

A meeting of the Town of Chili Zoning Board was held at the Chili Town Hall, 3235 Chili Avenue, Rochester, New York 14624 on January 28, 1991 at 7:30 p.m. The meeting was called to order by Chairperson Bill Oliver.

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

ALSO PRESENT: Larry Smith, Building Inspector; Richard Stowe, Attorney to the Zoning Board.

Bill Oliver declared this to be a legally constituted meeting of the Chili Zoning. He explained the meeting's procedures and introduced the Board members and front table. He indicated where the fire safety exits were. The Pledge of Allegiance was stated.

1. Application of Raymond Turner & Donald Turner, owner; c/o Gallo & Iacovangelo, 80 W. Main Street, Rochester, New York 14614 for variance to create six undersized lots averaging 4-6 acres each (20 acres req.), variance to allow lot widths averaging from 210' - 260' each (700' req.) as shown on plans, variance to allow existing house on Lot 3 to be 25' from proposed side lot line (50' req.), variance to allow existing house on Lot 6 to be 45' from side lot line (50' req.) at property located at 2495 & 2503 Scottsville Road in RA-20 & FPO zone.

Mike Ringrose was present to represent the application as attorney for the Turners. He stated the applicant is in for an area variance to allow for setting up substandard lots. He stated they want to create a family homestead. He stated the owners have children who they want to transfer lots to so they can build homes and everyone would live with a family member as a neighbor. He stated the owners each have two kids, making four homes, plus the two existing lots. He stated the Turners have owned the property since the 1940s, possibly earlier.

Mr. Ringrose indicated this is in an RA-20 zone, and the lots would be less than 20 acres. He stated the Turners did not have any other property that is conducive to a subdivision along these lines. He stated the intent is to build single family homes on these lots.

Bill Oliver questioned how breaking up this large piece of land would be accomplished. Richard Stowe stated the Zoning Board or the Planning Board has to make a review of the environmental significance of dividing the land for more dense development. He stated this application hasn't been to the Planning Board for subdivision approval.

John Hellaby commented the existing structure ends up close to the proposed lot lines. He asked if the setback from the proposed property line is going to be adequate from the existing structures. Mr. Ringrose stated Avery Engineering has prepared a sketch plan. He stated the idea is to get through this stage and then continue on with Avery in preparing a subdivision of the lots, getting the okay for the single-family residences. He stated because of the expense in putting it all together, they have started with this to get through it at a step by step procedure. John Hellaby asked if the Turner children are all presently living at home. Don Turner, also present to represent the application, indicated two live at home and two do not. Mr. Turner indicated they own a residence nearby.

John Hellaby asked if it was their intent that the parcels be given to the children in the event that they would build a home sometime in the future. Mr. Ringrose indicated the idea is to develop it specifically for the children. Linda Collinge asked if the four children are ready to build everything goes through the two boards. Mr. Don Turner indicated one child is ready to build now. He stated the children are all of age where they could, but only one is planning on it now.

John Castellani asked who would own the six lots, and Mr. Ringrose indicated the idea is to transfer title directly to the sons and daughters, and their spouses. Mr. Don Turner stated two of the children are married, and two are not. John Castellani stated whoever files the tax number will be a son or

daughter or the existing piece of property, so they are not dividing the property so that the two existing owners are going to have six parcels all in their own name, and Mr. Ringrose stated they could probably do the transfer either way. He stated they could either divide it up and then the parents would have a sale of land or transfer the title to the children; or upon filing the subdivision map, transfer it immediately. He stated the details on that really haven't been addressed, but the idea is to have title go to the children either at the subdivision time or when they are ready to move. Mr. Ringrose stated there is not going to be a transfer to third parties. He stated they are not developing it for purposes of sale or developing the land.

John Castellani asked if this were being approved, would the applicant mind a condition being put on the application that this is not to be transferred to a third party. Mr. Ringrose indicated that condition would be fine.

Dan Melville asked if only one member of the family is ready to build right now, and Mr. Ringrose indicated that is correct for the moment. Dan Melville asked what guarantee the Board has that the other lots won't be sold off in a year from now if this is approved. Mr. Ringrose stated they anticipate a lengthy process of getting everything done, and he stated they have tried to get in as quickly as they can. He stated as soon as this is approved, the other children will be able to get their plans in order.

Larry Smith stated this is sketch plan, and it is not an instrument survey. He stated the applicant is requesting side setback variances, and it probably should be tabled until a survey map has been drawn. Richard Stowe stated the application says they are here requesting a variance from the RA-20 zoning to create substandard lots. He stated the sketch plan indicates there are variances for the size of the lots and then two side setback variances for two of the lots where the existing structures are. Mr. Ringrose stated when they cut them into six parcels from the original one piece, it appears as though the two existing structures would be in violation of the 50 ft. requirement. He further stated the idea is before they spend a significant amount of money for the survey map, they thought they would go in this stage.

Larry Smith felt the application should not be heard at this time for the simple reason it should go to the Planning Board first, and upon application for a building permit is when the variance should come in to be heard. He stated the Board does not really know what the side setbacks really are at this point. Larry Smith stated nothing has been denied on this application.

John Castellani stated he wanted to make sure that the applicants are not penalized and do not have to pay for another application fee.

Don Faso, Chairman of the Planning Board, was present in the audience. He stated the protocol would be that an application be made to the Planning Board for subdivision approval. He stated the Building Inspector would then not accept the subdivision plans according to the Chili Town Code. He stated they have to be submitted per Town Code. He stated the Building Inspector would have to deny the plans due to the fact that the lots are undersized, and he stated it would be referred to the Zoning Board for creation of the undersized lots. He stated then if the Zoning Board approves it, it would come back to the Planning Board. He stated the Planning Board cannot subdivide land contrary to the zoning or contingent upon the ZBA.

John Castellani commented at the time the applicant comes to the Planning Board, they would have to have a full-scaled drawing. Larry Smith stated the subdivision map then would be the denial and then the applicant would go to the Zoning Board.

John Castellani made a motion to table the application, and Linda Collinge seconded the motion.

DECISION: Unanimously approved by a vote of 6 yes for the following reason:

1. Application to be submitted to the Chili Planning Board for subdivision approval prior to resubmitting to the Zoning Board of Appeals.
2. Application of Clinton Galbraith, owner; P.O. Box C, Scottsville, New York 14546 for variance to create two undersized lots: Lots R-4 to be 1.603 acres (20 acres req.) with a lot width of 249.61' (700' req.), Lot R-5 to be 4.851 acres (20 acres req.) with a lot width of 186.52' (700' req.) at

property located at 2262 Scottsville Road in RA-20 & FPO zone.

