary of the sign.

Lori Tones was present to represent the application. She indicated they decided not to put the pediment on top of the sign. She stated they have done a brick base on the sign per the request of the college. She stated the sign is exactly the same size and the height is a little shorter. She indicated the sign would be in the same location as originally proposed. She stated it would be a

double-faced sign, metal, light gray and would be illuminated. She stated the office hours go to 7:30 p.m. three nights a week.

Dan Melville asked how long would the sign be illuminated. Ms. Tones indicated not all night; till 9 p.m. Dan Melville asked if they need the sign for identification purposes, and Ms. Tones indicated they do. She stated they also want metal letters on the side of the building to designate the separate entrance for St. Mary's Health Facility.

John Castellani asked how the sign would be illuminated, and Ms. Tones indicated they would have two lights on the ground. John Castellani asked if there would be any internal lighting, and Ms. Tones indicated there would not be any. John Hellaby asked if the wall signs would be illuminated, and Ms. Tones indicated they would not be lit, but she added there is lighting on the building.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back from the Monroe County Department of Planning as a matter for local determination.

DECISION: Unanimously approved by a vote of 7 yes with no conditions and the following findings of fact were cited:

1. Freestanding sign needed to identify the entrance.
2. Wall sign needed to identify the business location in the building.
3. Illumination will not have any effect on traffic.
4. Application of Gerald Conley, owner; 5 Freedom Pond Lane, North Chili, New York 14514 for variance to erect a 16' x 10' deck to be 15' from rear lot line (25' req.) at property located at above address in P.U.D. zone.

Gerald Conley was present to represent the application. He indicated the deck would be 5 ft. off the ground and would be enclosed with lattice around the bottom with a railing on the top. He indicated they would hinge the ends so they could use underneath the deck for storage. He indicated because this is on the College's property, they have a list of the names of all the people that live there and also the president of the College that did approve of this. He submitted the list to the Board.

Dan Melville asked if they would be constructing this themselves, and Mr. Conley indicated they would hire a contractor. Dan Melville read the letter in support of this application that was submitted, and there were 13 names on it in support.

Mr. Conley indicated the deck would be made of pressure treated wood. Linda Collinge asked if there would be a roof on this, and Mr. Conley indicated there would not be a roof. Bill Oliver asked if one of the reasons for the deck is to use the yard where the swale is, and Mr. Conley indicated the deck has nothing to do with the swale. He stated they just want a to have a place to sit outside.

John Hellaby asked if there would be any structural changes to the house, and Mr. Conley indicated there would be no changes.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED:

Bill Crothers - president of Roberts Wesleyan College
He indicated he is in favor of this application.

DECISION: Unanimously approved by a vote of 7 yes with no conditions and the following findings of fact were cited:

1. Small lots in that subdivision makes it impossible to conform to the setback requirements.

2. Applicant would not be able to put any deck on without a variance.
3. No porch built on this house so a deck is the next best alternative.
4. Approved by the subdivision property owners.
5. Application of Frank Gifford, owner; 18 Freedom Pond Lane, North Chili, New York 14514 for variance to erect a 12' x 10' deck to be 16' from rear lot line (25' req.) at property located at above address in P.U.D. zone.

Frank Gifford was present to represent the application. He indicated he would like to construct a slightly smaller deck than the last application. He submitted the floor plan of the house and a layout of the properties involved as well as a picture of the adjacent property. He submitted a comparable letter to the last application.

He indicated they would hope to have a deck on the rear which would be out an existing door that would not require a step down. He stated the deck would be 28 inches off the existing ground in a case of a fire or other emergency avoiding going through the kitchen. He indicated his home backs up to a swale.

Dan Melville read the submitted letter dated June 18, 1991 to the Chili Zoning Board indicating thirteen signatures in support of this application.

John Castellani asked if the back edge of the deck would go right to the swale, and Mr. Gifford indicated it would not. He stated his property is at an angle, so the one side is 66 ft. from the swale and the other side is 88 ft. from the actual concrete swale.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED:

Bill Crothers

He indicated he is in support for this application.

DECISION: Unanimously approved by a vote of 7 yes with no conditions and the following findings of fact were cited:

1. Small lots in that subdivision makes it impossible to conform to the setback requirements.
2. Applicant would not be able to put any deck on without a variance.
3. No porch built on this house so a deck is the next best alternative.
4. Approved by the subdivision property owners.
6. Application of Chili Gardens Apartments, 2660 Chili Avenue, Rochester, New York 14624, property owner: Iacovangelo; for variance to allow 9 dumpsters on property not to be fully enclosed at property located at above address in R-1-20 zone.

Shane Malori was present to represent the application. He indicated he is the real estate manager for Frank Iacovangelo. He indicated they are seeking a variance to allow dumpsters on their property to be open. He indicated they have nine dumpsters now that are four cubic yard spread out throughout the complex for the convenience of the tenants. He indicated they have estimates it would cost them approximately \$7,500 to enclose the dumpsters, and it would also create some parking problems.

He indicated they now have 194 parking spots, and he stated they would have only 188 after enclosing the dumpsters. He indicated if they were to install the fence around the dumpsters, Waste Management has told them the radius required for the trucks would throw the amount of space off, and they would have to use two or three additional parking spots for each dumpster because they would have to be at an angle. Mr. Malori indicated they have 132 tenants and at least one occupant in each apartment.

Dan Melville commented the parking situation may become tight with the enclosed dumpsters, and Mr. Malori indicated right now it is not a problem. Linda Collinge asked if there is any other place on the property to put these dumpsters except on the parking spots. Mr. Malori indicated there is very little grassy area, and he stated the dumpsters have to be in the parking area so that Waste Management trucks can access the dumpsters and dump them.

Mr. Malori indicated the area around the buildings and where the pool area is, that is all grassy area, but there is not access for the trucks to get to it. Bill Oliver clarified the applicant wants the dumpsters not enclosed at all. Bill Oliver asked if the dumpsters would stay in the location they are in now, and Mr. Malori indicated they would.

Dan Melville asked how long have the dumpsters been there, and Mr. Malori indicated they were there when he began to work here four or five months ago. He added they have reduced the size. John Hellaby asked if these are currently covered with a lid, and Mr. Malori indicated they are. John Hellaby asked if they could have a key for the tenants for a certain dumpster, and Mr. Malori indicated that would cause another problem with 132 tenants having keys. John Hellaby asked if these are not totally enclosed should there be some kind of locking device on them, and Richard Drake indicated there should be.

John Castellani asked if they have looked at fencing as opposed to a building centrally located that might take care of the waste. Mr. Malori indicated the centrally located building is not feasible for this project. He stated there are all buildings that are spread out. He indicated that would require the tenants to walk a considerable distance to throw their garbage away. He indicated they did check into opaque fencing and were quoted a figure of \$7,500 from Empire Fence. Mr. Malori indicated the centrally located buildings would also take away parking spaces. John Castellani questioned if they could put the dumpsters on the grassy areas if there was access to the parking lot. Mr. Malori indicated there are no grassy areas that have access to the parking lot directly. He stated there are sidewalks that run on the perimeter.

Ron Popowich asked what the dimensions are of the dumpsters, and Mr. Malori indicated they are 6'2" wide and 4'6" inches deep, and then about 3'7" high. Ron Popowich asked how much space around the dumpster is needed to enclose them. Mr. Malori indicated his estimate was based on what the code requires; a foot higher than a dumpster, so a 5 or 6 ft. fence on top of that. He indicated they would then need at least a foot around it for trucks to get access. Ron Popowich commented the property is attractive and the dumpsters would not add anything to it. Ron Popowich asked if they have considered a corner of the parking lot where the trucks could come in at maybe a larger dumpster. Mr. Malori indicated they have just changed the two larger dumpsters to four dumpsters to spread them out because the tenants were complaining about having to walk so far. He indicated it costs them more to have more dumpsters.

Dan Melville asked how often are the dumpsters emptied out, and Mr. Malori was not sure. John Hellaby asked if there are any fire related codes regarding dumpsters. Richard Drake indicated he was notified by the Deputy Fire Marshall of the situation of these open dumpsters. He commented when the dumpsters are picked up and emptied, they are never put down in the same spot. He indicated because they are sort of dropped wherever, they prevent access to the building for the Fire Department.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back from the Monroe County Department of Planning and has been approved.

DECISION: Approved by a vote of 5 yes to 2 no (Bill Oliver, John Castellani) with the following conditions:

1. Dumpsters must stay within the designated striped area set up by the Chili Building Inspector.
2. Property owner must inform the hauler to conform to the designated area for the dumpsters.

The following findings of fact were cited:

1. Enclosing the dumpsters will cause a substantial loss of parking spaces in an already tight parking situation.
 2. Due to unique configuration of the land and building makes it hard to relocate the dumpsters to another area.
7. Application of Roger Martin, owner; 709 Westside Drive, Rochester, New York 14624 for variance to erect an addition to house and open porch to be 37' from front lot line (75' req.) at property located at above address in R-1-20 zone.

Roger Martin was present to represent the application. He indicated the house is not 75 ft. away. He indicated the house is an older home that is 47 ft. away existing because of the way the road was changed. He indicated this would be a standard structure, 20' x 20' open porch. He indicated there is no existing entrance on the front of the house now, and the porch will include an entrance.

Dan Melville asked what this would do to the living room. Mr. Martin indicated it is a small living room presently, and he stated it would be on the extension of that. He indicated it is an alcove piece that is not used. He stated the porch would dress up the front of the house.

Ron Popowich asked the applicant if he was sure of the 37 ft., and Mr. Martin indicated that is a recent survey. He commented the distance may be shorter. He stated they would not encroach the full 10 ft. The applicant indicated they would be 10 ft. beyond the face of the house now.

John Hellaby asked if the several large pine trees in the area would have to be removed, and Mr. Martin indicated one would have to be removed.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back from the Monroe County Department of Planning and has been approved.

DECISION: Unanimously approved by a vote of 7 yes with no conditions and the following findings of fact were cited:

1. The house is pre-existing non-conforming.
 2. Applicant demonstrated a need for the addition due to a small house.
 3. Will be an improvement to the area.
 4. Minimum variance required to achieve the objectives of the applicant.
8. Application of Steven Woodard, owner; 11 Revere Drive, Rochester, New York 14624 for conditional use permit to allow one amateur radio tower at property located at above address in R-1-15 zone.

Patrick Moyer, attorney for the applicant, and Steven Woodard were present to represent the application. He indicated Mr. Woodard got a new instrument survey, and it turned out the other survey had his house off by 40 ft. He indicated they plan to go from three towers down to one, and he indicated they are asking for a maximum of 80 ft. for the one tower with four guys instead of three.

Mr. Moyer indicated two of the three towers that were there have already been dismantled. He stated the other one needs a crew to get it down, and the new 80 ft. tower would not be put up until the last tower remaining is taken down.

Mr. Moyer indicated they met with the neighbors a week ago and discussed some of the conditions. He indicated at the base of each of the guys they are going to plant bushes to protect the guys from somebody walking into them and to make sure they look good. He indicated they are going to put an anti-climb device like was on the back tower on the new tower to prevent people from trying to climb the tower. Mr. Moyer stated Mr. Woodard would continue to work with any of the neighbors or people in the neighborhood about interference problems.

Mr. Moyer indicated the Building Inspector asked the applicant to provide him with wet drawings on all of the features or at least approval from a P.E., and Mr. Moyer indicated they are going to have a P.E. review all of the drawings and the footings and everything else before the process starts. He added they would submit those. Mr. Moyer indicated they plan to take the manufacturer's drawings and have them reviewed by a local P.E. and have him sign off on it with a letter.

Dan Melville asked if the 80 ft. tower would satisfy Mr. Woodard's needs for what he wants, and Mr. Moyer indicated he is satisfied with that at this point. Dan Melville asked if the 80 ft. tower would help eliminate some of the interference problems, and Mr. Moyer indicated it would. Mr. Moyer indicated Mr. Woodard is going to have his station checked out by an engineer, Mr. Halliday. Mr. Moyer commented Mr. Woodard could not buy everyone a new VCR, but he would help the neighbors with any interference problems that he could.

Linda Collinge asked if they are requesting 80 ft. because of the height of the trees, and Mr. Moyer indicated 80 ft. is 5 ft. taller than the existing tree level. Linda Collinge asked what would happen when the trees grow. Mr. Moyer did not feel that would be a problem because at this point those trees are growing out instead of up.

John Hellaby asked what the antenna configuration would be, and he questioned how many antennas would there be. Mr. Moyer indicated the antennas would be spaced at different heights going up the tower, and he commented the antennas are one of the least visual aspects of the structure because they are thin aluminum. He added the antennas have to be spaced apart so they do not interfere with each other. Mr. Woodard indicated he would have about 15 antennas.

John Hellaby asked if the antennas would be right off the tower, or would they be off a cross arm extended from the tower. Mr. Woodard indicated most would be on the mast. Mr. Woodard indicated the tower itself is only 64 ft. He stated the mast sticks up the rest of the way and rotates. He indicated virtually all of the antennas would be mounted on that rotating mast.

Linda Collinge asked if the mast is the thing that is now folded down in half since the storm, and Mr. Woodard indicated it is. Linda Collinge questioned what the antennas look like. Mr. Woodard indicated a tv antenna on someone's house has many elements that stick out of the one antenna. He added a tv antenna has more cross elements than his antennas would have. Linda Collinge asked how many antennas the applicant had a month and a half ago, and Mr. Woodard indicated more than three or four.

John Hellaby asked if the structural engineer would take into consideration potential changes the applicant would make in the future. Mr. Moyer indicated if there was a major change, the Building Inspector would have to be informed of that. Mr. Moyer indicated the tower would be approved for a certain wind area. He indicated the whole country is set up into different wind zones. He indicated the tower would then be approved for a maximum amount of antennas, and then each antenna that is put on is rated at a certain square foot of wind, so as long as the antennas that he has up there are under the maximum, the P.E. would approve it.

John Hellaby commented several months ago the applicant came in and said he could get away with a considerably less high tower than what is being asked for today. He questioned why the tower is for 80 ft. today. Mr. Moyer indicated there were three towers a month ago. John Hellaby stated the original application two years ago was for a 65 ft. tall tower. Mr. Woodard indicated since then his interests have changed, and he stated what he is interested in doing now requires him to be above the tree line.

Gerry Hendrickson asked where the measurement starts, and Mr. Moyer indicated at ground level to the absolute top of the structure. Gerry Hendrickson asked what the radius is from the center pole. Mr. Moyer stated the tower is going to be triangular. Mr. Woodard indicated it would be 18 inches on the side. Gerry Hendrickson questioned the tower moving around, and Mr. Woodard indicated the tower would move around at the 65 ft. level. He stated the longest antenna is about 27 ft. in length. He indicated it is about 12 ft. in diameter at 65 ft. He indicated the lowest antenna that would be able to rotate would be at 65 ft. He stated there is no chance that someone on the ground could be hit with an antenna as it rotates. He further stated the bottom structure is bolted to a concrete footer which would be five or six feet into the ground.

John Castellani asked what type of angle would the guy wires be at. Mr. Moyer indicated they have to be 30 ft. He indicated he did not know the specific angle. Mr. Moyer further stated if the bushes around the guy wires were not satisfactory to the Board, they could flag the guy wires. John Castellani asked if the base would be sufficient distance away from other people's properties, and Mr. Moyer indicated it would be.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Arnold Latoski - 26 Battle Green Drive

He asked if the microdish would reappear on this tower, and Mr. Woodard indicated he would have a similar sized one and probably a 2 ft. dish.

Marlene Kretser - 56 Lexington Parkway

She indicated she had the cable company come over because they had problems with a squirrel pulling a wire down. Ms. Kretser indicated she heard with an 80 ft. tower in the area they would not get interference. She further stated the representative from the cable company told her that was wrong. Ms. Kretser stated she just wants to be able to watch tv without interference.

Mr. Moyer stated the applicant is more than willing to work with neighbors regarding interference problems regarding it is him causing the problem. Mr. Moyer stated the other interference problems unrelated to the applicant need to go through the proper channels, the FCC.

Jim Bresocki - 4 Revere Drive

Mr. Bresocki indicated Mr. Woodard has never approached him in this matter. He indicated he has changed his cable box three times and has had the cable company out to his house twice. Mr. Bresocki commented tv is a part of every day life, and radio towers are parts of a hobby. Mr. Bresocki indicated he still has interference once in a while.

Dan Melville asked Mr. Bresocki how long he has had interference, and Mr. Bresocki indicated everything will be all right, and then all of a sudden he sees nothing. He indicated he has four tvs that do the same thing. He questioned why he has to waste his money going through the proper channels to get something corrected when he is not causing the problem himself.

Mr. Moyer indicated Mr. Woodard has not been active since March. He indicated they are sympathetic to interference problems. Mr. Woodard indicated he has not been operating since February. Mr. Moyer indicated there are other operators in the community.

Dan Melville asked if there are problems as far as interference, is the FCC able to track those problems down. Mr. Moyer indicated they are, and he stated if they get enough complaints, they would send a crew in with direction-finding equipment to locate the specific place. He indicated when they locate the source, the person causing the interference would be fined, his operation would be restricted, and they would have to prove they have changed their operation in the future. Mr. Moyer commented, however, the FCC has the same budget problems that everyone else has. Mr. Moyer indicated the FCC usually goes after malicious offenders and people that interfere with airport operations. Mr. Moyer restated the applicant is more than willing to help if he can.

Dan Melville asked what else causes interference problems that the neighbors are experiencing. Mr. Moyer indicated normal broadcast stations, cb radios, the airport, planes going overhead, other amateur radio operators, microwave ovens, cellular phones, et cetera. Mr. Moyer indicated there are leaks in cable tv. Ron Popowich asked the applicant if he knew what kind of interference the neighbors are having. Mr. Woodard indicated he feels it is a poor cable signal no matter what the cable company says. Mr. Woodard indicated he has a poor picture too with fading and lines through the tv. Ron Popowich asked if the neighbors have only talked with technicians from the cable company.

Mr. Latoski indicated he had a book from the FCC describing interference. He indicated when he was having trouble with his tv it was exactly as described by the FCC when Mr. Woodard was transmitting. He indicated he has lived in the neighborhood for 18 years with another radio operator around the corner, and he added he never had the interference before. He indicated he started getting the interference when the towers went up. He indicated he had interference on his cable and non-cable sets. He indicated it is not the neighbors' faults that their tvs are not properly shielded.

Ron Popowich asked if Mr. Latoski has had the FCC come out to determine if Mr. Woodard is causing the interference. Mr. Latoski indicated they would not come out. He indicated the personalized letter to him from the FCC indicated they have a lot of complaints from the area, and they would get back to him. Mr. Latoski indicated he has not heard anything back.

Ms. Kretser indicated the cable company told her with a higher tower, more people further out would get interference.

Mr. Moyer commented he did not know what to do if the entire community is having cable problems. Mike Mazzullo indicated there is the Cable Commission, and the Town would have to go to the Cable Commission. John Castellani thought the Cable Commission would only look at the initial franchise.

Ellen Jermyne - 69 Lexington Parkway
She indicated from December through the last Zoning Board meeting they had interference.

John Hellaby asked if there is any way to substantiate the letter of conditions dated June 7, 1991. Mr. Moyer indicated present at the meeting was Richard Drake, Mike Mazzullo, himself, the LaDieus and Mr. Latoski. He indicated Mr. Woodard was out of town then.

ANYONE IN FAVOR OR OPPOSED: No one.

Mr. Woodard commented everyone keeps saying they had interference up to the last Zoning Board meeting. He stated since the ice storm he has not had an antenna to transmit.

DECISION: Approved by a vote of 6 yes to 1 no (John Hellaby) with the following conditions:

1. Mr. Woodard will resolve any interference problems to TVs, VCRs, stereos, et cetera created by his tower operation in the way of filters, et cetera.
2. All components will meet accessory structure requirements and setback requirements.
3. Tower to be child and tamper proof by way of fencing base of tower or such.
4. Guy wires to be concealed and maintained safe from anyone or thing hurting themselves by way of shrubbery around the base of the guys.
5. Recommend a one-year trial period to satisfy all involved of condition compliance.
6. Subject to a full inspection by the Chili Building Inspector to ensure the tower will conform to all building codes.
7. The tower should not be higher than 80' from the current existing ground level to the top of the structure, including any and all attached antenna.

The following findings of fact were cited in support of this decision:

1. A reduction from the original application of three towers to one tower is an improvement.
2. Applicant made every attempt possible to work with his neighbors to solve any problems.
3. Conditions set up by the Chili Zoning Board of Appeals address all previous concerns of the neighbors.

July 24, 1991

A meeting of the Town of Chili Zoning Board was held at the Chili Town Hall, 3235 Chili Avenue, Rochester, New York 14624 on July 24, 1991 at 7:30 p.m. The meeting was called to order by Chairperson Dan Melville.

PRESENT: John Castellani, Gerry Hendrickson, Bill Oliver, Linda Collinge and Chairperson Dan Melville.

ALSO PRESENT: Mike Mazzullo, Deputy Town Attorney (arrived late); Larry Smith, Building Inspector.

Chairman Dan Melville declared this to be a legally constituted meeting of the Chili Zoning Board. He announced the fire safety exits and explained the meeting's procedures. He introduced the members of the Board and the front table.

1. Application of Mary Latacki, owner; 35 Evergreen Drive, Rochester, New York 14624 for conditional use permit to allow a bookkeeping office in home at property located at above address in R-1-15 zone.

Mary Latacki was present to represent the application. She indicated she wants a bookkeeping business in her home part-time. She indicated she works now part time outside the home, too. She indicated she would do advertising media buying. She indicated most of the work is done by phone and few people come to the property. She indicated she may get a fax machine if needed.

Dan Melville asked if the clients would come to her home, and Ms. Latacki indicated it is possible, but she stated most of the work is done by phone. Dan Melville asked if she would be advertising in newspapers, and Ms. Latacki indicated she would not. Dan Melville asked if there would be any signs on the property, and Ms. Latacki indicated there would be no signs. Bill Oliver asked the applicant if she would object to enlarging the numbers on her house to 4 1/2" to meet the Chili Code, and Ms. Latacki indicated she would not have a problem with that.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

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

1. Larger house numbers to be placed on the house for easy identification. 4 1/2" numbers are to be used.
 2. No signs on the property.
 3. No on-street parking pertaining to the business.
 4. Approved for one year.
2. Application of Robert Podgorski, owner; 11 Sesqui Drive, Rochester, New York 14624 for variance to allow existing 11 1/2' x 16' shed to be 184 sq. ft. (160 sq. ft. allowed) at property located at above address in R-1-20 zone.

Robert Podgorski was present to represent the application. He indicated the ice storm caused them to lose 24 trees which left a big hole that took eight truck loads of dirt to fill. He indicated they notified their neighbors of their intentions. He indicated the shed turned out larger than they thought. He indicated he thought his wife applied for the permit, and she thought he applied for the permit.

Dan Melville asked if the shed is already up, and Mr. Podgorski indicated it is. Dan Melville asked if the shed is in the same spot as the other one was, and Mr. Podgorski indicated it is not. He stated the other one was right in the middle of the trees. He stated the new shed is moved back but is within the perimeter away from the property line. Dan Melville asked what the shed is used for, and Mr. Podgorski indicated it is for storage of a lawn mower and the space helps clear out the garage.

Gates-NEWS-Chili

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

Date.....7-17-91.....

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

GATES-CHILI NEWS

Issue Dated.....7-17-91.....

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y., Monroe Co.
My Commission Expires April 30, 19_93

Patricia M. Smith

Patricia M. Smith
Publisher

*Printing Book
July 24-1991*

**LEGAL NOTICE
CHILI ZONING BOARD
OF APPEALS**

Pursuant to Section 267 of Town Law, a public hearing will be held by the Chili Zoning Board of Appeals at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on July 24, 1991, at 7:30 p.m. to hear and consider the following applications:

1. Application of Mary Latacki, owner; 35 Evergreen Drive, Rochester, New York 14624 for conditional use permit to allow a bookkeeping office in home at property located

at above address in R-1-15 zone.

2. Application of Robert Podgorski, owner; 11 Sesqui Drive, Rochester, New York 14624 for variance to allow existing 11 1/2' x 16' shed to be 184 sq. ft. (160 sq. ft. allowed) at property located at above address in R-1-20 zone.

3. Application of Roberta Kane, owner; 29 Tarrytown Drive, Rochester, New York 14624 for variance to erect a 17' x 32' garage to be 4 1/2' from side lot line (10' req.) at property located at above address in R-1-12 zone.

4. Application of Elaine Kaminski, owner; 661 Chestnut Ridge Road, Rochester, New York 14624 for variance to erect a 42' x 16' & 16' x 20 1/2' deck to the 74' from rear lot line (90' req.) at property located at above address in R-1-20 zone.

5. Application of Ron Evangelista, owner; 28 Shrubbery Lane, Rochester, New York 14624 for variance to erect a 24' x 10' open porch to be 53' from front lot line (60' req.) at property located at above address in R-1-15 zone.

6. Application of Scott

Miller, 2393 Westside Drive, North Chili, New York 14514 for variance to erect a 32' x 10' open porch to be 49' from front lot line (75' req.) and 6 1/2' from side lot line (10' req.) at property located at above address in R-1-15 zone.

7. Application of James Cuthbert, owner; 32 Bowen Road, Churchville, New York 14428 for variance to relocate existing garage to be 1' from side lot line (50' req.) at property located at above address in PRD zone.

8. Application of Antonio Zoffranieri, owner; 113 Loyalist Avenue, Rochester,

New York 14624 for variance to erect a 14' x 14' deck to be 25' from rear lot line (30' req.) at property located at above address in G.B. zone.

9. Application of Olindo's Imports, owner; 3205 Chili Avenue, Rochester, New York 14624 for variance to relocate existing freestanding sign to be 2' from new front lot line (20' req.) at property located at above address in G.B. zone.

10. Application of William Daugherty, owner; 122

Stryker Road, Scottsville New York 14546 for variance to create an undersized lot to be 5 acres (20 acres req.) with a lot width of 200' (700' req.) at property located at above address in PRD & FPO zone.

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

**Daniel Melville,
Chairman
Chili Zoning Board of
Appeals**

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED:

Marlene Ungar - 9 Sesqui Drive

Ms. Ungar indicated the applicant does not state the location from the property line. Dan Melville indicated the applicant is within the zoning ordinance. He stated it is 8 ft. from the property line. Ms. Ungar thought the requirement is 10 ft. She asked how did they arrive at the dimensions and what stake was used.

Henry Podgorski was present to represent the application also. She stated the slab put on the back of the house is 2 ft. on each side of the property line so they would be 10 ft. away from Ms. Ungar's property line. She added they are also 12 ft. away from the other neighbor. She stated the builder of the slab was Vince Mass.

Dan Melville asked how the applicant knows where the property line is, and Mrs. Podgorski indicated by the slab. Dan Melville asked if the 2 ft. figure is off of an instrument survey map, and Ms. Podgorski indicated it is not. Larry Smith asked if the slab was shown on the survey map when the house was built, and Mrs. Podgorski indicated she did not know. Larry Smith went to check the map.

Ms. Ungar indicated there is a surveyor's stake on the other side of her property when the new house was built next to her. She indicated she measured from that stake to the slab and found her property line is 2 ft. from the slab. Ms. Ungar indicated she is debating the accuracy of the measurements the applicant states. Ms. Ungar indicated she had obstacles in the way when she did her measuring that caused her to even lose inches.

Larry Smith indicated the slab was not shown on the map. Dan Melville asked if the Board should have a map. Mr. Podgorski indicated he went to the bank, the Town and the County and found there were no maps for their property.

Larry Smith indicated the applicant is coming in for size and not for setback. John Castellani stated the Board is supposed to get survey maps on these applications. Dan Melville indicated since the question came up, there is no way for the Board to look up the measurement. Larry Smith indicated the dispute over the property line is a civil matter.

Larry Smith stated the only variance being asked for is for size. He stated if it is approved and then discovered the shed is too close, they would need another variance. He stated the Board could make it a condition of this variance that the measurements be checked.

Mike Mazzullo arrived at 7:45 p.m.

The Board explained to Mike Mazzullo the application, and he stated the distance is not at issue. He stated if someone thinks the applicant is too close to their property line, they can go to the expense of determining the lines.

Dan Melville asked how does the Building Inspector inspect this. Mike Mazzullo indicated there is no evidence the applicant has violated the setback. He stated the burden of proof is on the neighbors. Larry Smith indicated if the neighbors determine the shed is too close, the shed would have to be moved or another variance would have to be granted. Dan Melville asked if the properties in dispute back up to each other, and Mr. Podgorski indicated they are side by side. Mike Mazzullo stated if the neighbors get a survey of their property, they can measure to the shed to determine if the shed is too close.

Ms. Ungar stated she is also objecting to the size of the shed.

Marshall Lewis - 12 Sesqui Drive
He indicated he is in favor of this.

Dan Melville indicated this came back from the Monroe County Department of Planning as a local matter and has been approved.

DECISION: Unanimously approved by a vote of 5 yes with no conditions and the following findings of fact were cited:

1. Applicant demonstrated the need for storage.

2. The ice storm dictated a need for more protection.
3. The shed will eliminate outside storage.
3. Application of Robert Kane, owner; 29 Tarrytown Drive, Rochester, New York 14624 for variance to erect a 17' x 32' garage to be 4 1/2' from side lot line (10' req.) at property located at above address in R-1-12 zone.

Mr. Kane was present to represent the application. He indicated he wants a 17' x 32' garage. Dan Melville asked the applicant if he has storage now, and Mr. Kane indicated he does not, Dan Melville asked if this would be for the storage of vehicles and lawn equipment, and Mr. Kane indicated it would be.

John Castellani asked if the garage would be attached to the house, and Mr. Kane indicated it would be. John Castellani asked if they would entertain the idea of putting the garage behind the house to avoid the variance, and Mr. Kane indicated they did not entertain that idea. He stated the garage would be right in the middle of the yard then.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED:

Colby Duck - 31 Tarrytown Drive
He indicated he lives next door and is in favor of the application.

DECISION: Unanimously approved by a vote of 5 yes with no conditions and the following findings of fact were cited:

1. Consistent with the neighborhood.
2. Demonstrated a need for storage.
3. Due to size of lot, this is the minimum variance needed.

4. Application of Elaine Kaminski, owner; 661 Chestnut Ridge Road, Rochester, New York 14624 for variance to erect a 42' x 16' & 16' x 20 1/2' deck to be 74' from rear lot line (90' req.) at property located at above address in R-1-20 zone.

Brian Kaminski was present to represent the application. He stated he wants a deck behind his house. Dan Melville asked why it has to be so close to the property line, and Mr. Kaminski indicated with the dimensions requested it would be easier. Dan Melville asked if the deck would be 17' x 42', and Mr. Kaminski indicated it would be. Mr. Kaminski indicated it would be an L-shaped deck because they have a sliding glass door off the side. Dan Melville asked if the deck size were cut down, would it meet the code, and Mr. Kaminski indicated it would not because the house is set at 91 ft.

Bill Oliver asked if the deck would be enclosed, and Mr. Kaminski indicated it would not be. Bill Oliver asked how far off the ground would the deck be, and Mr. Kaminski indicated approximately 1 ft., and he added he has a ranch house.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back from the Monroe County Department of Planning as a local matter.

DECISION: Unanimously approved by a vote of 5 yes with no conditions and the following findings of fact were cited:

1. Due to size of lot, this is the minimum variance required to alleviate the hardship.
2. Reasonable use of the property.
3. Consistent with the neighborhood.

4. Will not interfere with neighboring properties.

5. Application of Ron Evangelista, owner; 28 Shrubbery Lane, Rochester, New York 14624 for variance to erect a 24' x 10' open porch to be 53' from front lot line (60' req.) at property located at above address in R-1-15 zone.

Ron Evangelista was present to represent the application. He presented drawings to the Board showing the existing building and the proposed structure. He stated the porch would be extended. He stated it would cover the existing concrete pad. Dan Melville asked if there would be any windows, and Mr. Evangelista indicated there would not be any windows. He stated there would be a railing around the porch.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

DECISION: Unanimously approved by a vote of 5 yes with no conditions and the following findings of fact were cited:

1. The house is currently pre-existing non-conforming so this is the minimum variance required to alleviate the hardship.
2. Improves the front of the property.
3. Reasonable use of the property.

6. Application of Scott Miller, 2393 Westside Drive, North Chili, New York 14514 for variance to erect a 32' x 10' open porch to be 49' from front lot line (75' req.) and 6 1/2' from side lot line (10' req.) at property located at above address in R-1-15 zone.

Scott Miller was present to represent the application. He indicated he wants a 10 ft. long raised concrete slab in front of his house with an overhang. He stated the house is an existing, non-conforming because the house is not 75 ft. back. He stated the porch would be 4 1/2 ft. instead of 10 ft. on the corner of the house. Mr. Miller stated no neighbors have objected.

Bill Oliver asked who laid out the distance, and Mr. Miller indicated he marked it on the instrument survey showing where it would be. Bill Oliver asked if they measured it 10 ft. from the lot line, and Mr. Miller indicated they did not.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back from the Monroe County Department of Planning as a local matter.

DECISION: Unanimously approved by a vote of 5 yes with no conditions and the following findings of fact were cited:

1. The house is pre-existing, non-conforming so this is the minimum variance required to alleviate the hardship.
2. Consistent with the neighborhood.
3. Reasonable use of the property.
4. No objections from the neighbors.

7. Application of James Cuthbert, owner; 32 Bowen Road, Churchville, New York 14428 for variance to relocate existing garage to be 1 from side lot line (50' req.) at property located at above address in PRD zone.

James Cuthbert was present to represent the application. He stated they have a garage that is attached to the back of the house, and they would like to move that so it is directly at the end of the driveway so they can go straight into the garage. He stated the house itself is only 22 ft. from the lot line, and the driveway goes up between the house and the lot line. He stated if they moved the garage, they would not have to turn to go into the garage. He stated they would also be creating a better view out of the back of the house.

Dan Melville asked if they are just going to be moving the garage over, and Mr. Cuthbert indicated that is correct. Linda Collinge commented it is awkward to get out of the garage the way it is now. Bill Oliver asked if they would actually move the existing garage over, and Mr. Cuthbert indicated they would. Larry Smith asked if the garage is on a slab, and Mr. Cuthbert indicated it is. Larry Smith asked if they would be leaving the slab or would they break it up, and Mr. Cuthbert indicated he and his wife have not decided.

John Castellani asked the applicant if they have discussed this with their neighbors, and Mr. Cuthbert indicated they notified the neighbor, and their neighbor has no problem with this.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

DECISION: Unanimously approved by a vote of 5 yes with no conditions and the following findings of fact were cited:

1. More logical placement of this garage.
 2. Will eliminate the need to drive into the back yard to get to the garage.
 3. It is much safer to have the garage attached to the house.
 4. The house is already pre-existing, non-conforming.
8. Application of Antonio Zoffranieri, owner; 113 Loyalist Avenue, Rochester New York 14624 for variance to erect a 14' x 14' deck to be 25' from rear lot line (30' req.) at property located at above address in R-1-15 zone.

Antonio Zoffranieri was present to represent the application. He stated he would like a deck in back of his house. Dan Melville asked if the deck is already up, and Mr. Zoffranieri indicated it is not. He stated he started a little of the construction, though. He stated there is no wood up yet.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back from the Monroe County Department of Planning and has been approved.

DECISION: Unanimously approved by a vote of 5 yes with no conditions and the following findings of fact were cited:

1. Consistent with the neighborhood.
 2. Reasonable use of the property.
 3. Due to lot size, this is the minimum variance required to alleviate the hardship.
9. Application of Olindo's Imports, owner; 3205 Chili Avenue, Rochester, New York 14624 for variance to relocated existing freestanding sign to be 2' from new front lot line (20' req.) at property located at above address in G.B. zone.

Jim Yacono was present to represent the application. He stated the sign they would use would be the one that was taken down during the road construction. He stated they have no markings on the building. Dan Melville asked if the sign is lit internally, and Mr. Yacono indicated it is.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back from the Monroe County Department of Planning as a matter for local determination.

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

conditions:

1. Landscaping must be done before the pole is installed and must be done as per Planning Board approval.
2. Subject to NYS Department of Transportation approval.

The following findings of fact were cited:

1. Needed to identify the business.
 2. Consistent with the other signs in the area.
 3. New York State created the need for the variance.
 4. Will not be a traffic or safety hazard.
10. Application of William Daugherty, owner; 122 Stryker Road, Scottsville New York 14546 for variance to create an undersized lot to be 5 acres (20 acres req.) with a lot width of 200' (700' req.) at property located at above address in PRD & FPO zone.

William Daugherty was present to represent the application. He asked for a ten-minute recess until his lawyer was present. Mike Mazzullo indicated Mr. Solomon, Mr. Daugherty's attorney, contacted him this afternoon and indicated he might not be present at the meeting until 8:15 p.m.

There was a recess in the proceeding.

Thomas Solomon was present to represent the application. He stated at the last meeting the Board agreed to rehear the application based on new evidence presented to the Board the last time. Mr. Solomon indicated this is not a variance so Mr. Daugherty can start a process of subdividing this parcel. He indicated this is strictly for he and his wife. He stated the homestead goes way back in the family history. He stated the five-acre parcel proposed virtually makes future subdivisions of this parcel very difficult. Mr. Solomon stated the area in the back is wetlands.

Mr. Solomon indicated if the Board were to insist on the 20 acres of zoning called for, Mr. Daugherty and his wife would not be able to mortgage this parcel. Mr. Solomon stated the new master plan calls for this particular area to be five-acre zoning. He added he understands the master plan has not been passed yet, but is moving expeditiously in that direction.

Mr. Solomon stated his client is living now in a rented home and would like to start building this season. Mr. Solomon stated many of the people that came and spoke in opposition of this application in the past have five-acre lots. He indicated tonight there are members of the audience in favor of this.

Dan Melville asked when they would begin construction if approved, and Mr. Solomon indicated as soon as possible. He stated they would be ready to break ground in 30 days. Dan Melville asked if this parcel would have public water, and Mr. Daugherty indicated there is going to be public water. He stated the property currently is on a septic system.

John Castellani commented there is an existing house on a parcel of this property today, and Mr. Solomon indicated that is the family homestead. He stated Mr. Daugherty's daughter lives there. Gerry Hendrickson indicated he was in favor of this. Dan Melville asked what would happen to the remaining property. Mr. Solomon indicated they would have a two-lot subdivision with different tax account numbers. He stated the rest of the property would be farmed.

John Castellani asked if this would have to go to the Planning Board, and Larry Smith indicated it would. Mr. Solomon indicated they are on the Planning Board's agenda.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED:

Lawrence Smith

He indicated he lives directly across the road from where Mr. Daughtery wants to build. He indicated he has no objection to this at all.

Evelyn D. Smith - 426 Scottsville-Chili Road
She indicated she is in favor of the application.

Vera Warner - 117 Stryker Road
She indicated she is in favor of the application.

Rob Stryker
He stated Mr. Daughtery is a wonderful neighbor, and he stated he could not see how the Board turned him down last time. Dan Melville indicated the Planning Board turned the application down last time. Mr. Stryker indicated he is in favor of this application.

Ed Jolet - 260 Scottsville Road
He thought five acres is a substantial amount of property for a residence. He was in favor of the application.

No one was opposed to the application.

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

1. Must have Planning Board approval.
2. Planning Board to conduct SEQR hearing.

The following findings of fact were cited:

1. Applicant demonstrated that it is impossible to obtain financing on any property over 5 acres.
2. The property is staying in the family.
3. Applicant promised not to subdivide the property any further.
4. Consistent with other properties in the area.
5. Further subdivision impossible due to wetland area.

The 5/28/91 Zoning Board minutes were accepted as is. The 6/18/91 Zoning Board minutes were accepted as corrected. The 6/25/91 Zoning Board minutes were accepted as is.

The meeting ended at 9:10 p.m.

CHILI ZONING BOARD
August 27, 1991

A meeting was of the Town of Chili Zoning Board was held at the Chili Town Hall, 3235 Chili Avenue, Rochester, New York 14624 on August 27, 1991 at 7:30 p.m. The meeting was called to order by Chairperson Dan Melville.

PRESENT: John Castellani, Gerry Hendrickson, Bill Oliver, Linda Collinge, John Hellaby and Chairperson Dan Melville.

ALSO PRESENT: Mike Mazzullo, Deputy Town Attorney; Larry Smith, Building Inspector.

Chairman Dan Melville declared this to be a legally constituted meeting of the Chili Zoning Board. He announced the fire safety exits and explained the meeting's procedures. He introduced the members of the Board and the front table.

1. Application of Martin Werner, owner; 36 Spicewood Lane, Rochester, New York 14624 for variance to erect an 8' x 24' open porch to be 54' from front lot line (60' req.) at property located at above address in R-1-15 zone.

Martin Werner was present to represent the application. He indicated he wants an 8' x 24' open porch on the front of his house to connect to the porch on the side of his house. Dan Melville asked if they are just going to wrap the porch around the side, and Mr. Werner indicated they are. Dan Melville asked if there would be footers into the ground, and Mr. Werner indicated there would be cement in the ground. John Hellaby asked if it would be an open-type deck, and Mr. Werner indicated it would be with just a railing around it.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED:

Dale Cook - 38 Spicewood Lane
He indicated he is in favor of the application.

Dean DeLeon - 43 Spicewood Lane
He indicated he is in favor of the application.

DECISION: Unanimously approved by a vote of 6 yes with no conditions and the following findings of fact were cited:

1. Minimum variance required to alleviate the hardship.
2. Not detrimental to surrounding properties.

2. Application of Richard Nadwodny, owner; 14 Ivan Common, Rochester, New York 14624 for variance to erect a gazebo to be 14 1/2' high (12' allowed) at property located at above address in PRD zone.

Richard Nadwodny was present to represent the application. He indicated he would like a gazebo over an existing deck that is approximately 3 ft. off the ground. He indicated the gazebo would be approximately another 11 ft. higher than the deck. He stated the deck is already there with a permanent floor. Dan Melville asked if they have a permit for the deck that is up, and Mr. Nadwodny indicated they do.

Dan Melville asked the applicant if he is sure on the height, and Mr. Nadwodny indicated he is. Bill Oliver commented there is a hill behind the house, and he asked if that would make a difference in the height. Mr. Nadwodny indicated he measured the height from where the existing ground is. He stated the slope of the ground is not substantial. He indicated it is only 6 to 12 inches for the length of it.

John Castellani asked if the 14.5 ft. is from the ground and not the deck, and Mr. Nadwodny indicated that is correct. John Castellani asked if there would be any way to construct this without a variance, and Mr. Nadwodny indicated there would not be. John Castellani asked if this is a package deal, and Mr. Nadwodny indicated it is.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Joining Book - Aug 27-1991

Gates-NEWS-Chili

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

Date.....*8-21-91*.....

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

GATES-CHILI NEWS

Issue Dated...*8-21-91*.....

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y., Monroe Co.
My Commission Expires April 30, 19*93*

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 August 27, 1991 at 7:30 p.m. to hear and consider the following applications:

1. Application of Martin Werner, owner; 36 Spicewood Lane, Rochester, New York 14624 for variance to erect an 8' x 24' open porch to be 54' from front lot line (60' req.) at property located at above address in R-1-15 zone.
2. Application of Richard Nadwodny, owner; 14 Ivan Common, Rochester, New York 14624 for variance to erect a gazebo to be 14 1/2' high (12' allowed) at property located at above address in PRD zone.
3. Application of Black Tree Graphics, 202 Hillary Drive, Rochester, New York 14624, property owner: H. Whelpton; for variance to erect a 6' x 2' double faced addition to freestanding sign, to be 9' from front lot line (20' req.) at property located at 3187 Chili Avenue in G.B. zone.
4. Application of First Baptist Church, owner; 3182 Chili Avenue,

Rochester, New York 14624 for variance to erect a freestanding sign to be placed on lot line (20' req.) at property located at above address in G.B. zone.

5. Application of Timothy Sands, owner; 4296 Union Street, North Chili, New York 14514 for renewal of conditional use permit to allow a glass cutting/installation business out of garage at property located at above address in RA-20 zone.

6. Application of Kevin Boville, owner; 841 Morgan Road, North Chili, New York 14514 for variance to allow existing dwelling to be 47.30' from side lot line (50' req.) at property located at 835 Morgan Road in RA-20 zone.

7. Application of James Nothnagle, owner; 119 King Road, Churchville, New York 14428 for variance to erect a 24' x 28' detached garage to be 15' from rear lot line (90' req.) at property located at 3460 Chili Avenue in R-1-20 zone.

8. Application of John Guerriero, owner; 1133 Hinchey Road, Rochester, New York 14624 for variance to erect a 30' x 50' storage barn to be 1,500 sq. ft. (160 sq. ft. allowed) at property located at 125 Humphrey Road in PRD & FPO zone.

9. Application of Dean DeLeon, owner; 43 Spicewood Lane, Rochester, New York 14624 for variance to erect a 12' x 22' deck to be 50' from front lot line (60' req.) at property located at above address in R-1-15 zone.

10. Application of Sandra Cornell, owner; 520 Paul Road, Rochester, New York 14624 for conditional use permit to allow a beauty shop in home at property located at above address in R-1-15 zone.

11. Application of Jeffrey Tamol, owner; 23 Golden Road, Rochester, New York 14624 for variance to erect a 6' high fence in front setback area (3' allowed) at property located at above address in R-1-15 zone.

12. Application of Sean O'Mara, owner; 896 Chili Ctr. Coldwater Road, Rochester, New York 14624 for variance to erect a deck to be 5' from side lot line (10' req.) at property located at above address in R-1-12 zone.

13. Application of Silas Hulse, owner; 39 Weatherwood Lane, Rochester, New York 14624 for variance to erect an open porch to be 35' from rear lot line (40' req.) at property located at above address in R-1-15 zone.

14. Application of Moore

& Bowles Inc., 55 St. Paul St., Rochester, New York 14604 for property owner: Legris Inc.; for variance to erect one temporary 8' x 8' double faced freestanding sign, one 8' x 4' wall sign, and one 8' x 4' freestanding sign to be a total of 224 sq. ft. (16 sq. ft. allowed for sale of property) at property located at 244 Paul Road in L.I. zone.

15. Application of Douglas Rufalo, owner; 2 Rochelle Drive, Churchville, New York 14428 for variance to erect a 12' x 12' & 12' x 16' deck to be 12' from rear lot line (30' 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.

**Daniel Melville,
Chairman**

**Chili Zoning Board of
Appeals**

FOR DISCUSSION:

Board will vote whether to rehear application of Home Leasing Corp. for a variance to erect a 2' x 3' freestanding sign with

logo at property located at 4 College Greene Drive in P.U.D. zone.

ANYONE IN FAVOR OR OPPOSED:

Jim Warden - 4 Ivan Common

He indicated he is in favor of this application.

DECISION: Unanimously approved by a vote of 5 yes with no conditions and the following findings of fact were cited:

1. Minimum variance required to alleviate the hardship.
 2. Not detrimental to surrounding properties.
 3. Slope in area of gazebo caused this structure to be more than 12' in height.
 4. Gazebo comes as a kit form and would not be feasible to alter.
3. Application of Black Tree Graphics, 202 Hillary Drive, Rochester, New York 14624, property owner: H. Whelpton; for variance to erect a 6' x 2' double-faced addition to freestanding sign, to be 9' from front lot line (20' req.) at property located at 3187 Chili Avenue in G.B. zone.