Daniel Schum was present to represent the application. He stated this application was reviewed by the Planning Board in December. He stated it was granted preliminary and final approval subject to a number of conditions, one of which was appearance before the Zoning Board. He stated the other conditions that the Planning Board imposed has to do with some easements for driveway and things of that nature.

Mr. Schum stated Lot R-5 contains the Wehle Homestead. He stated the home is of historical significance to the Town of Chili. He stated it has been offered for sale for sometime and is part of the Dumpling Hill Subdivision. He stated the map was filed on Liber 1, probably one of the first subdivisions in the County of Monroe. Mr. Schum stated they are just realigning the lot lines on a map that is also filed in the Clerk's Office. He stated the people sold their home in Scottsville and are eager to start restoration of this home again into a single-family home. He stated along with that is the carriage house out back of the main homestead, and the asphalt tennis court.

Mr. Schum stated Lot R-4 is under contract. He stated Lot R-5 is the remainder of the Dumpling Hill Subdivision. He stated Lot R-5 is vacant land and no structures are shown and no construction is contemplated on that land at this time. He stated the boundaries of this along the south and the east and the west are the existing boundaries of the remainder of the Dumpling Hill Subdivision.

Mr. Schum stated they are asking for a variance to allow the existing home to exist in its present location. He stated they have secured the examination of and approval by the New York State D.O.T. for the existing driveway entrance on Scottsville Road. He stated there are no other driveway entrances proposed. He stated they have reviewed the arch and radius of the entrance and feel that is adequate and that no further entrances need be available to service the site. Mr. Schum stated obviously in order to accommodate 20 acres on this site, they would have to go into substantial depth to try to accommodate 20 acres along with this homestead. Mr. Schum stated they have not had any offers for the homestead in over five years. He stated the home is falling into a state of disrepair. He stated people cannot afford to buy 20 acres of farm land and a home and maintain it in a single-family configuration.

Mr. Schum stated they have had offers and requests subject to a multi-family use, and the Galbraiths have turned them down because they do not feel the home or the neighborhood would be served better with a multi-family use of the property. Mr. Schum stated they do not feel that the granting of the variance would be a detriment to the adjoining property. He stated the adjoining property would be enhanced by allowing the property to be restored and reestablished on the tax rolls. Mr. Schum stated the Planning Board granted a negative declaration of environmental significance of this application. Mr. Schum stated the granting would allow the Galbraiths to maintain the remainder of this farm for equine use. Mr. Schum stated farmers are facing an increasing burden to try to maintain farms in their larger state. Mr. Schum stated to deny the variance would continue to create an economic hardship on the applicants. Mr. Schum indicated when they bought the farm, it was a package deal. He stated they bought the farm when the 20-acre zoning was in effect. Short of bulldozing down the house, Mr. Schum stated there is nothing they can do to solve the problem without this variance.

Bill Oliver felt this was before the Board before to break up the property. Mr. Schum explained why they had been in before. Dan Melville asked if Lot R-5 is being split off from the existing lot there now, and Mr. Schum stated the Dumpling Hill Subdivision consisted of a parcel with three houses there. He stated there is a barn, a two-story brick building and another barn. He stated the Dumpling Hill Subdivision was, in effect, a one-lot subdivision which had many houses on it and many structures on it.

Mr. Schum stated the Planning Board and the Town Building Department stated that if they are dividing one parcel up, they are actually creating two lots, and R-5 is what is left. Mr. Schum stated if at any time any construction was proposed on that, they would have to come in to get building permits, site plan review and all the other things that are required.

Dan Melville asked why they are subdividing this off. Mr. Schum stated the buyers did not want the vacant land. He stated it would not have come close to

complying with the ordinance requirements so they would need a variance anyhow. He stated the property is already fenced-off pasture land with an existing two-story brick barn on it used for the horse purposes, which the buyers really had no use for, and now the barn is falling into disrepair.

John Castellani asked if they are winding up not having any access to the roadway, an approved access. Mr. Schum stated the access is off Scottsville Road, actually on Lot R-5. He stated there is an easement for Lot R-4 to use it, and there is also a reserved right for Lot R-5 to use it, because they know that they could never get another road cut out on Scottsville Road, nor would they ever ask for one.

Richard Stowe stated one of the conditions of the Planning Board approval was Mr. Schum's submitting to him a cross easement that assured access for both lots. He stated that has been done and is approved.

John Hellaby asked if there is a reason that the easement goes down the clear length of the driveway. He asked where the driveway extends to. Mr. Schum stated Lot R-4 has the right to enter through a cross easement, and he showed where the access would be by use of the map. John Hellaby asked if there is a reason an easement is not on R-3 to R-5, or are they both the same owners so it is not necessary. Mr. Schum stated right now R-3 and R-5 are proposed in common easement. He stated if Lot R-5 were sold off, they would have the benefit of using that easement. John Hellaby asked if Lot R-5 were sold to another individual, would they have to extend the existing easement to Lot R-3. Mr. Schum indicated it would continue for Lot R-3 regardless, and Lot R-5 would have it over to an area he indicated on the map.

Richard Stowe stated the fact that the lots are in common ownership today, once the easement is created, together with the fact that the easement stays with the land regardless who owns it, means whoever ends up owning R-3 and R-5 will all be beneficiaries of the easement.

Mr. Schum stated they are going to record the easement as soon as Lot R-4 is sold. Richard Stowe commented this is an easement that does not go to the Town of Chili, and Mr. Schum agreed. Richard Stowe stated the Town does not want it. He stated, however, the Town does want to know that it has been recorded prior to the deed out to these buyers.

John Castellani asked who is mandated to maintain the easement, and Mr. Schum stated the easement provides a common obligation to maintain it, shared among Lots R-3, R-4 and R-5, and if someone owns two of the three, they have to pay two-thirds. John Hellaby asked if there is a reason for the 20 ft. easement on the dirt path. Mr. Schum stated it is an auxiliary entrance. He stated it is denominated gate. He stated there are times when access to that fenced off area would be required, and they would rather not have to go all the way out to Scottsville Road and go all the way back around to the existing brick and frame barn to get into it.

John Hellaby asked what is in store for the property as to the extent of the houses and buildings on the property. He stated the buildings exist as they are now, and he stated if someone came along and made an offer, they would go to the Planning Board and ask their advice.