Mike Torre was present to represent the application. He indicated he would like a sign to be added to the existing sign of Chili Carpet to be 2' x 6' ft. He indicated his sign would be underneath the existing sign. Dan Melville asked if currently they have a business next to Chili Carpet, and Mr. Torre indicated they do. John Castellani asked if there is any problem with the owner of the property, and Mr. Torre indicated there is no problem.

Dan Melville asked if the sign would be illuminated, and Mr. Torre indicated it would not be. John Hellaby asked if this would be a double-faced plywood type sign, and Mr. Torre indicated it would be a boxed type sign with dimensions similar to the existing sign. John Hellaby commented there is presently decorative trim on the sign, and he asked if the new sign would cover that. Mr. Torre indicated the new sign would not cover the trim. He further indicated the trim slides down and could be brought back up into place.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back from the Monroe County Department of Planning as a local matter.

DECISION: Unanimously approved by a vote of 6 yes with no conditions and the following findings of fact were cited:

1. Sign needed to identify business.
 2. Sign will be attached to an existing sign.
4. Application of First Baptist Church, owner; 3182 Chili Avenue, Rochester, New York 14624 for variance to erect a freestanding sign to be placed on lot line (20' req.) at property located at above address in G.B. zone.

No one was present to represent the application, and Dan Melville indicated he would call the application at the end of the agenda.

5. Application of Timothy Sands, owner; 4296 Union Street, North Chili, New York 14514 for renewal of conditional use permit to allow a glass cutting/installation business out of garage at property located at above address in RA-20 zone.

Timothy Sands was present to represent the application. He indicated he was present for a conditional use permit renewal. Dan Melville asked what kind of business the application operates, and Mr. Sands indicated he is in the glass business. Dan Melville asked if people come to the premises for glass installations, and Mr. Sands indicated some people do, and he added he also does installations on the road.

Dan Melville asked if there are any signs currently associated with the business, and Mr. Sands indicated there is one across the front of the building. John Castellani asked what the last period of approval was, and Mr. Sands indicated it was one year. Dan Melville asked if there would be any objections to the existing conditions, and Mr. Sands indicated there would not. John Castellani asked if there have been any complaints on this business, and Larry Smith indicated there have been none.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

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

1. Approved for 5 years.
2. No solvents or other flammable materials to be stored on the property that are used for the business.
3. Only one customer at a time allowed on the property.
4. Deliveries limited to a step van type of truck or smaller.
5. No outside storage of materials relating to the business.

Dan Melville asked if everyone saw signs posted for the next application, and there was discussion amongst the Board. The Board decided to hear the application.

6. Application of Kevin Boville, owner; 841 Morgan Road, North Chili, New York 14514 for variance to allow existing dwelling to be 47.30' from side lot line (50' req.) at property located at 835 Morgan Road in RA-20 zone.

Kevin Boville was present to represent the application. He indicated his sign was posted on the property of 835 Morgan Road. He indicated a mistake was made in measuring from the property line of 841 Morgan Road which goes from the north to the south perpendicular to the corner of the garage which is at the west side of the new home. He indicated it is a two-angled house, also.

Dan Melville asked who owns the property next door, and Mr. Boville indicated his wife does. John Castellani asked if they did their own building, and Mr. Boville indicated it was contracted.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED:

Gail Boville - 841 Morgan Road
She indicated she has no objection to the application.

Jean Hoyer - 847 Morgan Road
She indicated she has no objection to the application.

Dan Melville indicated this came back from the Monroe County Department of Planning as a local matter.

DECISION: Unanimously approved by a vote of 6 yes with no conditions and the following findings of fact were cited:

1. Mistake was made by contractor causing a need for a variance.
 2. There were no complaints from neighboring property owners.
 3. This is the minimum variance required to alleviate the hardship.
 4. There would be a financial hardship to move the house.
7. Application of James Nothnagle, owner; 119 King Road, Churchville, New York 14428 for variance to erect a 24' x 28' detached garage to be 15' from rear lot line (90' req.) at property located at 3460 Chili Avenue in R-1-20 zone.

No one was present to represent the application. Dan Melville indicated he would call the application at the end of the agenda. Bill Oliver commented he did not see a sign on this property, and Gerry Hendrickson indicated he did see a sign.

8. Application of John Guerriero, owner; 1133 Hinchey Road, Rochester, New York 14624 for variance to erect a 30' x 50' storage barn to be 1,500 sq. ft. (160 sq. ft. allowed) at property located at 125 Humphrey Road in PRD & FPO zone.

John Guerriero was present to represent the application. He indicated he is building a house at 125 Humphrey Road and he would like a barn. Dan Melville asked what the barn would be used for, and Mr. Guerriero indicated he would use it for storage of tractors, a backhoe, and he added he has plans to maybe get some horses in the future. Dan Melville asked if he would be doing any repair work out of this barn, and Mr. Guerriero indicated he would not.

Mr. Guerriero indicated he would like to put up a pole barn instead of what was submitted because it would be cheaper. John Castellani asked if this would be a working barn or a storage facility, and Mr. Guerriero indicated he might have a couple horses in the future.

Gerry Hendrickson asked if any repair work would be done here, and Mr. Guerriero indicated there would be no repair work done in the barn. He added he owns a garage someplace else to do that at. Gerry Hendrickson asked the applicant if he would work on his tractors in the barn, and Mr. Guerriero indicated he would not.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED:

Lester Frear - 864 Brook Road

He indicated the applicant's property is right across the street from his. He indicated he has no objections to the application. He commented it is a wooded area, and the barn would not lower property values.

Dan Melville indicated this came back from the Monroe County Department of Planning as a local matter.

DECISION: Unanimously approved by a vote of 6 yes with no conditions and the following findings of fact were cited:

1. Consistent with area.
2. Needed for future agricultural purposes.
3. There will be no visual impact from neighboring properties.

9. Application of Dean DeLeon, owner; 43 Spicewood Lane, Rochester, New York 14624 for variance to erect a 12' x 22' deck to be 50' from front lot line (60' req.) at property located at above address in R-1-15 zone.

Dean DeLeon was present to represent the application. He indicated he built a 12' x 22' deck on the front of his house. Dan Melville asked if the deck is currently built, and Mr. DeLeon indicated it is half built. Dan Melville asked when the applicant realized he needed a variance, and Mr. DeLeon indicated he came in last year for two decks, one in front and one in back, as well as a barn and a playhouse. He indicated he was told then he wouldn't need a permit for the deck because it did not have a roof. He added the barn and playhouse were undersized, also. Dan Melville stated the code changed the 1st of the year. Mr. DeLeon indicated a neighbor down the street wanted to do the same thing and couldn't, so he (Mr. DeLeon) had to stop work on the deck until he got a variance.

John Castellani commented the actual variance is because the deck is closer to the front lot line, and Mr. DeLeon agreed. John Castellani asked if the applicant would be using the same plans as the first applicant, and Mr. DeLeon indicated he would not, and he added he would be building the deck himself.

John Hellaby asked if this is a deck, or would there be railings, and Mr. DeLeon indicated there would be railings.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED:

Jancie Werner - 36 Spicewood Lane
She indicated she is in favor of the application.

Dale Cook - 38 Spicewood Lane
He indicated he has no objections to the application.

DECISION: Unanimously approved by a vote of 6 yes with no conditions and the following findings of fact were cited:

1. Consistent with the neighborhood.
2. Minimum variance required to accomplish the objective.
3. Not detrimental to surrounding properties.

10. Application of Sandra Cornell, owner; 520 Paul Road, Rochester, New York 14624 for conditional use permit to allow a beauty shop in home at property located at above address in R-1-15 zone.

Sandra Cornell was present to represent the application along with Carl Cornell. Mrs. Cornell indicated she wants to put a one-station beauty salon in her home. Dan Melville asked if this would be a part-time occupation, and Mrs. Cornell indicated it would. Dan Melville asked if she would be open six days a week, and Mrs. Cornell indicated she wasn't sure what the Board would allow, so she just asked for the maximum on the application.

Dan Melville asked how many customers would be at the property at one time, and Mrs. Cornell indicated one. Dan Melville commented the driveway is not very wide, and customers would have to back out onto Paul Road. Mr. Cornell indicated they plan on widening the driveway enough for a turnaround. He indicated they back over a piece of lawn now.

Dan Melville asked if there would be a hardship if the Board required the hours to be trimmed back, and Mrs. Cornell indicated there would not be a hardship. Dan Melville commented they usually do not have these requests for six days a week. Dan Melville indicated the applicant should give the Board a better idea of the hours wanted. Mrs. Cornell indicated she would like to be open Wednesday through Saturday with the hours as stated in the application.

John Castellani commented there is another beauty salon next door. He further commented the Carriage House is across the street. He asked if this would further commercialize the neighborhood. Mrs. Cornell indicated she didn't think so. She further stated the salon next door does not attract noise. John Castellani asked if there is a hardship that the applicant needs to have the business located in her home, and Mrs. Cornell indicated she has children. John Castellani asked Mrs. Cornell if she works out of the home, and Mrs. Cornell indicated she does not.

Linda Collinge asked if the salon would be in the basement, and Mrs. Cornell indicated it would be upstairs. Linda Collinge asked if the customers would come in on a walk-in basis, and if so, how would that be handled regarding traffic. Mrs. Cornell indicated she doesn't have many customers now, and she indicated that aspect could be changed.

John Castellani asked if beauty salons in the home are subject to the same regulations as commercial beauty salons. Mike Mazzullo indicated they have to be licensed and inspected. He commented, however, whether they are enforced, he didn't know. Larry Smith indicated the Town does not inspect them. He indicated it is a State license. Mike Mazzullo indicated they probably inspect when there is a complaint. Dan Melville asked if this would require a Fire Marshal inspection, and Mike Mazzullo indicated that is up to the Town.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Barbara Girvin - 526 Paul Road
She indicated she has a salon next door. She indicated the applicant must have according to New York State Law a regular cosmetology license, a regular shop owner's license, a d/b/a and a tax identification number. John Castellani asked if Mrs. Girvin has ever been inspected, and Mrs. Girvin indicated she has. She

indicated the State came down and inspected for sanitary purposes. She indicated they come unannounced.

Mrs. Girvin indicated she was never allowed to have just one entrance. She indicated she had to have an exit in case of fire approved by the Building Inspector at the time along with the Fire Marshal. She indicated that was 23 years ago. Mike Mazzullo indicated that was prior to the State code.

Mrs. Girvin indicated she was limited to the amount of days she could work. She indicated she has no objections to this requested business being located next door, but she indicated she wants the conditions to be the same as hers. Dan Melville asked how many days Mrs. Girvin was allowed when she came in. Mrs. Girvin indicated in 1968 when she came in, she was working six days a week until the Board unanimously denied her that many days even though her neighbors were not opposed. She indicated she was allowed to work two and a half days. She indicated she has been doing that ever since and did not know that she could have changed that condition. Dan Melville asked when the last time was that Mrs. Girvin had her permit renewed, and Mrs. Girvin indicated she has a five-year permit now that was issued in 1988.

Ben Sarfatty - 518 Paul Road

He indicated the applicant's driveway is a little wider in the front and then it goes to the back of the property with a gate. He commented if anyone is parked in that driveway up in front, whatever cars are in the rear will have to be moved out onto the road for the cars in the upper part of the driveway to come out on the road. He stated there is not enough parking for the business. He further indicated he objects to cars being at the property late at night and shining their car lights through his house windows, as well as the noise from car doors slamming. He felt one beauty salon in the neighborhood is enough.

Mr. Sarfatty submitted three letters and a petition to the Board. Larry Smith indicated the petition had 26 names on it objecting to the hours and number of days the business would operate. Dan Melville read the petition into the record. Dan Melville read a letter addressed to the Chili Zoning Board from the Carriage House Limited of 525 Paul Road indicating they do not object to the application, but would object to related on-street parking.

Dan Melville read another letter dated August 26, 1991 to the Zoning Board from Luella Shearing of 562 Paul Road. The letter indicated Ms. Shearing feels six days a week is too much as well as other concerns.

Dan Melville read another letter addressed to the Zoning Board from Faunt and Dores Ekey dated August 27, 1991. The letter was in opposition to the application.

Mr. Sarfatty commented the traffic on Paul Road, especially truck traffic, has been increasing. He indicated he has to wait 10 minutes sometimes to get out of his driveway.

Dan Melville indicated this is a customary home occupation and is allowed under the Zoning Code. Mr. Sarfatty asked if he could open up a beauty salon in his home, too, and Dan Melville indicated he could if he came before the Board for the conditional use permit. Mr. Sarfatty thought that law should be changed, and Mike Mazzullo indicated the Zoning Board is not a legislative body. Mr. Sarfatty asked who would police the conditions of the permit, and Dan Melville indicated it would be the Building Inspector. Larry Smith indicated the neighbors usually make complaints if there is a problem.

Dan Melville indicated this came back from the Monroe County Department of Planning as a local matter.

DECISION: Approved by a vote of 5 yes to 1 no (Dan Melville) with the following conditions:

1. Approved for one year.
2. A turnaround must be installed wide enough so cars can make a "K" turn and pull straight out onto Paul Road.
3. Larger house numbers must be installed to meet Town code.
4. No on-street parking pertaining to the business.

5. Only one customer at a time allowed on the property.
6. Business will be conducted on an appointment only basis.
7. Subject to proper New York State licensing and inspections.
8. Subject to Chili Building Inspector and Fire Marshal inspections if needed.
9. Hours of operation will be:
 - Wednesday 9:00 a.m. to 5:00 p.m.
 - Thursday 12:00 p.m. to 9:00 p.m.
 - Friday 9:00 a.m. to 4:00 p.m.
 - Saturday 9:00 a.m. to 4:00 p.m.
11. Application of Jeffrey Tamol, owner; 23 Golden Road, Rochester, New York 14624 for variance to erect a 6' high fence in front setback area (3' allowed) at property located at above address in R-1-15 zone.

He indicated they would like to put up a 6 ft. fence in their backyard which is on the corner of Golden Road and Chestnut Ridge Road. Dan Melville asked what the fence is needed for, and Mr. Tamol indicated they need to keep their dog fenced in. He added his wife and him are planning on starting a family soon. Dan Melville asked if a 3 ft. fence would be sufficient, and Mr. Tamol indicated it would not be. Dan Melville asked what kind of fence do they plan on putting up, and Mr. Tamol indicated a wooden stockade fence.

John Castellani asked if they are proposing to be 60 ft. from the right-of-way, and Mr. Tamol indicated it is whatever the code allows. Larry Smith indicated there is a reservation for highway purposes along Chestnut Ridge Road in that area. He indicated the applicant owns that property with the reserve on it. John Castellani asked if the backyard would be enclosed, and Mr. Tamol indicated it would.

Gerry Hendrickson asked if the fence would be down the side of Golden Road, and Mr. Tamol indicated it would not. He indicated his house faces Golden Road. He indicated the only part that is in question is the section along Chestnut Ridge Road. Larry Smith commented that portion of the fence falls under the definition of backyard in this case.

Bill Oliver asked for a clarification of the setback distances, and Larry Smith explained what they are.

John Hellaby asked what kind of dog does the applicant have, and Mr. Tamol indicated it is a Pomeranian that is a small dog, but he added they plan on getting a larger dog. John Hellaby questioned whether a 4 ft. fence along Chestnut Ridge would be sufficient, and Mr. Tamol indicated a 4 ft. fence might keep the dog in, but 3 ft. would definitely not. Dan Melville asked the applicant if they are looking for a wooden fence to provide privacy, too, and Mr. Tamol indicated they are. He added it would cut down noise.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED:

Jim Birch - 24 Golden Road
He wanted to see what this would look like on the drawing. Larry Smith showed him the map.

Larry Empie - 310 Chestnut Ridge Road
He did not think their type of dog needs a 6 ft. high fence. He commented all the backyards in the area now are open. He questioned the need to enclose the yard.

Donna Genier - 29 Golden Road
She commented the lots are on an angle, and she asked if the fence would obstruct vision of on-coming traffic. Larry Smith commented it shouldn't.

Dan Melville read a letter addressed to the Chili Zoning Board from Joyce and Harry Empie of 310 Chestnut Ridge Road, as well as Andy Catalina of 312 Chestnut Ridge Road and Frances and Earl J. Doane of 297 Chestnut Ridge Road. Dan Melville read a letter from Donna Genier of 29 Golden Road. Both letters were in opposition to the application.

Darlene Tamol - 26 Golden Road

She commented the neighbors that have spoken have backyards that are all behind Chestnut Ridge Road, and she indicated her backyard is right on Chestnut Road, so they do not have the privacy as the others do.

Norma Birch - 24 Golden Road

She was opposed to the application because the fence would "box" the area up. She commented the applicant's dog is small. She commented when people buy a corner lot, there are certain disadvantages they should take into consideration. She questioned why they could not plant shrubs or bushes for privacy.

Larry Smith commented the applicant is only in for one side of the fence.

Bill Oliver moved to amend the application for the fence to be 30 ft. from the right-of-way, still at 6 ft. high, and Linda Collinge seconded the motion. The Board all voted yes on the amendment.

DECISION: Unanimously approved by a vote of 6 yes with the amendment that the fence be 30 ft. from the right-of-way, with no conditions, and the following findings of fact were cited:

1. Fence is needed for privacy from a busy road.
 2. Needed for safety of children and pets.
 3. Not detrimental to traffic safety.
12. Application of Sean O'Mara, owner; 896 Chili Ctr. Coldwater Road, Rochester, New York 14624 for variance to erect a deck to be 5' from side lot line (10' req.) at property located at above address in R-1-12 one.

Sean O'Mara was present to represent the application. He indicated he wants to erect a deck. Dan Melville asked if the deck would have a roof, and Mr. O'Mara indicated it would not. He added it would have a railing. John Hellaby asked why the deck would have to wrap around the corner of the house to bring it so close to the property line. Mr. O'Mara indicated there is only one entrance to his property onto the deck, and the other entrance would be the door.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back from the Monroe County Department of Planning as a matter for local determination.

DECISION: Unanimously approved by a vote of six yes with no conditions and the following findings of fact were cited:

1. Side variance is needed because the only exit to the deck is on the side of the property.
2. Minimum variance required to alleviate the hardship and accomplish the objective.
3. Consistent with the neighborhood.

13. Application of Silas Hulse, owner; 39 Weatherwood Lane, Rochester, New York 14624 for variance to erect an open porch to be 35' from rear lot line (40' req.) at property located at above address in R-1-15 zone.

Silas Hulse was present to represent the application. He indicated he wants to put a roof over an existing deck that now falls within the zoning that was changed in the mid 80s from an R-1-12 to an R-1-15, requiring a 40 ft. setback. John Castellani commented the application indicates this is for erection of an open porch. Mr. Hulse indicated he was told by the Building Inspector that when a roof is put over a deck, it is called an open porch. Larry Smith stated the roof is 5 ft. beyond the variance, but it extends beyond the rear setback now.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

DECISION: Unanimously approved by a vote of six yes with no conditions and the following findings of fact were cited:

1. New town ordinance caused a need for the variance.
 2. Not detrimental to neighboring properties.
 3. Minimum variance needed to accomplish the objective.
14. Application of Moore & Bowles, Inc., 55 St. Paul St., Rochester, New York 14604 for property owner: Legris Inc.; for variance to erect one temporary 8' x 8' double faced freestanding sign, one 8' x 4' wall sign, and one 8' x 4' freestanding sign to be a total of 224 sq. ft. (16 sq. ft. allowed for sale of property) at property located at 244 Paul Road in L.I. zone.

Bernie Knoeferl was present to represent the application. He indicated it is the feeling of his client and the real estate people that the property being as large as it is and facing on as many roads, it faces on Beahan Road and Paul Road, that they would like to get as much coverage to the public without causing problems to the traffic flow. He stated the large sign sounds like a lot until one is out there and sees it on the property at a distance from the road. Mr. Knoeferl indicated he felt the 8' x 8' sign would be better off if it was placed back further where the sight line for the corner would not be obstructed. He indicated the 4' x 8' sign would be placed at the corner of the intersection because of the amount of copy that would be on it to be seen from that particular part of the road traveling at 35 miles an hour. He indicated the other signs would be mounted on the building.

Dan Melville asked how much information is on the signs, and Mr. Knoeferl indicated a copy of the signs was included in the information sent to the Board. Dan Melville thought the sign was very big with not a lot of information. Mr. Knoeferl indicated it sounds like a large sign until the sign is seen out on location.

John Castellani commented this property is relatively close to Beahan Road, and he asked if these signs were a little overkill. Mr. Knoeferl indicated he could only speak for the realtor, and he stated that is what the realtor feels he needs. Mr. Knoeferl indicated he took the curve in the road into consideration also in figuring the size of the signs and their potentially obstruction.

Dan Melville asked how far back would the larger sign be, and Mr. Knoeferl indicated it would be somewhere in the middle of the lot. He indicated the lady in the Building Department he spoke to didn't seem to know the setback there, whether it was from the center of the road, the side of the road, et cetera. Dan Melville indicated they would have to be 20 ft. from the road right-of-way. He added that does not necessarily mean from the edge of the road.

Larry Smith indicated 33 ft. from the center of the road is the property line, so the sign would have to be back 53 ft. from the edge of the road. Mr. Knoeferl commented that is pretty far back into the field. Larry Smith indicated he felt the 8' x 8' sign is excessive.

Bill Oliver asked if the applicant has taken into consideration perforations in the sign since it is such a large sign, and Mr. Knoeferl commented he has never seen anyone do that before. He added he put two of these up in Henrietta and had no problem with the wind. He further stated the signs would be buried 4 ft. into the ground, and then there would be 2 x 4s that come off of that that are braced on both sides.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back from the Monroe County Department of Planning as approved.

Mr. Knoeferl indicated he was told he would need a variance for a sign if the property was to be sold, but if the property was for lease, he would not need a variance, and he questioned why that is. John Castellani indicated that had no bearing on the variance, because the variance is for the size of the sign and not the intent. Larry Smith commented that is not the way it is done, the way Mr. Knoeferl indicates he was told.

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

1. Property owner will be allowed two (2) 4' x 8' single sided signs to be legally placed on the property at the owner's discretion.
2. No more than one sign on each road frontage.

The following findings of fact were cited:

1. Signs needed to identify the property.
 2. Will not be a safety hazard to traffic.
15. Application of Douglas Rufalo, owner; 2 Rochelle Drive, Churchville, New York 14428 for variance to erect a 12' x 12' & 12' x 16' deck to be 12' from rear lot line (30' req.) at property located at above address in R-1-15 zone.

Douglas Rufalo was present to represent the application. He indicated the deck would be a two-level deck with the upper level being 12' x 12' off the back of the house, railed in. He indicated there would be a step down to a 12' x 16' lower level at the ground level.

Dan Melville asked if there would be a roof, and Mr. Rufalo indicated there would be no roof.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back from the Monroe County Department of Planning as a matter for local determination.

FOR DISCUSSION:

1. Board will vote whether to rehear application of Home Leasing Corp. for a variance to erect a 2' x 3' freestanding sign with logo at property located at 4 College Greene Drive in P.U.D. zone.

Dan Melville commented this is a substantial change, and he asked the Board members if they would want to rehear the application. He indicated the sign application would be for a temporary sign during construction. Everyone was in favor of rehearing the application.

Application #4 was recalled.

Ronald Easton was present to represent the application. He indicated a variance was asked for when the road relocation project began, but the wrong spot was chosen. Larry Smith indicated the State changed their curve which necessitates this change.

Dan Melville asked if there is any reason why the sign cannot be placed further back than on the line, and Mr. Easton indicated there is not a whole lot of lot there, and the sign would be in the parking lot.

Dan Melville indicated this came back from the Monroe County Department of Planning as a matter for local determination.

DECISION: Unanimously approved by a vote of 6 yes with the following findings of fact being cited:

1. Variance is needed due to changes made by the N.Y.S.D.O.T. in the reconstruction project on Chili Avenue.
2. Most logical placement on the property for the sign.
3. Will not be a safety hazard to traffic on Chili Avenue.

Application #7 was recalled.

James Nothnagle was present to represent the application. He indicated the property he owns on 3460 Chili Avenue is a double house, and he stated they wish

to have a double car garage for the two tenant families there. He indicated if the moved the garage farther up, they would have to remove some large trees that are shade trees in the yard. He indicated the size of the garage is needed because there is almost no storage in the home since it is an old home. He indicated the tenants would like to put their cars and lawn furniture in the garage.

Dan Melville asked if the house has a basement, and Mr. Nothnagle indicated there is a dirt floor basement with stone walls that is very damp. John Hellaby asked if the garage would be split down the middle for the two families with a divider, and Mr. Nothnagle indicated there would be no divider.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back from the Monroe County Department of Planning as a matter for local determination.

DECISION: Unanimously approved by a vote of 6 yes with the following findings of fact being cited:

1. Application demonstrated a need for storage.
2. Consistent with the area.
3. Applicant would have to remove large trees to locate the garage in a different place.

A meeting of the Chili Zoning Board was held on September 24, 1991 at the Chili Town Hall, 3235 Chili Avenue, Rochester, New York 14624 at 7:30 p.m. The meeting was called to order by Chairperson Dan Melville.

PRESENT: Ron Popowich, John Castellani, Gerry Hendrickson, John Hellaby, Bill Oliver, Linda Collinge and Chairperson Dan Melville.

ALSO PRESENT: Mike Mazzullo, Deputy Town Attorney; Larry Smith, Building Inspector.

Chairperson Dan Melville declared this to be a legally constituted meeting of the Chili Zoning Board. He announced the fire safety exits and explained the meeting's procedures. He introduced the members of the Board and the front table. A salute to the Pledge of Allegiance was conducted.

1. Application of Daniel Schum, Atty., 43 Nichols Street, Spencerport, New York 14559 for variance to allow existing house to be 58.3' from front lot line (60' req.) at property located at 29 Chi Mar Drive in R-1-12 zone.

Dan Melville stated this application was advertised improperly and the Board cannot hear the application. Mike Mazzullo stated the applicant was notified. Dan Melville commented if anyone was present for this application, it will be heard at the next month's meeting. He stated the notification did not have the proper address.

2. Application of Frank Pignatelli, owner; 2816 Chili Avenue, Rochester, New York 14624 for renewal of conditional use permit to allow a chiropractic office in home at property located at above address in R-1-12 zone.

Dr. Frank Pignatelli was present to represent the application. He stated he is applying for a renewal of a conditional use permit for five years. Dan Melville stated the applicant was present on 8/30/88, and he asked if that was the first permit. Dr. Pignatelli indicated it was. Dan Melville read the conditions put on the application then. Dr. Pignatelli indicated all the conditions have been met. He stated there have been no problems and he has been there for four years.

Ron Popowich asked if there have been any complaints, and Larry Smith indicated there were no complaints.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back from the Monroe County Department of Planning as approved.

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

1. The conditional use permit is granted for a period of five (5) years.
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. There shall be no further expansion of the business without proper Town of Chili approvals.
6. There shall be no outdoor advertising, other than that expressly permitted by the Town of Chili sign ordinance.
7. That all statements and representations set forth in the

Gates-NEWS-Chili

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

Date...9-18-91.....

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

GATES-CHILI NEWS

Issue Dated...9-18-91.....

Geraldine C. Snyder
Notary

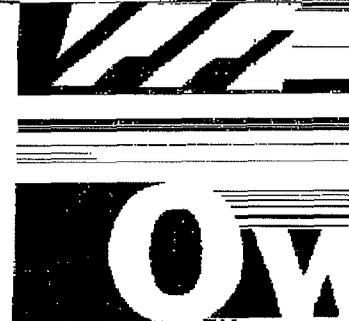
GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y., Monroe Co.
My Commission Expires April 30, 19_93

Patricia M. Smith
Patricia M. Smith
Publisher

CITY-153 Indep	SOLD	\$64,900
CHILI-3 Yankee Ct.		\$139,900
CHILI-168 Wellington		\$114,900
CHILI-3 Winds	SOLD	\$124,900



BILL ARIENO
Top Salesperson
April, June, July



**LEGAL NOTICE
CHILI ZONING BOARD
OF APPEALS**

Pursuant to Section 267 of Town Law, a public hearing will be held by the Chili Zoning Board of Appeals at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on September 24, 1991 at 7:30 p.m. to hear and consider the following applications:

1. Application of Daniel Schum, Atty., 43 Nichols Street, Spencerport, New York 14559 for variance to allow existing house to be 58.3' from front lot line (60' req.) at property located at above address in R-1-12 zone.

2. Application of Frank Pignatelli, owner; 2816 Chili Avenue, Rochester, New York 14624 for renewal of conditional use permit to allow a chiropractic office in home at property located at above address in R-1-12 zone.

3. Application of Kevin Klein, owner; 718 Paul Road, Rochester, New York 14624 for renewal of conditional use permit to allow an upholstery & carpet cleaning business in

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

4. Application of Dimce Tolevski, owner; 53 Dauntón Drive, Rochester, New York 14624 for variance to allow the harboring of four pigeons on less than 5 acres at property located at above address in R-1-15 zone.

5. Application of Crestwood Childrens Center, owner; 2075 Scottsville Road, Rochester, New York 14623 for variance to erect an 8' x 4' double faced freestanding sign at property located at above address in RA-20 & FPO zone.

6. Application of Walter Stanzel, owner; 36 Benedict Drive, Rochester, New York 14624 for variance to park a recreational vehicle at side of garage (rear yard required) at property located at above address in R-1-12 zone.

7. Application of Stephen Cangialosi, owner; 249 Wildmere Road, Rochester, New York 14617 for variance to erect a single family dwelling to be 28' from front lot line (100' req.), 15' from side lot line

(50' req.) and 45' from rear lot line (50' req.) at property located at 31 Lester Street in RA-20 & FPO zone.

8. Application of Champs Bar/Rest., c/o Bradley Case; 4390 Buffalo Road, North Chili, New York 14514, property owner: O.Perry; for variance to erect a 10' diameter satellite antenna to be mounted on roof of building at property located at above address in G.B. zone.

9. Application of Home Leasing Corp., 850 Clinton Square, Rochester, New York 14604, property owner: Roberts Wesleyan College; for variance to erect a 2' x 3' temporary freestanding sign at property located at 4 College Greene Drive in P.U.D. zone.

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

**Daniel Melville,
Chairman
Chili Zoning Board of
Appeals**

*1991-9
Book
Zoning*

applicant's letter of intent shall be binding as additional conditions of this approval.

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 percent of the total structure, the remainder to be used for residential use.
 3. The applicant will reside on the premises.
 4. The chiropractic office will be a secondary use to the main dwelling.
 5. No complaints from neighboring properties.
3. Application of Kevin Klein, owner; 718 Paul Road, Rochester, New York 14624 for renewal of conditional use permit to allow an upholstery & carpet cleaning business in home at property located at above address in R-1-15 zone.

Kevin Klein was present to represent the application. He stated he would like to renew the business and extend his permit for five years. Dan Melville stated the applicant was present before the Board for the first time on 9/19/90, and Mr. Klein agreed. Dan Melville asked if the conditions are still agreeable, and Mr. Klein indicated they are. Linda Collinge asked if there have been any complaints, and Larry Smith indicated there were no complaints.

Bill Oliver asked if the numbers on the home were enlarged, and Mr. Klein indicated they were not. He added they could be, though. Bill Oliver commented the new ordinance in the Town requires that the numbers be a certain size to be legible from the road. Dan Melville commented usually they're required to be 4 inches. Mr. Klein thought the numbers were at least that size, but he stated he would check, and if necessary, he would enlarge them.

Dan Melville indicated this came back from the Monroe County Department of Planning as a matter for local determination.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

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

1. Subject to Fire Marshal approval and inspection on a yearly basis.
2. No retail business or customers allowed on the property to conduct business.
3. For phone business and storage only.
4. Approval for five years.
5. Larger house numbers to be installed on the house.

The following findings of fact were cited:

1. Customary home usage.
 2. Not detrimental to neighboring properties.
 3. No complaints from neighboring properties.
 4. Meets conditional use requirements.
4. Application of Dimce Tolevski, owner; 53 Daunton Drive, Rochester, New York 14624 for variance to allow the harboring of four pigeons on less than 5

acres at property located at above address in R-1-15 zone.

Dimce Tolevski was present to represent the application. He indicated he keeps the pigeons in his property and wants to keep them. Dan Melville asked if the pigeons are currently kept outside, and Mr. Tolevski indicated they are outside, but they only stay in his backyard. He stated the pigeons can't fly. He stated they do not make a mess or make noise. He stated his neighbors think they are cute.

Ron Popowich asked if these are just pets, and Mr. Tolevski indicated they are. Ron Popowich asked if the coup is enclosed, and Mr. Tolevski indicated it is. He stated there is a screen on the back. Ron Popowich asked if the pigeons' wings are clipped, and Mr. Tolevski indicated they cannot fly higher than the ceiling in the meeting room. He stated even when they fly, they come back. He stated the pigeons do not go in the house.

John Castellani asked the applicant if he is raising pigeons, and Mr. Tolevski indicated he is not. He stated his daughter is three, and she enjoys them. He stated he is not raising or selling the pigeons.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED:

Ray Skelly - 61 Daunton Road

He stated he has had his property up for sale and potential buyers feel the pigeons turn the people off. Dan Melville asked if the pigeons are causing a problem, and Mr. Skelly indicated he comes home at 3:30 a.m. and the pigeons make noise. He stated the neighbor's dog comes up to the applicant's property which makes more noise then.

Dan Melville stated this came back from the Monroe County Department of Planning as approved.

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

1. Limited to four pigeons only.
2. Wings on the pigeons must be clipped regularly to keep them from flying.

The following findings of fact were cited:

1. Pigeons are kept only as pets.
2. Limited to four pigeons only.
3. Minimum variance required to achieve the goal.
5. Application of Crestwood Childrens Center, owner; 2075 Scottsville Road, Rochester, New York 14623 for variance to erect an 8' x 4' double-faced freestanding sign at property located at above address in RA-20 & FPO zone.

Jim Columbo was present to represent the application. He indicated he was from Rochester Sign Network. He stated they want a double-faced sign, 4' x 8', ground mounted, same size as existing. He stated this would just be a name change.

Dan Melville asked if they are replacing the existing sign, and Mr. Columbo indicated they are. Dan Melville asked if the sign would be illuminated, and Mr. Columbo indicated it would not be. Ron Popowich pointed out on the application it states flood lights will illuminate sign. Mr. Columbo indicated the lights are there now. He stated the sign will not be internally lit. Ron Popowich asked if the sign would be in the same place, and Mr. Columbo indicated it would be. He commented the setbacks have all been met.

Bill Oliver asked how the sign was anchored in the ground, and Mr. Columbo indicated concrete was poured down 3 ft. for footers for aluminum poles, so it would be sufficient enough for 30 pounds per square inch wind load. John Hellaby asked if the sign would be on new supports, and Mr. Columbo indicated it would be.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back from the Monroe County Department of Planning as approved.

DECISION: Unanimously approved by a vote of 7 yes with no conditions and the following findings of fact were cited:

1. Replacement of existing sign.
 2. Conforms with requirements of statute.
 3. Needed for identification purposes.
 4. Not a traffic or safety hazard.
6. Application of Walter Stanzel, owner; 36 Benedict Drive, Rochester, New York 14624 for variance to park a recreational vehicle at side of garage (rear yard required) at property located at above address in R-1-12 zone.

Walter Stanzel was present to represent the application. He presented some pictures to the Board showing the existing situation, and he explained what the pictures represented.

Dan Melville asked if the applicant plans on parking the motor home at the side of the garage during the months that it is not being used, and Mr. Stanzel indicated that was correct. Dan Melville asked if it would be used most of the summer, and Mr. Stanzel indicated he uses it at various times. Dan Melville commented it looks like the driveway has gravel or stone extended on it. Mr. Stanzel indicated he had to extend the driveway back to accommodate the weight of the unit since it is 4 1/2 ton unloaded. He stated loaded it would be about 5 ton or over.

Linda Collinge asked if there is a possibility this could be backed up almost to the tree in the backyard and left far enough away from the garage so one could get in and out of the door from the garage. Mr. Stanzel indicated he could not do that without taking the trees down. He stated he could back it up 5 or 6 ft. so it would be flush with the front of the garage. He stated in doing that he would lose the entrance way to the garage.

Bill Oliver asked if thought has ever been given to renting an enclosed area to store the mobile home when it is not being used, and Mr. Stanzel indicated he has not considered that. Dan Melville asked if the motor home is kept licensed all year, and Mr. Stanzel indicated it is licensed all year.

Gerry Hendrickson asked if it is used during the winter, and Mr. Stanzel indicated he did not use it last summer, but he stated he has taken it to Florida a couple of times. He added there is a possibility he might use it this winter.

John Castellani asked how far the RV is from the lot line, and Mr. Stanzel indicated there is about 5 1/2 to 6 ft. between the existing driveway the motor home is on and the property line. John Castellani asked if the reason this is before the Board is because someone complained, and Mr. Stanzel indicated that was correct. John Castellani asked the applicant if he has looked at the possibility of shrubbing the area, and Mr. Stanzel indicated he has not yet. He added he has just moved in a month ago.

Ron Popowich asked if there is any way the motor home could be kept even with the front of the house. Mr. Stanzel indicated he could do that, and he would be glad to do that. He stated since the pictures were taken, the builder came in and planted trees along the road every 50 ft., so whatever vision there is of the motor home would be blocked by the trees in the next year or so.

Dan Melville asked if the motor home were kept even with the front of the house, would that block the door from the garage, and Mr. Stanzel indicated it would. Ron Popowich commented if the motor home was kept 3 ft. from the garage, there would still be access to the garage, though. Mr. Stanzel stated he could not move the motor home over any further away from the garage because there is a 10 ft. wide driveway, and the motor home is 8ft. He stated there is a foot and a

half overhang from the garage, and he stated he would be taking the corner of that overhang off if he came any closer to the garage itself.

Ron Popowich clarified he was talking about moving it away from the garage. Bill Oliver asked if the garage door opens in or out, and Mr. Stanzel stated it opens in. Ron Popowich asked how far the motor home is from the garage, and Mr. Stanzel indicated it is about a foot and a half. Mr. Stanzel stated if he moved it over that way, he would have to widen the driveway. Ron Popowich commented if the motor home were flush with the house, it wouldn't be so noticeable.

Larry Smith commented if the garage door is blocked, there is a safety situation that needs to be addressed. John Castellani commented it is not a requirement to have a door in the garage.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED:

Jim and Maria Young - 34 Benedict Drive
Mr. Young indicated they are the people that complained. He indicated they had pictures and a petition from the majority of the neighbors that are against this variance.

Ms. Young indicated they do not wish to create hard feelings. She stated most neighbors would like to see the vehicle parked in compliance with the current regulations. She commented Mr. Stanzel has to prove a hardship, and she further commented Mr. Stanzel knew the dimensions of the motor vehicle and of the house and had a lot of land to plan for this.

Ms. Young did not feel this situation would help their property values. She stated the motor vehicle is a nuisance. She stated the motor home is noticeable out all of their windows on that side, including the dining room, the bedroom and the porch. She stated before Mr. Stanzel moved in, they could see the other houses down the street.

Ms. Young stated she was told by Mr. Stanzel when he was trying to sell his previous home, he had to move the motor home because people would not consider buying the home when it was there. Ms. Young commented the motor vehicle is close to their home. She did not feel shrubbery would hide it. She stated the motor home is taller than the eaves of the house. She stated the motor home is as large as a structure, and she further commented the code does not allow structures to be this close to one another.

Ms. Young stated people have commented they think the motor home belongs to them. She stated the Stanzels cannot see their motor home from anywhere in their own home. She stated it would be difficult to prove they are keeping the motor home on their lot for security reasons in light of the fact they cannot keep an eye on it from inside their home.

Ms. Young stated the motor home is not used very often. She commented since the applicant's garage door opens in, she did not see why the motor home could not be moved back. Mr. Young stated Mr. Stanzel has a door from the garage into the house, so that is not the only access to his garage.

Dan Melville read the submitted petition which contained about 20 signatures from residents on Benedict Drive. The petition was in opposition to the application.

Dan Melville asked since this is a licensed motor vehicle, could it be parked on the driveway, and Mike Mazzullo indicated it could since it is under 28 ft. long. Larry Smith commented it cannot be stored, but it can be parked there. Ms. Young asked what constitutes storage and parking. Larry Smith indicated that is a discretionary issue.

Mike Mazzullo asked if the Youngs knew who owns the boat that is shown in the pictures since that is illegal, too. Mr. Young stated they have no complaints against the boat. Ms. Young commented the boat does move. Dan Melville commented he didn't think the boat would be moved in the next few months.

Mike Mazzullo stated it would be legal to store this in his backyard. Mike Mazzullo asked what the Youngs and the neighbors that signed the petition feel

is a better alternative. Mr. Young felt he should put it on the other side of the house, and Mike Mazzullo commented the applicant cannot have another driveway. He added this type of vehicle could not be driven over grass due to its weight. Ms. Young commented if this was in the rear of the yard, that would be fine.

Mike Mazzullo asked if the applicant knocks the tree down and extends the driveway back so the motor home is in the backyard, how would that improve the Youngs' situation. Ms. Young indicated they would be able to see out their windows. She further commented it would not be clearly visible as one drives down the street. Mr. Young commented they would prefer the vehicle be put in storage, but he added they are willing to compromise.

Dan Melville stated the applicant could park the vehicle on the driveway that is in front of the house. Dan Melville stated if it is a licensed vehicle, it is not being stored.

Mark Zimmerman - 43 Benedict Drive

He indicated he has talked to a number of people in the neighborhood, and he stated he would pressure a compromise at this point. He commented the motor home is almost the same color as the house. He commented if the motor home were gone, all the Youngs would see is the end of the garage. He stated many of the neighbors have indicated to him the only reason they are against this is they are afraid of a domino effect. Mr. Zimmerman indicated he would have no objection to this if it were backed up.

Ms. Young stated as far as the view being any different between the motor home and the wall, there is a matter of space. She stated the motor home is much closer to their home than the garage. Ms. Young indicated she did not want to see a precedent set here, and Dan Melville indicated the Board looks at each application on its own merits and it does not set precedent.

Ms. Young indicated they are willing to compromise. She stated they have already asked Mr. Stanzel before to back the motor home up. Ron Popowich asked if they would rather see the motor home backed up or on the driveway in front of the home. Ms. Young indicated she would like to see it backed up to the trees. She stated she would hate to see the trees destroyed.

Dan Melville indicated this came back from the Monroe County Department of Planning as approved.

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

1. Recreational vehicle be placed or parked no further toward the road than the most recessed front portion of the house structure, (in line with the garage.)

The following findings of fact were cited:

1. Removal of trees would be necessary to put the RV in the backyard.
 2. Best compromise possible to alleviate a bad situation.
7. Application of Stephen Cangialosi, owner; 249 Wildmere Road, Rochester, New York 14617 for variance to erect a single-family dwelling to be 28' from front lot line (100' req.), 15' from side lot line (50' req.) and 45' from rear lot line (50' req.) at property located at 31 Lester Street in RA-20 & FPO zone.

No one was present to represent the application. Dan Melville indicated the application would be recalled at the end of the agenda.

8. Application of Champs Bar/Rest., c/o Bradley Case; 4390 Buffalo Road, North Chili, New York 14514, property owner: O. Perry; for variance to erect a 10' diameter satellite antenna to be mounted on roof of building at property located at above address in G.B. zone.

Brad Case was present to represent the application. He stated he would like the satellite on the building to increase business by picking up various football, baseball and basketball games on television.

Ron Popowich asked if there is any place else to mount the dish, and Mr. Case indicated there is not. He stated if he mounted it out back, he would have to tear up existing asphalt, and that would be very expensive. John Hellaby asked if the previous bar owner had a satellite dish, and Mr. Case indicated not to his knowledge. He stated he understood there was a video store down the road that used to have one.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back from the Monroe County Department of Planning as a matter for local determination.

DECISION: Unanimously approved by a vote of 7 yes with no conditions and the following findings of fact were cited:

1. Best location on the property to place the satellite antenna.
 2. Will not affect the surrounding area.
 3. Minimum variance required to achieve the goal.
9. Application of Home Leasing Corp., 850 Clinton Square, Rochester, New York 14604, property owner: Roberts Wesleyan College; for variance to erect a 2' x 3' temporary freestanding sign at property located at 4 College Greene Drive in P.U.D. zone.

Lori Tones was present to represent the application. She indicated this is basically the same sign they were requesting before except now it would be on a temporary basis. She stated she got all of the residents that were home to sign a petition in favor of the sign. She submitted that to the Board.

Dan Melville asked if this sign is in regard to tuning the radio in, and Ms. Tones indicated it is. She commented without the sign, they would not be able to operate the radio wave.

Dan Melville read a letter dated September 19, 1991 to the Zoning Board in favor of the application, signed by nine or ten people.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

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

1. Sign can remain up for a period of 18 months.

The following findings of fact were cited:

1. Minimum variance needed to achieve the goal.
2. Temporary sign to advertise the property.
3. Needed for informational purposes.
4. Will not affect traffic or be a safety hazard.

Dan Melville asked if anyone was present to represent Application #7, and no one was present. John Castellani made a motion to deny the application without prejudice, and Gerry Hendrickson seconded the motion.

DECISION: Unanimously denied without prejudice by a vote of 7 yes to deny for the following reason:

1. Applicant did not appear.

The Zoning Board minutes dated 7/24/91 were accepted as corrected. The Zoning Board minutes of 8/27/91 were accepted as is.

The meeting ended at 9:00 p.m.

CHILI ZONING BOARD

October 22, 1991

A meeting of the Town of Chili Zoning Board was held at the Chili Town Hall, 3235 Chili Avenue, Rochester, New York 14624 at 7:30 p.m. The meeting was called to order by Chairperson Dan Melville.

PRESENT: Ron Popowich, John Castellani, Gerry Hendrickson, Bill Oliver, John Hellaby, Linda Collinge and Dan Melville.

ALSO PRESENT: Mike Mazzullo, Deputy Town Attorney; Larry Smith, Building Inspector (arrived late).

Chairman Dan Melville declared this to be a legally constituted meeting of the Chili Zoning Board. He introduced the members of the Board and the front table. He announced the fire safety exits and explained the meeting's procedures. The Pledge of Allegiance was cited.

1. Application of Daniel Schum, Atty., 43 Nichols Street, Spencerport, New York 14559 for variance to allow existing house to be 58.3' from front lot line (60' req.) at property located at 29 Chi Mar Drive in R-1-12 zone.

Daniel Schum was present to represent the application on behalf of Mr. and Mrs. William McGuigan. Mr. Schum indicated at the time they had the instrument survey of the property prepared for the purposes of sale, it was determined the front setback at the corner of the garage was 58.3 ft. He stated attached to the abstract was a map made in 1976 by Joseph Yarknich which shows it was 51 plus or minus ft. from the same point in the road. Mr. Schum indicated the problem is one is a tape map and one was an instrument survey. Mr. Schum indicated there would be no hardship to any of the neighbors if this variance were granted. He stated this is a Type II action.

Dan Melville asked how long has the house been there, and Mr. Schum indicated the map was done in 1976, so probably 15 years ago. Dan Melville asked if the problem was discovered in the real estate closing, and Mr. Schum indicated they discovered the problem in 1991 when the survey was done for the purposes of sale.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

DECISION: Unanimously approved by a vote of 7 yes with no conditions, and the following findings of fact were cited:

1. House is pre-existing, non-conforming.
 2. Due to sale of property, an instrument survey determined need for variance.
 3. There would be an economic hardship to move the house to conform to the setback requirements.
2. Application of Stephen Cangialosi, owner; 249 Wildmere road, Rochester, New York 14617 for variance to erect a single-family dwelling to be 28' from front lot line (100' req.), 15' from side lot line (50' req.) and 45' from rear lot line (50' req.) at property located at 31 Lester Street in RA-20 & FPO zone.