Bill Oliver stated this came back from the Monroe County Department of Planning as a local matter.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

DECISION: Approved by a vote of 5 yes to 1 no (Dan Melville) with no conditions, and the following findings of fact were cited:

1. Applicant demonstrated he could not sell the property as it exists.
 2. Not detrimental to neighboring properties.
 3. Minimum variance needed to alleviate the hardship.
3. Application of Robert Rose, owner; 21 Bellmawr Drive, Rochester, New York 14624 for variance to store a recreational trailer in the side setback area

(rear yard required) at property located at above address in R-1-15 zone.

Robert Rose was present to represent the application. He indicated he wants a variance to store his recreational trailer next to his garage, which is the place he has stored it since he owned the residence for the past four years. He stated before Thanksgiving they received a letter indicating that they were in violation of the variance, and that they had to move the trailer behind the setback of the house, which they complied with.

Mr. Rose stated they have talked with their neighbors. He read two letters from his neighbors that live on either side of them. He first letter was from the residents of 23 Bellmawr Drive, Mr. and Mrs. Dale Lamon. That letter indicated they would rather see the recreational vehicle where it formerly was parked rather than in the back yard where it is more visible to them. The second letter was from the residents of 19 Bellmawr Drive, Douglas A. Rogers and Carol C. Rogers. That letter indicated they would rather see the recreational vehicle not stored in the backyard, but where it used to be stored.

Bill Oliver asked Mr. Rose if he has looked at the possibility of sheltering the vehicle somewhere else other than at this location. Mr. Rose stated to shelter it somewhere else would be a considerable cost. Mr. Rose stated the vehicle is registered up until the 31st of December 1992. He stated the inspection is good up until June of 1992. He submitted pictures to the Board of his property.

Mr. Rose stated his recreational vehicle is 21 ft. long, but there may be a possibility of his getting a larger vehicle in the future. John Castellani asked if this were approved, would the applicant have any problem with the condition that the recreational trailer must be registered and insured at all times. Mr. Rose indicated that would not be a problem.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED:

Robert Quick - 26 Bellmawr Drive

He indicated he lives across the street and two houses down, and he stated he has no objection to this variance.

Bill Oliver asked if the variance were approved, would they pave the area or stone the area where the trailer would be stored. Mr. Rose stated currently there is a hole to help stabilize the trailer on the incline. He stated there is a hard base under the trailer, and he has no plans to pave that area.

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

1. Vehicle must be licensed all year long.

The following findings of fact were cited:

1. Best location in which to store trailer.
2. No impact on neighborhood.
3. No hazard to traffic or safety.

The meeting ended at 8:45 p.m.

A meeting of the Town of Chili Zoning Board was held on February 25, 1992 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 Bill Oliver.

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

ALSO PRESENT: Larry Smith, Building Inspector; Richard Stowe, Assistant Town Counsel.

Chairperson Bill Oliver declared this to be a legally constituted meeting of the Chili Zoning Board. He explained the meeting's procedures and announced the fire safety exits. He introduced the Board and front table. The Pledge of Allegiance was cited.

John Castellani stated he did not see a sign for Application 7. None of the other Board members indicated they saw a sign. John Castellani moved to table the application until next month, and Linda Collinge seconded the motion. Bill Oliver stated that application would not be heard this evening for lack of proper posting.

1. Application of Dale Foster, owner; 124 Stover Road, Rochester, New York 14624 for conditional use permit to allow an amateur radio tower at property located at above address in R-1-15 zone.

Dale Foster was present to represent the application. He indicated he wants to erect an amateur radio tower. He stated the antenna is on the top of the house currently. He indicated he wants to take it off the top of the house. Bill Oliver asked the applicant if he is a licensed operator, and Mr. Foster indicated he and his wife are. Bill Oliver asked if the neighbors have had static, and Mr. Foster indicated he has been operating two years and has never had a complaint. Larry Smith stated he has never received a complaint.

Mr. Foster stated the State now owns the ditch on the side of his house. He indicated he talked with the State officials on Union Street and on Jefferson Road, and they have no objections to this. He submitted a letter to the Board to that effect. Larry Smith indicated he has spoke with the D.O.T. on this, Jerry Shuman, and they have no problem with this.

Bill Oliver indicated this came back from the Monroe County Department of Planning as a local matter. John Hellaby asked what the antenna in the backyard is for, and Mr. Foster indicated that is a vertical that works off the ground, a straight pole. He indicated the one on the house is a tri-man beam on a rotating tripod.

John Castellani asked if there would be any guy wires, and Mr. Foster indicated there would be none. He stated the tower would be self-supporting. He stated the tower would have a 30-inch square, 4 ft. deep concrete pad that is required. He stated the tower comes with rebar, is put together and ready to install in the concrete. He stated full extension of tower withstands winds of 120 mph. He indicated this is a crank-down tower, and when dropped down, the tower can withstand winds of 260-270 mph.

Larry Smith asked if the tower would be fastened to the garage, and Mr. Foster indicated it could be. He stated that would strengthen the tower more. He stated he wants to locate the tower on the side of the garage where the peak is. John Castellani asked the applicant if he lives on a corner, and Mr. Foster indicated he does. John Castellani asked if the tower would extend to other people's property, and Mr. Foster indicated it would not. Mr. Foster commented even fully extended, if it should fall down it will land on his property frontwards, backwards and on one side. He stated the other side, the tower would end up in a drainage ditch and at least 6 ft. away from the sidewalks going along Coldwater Road. John Castellani asked if it would extend to Coldwater Road, and Mr. Foster indicated it would not.

Larry Smith indicated he had asked the State how they would feel if the tower were to land on their property, and he stated they indicated they would not care. Dan Melville commented if they would be able to support the tower further by attaching it to the house or garage, he would recommend that.

Gates-NEWS-Chili

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

Date... 2-19-92.....

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

GATES-CHILI NEWS

Issue Dated... 2-19-92.....

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

**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 25, 1992 at 7:30 p.m. to hear and consider the following applications:

1. Application of Dale Foster, owner; 124 Stover Road, Rochester, New York 14624 for conditional use permit to allow an amateur radio tower at property located at above address in R-1-15 zone.

2. Application of Dale Foster, owner; 124 Stover Road, Rochester, New York 14624 for variance to erect an amateur radio tower to be 45' high (35' allowed) at property located at above address in R-1-15 zone.

3. Application of Donald Swarthout, owner; 37 Chestnut Ridge Road, Rochester, New York 14624 for conditional use permit to allow an office in home for a tele-marketing & tele-broadcasting business at property located at above

Drive, Churchville, New York 14428 for conditional use permit to allow an office in home for a direct mail business at property located at above address in R-1-15 zone.

5. Application of Sugarcreek Stores, c/o Rochester Sign Network, 961 Lyell Avenue, Rochester, New York 14606 for variance to erect a 7'8" x 13' double faced freestanding sign, variance to erect three canopy pictorial designs each being 3' x 2' at property located at 1133 Scottsville Road in G.I. zone.

6. Application of Edward Davis, owner; 27 Wellington Pond, Rochester, New York 14624 for variance to erect a 21' diameter above ground swimming pool to be 6' from house (10' req.) at property located at above address in R-1-15 zone.

7. Application of Sophia

Lauricella, owner; c/o Intertech Satellite Inc.; 1178 Ridge Road West, Rochester, New York 14615 for variance to erect a 9' satellite antenna to be mounted on roof at property located at 196 Hillary Drive in R-1-15 zone.

8. Application of Casa Real Estate, owner; 103 White Rabbit Trail, Rochester, New York 14612 for variance to allow existing house to be 43.78' from front lot line (45' req. in prior variance) at property located at 8 Harold Avenue in RA-20 & FPO zone.

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

William Oliver,
Chairman
Chili Zoning Board of
Appeals

ANYONE IN FAVOR OR OPPOSED:

Chuck Goodykoontz - 58 Stover Road

He asked what the tower would look like, would it be a single pole or would there be multiple seats in the ground. Mr. Foster indicated the tower would be triangular with legs roughly 13 inches apart. He indicated the tower has steel webbing that goes up to reenforce the tower. He indicated the maximum height of the tower is 37 ft., but it can be cranked down when not in use down to 20 ft. inches for the tower itself.

Bill Oliver asked if the tower is motor driven, and Mr. Foster indicated it is not; it is a manual crank. Bill Oliver asked if it works like the cables in an elevator, and Mr. Foster indicated it does. He stated one section collapses inside another. Bill Oliver asked if it is a certified tower, and Mr. Foster indicated it is. He added the company has been in business for years. He stated Larry Smith has all the blueprints of the tower.

Mr. Goodykoontz commented the variance indicates the tower would be 45 ft. tall and yet the applicant mentioned it would be 37 ft. He asked which height would the variance be for. Mr. Foster stated the tower is 37 ft., and with the antenna, it will be a maximum of 45 ft. tall.

John Hellaby asked if the tower could be cranked up and down after each use. Mr. Foster indicated he uses it often, so he would probably leave it up. He stated if there were a wind storm or he were to be away on vacation, he would crank it down.

Mr. Goodykoontz indicated he is opposed to this. He stated the rules were put in place for a reason. He commented if the applicant gets signatures from the neighborhood and the majority is in favor, he would accept that decision. He stated the tower is detracting to the neighborhood. He stated it will have a negative impact on the resale value of homes because it is the first thing seen as one enters the Spring Valley Subdivision.

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

1. Permit granted for one tower.
2. Permit granted for one year.
3. Attach anchor cable from house to tower.
4. Building Inspector to inspect construction.

The following findings of fact were cited:

1. Not detrimental to neighborhood.
 2. Best location of tower on property for neighborhood.
2. Application of Dale Foster, owner; 124 Stover Road, Rochester, New York 14624 for variance to erect an amateur radio tower to be 45' high (35' allowed) at property located at above address in R-1-15 zone.

Dale Foster was present to represent the application. He indicated the tower itself from the ground to the top of the tower is 37 ft. He stated that is the smallest tower they manufacture in the crank-down style towers. He stated the extra footage is allowed for the mast coming out of the top of the tower and the antenna going on top of it. He stated the antenna actually is going out to 41 ft. 6 inches, but he wasn't sure what mast he was going to use when he filled out the application. He stated there may be a slight variation when he tunes it.

Mr. Foster stated the reason he picked the location he did is that it will be somewhat hidden. He stated instead of the tower being in the middle of the backyard, it will be almost on top of the garage roof, so it will blend in with the house. Bill Oliver asked if any lubrication is necessary for the crank-down aspect of the tower, and Mr. Foster indicated the tower is a cable and pulley system. Mr. Foster explained right down at ground level it acts like a crank pulling a boat out of the water. He stated there are safety locks so the tower

cannot drop on its own. Mr. Foster stated the company states the tower never has to be lubricated or maintained per se. He stated friends of his has had them for 12 years and never had a problem with them.

John Castellani asked how high the current antenna is on the house. Mr. Foster indicated at the peak and then adding the tripod, right now it is about 27 ft. from the ground to where the antenna is mounted now. He stated he would be picking up another 12 to 15 ft. total. He stated he wanted a larger tower but realized in reference to it falling over, it could get closer to a property line, so that is why he went with the smaller tower.

John Hellaby asked if the additional 15 ft. really makes a difference. Mr. Foster indicated it can make a great deal of difference in communications. He stated the antenna is based out on what they call wave lengths and the stuff between the ground and the antenna. He stated the difference of 6 inches can make a great difference. He stated that is why the manufacturer of the tower has picked the heights of 37 and 52 ft. because those are the ranges that more or less would fall into tune for this type of antenna.

Richard Stowe questioned what variance for the height is really needed. Mr. Foster stated when he applied for this, he was not sure how high a mast he wanted to put on it and the combination of the antenna with it. He stated there were two or three brands he was looking at, and one was a foot longer. He indicated when he applied, he took the worse case for the variance. He indicated he has now decided he wants a smaller tower. Richard Stowe stated one of the tests for this Board is to try to minimize the nature and extent of the variance to the greatest possible degree. He indicated the Board needs to know what the actual height is going to be. He indicated the Board would have to see if it wants to modify the request and minimize it to the 42 ft. level mentioned instead of the 45 ft. level now that the applicant doesn't need it. He asked if that would create a problem for the applicant, and Mr. Foster indicated it would not.

Mr. Foster asked what would happen if in three or four years he wanted to change the antenna. Richard Stowe stated if the Board grants a variance for 42 ft., and the applicant buys something for 45 ft., a new variance would have to be granted.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED:

Chuck Goodykoontz - Stover Road

He stated the tower is going to extend a foot above the peak of the house. He felt that was too high. Dan Melville commented 35 ft. is allowed, and Mr. Goodykoontz felt that was too high, too. Mr. Goodykoontz indicated there would be less resistance to this tower if it were not visible by being located in the side yard.

Dan Melville asked why the particular location in question was chosen, and Mr. Foster indicated he picked that spot so he could structure it into the side of the garage for extra support. He indicated he could run the wires through the garage and down the house rather than getting them in through windows. He commented the tower will blend in with the side of the garage. He indicated when he cranks down the tower, it will be almost sitting on top of the garage, where if he were to put it in the middle of the yard, it would stick out more.