Stephen Cangialosi was present to represent the application. He stated he wants to build a single-family home on the lot. He stated the reason for the variance is since other houses in the area were built, the laws have changed. He stated other houses in the area have the same size lots and are in similar positions on their front setback, and visually the house will blend in with whatever is in the area.

Dan Melville asked if the lot was pre-existing that the applicant bought, and Mr. Cangialosi indicated it was. Dan Melville asked how long ago was it purchased, and Mr. Cangialosi indicated a little over a year ago. Linda Collinge asked if the design presented would be the house for the lots, and Mr. Cangialosi indicated it would be pretty close. Linda Collinge asked if that

Gates-NEWS-Chili

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

Date.....10-16-91.....

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

GATES-CHILI NEWS

Issue Dated....10-16-91.....

Geraldine C. Snyder

Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y., Monroe Co.
My Commission Expires April 30, 19_93

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 22, 1991 at 7:30 p.m. to hear and consider the following applications:

1. Application of Daniel Schum, Atty., 43 Nichols Street, Spencerport, New York 14559 for variance to allow existing house to be 58.3' from front lot line (60' req.) at property located at 29 Chi Mar Drive in R-1-12 zone.
2. Application of Stephen Cangialosi, owner; 249 Wildmere Road, Rochester, New York 14617 for variance to erect a single family dwelling to be 28' from front lot line (100' req.), 15' from side lot line (50' req.) and 45' from rear lot line (50' req.) at property located at 31 Lester Street in RA-20 & FPO zone.
3. Application of Stephen Cangialosi, owner; 249 Wildmere Road, Rochester, New York 14617 for variance to erect a single family dwelling to be 28' from front lot line (100' req.), 15' from side lot line (50' req.) and 45' from rear lot line (50' req.) at property located at 45 Lester Street in RA-20 & FPO zone.
4. Application of Veronica Poarch, owner; 53 Laredo Drive, Rochester, New York 14624 for variance to erect a 12' x 16' utility

shed to be 192 sq. ft. (160 sq. ft. allowed) at property located at above address in R-1-12 zone.

5. Application of Norman Carlson, owner; 13 Sutters Run, Rochester, New York 14624 for variance to erect an 8' stockade fence (6' allowed), variance for portion of fence to be in a drainage easement at property located at above address in R-1-15 zone.

6. Application of Pando Vasilovski, owner; 2773 Scottsville Road, Scottsville, New York 14546 for variance to erect a 29' x 46' addition to restaurant to be 22' from side lot line (50' req.) at property located at above address in RA-20 zone.

7. Application of James Brown, owner; 3610 Union Street, North Chili, New York 14514 for approval to extend area of existing land use variance east approximately 350' to include the approval to erect a 42' x 60' pole barn for the storage of automobiles, amend condition of land use variance to allow 45 vehicles on site (30 previously approved) 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.

Daniel Melville,
Chairman
Chili Zoning Board of
Appeals

Planning Board 10-91

is the same design for the next application also, and Mr. Cangialosi indicated it is. He added they may not put on the garage. He stated they have not done the elevations yet. Linda Collinge asked Mr. Cangialosi if he would live in either house, and Mr. Cangialosi indicated he would not. He stated he would sell the homes. Linda Collinge asked if the survey map for both pieces of property (Applications 2 and 3) are identical, and Mr. Cangialosi indicated they are the same shape and dimension.

Dan Melville stated for the record Larry Smith arrived at 7:38 p.m.

John Hellaby commented the applicant is asking for a 15 ft. side setback at the house. He stated the way it is shown on the map provided by the applicant, it shows it as somewhat more than 15 ft. Mr. Cangialosi stated that house will probably be a little wider. He stated he didn't have the finished plans and doesn't want to lock himself into a corner. He stated he doesn't have the finished set of blueprints.

John Hellaby commented then the applicant is saying he has not applied for a building permit, and Mr. Cangialosi indicated he has not and couldn't apply for a building permit until he has a variance. John Castellani questioned whether the applicant has to be turned down first, and Larry Smith stated the applicant was denied a building permit in order for him to come here to get a variance.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Anthony Romano - 55 Lester Street

He stated the lot the applicant said he had for a year was up for sale. Mr. Cangialosi stated that was not true, and he explained the one next to this one was, and he just bought it. Mr. Romano stated the lot at 41 had a "for sale" sign on it. Mr. Cangialosi indicated that was his sign because he was thinking of selling it. Mr. Romano stated the people that owned that lot before were the Underwoods. He stated that lot is not the same size as the lot next door to it, because that lot is a little bit smaller. Mr. Romano commented that is why the Underwoods could not sell it. Mr. Romano stated as far as he knows, there is only one lot there, Lot 34. He stated Lot 34 where the applicant wants to put 45 is 180 or 160 ft. wide by 181 ft. deep.

John Hellaby stated there are two lots there according to the tape map on file in the Town, two 80 ft. lots. Larry Smith stated there are two different sized lots; one is .33 of an acre, and one is .63 of an acre. Mr. Romano stated the lots are at an angle, too. He stated he would like to straighten out his property line.

Dan Melville asked Mr. Romano where his property is, and Mr. Romano indicated it is at 55 Lester Street. He stated his property is right next to Lot 34 where the applicant wants to put number 45, the address. Mr. Romano stated right now he has been taking care of half of that lot because the people that lived there before him did so.

Larry Smith stated 45 Lester Street is .63 of an acre. He stated 31 Lester is .33 of an acre. Dan Melville stated the Board is dealing with 31 Lester right now. He asked if that is Lot 34, and Linda Collinge indicated it is. Mr. Romano stated there is a ditch that runs along there, and all the water comes down into his yard. Dan Melville asked where the ditch is, and Mr. Romano indicated it is in front of the lots. Dan Melville asked if the ditch is on the road, part of the Town easement. Mr. Romano indicated it is. He stated it has not been cleaned out. He stated there is a pipe there that runs across the road underneath to the neighbor's yard. Dan Melville stated the Town will check that out. He stated that has nothing to do with the subject property.

Mr. Romano stated the water ends up in his yard and he has to wait two weeks for it to go away. He stated if the applicant builds, he will have water, too. Mr. Romano stated he has dug 37 inches down and found water. He stated the applicant will not be able to put a basement in, unless it is water tight. He stated he has no foundation under his house. Mr. Romano stated he has water underneath his house. He stated he has a crawl space.

ANYONE IN FAVOR OR OPPOSED:

Anthony Romano - 55 Lester Street
He indicated he is opposed.

Mr. Cangialosi stated the house will not have a basement because it is in a flood zone and flood plain. He stated the first floor has to be built above a certain level, and he thought that was at 523'. He stated the house will have a crawl space.

Mr. Cangialosi stated he bought one lot and it was 80' x 61'. He stated in the process of closing on the lot next door to it, that second lot was sold to him as the same sized lot. He stated according to the maps on file in the Town, it is the same size lot.

Bill Oliver suggested postponing the hearing until the Board has more information because of the discrepancy. Larry Smith stated there are several discrepancies. Larry Smith stated the instrument survey shows the lot as 161.68. He stated the tax map, which isn't always accurate, says it is 181.68. He stated according to the tax map, both of the lots are identical. He stated the property cards, however, show a discrepancy.

Dan Melville stated the applicant has to have an instrument survey done anyway when he goes to the Planning Board. Dan Melville questioned the width on the lots, and Mr. Cangialosi indicated they are both 80' according to the tax maps. Dan Melville stated the applicant would be proceeding at his own risk if the lot sizes are different than presented. He stated if they are different, the applicant would have to come back. John Castellani commented he would not be able to come back for a year, and Mike Mazzullo disagreed and stated there would be a significant enough change to be heard in less than a year.

DECISION: Unanimously approved by a vote of 7 yes with no conditions and the following findings of fact were cited:

1. The lot pre-existed the current code.
 2. Minimum variance required to achieve the goal.
 3. Exceptional or extraordinary circumstances apply to this lot due to the size.
 4. Consistent with the neighborhood.
 5. Developing this lot would be an improvement to the area.
3. Application of Stephen Cangialosi, owner; 249 Wildmere Road, Rochester, New York 14617 for variance to erect a single-family dwelling to be 28' from front lot line (100' req.), 15' from side lot line (50' req.) and 45' from rear lot line (50' req.) at property located at 45 Lester Street in RA-20 & FPO zone.

Stephen Cangialosi was present to represent the application. He stated he is requesting to build a single-family home on the lot. Dan Melville asked if there is any more property available so a variance would not be needed, and Mr. Cangialosi indicated there is not.

John Castellani commented it appeared they had a copy of the sketch for the lot, and Mr. Cangialosi indicated it was a copy of the same sketch submitted for the last application since the lots are the same size. Mr. Cangialosi indicated he submitted to the Board a copy of the Town tax maps for these lots. John Castellani asked if the same sketch was copied for both applications and just the tax number was changed for the second application, and Mr. Cangialosi indicated that is correct. Dan Melville indicated that can't be done, and he stated the applicant needs to have an instrument survey. Mr. Cangialosi stated according to the rules, he can come in with a drawing.

Dan Melville commented apparently a land surveyor has prepared the sketch even though he did not see a stamp. Mr. Cangialosi indicated he just had it drawn up for him, but it is not an instrument survey. Dan Melville indicated the problem is the discrepancy in the size of the lots. He stated they do not know if the sketch for this application is correct since it is just a copy of the previous one with the tax account number changed. Larry Smith restated the discrepancies in the lots and the maps.

Mike Mazzullo stated the applicant needs to go to the Planning Board with an instrument survey. Bill Oliver questioned why the Zoning Board just accepts what is shown to them and does not require an instrument survey map. Mike

Mazzullo stated the applicant is limited by what he is applying for. He stated when the applicant goes to build the house, if his representations are incorrect, it changes the variance, and the applicant would have to come back for another variance. Dan Melville commented the applicant has to go to the Planning Board either way.

Larry Smith stated the Planning Board cannot grant variances on setbacks. Dan Melville commented the applicant will still need a setback variance. Larry Smith stated the closest the applicant could get to any lot line is 50 ft with this variance. He explained if the applicant wanted to build it at 10 ft., he would have to come back before the Board with a new application and go through the same procedures. He stated the applicant cannot build any closer than 15 ft. He stated the problem between the tax maps and the property cards doesn't change how close the applicant can be to a lot line with the variance requested.

Mike Mazzullo commented before the applicant builds a home, he has to have permits, the instrument survey, and then it has to be filed with the County. Larry Smith explained if the lot turns out to be a 60 ft. lot instead of an 80 ft. lot, he could have a 30 ft. wide house, and Mike Mazzullo commented the applicant would never build that, though.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Anthony Romano - 55 Lester Street

He asked if the applicant cannot build two houses on there, could he combine the two lots and put just one house there. Dan Melville asked if the lots are contingent parcels, and Mr. Romano indicated they are. Mike Mazzullo indicated the Planning Board has the authority to tell the applicant on the plan that he would present that he could do that.

Dan Melville asked the applicant if there would be any hardship to him if he were to combine those lots and build one house. Mr. Cangialosi indicated there would be a financial hardship.

ANYONE IN FAVOR OR OPPOSED:

Anthony Romano - 55 Lester Street

He was opposed.

DECISION: Unanimously approved by a vote of 7 yes with no conditions, and the following findings of fact were cited:

1. The lot pre-existed the current code.
 2. Minimum variance required to achieve the goal.
 3. Exceptional or extraordinary circumstances apply to this lot due to the size.
 4. Consistent with the neighborhood.
 5. Developing this lot would be an improvement to the area.
4. Application of Veronica Poarch, owner; 53 Laredo Drive, Rochester, New York 14624 for variance to erect a 12' x 16' utility shed to be 192 sq. ft. (160 sq. ft. allowed) at property located at above address in R-1-12 zone.

Veronica Poarch was present to represent the application. She indicated she wants to erect a 12' x 16' utility shed. She indicates she has provided an instrument survey map indicating where the shed will be in the northwest corner of the rear of the lot. She stated the reason they need it back there is to remove the existing shed which is 7.6' x 8'. She stated the current shed is made out of particle board, and it was there when she purchased the property.

Dan Melville asked if the existing shed is directly behind the house, and Ms. Poarch indicated it is. She stated the reason for the variance is to put a larger shed in place of the existing shed and also due to the fact they plan to make a large garage and they need to empty things from the garage in the meantime into the shed. She indicated they have a riding lawn mower and other items that they need to store.

Dan Melville asked the applicant if she plans to do any repair work out of the

shed, and Ms. Poarch indicated she does not. Linda Collinge asked if there would be a problem if they moved the shed to the right-hand side more, and Dan Melville stated the applicant is only in for square footage.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

DECISION: Unanimously approved by a vote of 7 yes with no conditions and the following findings of fact were cited:

1. Applicant demonstrated a need for storage.
2. Minimum variance required to achieve the goal.
3. Removal of deteriorated existing shed will be an improvement to the property.

5. Application of Norman Carlson, owner; 13 Sutters Run, Rochester, New York 14624 for variance to erect an 8' stockade fence (6' allowed), variance for portion of fence to be in a drainage easement at property located at above address in R-1-15 zone.

Norman Carlson was present to represent the application. He stated the adjoining property at 11 Sutters Run is higher than their property, and the other adjacent property at 15 Sutters Run is lower, so they need the 8 ft. fence to block sight lines. Dan Melville asked if there is any reason why they cannot put that fence up so they would not be in the easement. Mr. Carlson stated the bottom of the fence across the easement will be 3 to 4 inches off the ground. Dan Melville asked if there is any way they could position it not to go over the easement at all. Mr. Carlson stated if they shortened the fence, it would make their backyard very small. Dan Melville asked how much area would there be if they shortened the fence, and Mr. Carlson indicated they would have 20 ft. less approximately.

Larry Smith stated there is a 60 ft. setback. Bill Oliver commented it is bad to cut off a drainage easement, because if there are problems back in there, the Drainage Crew cannot get in there. Mr. Carlson stated the posts would be 8 ft. apart, and he indicated he would be attaching the fence to the posts with screws so it could be pulled apart easily.

Bill Oliver asked how far off the ground would the fence be in the easement. Mr. Carlson indicated it would be 3 to 6 inches off the ground. Dan Melville asked how the posts would be mounted in the ground, and Mr. Carlson indicated they would be cemented in the ground. Mr. Carlson indicated he has planned to make one post that can be removed so there would be a 13 ft. wide area that equipment could get in if needed. Mr. Carlson indicated if there were ever a problem, he could remove the posts and put them back in again.

John Hellaby asked if there is actually a drainage swale there, or is there a pipe there. Mr. Carlson indicated there is no pipe. He stated one would not know there is a drainage swale there except to look at the map. He stated the properties all slope towards the back, but it is a gradual slope.

Gerry Hendrickson asked if the fence will be the same as it is now with openings at the top. Mr. Carlson stated there will be a 2 ft. section of lattice that will go along the top of the 6 ft stockade fence.

John Castellani asked the applicant if he would have any problem putting the posts in sleeves, and Mr. Carlson indicated he would not. Mr. Carlson commented that would be an extra expense, but he indicated he could do that.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville read a letter from the Drainage Committee indicating they are opposed to fences in drainage easements.

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

1. All fence posts in the easement must be installed in sleeves.

2. Fence must be removed upon notice of the Town when drainage work is needed.
3. Fence must be 6" above existing grade level in easement area.
4. Fencing to be no higher than 8'6" above grade in easement area.

The following findings of fact were cited:

1. Fence needed for privacy because lot is lower than neighboring property.
 2. By keeping the fence in front of the drainage easement, the back yard area would be cut substantially.
 3. The easement was a function of Section 3 development.
6. Application of Pando Vasilovski, owner; 2273 Scottsville Road, Rochester, New York 14546 for variance to erect a 29' x 46' addition to restaurant to be 22' from side lot line (50' req.) at property located at above address in RA-20 zone.

Don Avery was present to represent the application along with Pando Vasilovski. Mr. Avery indicated the expansion is of the existing restaurant. He stated the addition will be the same texture, material and so forth as the existing restaurant. He stated the wall is going to be extended parallel with the present wall, and it is going to be an area that is going to be 29' x 46'. He stated the addition is going to be used for overflow dining. He stated there will be a full cellar to the addition.

Dan Melville asked what the reason is for the addition, and Mr. Avery indicated the reason is that they would like to have more room because sometimes during Friday and other times they need more room in the dining area.

Gerry Hendrickson asked if there is a cellar underneath the existing restaurant, and Mr. Avery indicated there is. Mr. Avery stated the existing cellar only goes half way, but he added they need to have a cellar for the foundation because of the drop off. Mr. Avery stated there will also be some dry storage of food in the cellar.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Andrew Bazar - 783 Scottsville Road

He asked what the original extent of operation was for the original land use variance. He asked if it was to operate this as a restaurant in an RA-20 zone. Mike Mazzullo stated that is not what the applicant is in for tonight. He stated the business is a restaurant, and the applicant has a use variance for that use.

Mr. Bazar commented the applicant is getting a variance to be within a certain distance from a property line. He stated there are two different properties here, and he stated there is 22 ft. to the one part of the property, and he needs 50 ft., but he owns both properties. Mr. Bazar indicated he did not understand why the applicant needs a variance. Larry Smith stated there is still a property line there.

Dan Melville stated even though the applicant owns both properties, it is still a separate tax account number. Mr. Bazar commented if the applicant builds on that property and encroaches the other property, if he decides to sell that independently, it would devalue the property. Larry Smith commented if the applicant erased that property line, he wouldn't need the variance. Mr. Bazar asked if the property line could be erased, and Larry Smith indicated it could. Mr. Bazar asked if the applicant maintains it as two properties, would that allow him to sell that without a subdivision.

Mike Mazzullo stated the way it is now, the line indicates that he would have to ask for a variance because there is a designated lot line there. He stated the law doesn't ask who owns the other side of the lot if it is separate. He stated if the applicant were to go to the Planning board and say he would like to erase the line since he owns it, he could erase the line, and he wouldn't need any variance.

Larry Smith stated if the applicant does erase the property line without Planning Board approval, it would become an illegal subdivision, and the applicant would not be able to get a building permit.

Mr. Bazar stated in the Planning Board discussion at the last meeting there was discussion over clear title. He asked if that is relevant to this proceeding. Larry Smith commented that is on the second parcel. Mike Mazzullo stated if there is a quick claim involved, the Zoning Board wouldn't be handling that. Mr. Bazar asked if there is not a clear title, would that be the applicant's problem, and Mike Mazzullo indicated it would go back to if the applicant wants to do anything on the quick claim, however he got it, he would have to show how it is his property, and if people were arguing over whose property it is, it would be a civil lawsuit.

ANYONE IN FAVOR OR OPPOSED:

Andrew Bazar

He indicated he is opposed based on the fact that this is a continued expansion of a restaurant property in an RA-20 zone, and it is not clear what the limitations are of how much that can proliferate. He stated the concern of the area is that this is being treated as a General Business District operation. Mr. Bazar indicated it is not clear in the way of Town records exactly what the limitations are of that property.

Dan Melville indicated this came back from the Monroe County Department of Planning as a matter for local determination.

Bill Oliver made a motion to declare the Board lead agency with a determination of no significant environmental impact, and Ron Popowich seconded the motion. The Board all voted yes in favor of the motion.

DECISION: Unanimously approved by a vote of 7 yes with no conditions and the following findings of fact were cited:

1. Applicant demonstrated a need for more space and storage.
 2. Consistent with existing structure setback.
 3. Not detrimental to neighboring property due to the fact that the applicant owns adjacent property.
7. Application of James Brown, owner; 3610 Union Street, North Chili, Rochester, New York 14514 for approval to extend area of existing land use variance east approximately 350' to include the approval to erect a 42' x 60' pole barn for the storage of automobiles, amend condition of land use variance to allow 45 vehicles on site (30 previously approved) at property located at above address in R-1-15 zone.

James Brown was present to represent the application. He stated he owns Preferred Automotive on 3610 Union Street. He stated he wants to put up a pole barn because he needs to store vehicles that are not presently for sale and for collision vehicles he cannot presently work on for assorted reasons. He stated this would improve the appearance of the property by removing unsightly vehicles from the parking area. He stated currently he is restricted to 30 vehicles on the property, and he stated he has had to turn away some business because of that restriction. He stated he would like to increase the amount of vehicles from 30 to 45 at the same time. He stated the existing paved area excluding the driveway is approximately 15,000 sq. ft., and he added the average car is 105 sq. ft. He stated he has no intention of doing any work in the building other than storing vehicles, his own vehicles, not for rental. He indicated he would have no rental storage here. He indicated he is presently negotiating with Mortan Buildings.

Bill Oliver asked if it is possible to move the building away from the neighboring homes even more than where it is proposed. Mr. Brown indicated that is possible. He stated there is quite a bit of property there. Mr. Brown indicated he would not want the barn to be too visible from Union Street. He stated he would not want the barn to look as if it is part of his business. He further commented as far as the eyesore to the neighbors, there is quite a hedge row there. He stated even when there are no leaves, the neighbors cannot see through there too well. He stated he would not want to move the barn another 50 ft., because that would put it directly behind the building, and it would be a lot more visible from the expressway and the road.

Bill Oliver asked how high would the pole barn be, and Mr. Brown indicated it would be 16 ft. approximately. John Hellaby asked if 16 ft. is at the peak, and Mr. Brown indicated that would be the eave height. John Hellaby asked if they would have additional height for the peak then, and Mr. Brown indicated there would be additional height for the peak.

Ron Popowich asked if the extra 15 cars allowed on the property would be on the lot for sale, and Mr. Brown indicated they would be on the lot for sale. Mr. Brown commented it is quite a parking area, and he stated there are always 30 automobiles there. He stated he does his best to keep it down to 30, but he indicated it is hard when he does collision work. Mr. Brown indicated a lot of time he has to wait for the insurance companies to settle or he is waiting for parts, too. Ron Popowich asked if the idea of the barn would be to store junk vehicles, and Mr. Brown indicated he does not store junk vehicles. He stated he would store vehicles in there that have to be fixed or repaired for a customer. He stated the vehicles inside the barn would not even be for sale.

Dan Melville asked if all the other conditions that were granted the last time are still agreeable with the applicant, and Mr. Brown indicated he still agrees with the other conditions.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED:

Ralph Wehner - 102 Stover Road

He indicated five years ago he was on the Zoning Board when this applicant came in. He stated at that time there was a lot of opposition from the neighbors and the area was deteriorated. Mr. Wehner stated Mr. Brown has dressed up the property and is a credit to the community. He commented if the pole barn is approved, it would improve the site even more. Mr. Wehner indicated he is in favor of this.

Douglas Burry - 29 Wadsworth Drive

He indicated he is in favor of this. He stated the applicant runs a clean business.

Dan Melville indicated this came back from the Monroe County Department of Planning as a matter for local determination.

Bill Oliver made a motion to declare the Board lead agency with the determination of no significant environmental impact, and Linda Collinge seconded the motion. The Board was all in favor of the motion.

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

1. That this land use variance for a used car sales is to be limited to the improved building site to a point no more than 450 ft. east of Union Street at its northerly point. The intent of this condition is to prohibit storage and/or display of automobiles or other auxiliary miscellaneous items related to a used car business on the remainder of the property.
2. The existing northerly road cut shall remain eliminated, curbed and landscaped.
3. The maximum number of vehicles offered for sale, displayed, or being repaired shall not exceed more than a total of 45 at any one time.
4. There shall be no outside storage of junked or abandoned vehicles at any time.
5. All debris and discarded automotive parts all be disposed of in an enclosed type dumpster, adequately screened, and not visible from Union Street or adjacent residential properties.
6. Display of vehicles is limited to existing paved areas only.
7. There shall be no outside storage of dismantled automobiles or automobile parts (i.e. engines, tires, etc.)