Mr. Goodykoontz asked what the height of the peak of the garage is, and Mr. Foster indicated right now it is about 18 1/2 ft. Mr. Goodykoontz asked what the peak of the house is, and Dan Melville indicated it is 27 ft. Mr. Goodykoontz stated if the applicant were to put the tower at the back of the house and attach the additional support to the back of the house, then it would blend in better with the back of the house because the peak there is 27 ft.

Mr. Foster indicated if the tower were located at the back of the house, he would not be able to crank the tower down because it has to have clearance for the antenna to come down.

John Castellani asked Mr. Foster if he would be opposed if the Board changed his request from 45 ft. to 42 ft., and Mr. Foster indicated he would not be opposed to that. Mr. Goodykoontz indicated he would still be opposed to the tower.

Bill Oliver asked if the applicant were to get this tower, would he register the tower with the Town of Chili in case of an emergency so that the Town could use the tower, and Mr. Foster indicated he would do that. Mr. Foster stated at the moment he also has emergency generators if something came up. John Castellani stated that would not be considered as a condition of the application.

John Castellani made a motion to decrease the height of the variance from 45 ft. to 42 ft., and Linda Collinge seconded the motion. The vote on the motion was 4 yes to 1 no (Dan Melville voted no.).

John Castellani made a motion to determine the Board lead agency and to find no significant environmental impact, and Linda Collinge seconded the motion. The Board all voted yes on the motion.

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

1. Tower to be 42' high instead of 45' high.

The following findings of fact were cited:

1. Minimum variance to alleviate the hardship.
2. Addressed health and safety of neighborhood in case of tower failure.
3. Application of Donald Swarthout, owner; 37 Chestnut Ridge Road, Rochester, New York 14624 for conditional use permit to allow an office in home for a tele-marketing & tele-broadcasting business at property located at above address in R-1-12 zone.

Donald Swarthout was present to represent the application. Bill Oliver asked how long has the business been operating, and Mr. Swarthout indicated he has not really done anything with it yet. He indicated he has just bought the equipment. Bill Oliver indicated this application came back from the Monroe County Department of Planning as a local matter.

Bill Oliver asked how many people would be employed with the business, and Mr. Swarthout indicated it would just be himself for now. He indicated his wife would be working with him. Bill Oliver asked if they have any advertising right now on the house, and Mr. Swarthout indicated they just have the sign they had to put up to advertise the hearing.

John Castellani asked what the nature of the business is, and does it require people to come to the house. Mr. Swarthout indicated it does not require people to come to the house. He added his neighbor on his street has no objections to this. John Castellani asked if there is a need to advertise for this business, and Mr. Swarthout did not feel there is a need for that. Mr. Swarthout indicated he would have no outside evidence that he is operating a business out of his home.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED:

Mrs. Swarthout, the applicant's wife, indicated she was in favor of the application.

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

1. No on-site advertising.
2. Large house numbers be installed (min. 4 1/2") on house.
3. No on-street parking for customers.
4. Permit granted for a period of one year.

The following findings of fact were cited:

1. Will not affect neighborhood.

2. Will not affect traffic.
3. Minimum variance which would alleviate the hardship.
4. Application of Douglas Rufalo, owner; 2 Rochelle Drive, Churchville, New York 14428 for conditional use permit to allow an office in home for a direct mail business at property located at above address in R-1-15 zone.

Douglas Rufalo was present to represent the application. Bill Oliver asked how long has the applicant been in the direct mail business, and Mr. Rufalo indicated he has been waiting for this meeting to start the business. Bill Oliver asked if extra telephone lines are needed for this business, and Mr. Rufalo the business does not involve the phone. He indicated he will be doing strictly advertising in magazines and using a post office box to mail things in and out. Bill Oliver asked if people would be coming over associated to the business, and Mr. Rufalo indicated no public will be coming to his home.

John Hellaby asked for more clarification on what was meant by magazines and the information that would be sold. Mr. Rufalo indicated he would be selling how to information, where to information, different types of information, et cetera.

Linda Collinge asked if there would be any customers coming to the house, and Mr. Rufalo indicated there would not be any customers at the house. John Castellani asked if there would be outside employees, and Mr. Rufalo indicated it would just be him and his wife.

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. No on-site advertising.
2. Large house numbers be installed (min. 4 1/2") on house.
3. No on-street parking for customers.
4. Permit granted for a period of one year.

The following findings of fact were cited:

1. Will not affect the neighborhood.
2. Will not affect traffic.
3. Minimum variance which would alleviate the hardship.
5. Application of Sugarcreek Stores, c/o Rochester Sign Network, 961 Lyell Avenue, Rochester, New York 14606 for variance to erect a 7'8" x 13' double-faced freestanding sign, variance to erect three canopy pictorial designs each being 3' x 2' at property located at 1133 Scottsville Road in G.I. zone.

Bill Oliver read a letter from the Monroe County Department of Planning indicating this is a matter for local determination. Jim Columbo with Rochester Sign Network was present to represent the application. He indicated they are asking to change the gas affiliate only. He indicated they are changing from Shell to Sunoco. He indicated they will be not adding any signage to the property, and will, in fact, be deleting some square footage of the signs that exist.

Mr. Columbo indicated the existing pylon signs will be changed from Shell to Sunoco. He indicated the existing canopy signage would be changed from the Shell logo and Shell individual letters to just the Sunoco diamond logos. He indicated there will not be any individual letters on the canopy. He indicated that is where the deletion in signage would be.

Dan Melville asked if they have a total on the net reduction in signage, and Mr. Columbo indicated he did not have that. Mr. Columbo thought the existing letters are 12-inch letters, and he stated there are two sets of those for the

word Shell. Mr. Columbo indicated on the sign boxes, they will just remove the existing signage and put the exact same sized signs with the different name on them back in place.

John Castellani asked, in light of the County Comments, would the applicant's client be prepared if the Board were to grant this variance to declare this signage temporary and that they would have to take the sign down should the study mentioned by the County prove that was needed. Mr. Columbo indicated that would not be a problem. He indicated that was agreed upon before the store was erected.

Larry Smith asked if the pumps and everything will be changed at the store, and Mr. Columbo indicated they were changed already. Larry Smith asked if the Fire Marshal knows about that, and Mr. Columbo did not know.

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 recommendation:

1. Sugarcreek Stores should consider a request from Monroe County Planning to use a temporary sign until the County comes up with a theme for an airport related sign.

The following findings of fact were cited:

1. Minimum variance which would alleviate the hardship.
2. There will be a reduction in signage.

Bill Oliver made a motion to determine the Board lead agency on Application 5, and found there to be no significant environmental impact, and Linda Collinge seconded the motion. The Board was all in favor of the motion.

6. Application of Edward Davis, owner; 27 Wellington Pond, Rochester, New York 14624 for variance to erect a 21' diameter above-ground swimming pool to be 6' from house (10' req.) at property located at above address in R-1-15 zone.

Edward Davis was present to represent the application. Bill Oliver commented there is not much of a backyard at this property to put any kind of a pool. He felt it would be kind of tight for a pool. He asked the applicant why he choose a 21 ft. pool. He asked what size the property is. Mr. Davis indicated his property is about 75' x 150' or 120'. Mr. Davis stated there is no entrance to the inside house from the backyard.

Mr. Davis stated the pool would be in the back around the corner from the side entrance. Bill Oliver commented he did not see pools in the neighboring yards, and Linda Collinge indicated she saw pools in the neighborhood.

John Hellaby asked if there was a regulation regarding a pool being 10 ft. from a structure with regards to hydraulic pressure on foundation walls. Larry Smith stated a lot of that would depend on how the property is graded. He indicated he would not have much of a concern if there was a good grade away from the house. John Hellaby asked if this were granted, would Larry Smith take it upon himself to see that the property is properly graded. Larry Smith stated he would have to inspect it.

John Castellani asked if the pool would be coming off a berm, and Mr. Davis indicated he has measured a drop of about 16 inches over the 21 ft. from 6 ft. away from the house. He indicated there is a 16-inch drop away from the house. Bill Oliver commented he understood there was an easement for drainage on the property, and Mr. Davis indicated there is.

Linda Collinge commented a 21 ft. size pool is not that big. She asked if they looked into having a larger oval-shaped pool or oblong pool. Mr. Davis stated there is an 18 ft. oval, but that still would not fit into his yard. He commented the oval pools cost more, too.

John Castellani asked the applicant if he has contacted the Neighborhood

Association about this, and Mr. Davis indicated he has not. John Castellani indicated he would suggest he do that.

Bill Oliver asked if the electric service is supplied from underground or over the top. Mr. Davis indicated it is underground.

Larry Smith asked if there would be any decking connecting the pool to the house, and Mr. Davis indicated he has not decided that yet. Larry Smith stated that would not be permitted unless there are peculiar requirements from the State code that are met. Richard Stowe commented, however, the applicant does not have openings from the house in regards to the State Code requirements.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver made a motion to determine the Board lead agency and found there to be no significant environmental impact, and Linda Collinge seconded the motion. The Board all voted yes on the motion.

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

1. Minimum variance which would alleviate the hardship.
2. Not materially detrimental to property in zone or vicinity.
3. Lot is small.
7. Application of Sophia Lauricella, owner; c/o Intertech Satellite Inc.; 1178 Ridge Road West, Rochester, New York 14615 for variance to erect a 9' satellite antenna to be mounted on roof at property located at 196 Hillary Drive in R-1-15 zone.

DECISION: Unanimously tabled by a vote of 5 yes for the following reason:

1. Sign was not displayed on property advertising the variance.
8. Application of Casa Real Estate, owner; 103 White Rabbit Trail, Rochester, New York 14612 for variance to allow existing house to be 43.78' from front lot line (45' req. in prior variance) at property located at 8 Harold Avenue in RA-20 & FP zone.

David Geil was present to represent the application. Bill Oliver asked if this is an older home, and Mr. Geil indicated it is a new home. Mr. Geil indicated he was representing the builder who could not make it tonight. He stated the plans were drawn up to be done as accurate measurements, and there was no leeway allowed. He stated this was an honest mistake.

Larry Smith stated they came in and received a variance. He explained when they put the house on the lot, they asked for exactly what they were going to need taking the front yard, the house and the backyard instead of giving themselves leeway a couple feet around the house. He stated when they came in for a C of O, the house was 8 or 9 inches too close to the road according to the original variance.

John Castellani asked if this Board granted the first variance, and Larry Smith indicated it did. John Castellani asked if there were any additions put on the front of the house that caused this mistake, and Larry Smith indicated there were no additions.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver made a motion to determine the Board lead agency and found there to be no significant environmental impact, and Linda Collinge seconded the motion. Everyone was in favor of the motion.

DECISION: Unanimously tabled by a vote of 5 yes with no conditions.

Linda Collinge made a motion to accept the 11/26/91 Zoning Board minutes as is, and Dan Melville seconded the motion. Everyone was in favor of the motion. The Board decided to hold the rest of the unapproved minutes over until the next meeting for approval since the Board members did not have access to obtain the minutes.

The meeting ended at 9:18 p.m.

CHILI ZONING BOARD
March 24, 1992

A meeting of the Chili Zoning Board was held at the Chili Town Hall, 3235 Chili Avenue, Rochester, New York 14624 on March 24, 1992, at 7:30 p.m. William Oliver called the meeting to order.

PRESENT: Dan Melville, Gerald Hendrickson, John Hellaby, William Oliver, John Castellani, Linda Collinge, Ronald Popowich

ALSO PRESENT: Richard Stowe, Legal Advisor; Larry Smith, Building Inspector

William Oliver 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 Sophia Lauricella, owner; c/o Intertech Satellite Inc., 1178 Ridge Road West, Rochester, New York 14615; for variance to erect a 9' satellite antenna to be mounted on roof at property located at 196 Hillary Drive in R-1-15 zone. Don Feeling was present to represent the application.

Owner lives at 196 Hillary Drive. He stated that his son, Patrick, is a volunteer fireman and that the satellite was installed specifically to get in the fire emergency channel.

Bill Oliver said that it is his understanding that the satellite was already installed. Joseph stated that at the time his son purchased this dish, he was in the hospital. Mr. Oliver asked him how high this was above his house: He stated he had no idea, from the back side of garage you can only see about 5 feet of the dish.

Mr. Popowich asked what this dish was being used for. He was told a fire emergency station, that this is part of his son's training, his son wants to look at different things. Mr. Popowich inquired as to whether this picked up all TV stations, and was told, "Yes."

Don Feeling, a representative for Intertech Satellite Inc., stated, in answer to Mr. Popowich's inquiry, that the satellite dish was installed to get a clear signal, to trees, buildings, that this was the only place the dish could be located on the property. That it could not be set up on the ground, and that this antenna does not interfere with any other antenna's reception.

John Hellaby asked if the antenna could be located any other place on the property without interference, and Mr. Feeling said no. Mr. Hellaby asked if they had a letter from an engineer to verify this with a structural engineer's statement. Mr. Feeling said yes.

Gerald Hendrickson asked what information the fire network provided. He was told that the channel is FETN, (Fire and Emergency TV Network).