8. Hours of operation shall be limited to the following:
 - a. Monday thru Saturday - 8:00 a.m. to 9:00 p.m.
 - b. No hours on Sunday.
9. Exterior lighting shall not cause severe glare to residential properties north and west of the site. It is the Board's understanding that the number of existing exterior lighting fixtures will be reduced.
10. This land use variance shall expire upon the sale or conveyance of the property and/or business to any other party/parties or corporation other than Mr. James Brown, residing at 55 Hitree Lane, Rochester, New York 14624.

The following findings of fact were cited:

1. Applicant demonstrated a need for more usable space.
2. Pole barn will provide storage for vehicles and eliminate some visual pollution.
3. Pole barn will be screened by row of trees on the property.
4. Minimum variance needed to achieve the goal.

The Zoning Board minutes of 9/24/91 were approved as is. The meeting ended at 9:17 p.m.

CHILI ZONING BOARD
November 26, 1991

A meeting of the Chili Zoning Board was held at the Chili Town Hall, 3235 Chili Avenue, Rochester, New York 14624 on November 26, 1991 at 7:30 p.m. The meeting was called to order by Chairperson Dan Melville.

PRESENT: Ron Popowich, John Castellani, Gerry Hendrickson, Bill Oliver, John Hellaby, Linda Collinge and Dan Melville.

ALSO PRESENT: Mike Mazzullo, Deputy Town Attorney; Larry Smith, Building Inspector.

Chairman Dan Melville declared this to be a legally constituted meeting of the Chili Zoning Board. He introduced the members of the Board and the front table. He announced the fire safety exits and explained the meeting's procedures. The Pledge of Allegiance was cited.

Ron Popowich indicated he did not see a sign for Application 5. Dan Melville asked if anyone else did, and the consensus of the Board was that there was no sign. Dan Melville indicated the Board could not hear Application 5 then. Mike Mazzullo stated it would be automatically on next month.

Ron Popowich stated he did not see a sign for Application 8. Larry Smith stated that application doesn't need one. Mike Mazzullo indicated that application doesn't need to be posted because it is an appeal from the Building Examiner's decision. He stated it just has to be published.

1. Application of John LoPresti, owner; 23 Jacklyn Drive, Rochester, New York 14624 for variance to erect a 28' x 20' addition to house to be 38 1/2' from rear lot line (40' req.) at property located at above address in R-1-15 zone.

John LoPresti was present to represent the application. He indicated the 20' x 28' addition will be area for his 83-year-old mother-in-law. He stated the floor plan has been designed to include a shower unit with a seat and large enough for an additional person to aid in cleaning. He stated the extra square footage is needed to help his mother-in-law in and out of bed. He stated the 18 inches makes a difference in the layout.

Dan Melville asked if they would have separate bathroom facilities, and Mr. LoPresti indicated there would be. Dan Melville asked if there would be separate kitchens, and Mr. LoPresti indicated they would not have separate kitchens. Dan Melville asked if they would have separate utilities, and Mr. LoPresti indicated they would not have separate utilities. He stated last year he bought a large enough furnace that would handle the extra area.

Bill Oliver questioned where the exit would be, and Mr. LoPresti clarified where the exit would be. He indicated off the exit there will be temporary steps, but later on they will have a deck there. Bill Oliver asked if they would have a smoke alarm in the addition, and Mr. LoPresti indicated they would. Larry Smith indicated State code requires that.

John Hellaby asked the applicant if he was sure of the 38.6' measurement on the drawing since this has not been certified by a surveyor. Mr. LoPresti indicated he was sure and stated he had a certified map done when the garage addition was done. John Castellani indicated if the 38.6' measurement is wrong, then they would have to come back. Mr. LoPresti indicated he understood that. He stated there is an existing slab that they used to measure from.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back from the Monroe County Department of Planning as approved.

Bill Oliver made a motion to declare the Board lead agency, and John Castellani seconded the motion. The Board all voted yes on the motion.

DECISION: Unanimously approved by a vote of 7 yes with no conditions and the following findings of fact were cited:

Gates-NEWS-Chili

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

Date.....11-20-91.....

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

GATES-CHILI NEWS

Issue Dated...11-20-91.....

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y., Monroe Co.
My Commission Expires April 30, 1993

Patricia M. Smith

Patricia M. Smith
Publisher

Children's
Center: Full-time infant
room ASAP. Also sub
positions. 75 Whittier Rd.
EOE 11/27

Make money at home with

G e n e r a l
Office/Bookkeeping: Small
office, duties include
telephones, A/P, A/R, data
entry. Experienced only
apply Electric Panelboard,
10 Pixlev Industrial

the depth of my heart and
humbly beg to whom God
has given such great
power to come to my
present and urgent petition.
In return, I promise to
make your Name known

**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 November 11, 1970.

to you have received
the depth of my heart and
humbly beg to whom God
has given such great
power to come to my
present and urgent petition.
In return, I promise to
make your Name known
and cause to be invoked.
Say three Our Fathers,
three hail Marys and
Glorias for
consecutive
days.
Publication must be
promised. St. Jude, pray
for us all and invoke your
AMEN
(This Novena has never
been known to fail) B.M.M.
IF

14420 for variance to erect two double faced freestanding signs totaling 270 sq. ft. averaging from 1' to 5' from front lot line as shown on plans (20' req.), variance to erect 6 canopy signs (4 pegasus and 2 identification signs) totaling 74 sq. ft., variance to erect 5 wall signs on convenience store totaling 57 sq. ft., variance to erect 1 wall sign on car wash to be 10 1/2 sq. ft. for a total signage of 411 1/2 sq. ft. at property located at 1210 Scottsville Road in G.B. zone.

5. Application of Perna Homes Inc., 849 Paul Road, Rochester, New York 14624, property owner: I. Vincent & Justin

to apply Electric Panelboard entry. Experienced only telephones, A/R, A/R, data office, duties include Office/Bookkeeping: Small Children's
G e n e r a l
time infant
Also sub
office, duties include
telephones, A/R, A/R, data
entry. Experienced only
apply Electric Panelboard
to fix & install

building for a nightclub at property located at 1509 Scottsville Road in G.I. zone.

7. Application of Francine Beck, owner; 416 Fisher Road, Rochester, New York 14624 for conditional use permit to allow a cosmetic consulting business in home at property located at above address in R-1-12 zone.

8. The Zoning Board of Appeals will listen to an application made by Cephias Attica, 243 Reed Road, Scottsville, New York 14546 to appeal the Building Inspectors decision denying a building permit for a pole barn at property located at 243 Reed Road in RA-20 &

Children's
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to fix & install
By
11-20
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1. Applicant demonstrated he tried to construct addition within our setback requirements but was unable to achieve the room he needed, so this is the minimum variance required to achieve the goal.
 2. Applicant demonstrated a need for the addition to take care of an aging relative.
 3. Not detrimental to the environment or neighboring properties.
2. Application of Bausch & Lomb Inc., owner; 465 Paul Road, Rochester, New York 14624 for variance to erect a 8' chain link fence (6' allowed) at property located at above address in L.I. & F.P.O. zone.

Tom Abballe was present to represent the application. He indicated they want a fence on the west, east and south perimeter of the property line, 8 ft. tall, to protect the property. He stated there is a new housing project going up on the west. He stated there will be an access road to the new housing development going very close to their property line. He stated they have a problem with hunters coming on their land eventhough it is posted. He stated people with ATVs and other recreational vehicles come onto their property. He stated they are concerned about occasional intruders coming into their parking area. He stated they have a small open storage area that is unprotected currently.

Dan Melville asked if the fence would have barbed wire, and Mr. Abballe indicated it would not. With regard to intruders in the parking lot, Dan Melville asked if there would be a fence in the front of the building, and Mr. Abballe indicated there would be no fence in the front. Mr. Abballe indicated most of the intruders seem to come from the back, the extreme west. He stated a month ago there was vandalism and theft of cars on their property. He stated hunters have shot rounds into their building. He stated they are concerned about the liability of people on their property. Mr. Abballe indicated they do not want children in the new housing development coming over to their property. He commented an 8 ft. fence would deter intruders more than a 6 ft. fence.

Ron Popowich asked if the fence would only go up to the front of the building, and Mr. Abballe indicated it would. John Castellani questioned if there is a parking area behind the building, and Mr. Abballe indicated the main parking is on the west side, and there is a small area in the back and small area on the east side for parking.

Gerry Hendrickson asked how close would the fence be to the railroad, and Mr. Abballe indicated it would be about 20 ft. Gerry Hendrickson asked if there is a lane up there, and Mr. Abballe indicated there is access up there. Larry Smith commented the railroad access is on the other side. Gerry Hendrickson asked if this would replace the 6 ft. fence up in the front, and Mr. Abballe indicated there would only be a small section of 6 ft. fence that would remain. He stated they might just add 2 ft. onto that fence there.

John Hellaby commented they have made provisions for 20 ft. gates where the fence crosses the sewer easements. He stated in one area there is not a gate, and on the south line it crosses the easements at a 90 degree angle. Mr. Abballe indicated they have three gates shown and do not feel a fourth is necessary at this time.

John Hellaby asked what provisions would there be for maintenance of the fence, and Mr. Abballe indicated they will have to establish a program for that.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back from the Monroe County Department of Planning as approved.

Linda Collinge made a motion to declare the Zoning Board lead agency, and Gerry Hendrickson seconded the motion. The Board all voted yes on the motion. John Castellani made a motion to declare there was no significant environmental impact associated with this application, and Bill Oliver seconded the motion. The Board all voted yes on the motion.

DECISION: Unanimously approved by a vote of 7 yes with no conditions and the following findings of fact were cited:

1. Demonstrated a need for a higher fence due to new subdivision on west side of property.
 2. Demonstrated a need for security and safety reasons.
 3. Demonstrated they will maintain the area along the fence.
 4. Gates were installed making access to easements easy.
3. Application of Panorama Car Wash, owner: c/o Barclay & Fowler Oil Corp., 500 Holley Street, Brockport, New York 14420 for variance to erect a canopy over fuel pumps to be 17 1/2' from front lot line (75' req.) at property located at 1210 Scottsville Road in G.B. zone.

Larry Perrin was present to represent the application. He indicated they are asking for a variance regarding a canopy on the property. He indicated they want to have a convenience store on the property and four new gas islands. Mr. Perrin indicated the canopy would be 34 ft. wide by 60 ft. deep, and that would impede on the 75 ft. setback by 57'6". He indicated that would leave a distance from the front property line to the concrete curbed frontage of 17'5" or to the edge of the pavement, approximately 44'6".

Mr. Perrin indicated the second request was the light pole which would be on the northwest corner. He stated there is a 20 ft. setback for any signage off the front property line. Dan Melville indicated they are only hearing Application 3 at this point. Mr. Perrin indicated because they are working with the existing car wash building, they have a minimum distance for driving clearance by the gas pump operation.

Dan Melville asked if the canopy is a standard size canopy, and Mr. Perrin indicated it is. Dan Melville asked if the canopy could be smaller so it would not encroach on the setback as much. Mr. Perrin indicated that is not possible because he is working with the minimum distances required for through traffic at the gas islands. He stated if he were to reduce the size on the outside of the island, it would expose the vehicles to the environment, rain, snow, et cetera.

Dan Melville asked how far the pumps would be away from the road, and Mr. Perrin indicated they would be roughly 55 ft. to the outside edge of the dog bone island. He stated that would be to the edge of the pavement. John Hellaby asked if this is a standard Mobil canopy, and Mr. Perrin indicated it is. Mr. Perrin indicated the canopy would be basically what Mr. Rice has down at his Mobil location. He indicated the only difference is on the bottom part of the canopy where it would not have the round configuration that Mr. Rice has, but it would have the standard 32 inch fascia with the Mobil legend on the side of it.

John Hellaby commented the plan indicates the new pumps would actually be further from the existing edge of the road than the existing pumps as they are today, and Mr. Perrin agreed. Linda Collinge asked if the canopy would have a sprinkler system in it, and Mr. Perrin indicated it would. Larry Smith indicated that is required by State Law.

John Castellani indicated he realized the edge of the canopy would be 17 1/2 ft. away. He asked what the closet ground touching support is that is going to be nearest the road. He thought they traditionally have overhangs so that they have something of about 35 ft. from actually touching the ground. Mr. Perrin indicated that is true. He stated the canopy columns will be part of the outside islands, and actually when it is done, it won't be a fixed structure. He stated it will be a structure canopywise that will be removed if need be.

John Castellani indicated he was thinking about how close will the canopy be to being struck. Mr. Perrin indicated it will be guarded by bumper posts on the outside. He further stated with the dog bone configuration, the pumps sit in the center. He explained any traffic towards the pump would generally hit the rounded part of the dog bone island. Mr. Perrin stated if the pumps are ever hit, there are automatic shut-offs so no product will flow.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

John Castellani made a motion to determine that there is no significant environmental impact associated with this application, and Bill Oliver seconded the motion. The Board all voted yes on the motion.

DECISION: Unanimously approved by a vote of 7 yes with no conditions and the following findings of fact were cited:

1. Won't cause any visibility or safety problems.
 2. Minimum variance needed to achieve the goal.
4. Application of Panorama Car Wash, owner; c/o Barclay & Fowler Oil Corp., 500 Holley Street, Brockport, New York 14420 for variance to erect two double-faced freestanding signs totaling 270 sq. ft. averaging from 1' to 5' from front lot line as shown on plans (20' req.), variance to erect 6 canopy signs (4 pegasus and 2 identification signs) totaling 74 sq. ft., variance to erect 5 wall signs on convenience store totaling 57 sq. ft., variance to erect 1 wall sign on car wash to be 10 1/2 sq. ft. for a total signage of 411 1/2 sq. ft. at property located at 1210 Scottsville Road in G.B. zone.

Larry Perrin was present to represent the application. He stated the first signage would be the Mobil illuminated canopy legends. He stated he rounded off the measurement to make it easier for the total square footage. He stated they would have two legends that would be located approximately 22 ft. in from the front edge of the canopy. He indicated one would face east and one would face west.

Mr. Perrin indicated the canopy would have a white fascia, and they would be mounted on the center to the canopy columns 22 ft. in from the outside of the canopy. He indicated they measure 6'6". Mr. Perrin indicated there was a typo on that by 2 ft. high or 13 sq. ft. each times two, so it would be 26 sq. ft.

Mr. Perrin indicated they would have a Mobil Mart illuminated legend on the upper left-hand corner that would be just a form of identification for the convenience store itself. Mr. Perrin indicated it would be 6 ft. wide by 8 ft. Mr. Perrin indicated on the drawings where they would have horizontal snap lock signs.

Mr. Perrin indicated the snap lock signs would be a form of advertising any specials they want to run for the car wash or convenience store. Mr. Perrin indicated there would be two Mobil illuminated pegasus signs, one on each side of the buildings, east and west. He stated those signs are 4 ft. in diameter.

Mr. Perrin indicated the Mobil car wash illuminated legend would be mounted right on the existing building, and if one were looking at the building from Scottsville Road, it would be on the left-hand portion of the building fascia. He indicated that is the 7 ft. by 1'6" sign or 10.5 sq. ft.

Mr. Perrin indicated the snap lock pole sign would be mounted on the outside perimeter light pole itself. He indicated that would be another form of advertising for the business. Mr. Perrin indicated they would have a Mobil pegasus illuminated pole sign like Mr. Rice has above his pumps. He indicated those signs are rectangular in shape, and they are a blue illuminated sign network. He indicated there would be one over each pump, and they would measure 4 ft. by 1'6" with the total square footage of 48 sq. ft. counting all sides.

Mr. Perrin indicated the last configuration would be the illuminated ID and price car wash sign which would be located on the other corner of the front property. He indicated the standard height of that would be 15'2.5". He indicated the ID sign would be 132 sq. ft. for both sides. He indicated the price sign with three products would be 50 sq. ft., and there would be 40 sq. ft. for the car wash illuminated ID sign. He stated the total square footage requested would be 411.5 sq. ft.

Mr. Perrin indicated the other part of the variance for the setback would be for the two signs off the front property line which would be the identification sign. He indicated the edge of the sign would set back 5 ft. from the property line. He indicated that would impede on the setback by 15 ft. Mr. Perrin indicated what they have tried to do is just work with this property and lay it out to get everything as far back as possible. Mr. Perrin stated on the other corner would be an illuminated marker, street marker or entrance marker. He

indicated the snap lock identification sign would be attached to that. Mr. Perrin indicated in its current position, it would be setback from the property line 1'4". He indicated that would impede on the setback by 18'8". Mr. Perrin indicated they could work with that to bring it back.

Mr. Perrin indicated the basic drawings for this location were made by Mobil. Mr. Perrin stated the existing signage out in front would all be removed. Dan Melville asked if all the advertising signs are really necessary. Mr. Perrin stated with Mobil, they have guidelines that they are supposed to adhere to as a distributor for Mobil. Mr. Perrin indicated Mobil understands, of course, every time someone goes in for variances or permits, that they are not going to come away with everything requested, so there are variables as far as Mobil is concerned. He indicated if they can support it with proof that the variance was not granted, Mobil won't have a problem with it.

Dan Melville indicated he had more concerns about the signs that would be right on the buildings. He further commented there seems to be a lot of advertising signs around the building than what the Board would normally allow. Ron Popowich agreed.

Ron Popowich asked if the snap lock sign out on the northeast corner is the single pole sign, and Mr. Perrin indicated it is. Ron Popowich asked what is on that sign. Mr. Perrin indicated the sign would advertise specials that Mobil runs throughout the year, and the dealer can put his signage in there advertising the signage promotion. Dan Melville asked if that would be under the Mobil sign, and Mr. Perrin indicated it would not. He indicated it would be attached to a two 400-watt light pole. Mr. Perrin added that would act as entrance lighting also. He stated Mobil suggests they put a two-sided snap lock sign attached to that pole.

Dan Melville asked if they would also have a sign underneath the Mobil sign itself, and Mr. Perrin stated the one sign underneath the Mobil sign would strictly be like Mr. Rice has; it just advertises the car wash.

John Castellani stated there is a lot of signage proposed for this property. He asked which ones of the proposed signs does Mr. Rice currently have. Mr. Perrin stated Mr. Rice has the canopy legends or the fascia legends. He indicated Mr. Rice has the Mobil Mart sign and the snap lock building signs. Larry Smith stated Mr. Rice has one sign on the car wash on the far side and away from the street so people coming into the car wash can see the snap lock sign.

Mr. Perrin indicated he did not think Mr. Rice has the Mobil pegasus illuminated disk. Larry Smith stated Mr. Rice's pegasus signs are on the top of each pump, not the big ones on the building. Mr. Perrin indicated Mr. Rice does have the car wash signs. Mr. Perrin stated the snap lock signs can be broken in half so they end up with two wall-mounted signs, and he stated Mr. Rice has that configuration on the back of his car wash. Larry Smith stated those signs are away from the street, so as one enters the car wash, they can see the specials.

Mr. Perrin indicated the ID sign will be identical to what Mr. Rice has on his corner. Bill Oliver asked what signs could be eliminated without actually hurting the advertising for the business. Mr. Perrin indicated they could do without the snap lock building signs if they were allowed to advertise somewhere else. Mr. Perrin indicated they could do away with the two Pegasus disks that would be mounted on the sides of the building. He added if they had to, they could do away with the perimeter snap lock signs, too.

Bill Oliver asked what the distance from the road the sign at the corner would be, and Mr. Perrin indicated that would be 27 ft. from the edge of the pavement, and 1'4" from the property line. John Hellaby asked if this application would go before the Planning Board, and Larry Smith indicated it has been before the Planning Board and has been approved. Mr. Perrin indicated they have to submit final drawings tomorrow for the Planning Board.

John Hellaby asked if they could do something similar to what Mr. Rice did at his station regarding the advertising signs entering the car wash so that it would be a lot less visible from the road and yet would still advertise their products. Mr. Perrin indicated Mobil does make a freestanding sign the same size, but he indicated that would be a single-mount sign on a concrete pole.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Greg Voll, manager of Panorama Car Wash, was also present to represent the application. He stated he is also the Treasurer of the Scottsville Road Association, and he stated they have a meeting December 11, 1991 at the Airport Park Health and Fitness Center about the signage on Scottsville Road. He indicated the meeting would be at 4 p.m.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back from the Monroe County Department of Planning and has been approved.

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

1. The two double-faced freestanding signs totaling 270 sq. ft. must be 5' from the property line.
2. Eliminate one (1) horizontal snap lock building sign.
3. Eliminate two (2) Mobil pegasus illuminated disc signs.
4. Eliminate two-sided snap lock pole sign.

The following findings of fact were cited for approval:

1. Consistent with balancing signage with needs of the business.
 2. Demonstrated a need for advertising.
 3. Appropriate signage for the area.
5. Application of Perna Homes, Inc., 849 Paul Road, Rochester, New York 14624, property owner: J. Vincent & A. Saeva; for variance to allow existing house to be 33.8' from rear lot line (35' req.) at property located at 18 Mae Meadow in PRD zone.

John Castellani moved to table the application, and Ron Popowich seconded the motion.

DECISION: Unanimously tabled by a vote of 7 yes for the following reason:

1. Property was not properly posted. Application will be heard at the December 17, 1991 meeting.
6. Application of Up and Coming Venture, Inc., c/o William Levy, 121 Victoria Drive, Rochester, New York 14618, property owner: A. Stock; for Land Use Variance to reopen existing building for a nightclub at property located at 1509 Scottsville Road in G.I. zone.

Bill Levy was present to represent the application. He indicated he is the sole officer and sole shareholder of Up and Coming Ventures, Inc. He indicated he wants to operate a bar/restaurant and nightclub in the existing building at 1509 Scottsville Road. He stated this building and property has been used exclusively as a bar/restaurant and nightclub in the same capacity as he proposes for the more than 20 years. He stated the building was built in 1967. He stated from then through 1978 the property operated as the Varsity Inn, and from 1979 through 1990 the facility was run as the Playpen Club.

Mr. Levy stated he has entered into a lease with the owner of the property, Mr. Art Stock. He stated that lease is contingent upon approval by this Board and the granting of a liquor license by the State of New York.

Mr. Levy stated with the existing facility they have tried to bring it up to date in terms of the interior and the features the facility would need in order to be attractive to the marketplace. He stated the facility exists now as two entities. He stated they had a nightclub on the eastern side that featured live bands, and then they had a nightclub on the western side with approximately 40 percent of the floor space that featured dancing to recorded entertainment.

Mr. Levy stated a lot has changed in the market in the past 11 or 12 years such as the drinking age, the public awareness of DWI, et cetera. Mr. Levy indicated he proposes to utilize the western section for the service of alcohol, admitting

those 21 and over, and he added he would use the easterly nightclub side as a facility for 18 and over where no alcohol would be served. Mr. Levy stated there would be dance floors for both sides. He stated there would be two separate bathrooms, separate entrances. Mr. Levy stated there would be one corridor and one emergency exit that would allow passage of patrons from one side to the other.

Dan Melville asked if this would be operated mostly at nighttime hours, and Mr. Levy indicated it would be. He indicated he anticipates five nights a week. He stated the hours would depend on the night of the week, but probably it would be open at 8 p.m. on Wednesday, Thursday and Sunday and would close at 2 a.m. He indicated on Friday and Saturday they would probably permit an extended operation with a soda and juice bar only after alcohol service stops at 2 a.m. He indicated that extended operation would be until 3 or 4 a.m.

Linda Collinge asked if they would allow the two sides to mix after 2 a.m. Mr. Levy stated they would. He explained the law states that no alcohol can be served after 2 a.m., and there cannot be any consumption on the premises for a half hour after that. He indicated they anticipate after the consumption of alcohol stops on the alcohol side, that side will basically close and any patrons that choose to remain, can pass into the non-alcohol side. Linda Collinge asked if they anticipate any problem with turning the drinking side loose into the non-drinking side. Mr. Levy indicated he does not see a problem.