Larry Smith, the Building Inspector, asked the applicant to submit documentation from an instructional engineer and recommendations on installation by the manufacturer. Mr. Feeling said that there had been a mixup with the Buffalo office, they thought the documentation was in order, and this antenna was installed on January 24, 1992.

Mr. Richard Stowe inquired how high this antenna was off the ground, and was told that it was under Chili's limit. Mr. Stowe said that the limit is 15'. Mr. Stowe stated that the applicant originally applied for variance under Section 85-3.

Gates-NEWS-Chili

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

Date.....*March 18, 1992*

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

GATES-CHILI NEWS

Issue Dated.....*3-18-92*

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 March 24, 1992 at 7:30 p.m. to hear and consider the following applications:

1. Application of Sophia Lauricella, owner; c/o Intertech Satellite Inc., 1178 Ridge Road West, Rochester, New York 14615; for variance to erect a 9' satellite antenna to be mounted on roof at

property located at 196 Hillary Drive in R-1-15 zone.

2. Application of Kevin McMullen, 354 River Meadow Drive, Rochester, New York 14623, property owner; F. Sand; for variance to create an undersized lot to be 5 acres (20 acres req.), variance to allow a lot width of 300' (700' req.) at property located at 3948 Union Street in PRD zone.

3. Application of Harts Meadow Development Corp., owner; 2410 Ridge Road West, Rochester, New York 14626 for variance to erect a 5' x 4' double faced freestanding sign, variance to erect a 10' x 9 1/2' double faced freestanding sign, variance to erect a 4' x 7' freestanding tenant directory sign, variance to erect an additional five wall signs on Bldg. A and three additional wall signs on Bldg. B, for a total square footage of sign area to be 454 sq. ft. at property located at 4201 Buffalo Road in N.B. zone.

4. Application of Arthur Montgomery, owner; 398 Chestnut Ridge Road, Rochester, New York 14624 for variance to erect a 30' x 30' two story storage building to be 1,800 sq. ft. (160 sq. ft. allowed) at property located at above address in R-1-20 zone.

5. Application of Frederick Spooner, owner; 2 Freedom Pond Lane, North Chili, New York 14514 for variance to erect a 10' x 12' deck to be 22' from rear lot line (25' req.) at property located at above address in P.U.D. zone.

6. Application of Virginia Fischer, owner; 40 Weatherwood Lane, 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.

7. Application of Daniel Boon, owner; 20 Berna Lane, Rochester, New York 14624 for variance to erect a 10' x 12' enclosed porch to be 55' from rear

lot line (90' req.) at property located at above address in R-1-20 zone.

8. Application of Lyell Metal Co. Inc., 1515 Scottsville Road, Rochester, New York 14623, property owner; Gribbon, Nealy, & Bucci; for variance to allow two uses on property (Armored Motor Services in front, scrap metal yard with truck trailer storage in rear) at property located at 1525 Scottsville Road in G.I. zone.

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

**William Oliver,
Chairman
Chili Zoning Board of**

Appeals

3-18

John Castellani stated that the Board should have the drawings and specs.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED:

Mr. Frank Pulse from 198 Hillary Drive, stated he had no objections, but wondered how high this antenna was on the roof, stating that the antenna is a bit unsightly, and suggested that the antenna be put in the back yard like any other satellite dish.

John Castellani moved to table this application, and Linda Collinge seconded it. All the Board members were in favor. Mr. Hellaby asked the applicant if a month would be enough time, and the answer was yes.

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

1. The Board needs more direct information on construction and overall height of antenna on roof.
2. Application of Kevin McMullen, 354 River Meadow Drive, Rochester, New York 14623, property owner: F. Sand; for variance to create an undersized lot to be 5 acres (20 acres req.), variance to allow a lot width of 300' (700' required) at property located at 3948 Union Street in PRD zone.

Jim Lagawsky represented the applicant. He stated that applicant wanted a parcel of land to be created of lot width of 300' at 3948 Union Street.

Ronald Popowich asked how deep this parcel would be? Mr. Lagawsky stated 230 feet set back, 300 feet frontage rather than 700. Mr. Oliver stated that Monroe County Planning Department said this was a local matter. Mr. Oliver stated that he understood this to be part wetland. Mr. Lagawsky said, yes, in the southeast corner. There was some discussion as to CCC request with regard to this.

Mr. Popowich asked what the reason was that the owner couldn't sell this as 20 acres. He was told that financially the cost would be too prohibitive, so they went with 5 acres. Mr. Castellani asked if the potential purchasers were any relations to the owners. Mr. Lagawsky said he didn't believe so. Mr. Castellani asked how this size lot fit in with the neighboring properties. Mr. Lagawsky said that west of the property there was no development, none south. Mr. Castellani asked about the acreage of the lot next to this, and was told it was over an acre. He asked who owned the property to the west. Mr. Lagawsky said that F. Sand did, that he owned 262 acres.

John Hellaby asked how this application was different than the one dated March 24th. Mr. Lagawsky stated that that application was for a little over 2 acres, and that they have increased this to over 5 acres.

Mr. Hendrickson asked if this lot goes back to the creek. Mr. Lagawsky said no, it would go into the wetlands, but not into the creek itself. Gerald Hendrickson asked if they had approached the Town Board into rezoning this. He was told no. Mr. Popowich asked if the property was listed for sale. He was told it was for sale, but as 20 acre parcels.

Mr. Stowe stated that the Planning Board approved this with 5 conditions, one being that the Zoning Board approved the lot size. Two separate applications were before the Planning Board.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

DECISION: Application denied by a vote of 5 no and 2 yes, Gerald Hendrickson and John Castellani voting YES for the following reason:

1. No hardship to applicant and the owner of land did not show any hardship to himself.
2. This is not consistent with the Master Plan.
3. Application of Harts Meadow Development Corp., owner: 2410 Ridge Road West, Rochester, New York 14626, for variance to erect a 5' x 4' double-faced freestanding sign, variance to erect a 10' x 9 1/2' double-faced freestanding sign, variance to erect a 4' x 7' freestanding tenant directory sign, variance to erect an additional five wall signs on Building A and three additional wall signs on Building B, for a total square footage of sign area to be 454 square feet at property located at 4201 Buffalo Road in N.B. zone.

Alan Burr was present representing Harts Meadow Development Corporation. Mr. Burr said that one of the signs was for the Monroe County Sheriff Sub-station sign. This sign would be double-faced. These signs would be for a total of three buildings. Building A is 8,000 sq. feet, the Sheriff occupies 4,200 sq. feet. The sign would be 5' wide, 4' high, extending 9' above grade level.