Mr. Levy stated he has a nightclub in Wellsville that he has operated for the past 12 years in a very similar capacity. He indicated that facility has one glass wall that divides the facility rather than two separate nightclubs as proposed for Chili. Mr. Levy stated he has also worked at several nightclubs in the Rochester area where this type of operation has been successful.

Mr. Levy indicated the age here would be strictly 18 and over on the non-alcohol side, so they are not really dealing with young kids. He commented at that age, the people are out of high school, so they would be college and working people. He indicated at that point once out of high school, they are all adults. He felt there would be a problem if they mixed age 16 with age 24.

Linda Collinge pointed out the statement in the letter of intent that one of the reasons this would be open to 4 a.m. would be to give people who had possibly consumed a little too much a couple of hours before they had to venture out to drive home. Linda Collinge stated it has always been her understanding that it takes a long time for alcohol to work through someone's system. She asked if this would present a problem with people being there long enough for the alcohol to have built up so they really have a problem when they leave.

Mr. Levy stated he has taken a number of courses from the National Restaurant Association and the New York State Restaurant Association regarding alcohol ingestion and processing and the legal requirements. He stated first of all they certainly don't encourage anyone to drink and drive, and they will be doing a number of programs with the non-alcohol side to begin with and serving a number of non-alcohol products even on the alcohol side. He stated generally it is his understanding that any alcohol consumed reaches the bloodstream within 30 minutes plus or minus a few depending on what has been ingested foodwise and slight differences in body metabolism. Mr. Levy stated the body processes out pretty much the equivalent of one drink per hour regardless whether someone had one drink or a hundred drinks. Mr. Levy stated by staying open two hours extra, that lets the effects of two drinks be dissipated from someone's bloodstream. Mr. Levy stated his experience has been the average person spends around \$5 when they go into a nightclub, and that is approximately two and a half drinks, so by staying open two hours from the last time alcohol can be served, that assures the alcohol will be out of almost everyone's bloodstream. Mr. Levy stated they will have food available on the premises, too.

Larry Smith asked if they would allow more people in after 2 a.m., and Mr. Levy indicated they would not. He stated they would close the doors at 1:30 a.m. He stated there would be no admissions to either side. Mr. Levy indicated he was not in favor of the extended hours when he started doing it in a number of locations, but he indicated it was really proven to work. Mr. Levy stated the exit of patrons proceeds much more smoothly. He stated the last two hours are more enjoyable to relax and talk, and the music would be lower.

Linda Collinge asked what kind of security would there be out in the parking

lot to prevent drinking in cars. Mr. Levy stated he has had a lot of experience in that area also. He indicated he was one-third partner in the Pandemonium Club. He stated because that was non-alcoholic in nature, they had a good chance to work with a number of the Monroe County Sheriffs and New York State Police, and he stated he had good working relationships with those agencies. He stated they had a number of those officers working on their detail. Mr. Levy stated by State Law, officers cannot work where alcohol is served, so they can't work at this proposed club. He stated they plan to have a minimum of two, probably three people, patrolling with flashlights and two-way radios in the parking lots. He indicated those people will be responsible for the safe conduct on the parking lot premises. Mr. Levy stated the bar is responsible under New York State Law as a licensed premise for the conduct in the parking lot as well as inside the property.

John Hellaby asked if this is a lease agreement with Art Stock, and Mr. Levy indicated it is a lease with an option to buy. He explained the purchase price is specified, and he hopes to exercise the option. He stated he is exercising his resources to the fullest extent to remodel the property and buy the necessary equipment to get the place open. He indicated he would purchase the place depending on the success of the operation.

John Hellaby asked if the lease agreement requires Mr. Levy to come up with a decision to purchase within a certain period of time. Mr. Levy indicated the lease is three three-year terms. He stated the option to buy exists through the duration of the lease. He stated the price escalates at each of these three-year periods with the inflation.

John Castellani indicated he remembered this property coming before the Board for a Land Use Variance before. He indicated his understanding was Land Use Variances remain with the land. He commented Art Stock came in a couple years ago for that when he planned to reopen the Playpen. Mike Mazzullo and Larry Smith began to look into that.

Gerry Hendrickson questioned the security inside the building. Mr. Levy indicated they would have extensive security inside. He indicated they would have probably a dozen people working inside. He indicated they would all be connected with two-way radios as well, and would be connected to the outside people, too.

Dan Melville asked if they were aware of the recommendations the Conservation Board has made. Mr. Levy indicated he was not. Dan Melville indicated the Conservation Board recommends that the Zoning Board require the applicant to submit formal landscaping plans prepared and stamped by a landscaped architect. He further stated they recommend landscaping for the front of the property, landscaping for the islands, every 10 spaces there should be an island, and the dumpster should have proper screening per Town code. Mr. Levy indicated they would not have a problem with that.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated this came back from the Monroe County Department of Planning as approved.

Mike Mazzullo stated this application was tabled in 1989 and never came back. He stated there has been a continuous use as a restaurant/bar. John Castellani stated there was a pre-existing land use variance. Dan Melville indicated Art Stock was told the last time he was in he needed a variance because the business had not been operating for six months. Larry Smith stated the history of the property. Dan Melville indicated when the Varsity Inn was opened in 1966 or 1967 is when the land use variance began.

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

1. The Planning Board should consider landscaping request from the Chili Conservation Board.

The following finding of fact was cited:

1. Designed as a restaurant and bar when the building was first constructed in the 1960s.

7. Application of Francine Beck, owner; 416 Fisher Road, Rochester, New York 14624 for conditional use permit to allow a cosmetic consulting business in home at property located at above address in R-1-12 zone.

No one was present to represent the application. John Castellani made a motion to deny the application without prejudice, and Ron Popowich seconded the motion.

DECISION: Unanimously denied without prejudice by a vote of 7 no for the following reason:

1. Applicant did not appear at hearing.
8. The Zoning Board of Appeals will listen to an application made by Cephias Attica, 243 Reed Road, Scottsville, New York 14546 to appeal the Building Inspector's decision denying a building permit for a pole barn at property located at 243 Reed Road in RA-20 & FPO zone.

Ted Juroe was present to represent the application. He indicated he was directed by Judge Calvaruso to appear and the Board has been directed to hear him. He stated this application was made by Avery Engineering last summer to construct a pole barn by Cephias Attica on their property at 243 Reed Road. He stated his client bought 70 acres roughly at the corner of Reed Road and Morgan Road in 1986 from the Fabers. He stated prior to that the Fabers, on October 18, 1974, conveyed .78 acres to the owner of 278 Morgan Road.

Mr. Juroe explained the people who bought the small parcel from the 70 acre farm were Gregory and Barnie Miller. Mr. Juroe stated that deed has been attached to his petition to the Supreme Court as Exhibit H. Mr. Juroe stated when the application was made last summer, the Building Inspector ruled that a subdivision had been created. Mr. Juroe stated the applicant did not feel that prior act was a subdivision. He stated they felt the lot was conveyed out prior to the current subdivision ordinance. He indicated that is why they appealed to this board.

Mr. Juroe indicated the applicant received a letter from the Chairman of the Zoning Board, Chairman of the Planning Board and the Building Inspector dated August 8th. He read the letter. Mr. Juroe indicated his client has no way to get a building permit from the Town of Chili without spending \$3,500, which his client doesn't have. He indicated their appeal was argued before Judge Calvaruso. He indicated this was argued in Supreme Court on October 25th.

Mr. Juroe indicated he had the Town ordinance that was in effect when the lot was sold off the original 70 acre farm. He stated the Town's present Zoning Ordinance was passed in 1982. He stated the prior ordinance does not mention the Planning Board. He stated the prior ordinance was amended about the first or second month after it was passed to include a new section, Powers of the Planning Board. He indicated under that section there is no mention of subdivision.

Mr. Juroe felt the Town of Chili probably went by the old Public Health Law when they didn't have a subdivision ordinance. He indicated under the old Section 11-15 of that law, after four lots, someone would then have to subdivide.

Mr. Juroe stated when the lot was sold by the predecessor, the applicant knew nothing about it when they took title in 1987. He stated when the lot was sold in 1974, there was no subdivision created. He stated it was perfectly legal.

Mr. Juroe stated even under the current statute, he still feels that this is not a bonified subdivision. He read Section 96.9 where subdivision is defined as a parcel of land divided into two or more lots, blocks, parcels or sites with or without streets or highways. Mr. Juroe indicated Webster defines a lot as a distinct portion or plot of land, specifically one of the smaller portions of land as a subdivision block in which cities, towns or villages are laid out.

Mr. Juroe felt the decision that they became a subdivision when the prior owner sold off some land is burdensome to them. He stated the Town ordinance defines the term lot as a parcel of a subdivision when there are two or more lots. Mr. Juroe indicated to subdivide means to divide again, to subdivide or retract the land into lots, to sell before developing or improving them.

Mr. Juroe stated Chili has a good ordinance. He stated the language that Chili

uses is used in other towns. He stated under 96.29 and 278 of Town Law ChIII is protected.

Mr. Juroe indicated his client cannot afford a perimeter survey which is close to \$4,000. He stated they could try to raise the money, but he indicated they feel it is unreasonable for a pole barn. He indicated it was suggested even that they would have to not only draw a perimeter survey of the 70 acres, but also they would have to then draw another survey for the owner at Morgan Road, a perimeter survey showing his house, the area, and then they would have to go before the Planning Board.

Mr. Juroe indicated they are requesting the Town give them a building permit for the pole barn. He restated there is nothing in the ordinance that existed at the time the lot was sold off regarding subdivisions. He stated the Town cannot take the existing ordinances of 1982 and backdate them and make them ex post facto.

Dan Melville asked when the applicant bought the property, and Mr. Juroe indicated the farm was bought in 1986. Mr. Juroe commented the alleged subdivision occurred in 1974. Mr. Juroe quoted a letter from the Town, "Since the subdivision was not done in 1974, both properties became illegal lots." He indicated that was from the August 8th letter.

Dan Melville asked how many acres does the applicant own, and Mr. Juroe indicated 70 acres. Dan Melville asked Larry Smith why a building permit was turned down on this lot. Larry Smith stated it was turned down because according to the Town records, it was an illegal subdivision. He stated Chapter 96.10 says whenever any subdivision of land is proposed, before any subdivision of land occurs, before any permit for the erection of a permanent building can be issued, the subdivider shall apply for a security approval of a proposed subdivision. He indicated that is basically to go before the Planning Board for subdivision approval. Dan Melville commented this has not gone before the Planning Board. Larry Smith stated it has not, and he added the Planning Board required a survey of the properties.

Larry Smith explained the applicant came in and stated surveys for both the properties are too expensive. Larry Smith stated a compromise was struck where just the western portion of the property would have to be surveyed instead of the whole 70 acres. Mr. Juroe stated there was never a compromise. He indicated they questioned why they would have to survey someone else's property.

John Castellani asked if they decided to build a pole barn in 1990, and Mr. Juroe indicated last spring they did. He indicated the Building Inspector turned them down last summer. John Castellani asked if they were turned down last summer because the Building Inspector might not know the pole barn would be on their own property because there is no survey. Mr. Juroe indicated that was not raised as a problem before. Mr. Juroe stated they were willing to draw a tape location map showing the existing structures, and that was turned down. John Castellani asked if the Town knows the pole barn is going to be built on the property owned by the applicant. He commented how they would know that is a technical problem.

Mike Mazzullo stated the Building Inspector denied a building permit. He indicated there are several avenues that they can go from here. He stated primarily the Zoning Board has before it an applicant that feels aggrieved that they were improperly denied a building permit. Mike Mazzullo indicated the Town's position that was argued before the judge is that when one looks at 115.4, it indicates that no structure shall be used, no structure shall be erected and no existing structure shall be moved, altered or enlarged unless it conforms with the regulations of the district in which the site and structure or use is located.

Mike Mazzullo stated this Board hardly ever comes in contact with Section 96, which is the subdivision of land. He indicated in accordance with the Town Laws, Section 276, 277, 278 and 281, the Town Board has assigned the Planning Board the responsibility and the authority to review, approve, modify or disapprove plans for land subdivision within the Town.

Mike Mazzullo stated under Section 96.9 there is a definition of subdivision indicating a subdivision is a subdivision of a parcel of land into two or more lots, parcels or sites with or without streets or highways.

Mike Mazzullo stated one has to also look, however, to the definition of subdivision, which is also under 96.9, under the caption division. He stated that indicates a subdivision of land is not done by the sale, transfer, lease, rental or will of land. Mike Mazzullo explained if his father were to sell him a portion of the family plot and tells him he can have three acres to build a house on, that is a subdivision. He commented that triggers a new event, however.

Mike Mazzullo stated the argument could be made that the 1986 sale of a part of the land to Cephas was a subdivision. He felt what may have been misinterpreted - misunderstood is that that then is an illegal lot. He stated it is an unapproved lot. He stated there has been no approval of the subdivision in his example or in Cephas' case. He indicated no one is doing anything illegal, but there is no approved subdivision.

John Castellani asked how they would file a subdivision with the Monroe County Clerk if they did not have a map.

Mike Mazzullo stated under 92.2 are the established requirements for approval of subdivision plots including description maps, supporting materials which the Planning Board requires to carry out its responsibilities. Mike Mazzullo stated under 96.10, Article 3, it indicates whenever a subdivision of land is proposed, before any subdivision of land occurs, before any permit for erection or a permanent building and such proposed subdivision be granted, and before any subdivision plot may be filed in the office of the Monroe County Clerk's Office, the subdivider shall apply for and secure approval of such proposed subdivision in accordance with the following procedures, and then it lists the sketch plan and all that. He commented even if the Town accepts a subdivision without a map, the County won't.

Mr. Juroe stated the ordinance has to be interpreted reasonably. He further stated if a neighbor were to sell someone a 3 ft. strip of land so he/she could have enough room to build a pool, it shouldn't be considered a subdivision. He further commented in that scenario the person receiving the 3 ft. strip couldn't even build a house on it. He did not feel the subsequent buyer of the property with the additional 3 ft. should unwillingly become part of a subdivision. Mr. Juroe felt that was distortion of the definition of subdivision. He felt a subdivision should be a meaningful subdivision of two lots or parcels on which one house stands and one can be built.

Larry Smith commented that is what happened here. He stated a portion of the property was divided for the purpose of having another building lot. Mr. Juroe stated there is still only one house there from the original total parcel. Larry Smith asked what year the zoning book was that Mr. Juroe had, and Mr. Juroe indicated it was passed in 1970. He commented that particular zoning book was replaced in 1982. Larry Smith told Mr. Juroe he did not possess the Subdivision Ordinance of 1970, but he had the Zoning Ordinance. Larry Smith showed Mr. Juroe the Subdivision Ordinance.

Mike Mazzullo stated Chili's Subdivision Ordinance was adopted by resolution on September 2, 1970. He stated it has been revised since, and there are editors' notes that talk about local law ordinances changing in 1973.

John Castellani asked if what the Planning Board requires is consistent with what Monroe County requires for filing a lot that has new construction on it for tax assessment. Mike Mazzullo indicated it is. John Castellani commented that fact makes up his mind.

John Hellaby indicated he has always struggled with the Subdivision Ordinance in the case where there is a farm and a structure that has existed 100 years and some person wants to sell some acres to a friend or relative and creates an illegal subdivision if they don't go through the subdivision process. Mike Mazzullo commented if someone sells off part of their farm, they are creating a subdivision. He further commented they can sell off pieces of their farm, but they and the subsequent buyers cannot do anything to that land until the subdivision is filed legally.

Mike Mazzullo commented the difficulty that the applicant and Mr. Juroe have with this requirement to legalize the subdivision is that it is expensive and tedious. Mike Mazzullo commented it is contrary to traditional thinking to require someone to spend money to survey property in order to give a relative a building lot out of a family parcel, but he added that requirement appears to

be supported in the courts in that they say a town or municipality has a certain amount of control. Mike Mazzullo stated suggestions were made to try and alleviate some of the costs or the burden of the subdivision process, but he added at this point he remains unconvinced that Chili's statute is being applied improperly.

Dan Melville questioned why this application wouldn't be made to the Planning Board. Mike Mazzullo stated this Board is a Zoning Board of Appeals for appeals of applicants to decisions made by the Building Inspector. He stated the decision-making power on the actual subdivision itself would rest with the Planning Board.

Mr. Jurco stated the lot in question was sold off in 1974 and was an odd-shaped lot. He stated it was 250' x 192' by 223' x 105'. He stated the Town is penalizing the seller of land, and not only the seller of land, but a successor who had nothing to do with it. He questioned how the Town would be protected by penalizing the owner of the 70-acre parcel. He felt the recipient of the land should bear the subdivision expenses.

Bill Oliver commented they can only look to the gray wording of things so far. He asked if the Board were to allow someone to build without going through the subdivision process, where would that stop.

Mr. Jurco indicated his client was willing to draw a survey with the existing land and proposed building shown. He indicated then they were told they had to do a perimeter survey and make it a legal lot.

Larry Smith indicated the Subdivision Ordinance he had in his hands was from September 2 of 1970. He indicated under Chapter 96 of the Town code, the General Procedures, 96.10 was the same in Chili's existing book today as was in the 1970 Subdivision Ordinance. He indicated one ordinance preceded another, but he stated they have the same procedure for subdivisions. He read the subdivision requirements. Larry Smith indicated he denied the building permit because the Subdivision Ordinance makes reference to a building permit not being issued unless there is a legal subdivision before the erection of a permanent building on the property.

Larry Smith indicated another recourse the applicant had was to have gone to the Planning Board to achieve the subdivision. Larry Smith stated a pole barn is a permanent structure. Larry Smith felt the Town should adhere to its subdivision procedures.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Bill Steimer - 1060 Reed Road

He stated a good portion of his southern property line abuts to the Cephas property. He indicated he sent a letter to Don Faso, Chairman of the Planning Board, on October 21, 1991 stating some facts that clearly do not coincide with things that came out of a couple meetings and what was written in the Gates-Chili News.

Mr. Steimer stated right now there are standard survey ribbons on the north side of the Cephas property on the west side of Reed Road. He stated the building in dispute is not a pole barn. He stated the building was constructed before a permit was asked for. Mr. Steimer felt the Cephas Attica people are intentionally trying not to be accountable. He stated they do not have a farming operation there, and it should not be termed a farm. He stated that property was actively farmed up until the time they purchased it. He further stated because of what they have done to the property, it can no longer be an agricultural operation.

Mr. Steimer stated when the property was bought in 1986, that was part of the Monroe County Southwestern Agricultural District. He stated they cannot put in a structure within a tillable land without going back and having whatever tax advantage there was reassessed and so on. He stated the property is no longer in an ag district because it was deemed this year it did not meet the requirements.

John Castellani asked if that meant up until this point that land has received favorable tax abatement for the function of it being in an ag district, and Mr. Steimer indicated it could have received the benefit, but he indicated he did not know if they did. He stated when the first building was erected, and he

assumed without a permit because he called the Building Inspector and there was no prior notification that it was being erected, that was put in the center of the most tillable land on that property. He stated that property has not been used for agricultural purposes.

Mr. Steimer indicated the second building that was put up is not on tillable land, but it is not what one would consider a building oriented towards farming. He indicated the people of Southwestern Chili would like that made known.

Larry Smith stated the structure does not appear to be a pole type of building. However, he stated, it is a permanent structure, and a pole barn is a permanent structure. He stated the type of building really has nothing to do with this situation at hand tonight. He stated as far as the land not being used for agricultural uses, they were planting trees there. Mr. Steimer stated those trees were all planted at one time in 1989. Larry Smith stated according to the State Code, it is an active farm. Larry Smith stated Mr. Steimer's letter has been filed in the Building Department.

ANYONE IN FAVOR OR OPPOSED: No one.

The Board went over the various sections of the code relating to subdivisions in Chili.

Mike Mazzullo indicated the Board would have to make a motion to uphold the Building Inspector's decision or to not uphold his decision. John Castellani made a motion to support the decision of the Building Inspector to not issue a building permit until the property complies with the division of property consistent with Monroe County's rules, and Bill Oliver seconded the motion.

DECISION: The Chili Zoning Board of Appeals voted unanimously to uphold the decision of the Building Inspector not to issue a building permit until the property owner complies with the Code of the Town of Chili.

The following findings of fact were cited:

1. The Chili Building Inspector properly denied the building permit under Chili Code 115-4, compliance with district regulations which states, "no site or structure shall be used, no structure shall be moved, altered, or enlarged except in conformity with the regulations for the district in which the site, structure or use is located."
2. This is a division of property in that a sale and transfer of the property took place in 1986 which triggers a subdivision.
3. No request for a subdivision was ever made to the Town of Chili.
4. Since no application for subdivision or approval of a subdivision ever took place, the parcel in question is an unapproved subdivision. The provisions of Article 96 of the Chili Town Code dictates in such instances that a formal subdivision must take place regardless of cost.

The meeting ended at 10:28 p.m.

CHILI ZONING BOARD
December 17, 1991

A meeting of the Chili Zoning Board was held at the Chili Town Hall, 3235 Chili Avenue, Rochester, New York 14624 on December 17, 1991 at 7:30 p.m. Chairperson Dan Melville called the meeting to order.

PRESENT: Ron Popowich, John Hellaby, Bill Oliver, Linda Collinge, Gerry Hendrickson, John Castellani and Dan Melville.

ALSO PRESENT: Mike Mazzullo, Deputy Town Attorney; Larry Smith, Building Inspector.

Chairperson Dan Melville declared this to be a legally constituted meeting of the Chili Zoning Board. He introduced the members of the Board and the front table. He announced the fire safety exits and explained the meeting's procedures. The Pledge of Allegiance was cited.

1. Application of Perna Homes, Inc., 849 Paul Road, Rochester, New York 14624, property owner: J. Vincent & A. Saeva; for variance to allow existing house to be 33.8' from rear lot line (35' req.) at property located at 18 Mae Meadow in PRD zone.

James Valerio was present to represent the application. He indicated he was present for a variance to allow an existing house to be 33.8 ft. from the rear lot line at 18 Mae Meadow. He commented the application stated they would also be present to question an interpretation which lead to the submitted package of info to Board members.

Mr. Valerio indicated the first page of the packet shows the plot plan with front, side and rear setbacks defined by the subdivision standards. He stated the standards were set forth in a letter of approval for this development. He indicated he had a letter dated 4/28/87 from Don Faso which confirms that in summary no two 5 ft. setbacks shall abut each other, and if one is 5 ft., the other setback should be greater than 5 ft. He stated the front and rear setbacks are defined as 30 and 35 ft.

Mr. Valerio indicated the question arose from the Building Department in April of 1991. Mr. Valerio felt due to the new interpretation, he feels there has been a great deal of difficulty and a number of problems that could be resolved if the conventional setbacks were looked at as well as surveyor standards in situations like this.

Mr. Valerio stated the plot plan submitted tonight shows the setbacks meeting the requirements of 30 ft. front and 35 ft. rear, and it shows a 27 ft. side setback. He stated the instrument survey shows a 23 ft. setback to Lot 83. He stated on the building permit the front setback line is 30 ft. for this particular home at 18 Mae Meadow. He stated the rear setback is noted as 35 ft. He further indicated the building permit then says because it is a corner lot, they would have another 30 ft. side lot line setback. He stated that really is Chestnut Crescent. He stated there are two front setbacks on a corner lot. He further stated the building permit says there is a 5 ft. side setback.

Mr. Valerio questioned where their side setback is. He felt the unique question lies in the fact that there is a difference in definition of a building area. He referred the Board to the large map. He indicated the diagonal lines define the setback as interpreted by the Building Department in April of 1991. He stated the new setback interpretation would be that the front, sides and rear setbacks would be defined by a right angle to the building on the property, not to the side setback. He pointed out all of the setbacks are determined on a right angle from each corner of the building. He indicated the green area on the map refers to the building area, and he stated that is the way surveyors and engineers and architects and attorneys and everyone else in the business refers to setbacks.

Mr. Valerio stated the building area is defined by the shortest distance, right angles perpendicular from the property line, as opposed to from the building. He indicated in this case they would use 10 ft., 90 ft. and 60 ft. He indicated that would be in an R-1-30. He indicated that is not what they have here. He indicated they used that just to show the Board the building areas.

Gates-NEWS-Chili

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

Date.....12-11-91.....

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

GATES-CHILI NEWS

Issue Dated....12-11-91....

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y., Monroe Co.
My Commission Expires April 30, 19_93

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 December 17, 1991 at 7:30 p.m. to hear and consider the following applications:

1. Application of Perna Homes Inc., 849 Paul Road, Rochester, New York 14624, property owner: J. Vincent & A. Saeva; for variance to allow existing house to be 33.8' from rear lot line (35' req.) at property located at 18 Mae Meadow in PRD zone.
2. Application of Francine Beck, owner; 416 Fisher Road, Rochester, New York 14624 for conditional use permit to allow a cosmetic consulting business in home at property located at above address in R-1-12 zone.
3. Application of Carol Martin, owner; 34 Creekview Drive,

Rochester, New York 14624 for conditional use permit to allow an antique business out of home at property located at above address in R-1-15 zone.

4. Application of Robert Quick, owner; 26 Bellmawr Drive, Rochester, New York 14624 for variance to store a 25' boat in front setback area (rear yard required) at property located at above address in R-1-15 zone.

5. Application of Anthony Perrotta, owner; 1350 Buffalo Road, Rochester, New York 14624 for variance to create two lots to have a frontage of 15' each on a street (40' frontage required) at property located at 1083 Westside Drive 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.

**Daniel Melville,
Chairman
Chili Zoning Board of
Appeals
12-11**

Mr. Valerio indicated he attached a copy of the (1111 Code that defines a setback to the submitted material for the Board. He stated the code defines setback as the minimum allowable horizontal distance from a given point or line of reference, such as a street right-of-way, to the nearest vertical wall or other element of a building or structure as defined herein. Mr. Valerio stated the new criteria is not used by any other town.

Mr. Valerio read from a document entitled, "Minimum standards for residential surveys, adopted jointly by the Monroe County Board Association and the Genesee Valley Land Surveyors Association." The portion read stated, "All tie measurements shall be measured perpendicular to straight property lines and radially to curved property lines." He indicated that is the definition of minimum distance from the Monroe County Bar Association and the Genesee Valley Land Surveyors Association.

Mr. Valerio stated the minimum standard detail requirements for the American Land Title Association and the American Congress on Surveying & Mapping indicates the location of all buildings upon the plot or parcel shall be shown and their locations defined by measurements perpendicular to the boundaries. Mr. Valerio stated perpendicular means right angles to the boundaries here.

Mr. Valerio stated design professionals define building areas as bounded by minimum setbacks, front, rear and side from the lot line. He pointed out the building permit says, "from the lot line" in its description of location.

Mr. Valerio stated the Code of the City of Rochester, Chapter 115, yard requirements indicates the regulations of that chapter establish minimum front, side and rear yard requirements and setback requirements for variance uses, structures and districts. He stated the City's Code defines the front yard line as a line drawn parallel to a front lot line at a distance therefrom equal to the depth of the required front yard. He indicated the City's Code defines the rear yard line as a line drawn parallel to a rear lot line at a distance therefrom equal to the depth of the required rear yard. He indicated the City's code defines the side yard line as a line drawn parallel to a side lot line at a distance therefrom equal to the depth of the required side yard.

Mr. Valerio stated the Town of Greece's Zoning Ordinance defines setbacks as the distance from the street line to the part of the structure nearest the street line measured at right angles to the street line, not including cornices or entrance steps, but including vestibules. Further defined, whenever the street line fronts a lot on an angle or curve, the "setback" line is a continuation of the "setback" line of the adjoining lots extended to conform to the angle, or curve of the street line.

Mr. Valerio indicated they defined the building area by the parallel or angular or curved line equidistant from the street line from the setbacks, but it is a right angle from the lot line.

Mr. Valerio stated the Town of Parma's Zoning Code defines the front setback as the distance from the street line to the front wall of that part of the structure nearest the street line, measured at right angles to or radially from the street line, but not including entrance steps or porches open to light, air and visibility. He stated that code defines the rear setback as the distance from the rear lot line to the nearest part of the structure, measured at right angles to or radially from the rear lot line. He stated the code also defines the side setback as the distance from the side lot line to the nearest part of the structure, measured at right angles to or radially from the side lot line.

Mr. Valerio stated the Town of Irondequoit's Zoning Code defines setback as the least distance from the side, rear or front lot line of a lot to the side, rear or front building line or any building located or to be located thereon.

Mr. Valerio stated the least distance is the right angle from the property line. He stated this does not define the least distance. He indicated the distances are angular lines at right angles from the building corners, but they are not the shortest distances.

Mr. Valerio stated the minimum distance, even those it shows 31 ft. based on the new definition, would be 27 ft. from the front lot line. He indicated they would be 4 ft. from the side lot line and 34 ft. from the rear lot line. He commented that would become a problem because a surveyor without even being asked will show the distances the way his/her industry regulates it. He stated the very unconventional definition would create some problems for the Town.

Mr. Valerio further explained the submitted drawings. He indicated with the building area defined radially from the street there would be a 30 ft. minimum setback required under the new interpretation. He further explained the drawings.

Mr. Valerio stated the Chili Code is vague in this area of front, rear and side setbacks. He asked that the Board consider an interpretation which would not require a variance in their situation, and thereby possibly set a precedent to improve and simplify the definition.

Dan Melville stated the applicant has met the front setback of 30 ft. according to the building permit. He stated the rear setback has not been met. Dan Melville asked how big the side setback is, and Mr. Valerio indicated that is the question he is asking because they have two fronts and a rear. Dan Melville indicated he did not see any side setback on any of the maps. Mr. Valerio stated the side setback was 35 ft. as originally proposed.

Mr. Valerio stated their surveyors normally stake out the building area, and as long as the building is in the building area, it is okay. He added that does not mean they can't cockeye a building if they want. He indicated in this particular case they did that because there was a light pole that would have been close to the center of the driveway. He indicated they had the side and front and rear setbacks staked out and knew they were in the building area. He commented that is what counts here.

Dan Melville commented the applicant came in and applied for the building permit. Mr. Valerio stated they did that based on the plot plan in front of the Board. Dan Melville indicated that met the code at that time. He further stated when they angled the house a little bit, it changed their setbacks even though they were within the building area.

Mr. Valerio stated the setbacks they showed on the plot plan were 27 ft. from Lot 86, 32 ft. from Mae Meadow and Chestnut Crescent and 35 ft. from the common area in the back, which is also a setback line. Larry Smith indicated that is 37 ft. He added the drawing presented tonight is different than what they originally came in with. He indicated the drawing presented tonight is dated June 26, and the drawing that came into the Building Department was dated June 27, 1992. He indicated the second drawing shows 37 ft. and not 35 ft. Mr. Valerio indicated their surveyors have been providing the diagonal perpendicular tie. Larry Smith stated they did not build the house where they said they were going to build it. Larry Smith stated they came in for an application for a variance on a rear setback, not for an interpretation of setback.

Larry Smith stated when they went through the setback issue, the three attorneys for the Town were consulted. Larry Smith read a letter from Daniel L. Miller, Town Attorney, dated April 11. Mr. Valerio stated under the new interpretation, he could come in for a house 19 ft. from the road. He stated that is a problem for the Town of Chili. Mr. Valerio referred to their letter of intent, and he stated if the new interpretation by the Building Department is upheld, this property would have no side setback.

Mr. Valerio indicated they are asking for a variance application. He stated this is an application for an interpretation. Larry Smith indicated the application that was signed indicates they would be coming in for a variance and not in interpretation. John Castellani questioned if the Board has to hear what was not advertised. Mr. Valerio stated the new interpretation is inconsistent with known standards.

Dan Melville asked where the side setback is, and Larry Smith stated there is no side setback since there are three frontages. Mr. Valerio commented the building permit says he has a side. Larry Smith indicated they do not have a side setback the way they chose to angle the house. Dan Melville asked how much

they angled the house. Mr. Valerio indicated it would be hard for him to say except that one corner of the house ended up 23 ft. from the lot line instead of 27 ft. He indicated if the house were a wheel, they probably turned it 4 ft. closer on the radius. He commented they are still in the building area, though. It was restated they are present for the rear setback.

Dan Melville felt the interpretation was something that the Board might discuss later on. Ron Popowich asked if they were questioning the side setback here. He commented they are building the house in Chili and not in any of the towns mentioned earlier. He felt they should build within Chili's Code, and he stated he did not see a problem here.

Mr. Valerio indicated he knows of several homes in the Town that are in violation, and he stated one of them was closed and given a C of O with a permit being issued in August of 1989 signed by Mr. Smith. Larry Smith stated the new interpretation was since April of 1991. Mr. Valerio commented the rules were changed, and he stated the developer has vested rights in a subdivision. Larry Smith commented they have standardized an interpretation. He questioned how many violations of this issue Mr. Valerio knows about that were approved after April 2, 1991.

John Castellani asked if this house is up, and Mr. Valerio indicated it is, and he added they have a C of O on it. Larry Smith indicated that C of O is conditional on obtaining a variance.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Linda Collinge made a motion to declare the Board lead agency as far as SEQR, and Bill Oliver seconded the motion. The Board all voted yes in favor of the motion. Linda Collinge made a motion to determine there is no significant environmental impact associated with this application, and Bill Oliver seconded the motion. The Board all voted yes in favor of the motion.

DECISION: Unanimously approved by a vote of 7 yes with no conditions, and the following findings of fact were cited:

1. Hardship on homeowner to move the house.
 2. Corner lot makes it difficult to comply with Chili Code.
 3. Not detrimental to the neighborhood.
 4. Minimum variance needed to achieve the objective.
2. Application of Francine Beck, owner; 416 Fisher Road, Rochester, New York 14624 for conditional use permit to allow a cosmetic consulting business in home at property located at above address in R-1-12 zone.

Francine Beck was present to represent the application. She indicated she owns a cosmetic company called Visage France. She indicated her business is more than selling the cosmetics; she is a fashion consultant. She indicated she advises women how to dress, how to wear their makeup and how to buy clothes. She indicated she would like to be able to do that out of her home.

Ms. Beck indicated she would like to transform the garage into a room with private entrance so she could bring the service to her client. She indicated she had a letter all her neighbors signed indicating they had no objection. She submitted the letter to the Board. Dan Melville stated the letter was dated November 25, 1991 indicating six people on Fisher Road had no objection to the application.

Dan Melville asked how many clients would there be at any one time on the property, and Ms. Beck indicated it would be run by appointment only. She indicated she would work with one person at a time. She indicated the only time she would have two people on her property at a time would be as one was going and if one came a little early.

Dan Melville asked what the hours of operation would be, and Ms. Beck indicated she wanted to have the time open since she would be handling this by appointment only. She indicated most of her clients would be working women, and she stated

she would like to operate Tuesday through Saturday from 10 a.m. to 7 p.m. She indicated she would not be working all those hours, but that would allow her to be flexible.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

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

1. Approved for one year.
2. No more than two client cars on the property at any one time.
3. No on-street parking.
4. Hours of operation are Tuesday-Saturday, 10 a.m. to 7 p.m.
5. Minimum of 4" house numbers to be installed.

3. Application of Carol Martin, owner; 34 Creekview Drive, Rochester, New York 14624 for conditional use permit to allow an antique business out of home at property located at above address in R-1-15 zone.

Carol Martin was present to represent the application. She indicated she would like people to come to her home by appointment on Friday and Saturday. She stated they have a large driveway, and there is room for cars in the driveway. She stated there would be no street parking. She indicated they have discussed it with the neighbors, but she had nothing in writing. She stated the neighbors have no problem with this.

Ms. Martin stated they would not have any signs on the property. Dan Melville asked what hours would they plan on doing this, and Ms. Martin indicated it would be Friday evenings and probably Saturday after 10 a.m. Dan Melville indicated the application states the business would operate on Sundays, and Ms. Martin indicated her husband made out the application, and she stated she would probably not operate on Sunday. She indicated they could keep the application as is, though. Mike Mazzullo asked if the hours on Sunday from 12 noon to 8 p.m. would be the hours they would want, and Ms. Martin indicated that was fine.

John Hellaby asked what type of arrangement would be made for storage of these articles, and Ms. Martin indicated they are kept in her home. John Hellaby asked what they would do as far as advertising, and Ms. Martin indicated advertising would be limited, and she stated they might put an ad in the Sunday paper.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

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

1. Approved for one year.
2. No more than two client cars on the property at any one time.
3. No on-street parking.
4. Hours of operation are Friday-Sunday, 12 noon to 8 p.m.
5. Minimum of 4" house numbers to be installed.

4. Application of Robert Quick, owner; 26 Pellmawr Drive, Rochester, New York 14624 for variance to store a 25' boat in front setback area (rear yard required) at property located at above address in R-1-15 zone.

Robert Quick was present to represent the application. He indicated he has a 20 ft. boat and not a 25 ft. boat. Dan Melville asked how long the boat has been parked on the side of the house, and Mr. Quick indicated since he has lived

there, four years. Dan Melville asked if there have been any other complaints before, and Mr. Quick indicated there have not been any complaints. He stated they did have trouble with a trailer parked in a front driveway in their neighborhood, a 35 ft. trailer. He indicate someone complained about that, and a couple of people in the neighborhood with boats were reported.

Dan Melville asked if there is any way the boat can be stored in the rear yard, and Mr. Quick indicated it cannot because he has a fence around the house, and he has shrubbery behind that. He indicated to keep the boat in the back yard would make it impossible to get the boat out in the spring when the ground is wet. He submitted pictures of the boat.

Dan Melville read a letter addressed to the Zoning Board from Robert E. Gainsler and Debra Gainsler of 25 Bellmawr indicating their opposition to the application. Dan Melville read another letter dated December 1, 1991 from a Mr. and Mrs. Grading of 28 Bellmawr Drive indicating they did not have a problem with the application.

Mr. Quick stated all over Chili there are boats in people's front yards, not just on Bellmawr Drive. Larry Smith indicated complaints came in about the boats on Bellmawr Drive.

Ron Popowich asked if the boat could be put on the side of the garage, and Mr. Quick indicated they could not do that. Ron Popowich asked if they have looked into storing the boat any place else, and Mr. Quick indicted he would have to store it outside someplace and then it would not be protected from vandalism. He indicated he has an expensive outdrive on his boat. Mr. Quick indicated at his home he doesn't have a tarp; he has a mooring cover that he keeps clean.

John Castellani asked if the neighbor at 28 Bellmawr lives on the side where the boat is, and Mr. Quick indicated they live on the side where the boat is. John Hellaby asked if the boat is presently registered, and Mr. Quick indicated it is, and he added the trailer is registered, too. Mr. Quick indicated the other neighbors in the area do not have a problem with this; it is just a certain person.

Bill Oliver asked how far off the road does the boat sit, and Mr. Quick indicated quite a ways. He indicated the boat is probably over 50 ft. off the street. Bill Oliver disagreed, and he felt it was 20 ft. of the property line. Mr. Quick indicated he could possibly get the boat back a little further. Bill Oliver asked if they could open the fence up to the back and shove the boat in there. Mr. Quick indicated they have shrubbery along the fence.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Robert Lippen - 13 Bellmawr Drive
He asked if a boat is stored outside and the license is not renewed on the boat, is it illegal according to the Code. He commented most people in Rochester do not register their boats until it is warm out. He asked if the back of the house means the boat has to be stored there all the time, or just in the winter. Mr. Lippen indicated if he is supposed to store his boat in the back yard all year long, he would have a problem with his boat tearing up his lawn, too. Dan Melville indicated the Board would have to see that application separately. He stated the Zoning does require that the boat be stored in the rear of the property all year long. Mr. Lippen indicated he has a bay window and only sees boats now when he looks out there since people have moved their boats in their backyards after the complaints were made. Dan Melville told Mr. Lippen he has a right to apply for a variance, too.

Larry Smith commented the neighbors have a right to petition the Town Board to change the code, too.

Ed Lenhard - 11 Bellmawr Drive
He asked why the ordinance is only enforced if a neighbor complains. He added every street in Chili has boats or trailers on it. Linda Collinge stated this Board is a Board of Appeals and not a policing department. Larry Smith explained when the Building Department gets a complaint, they have to respond to the complaint. Mr. Lenhard questioned why there is an ordinance if it is not regularly enforced. Mike Mazzullo stated the Town could spend \$70,000 to \$80,000 a year on enforcement, but that is not something the Town wants to do.

Mr. Quick asked if the letter of complaint were sent by the man who complained, and Larry Smith indicated the Building Department received a letter from a gentleman who was complaining. He indicated that is why they had to send an inspector through. He indicated the notices were sent out to those that had a boat or RV in their yard.

ANYONE IN FAVOR OR OPPOSED: No one.

Linda Collinge made a motion to declare the Board lead agency in terms of SEQOR, and Ron Popowich seconded the motion. John Castellani made a motion to determine there is no significant environmental impact associated with this application, and Gerry Hendrickson seconded the motion. The Board all voted yes on both motions.

DECISION: Approved by a vote of 6 yes to 1 no with the following conditions:

1. Boat and trailer must be licensed year round.

The following findings of fact were cited:

1. Demonstrated a practical difficulty in that fencing and shrubbery makes it impossible to store boat in the rear yard.
 2. No impact on the neighborhood.
 3. No hazard to traffic or safety.
5. Application of Anthony Perrotta, owner; 1350 Buffalo Road, Rochester, New York 14624 for variance to create two lots to have a frontage of 15' each on a street (40' frontage required) at property located at 1083 Westside Drive in R-1-12 zone.

Herman Klingenberger was present to represent the application. He indicated Mr. Perrotta wants to subdivide a parcel into two lots. He indicated one lot would be approximately 3.4 acres of land, and the second lot, Lot 2, would be .78 acres of land. He indicated the access to that parcel of land is through a 60 ft. strip of land that was left aside in order to access the two lots from Westside Drive.

Mr. Klingenberger indicated in 1954 the original owner of the property subdivided off the property that front lots along Westside Drive. He stated the drawings were submitted to the Board. He restated the two 60 ft. strips were to access the rear property. Mr. Klingenberger indicated in 1963 or 1964 along came the State of New York, and they acquired a right-of-way for the I-490 road. He indicated the State took one 60 ft. strip along with the back land of the parcel, thus leaving the area as outline on the map.

Mr. Klingenberger stated the land now has a 60 ft. frontage on Westside Drive. He indicated if they were to split that up for the two lots, it would leave two 30 ft. strips of land for access to Westside Drive. He stated the Town of Chili requires a minimum of 40 ft. fronting on a dedicated street. Mr. Klingenberger indicated the reason for the 15 ft. strips of land to access to Lots 1 and 2 is that during the course of the Planning Board review and approval, the two neighbors on each side of the 60 ft. strip are now utilizing that original 60 ft. strip for access to their houses. He stated they have a mutual driveway that comes down the center of the 60 ft. strip and goes into the house. He stated the houses are more facing the 60 ft. strip.

Mr. Klingenberger explained because of their proposal to subdivide the two lots, the neighbors did not want to get involved with the maintenance nor the arguments with the two proposed lots, so they have asked that the applicant donate two 15 ft. strips of land to those houses so that they may build their own driveway out onto Westside Drive. He stated the Planning Board has directed them to meet with the neighbors and satisfy their concerns about the proposal, and he stated they have done that.

Mr. Klingenberger indicated the Planning Board has given them approval for the subdivision. He stated the owner of the 4.2 acres has got practical difficulties in that he does not have any other access into Westside Drive. He indicated that person has a hardship because of the selling off of the rear portion of land by the previous owner to the State of New York. He stated they

have been mandated by the Planning Board to satisfy the two neighbors in the subdivision by granting them an additional 15 ft. strip on each side of the 60 ft. strip to them. He stated this is in a R-1-12 zone. He stated the minimum width required is 80 ft. He stated they have Lot 1 with an approximate 300 ft. width at the setback of the proposed house, and Lot 2 is about 180 ft. wide at the setback line. He stated the minimum lot size or area of the lots in the R-1-12 zone is 12,000 sq. ft. He stated they are proposing Lot 1 to be approximately 150,000 sq. ft. He indicated Lot 2 would have 33,835 sq. ft. He indicated they are providing far more area than they have for the lots, and they are setting them back far from the other homes.

Linda Collinge questioned whose expense would be it for the new driveways for Lots 5 and 6, and Mr. Klingenberger indicated that would be between the homeowners and his client, a combination of the two. Linda Collinge asked if by moving the driveways over, can they get in and out of the driveways or in and out of the garages easily. Mr. Klingenberger indicated the new driveway would be coming into the end of the backtop aprons that they have in front of their garages now. Linda Collinge asked if the new driveways for Lots 5 and 6 are going to move over 15 ft. on that existing driveway they are using now, and Mr. Klingenberger indicated it would be approximately 15 ft. He stated one is going to be about 15 ft., and the other one is going to move over about 30 ft. because of the position of the existing storm sewer.

Bill Oliver asked if there would be a problem with emergency vehicles knowing which homes are which. Larry Smith stated according to the Town Code, they have to have the number on the side of the road. He added numbers have to be 75 ft. off the street. He added they could be put on a post or something.

John Hellaby asked if the 18-inch storm drain back there is privately owned or is there an easement for that. Mr. Klingenberger indicated the Town has asked for an easement to be conveyed to the Town for that storm sewer. He indicated they are also requesting a drainage district be established as well. John Hellaby indicated he noticed services for the sewer laterals and what not do not pertain to each individual's right-of-way to Westside Drive. He stated the one for Lot 2 is shown running out the driveway of Lot 1. He asked if each service would be within each dedicated right-of-way. Mr. Klingenberger indicated as part of the negotiation for the 15 ft. strip donation to the neighbors, as well as the financial help for providing for the new driveways, it is contingent upon them giving the applicant easements for those utilities. John Hellaby asked if this situation was felt easier than a contractual relationship between the four parties. Mr. Klingenberger indicated it was not, but he added the existing homeowners did not want to share access.

Gerry Hendrickson indicated he would rather see the one driveway for the two houses, and Mr. Klingenberger commented they have been dictated to by the Planning Board to come up with this scheme in conjunction with the neighbors.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Don Faso - 134 Hillary Drive, Chairman of the Planning Board
He indicated this has been the third go around for the application. He indicated the first one was about five years ago for a three-lot subdivision with a proposed dedicated road with a hammerhead at the end, which the Planning Board did not like. He indicated that plan was denied. He indicated several months ago the application came in with a plan for a two-lot subdivision, and the neighbors were present in force objecting to the driveway being shared. He indicated that application was tabled at the request of Mr. Klingenberger so they could find a solution to the problem. He stated the neighbors are very happy with this plan because they could have direct access onto Westside Drive. He indicated the Planning Board is satisfied with this plan. Larry Smith stated the County still has to approve the four road cuts. Don Faso stated they can't turn them down because they are allowed one cut per legal lot.

ANYONE IN FAVOR OR OPPOSED: No one.

Dan Melville indicated he received a letter from the Town of Gates indicating they had no objection to the variance. He indicated this application came back from the Monroe County Department of Planning as a local matter.

Linda Collinge made a motion to determine there is no significant environmental impact associated with this application, and Bill Oliver seconded the motion. The Board all voted yes in favor of the motion.

DECISION: Approved by a vote of 6 yes to 1 no (Linda Collinge) with no conditions, and the following findings of fact were cited:

1. Most practical way out of a difficult problem.
2. Minimum compromise required to alleviate the hardship.
3. Alleviated hardship created by New York State.

Bill Oliver made a motion to accept the minutes of 10/22/91 as corrected, and Linda Collinge seconded the motion. The meeting ended at 9:25 p.m.