Mr. Oliver asked if the sign would be illuminated. He was told self-illuminated. Mr. Burr said that the second sign would be for the business park. Three buildings, 2,400 sq. feet, zoned office and business, that they were requesting permission to erect double-faced, illuminated signage either on complex or business park, GE powered, total height 16'9" above grade level.

John Castellani asked if this sign would be of tenant directory. Mr. Burr said business park directory, 4'6" across, 5'8" high with poles 10'8" above grade level. Signage proposed for entranceway, facing east and west.

Mr. Oliver said that there is a practical difficulty in that the 3 buildings of this complex face off of Buffalo Road into a parking lot. The back of the buildings face into parking lot. The drawings submitted shows signs on both front, back and sides of the building. Mr. Oliver inquired about the free standing sign and signage for Sheriff's building. Mr. Burr said that they would settle for freestanding, if they were over the square footage they would ask for signs at the ends of the buildings.

John Hellaby asked if the wall mounted sign would be illuminated. Mr. Burr said yes, there was no front lighting.

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

Mr. Stowe inquired as to whom would be responsible for the maintenance of the signs. Mr. Burr said the owners, Fallone Homes.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

Mr. Oliver stated that Monroe County Department of Planning stated that this is a local matter.

DECISION: Variances #1-3 were unanimously approved with a vote of 7 yes with no conditions.

Variance #4 was denied with a vote of 6 no Daniel Melville voting yes with no conditions.

4. Application of Arthur Montgomery, owner; 398 Chestnut Ridge Road, Rochester, New York 14624 for variance to erect a 30' x 30' two-story storage building to be 1,800 sq. feet (160 sq. feet allowed) at property located at above address in R-1-20 zone.

Mr. Oliver read into the minutes a letter from Jim and Barbara Wait, and a letter from Sharon and Alan Jemison, who oppose the construction of this storage building as a two-story building.

Daniel Shaw appeared in behalf of Mr. and Mrs. Montgomery. He stated that the applicants wanted to construct a second garage where they were going to store a pop-up camper, lawn and garden tractor, boat, car, and other items.

The Montgomerys just recently bought this property, and need the storage area to put their things under cover. Mr. Shaw felt that this clearly would not be a shed, that there is an existing garage. Under Chili's existing code, this should not exceed 900 square feet. They have a two-car garage attached to house, which is 528 sq. feet. The Montgomery's wish to make this application to add another 420 square feet. That they would like to offer an amendment that the structure would be one story instead of two, and that the storage building would then be 900 sq. feet, 30 x 31 one-story structure with a pitch on the roof, and will be in keeping with the neighborhood.

Mr. and Mrs. Montgomery's prior home was taken by New York State because Route 530 will be going in where the home was (560 Washington Street). Thus, they need storage space for their equipment, etc. They own three vehicles. Mr. Shaw said that there is a minimum of 145 ft. between rear of proposed structure and rear property line, that there is a substantial rear setback. Mr. Shaw submitted pictures to the Board showing a natural buffer of shrubs which forms barrier between the two properties. He said that the west boundary has pine trees between 30-40 feet along the line of the property. Mr. Shaw then submitted a petition to the Board by 16 home owners stating that they were not opposed to this structure being built.

Mr. Shaw concluded that the Montgomery's found themselves in a position with no place to put their things. They are outside now. That the structure is clearly not intended for any other use other than for storage. That his clients have advised him that there is currently water and electricity service to the area. That they could construct an addition to the garage but that they would still have to store outside, and this would be a deterrent to the neighborhood. He said that the structure would be of the same materials as the present garage, would be pull, barn type construction.

Mr. Hellaby asked how high this storage would be. Mr. Shaw said the same height as the existing garage. Mr. Hellaby inquired as to the foundation. He was told poured concrete.

Mr. Oliver read a petition into the record signed by 18 home owners who had no objection to this structure being built. He said the building does meet all setback requirements by deleting the second floor. Mr. Oliver said they must comply with all building codes.

Dan Melville stated for the record that the building now would be 900 sq. feet, 30 x 30' one-story. Larry Stowe said that an accessory structure can be 120 sq. ft. maximum. Mr. Melville wondered the size of the existing garage, and was told 22' x 24', and that they needed 3 1/2 to 4 more bays. Mr. Melville inquired as to the possibility of outside storage, the driveway, entrances--Mr. Montgomery stated that they drive all 3 vehicles, that there was no other entrance.

Gerald Hendrickson asked since they eliminated the second story about the roof. He was told a cable-style roof, 180 degrees to existing garage, may run side-to-side.

Mr. Hellaby inquired as to the present storage. Two vehicles are in the garage now, and all the other equipment is outside. They have found themselves in a position of having no place to put anything. Mr. Hellaby asked if the overhead door in the corner of the structure would be adequate. Mr. Shaw said yes. Mr. Art Montgomery stated that their vehicles are moved daily and that all his equipment is now stored some place else. He was asked how large the pop up camper, boat, etc. was--Mr. Montgomery said the camper is 4' high, the boat is 22'. Mr. Montgomery said his lot is a double lot. Mr. Stowe said the ordinance allows up to 900' of garage space. Larry Smith said that an accessory building can be 160 sq. ft. Mr. Stowe said the ordinance allows 900 sq. ft. attached or detached. If you store a car in a building then it makes it a

garage. Mr. Stowe said that he felt that it would be a detriment to the neighborhood to store this in the open and to allow this to happen when they were asking for a variance. They had owned this at another site where they were extricated from.

Mr. Oliver voiced his concern that this structure could be transferred into a business. Mr. Popowich inquired as to the construction of this structure. He was informed that siding would be compatible with the house, that they would try to match the same color.

Monroe County Development and Planning Board said that this is a local matter.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Mr. Don Hayes of 395 Chestnut Ridge Road, said he had no problems. Mr. Don Stark of 400 Chestnut Ridge Road asked about size, height--he was told 30 x 30' structure, 15' high, (15'6" to the top of the ridge point).

ANYONE IN FAVOR OR OPPOSED:

Mr. Robert Clark, 392 Chestnut Ridge Road, and a resident of 980 Paul Road, both had no objection.

DECISION: The application was approved as amended by a vote of 5 yes and 2 no. Daniel Melville and Ron Popowich voted no. The findings of fact were: 1. Showed practical difficulty. 2. Minimum variance to alleviate the hardship. 3. Not detrimental to the neighborhood. The application was granted upon the following conditions:

1. Not to be used for commercial use.
2. Height of building not to exceed 15'.

5. Application of Frederick Spooner, owner; 2 Freedom Pond Lane, North Chili, New York 14514, for variance to erect a 10' x 12' deck to be 22' from rear lot line (25' req.) at property located at above address in P.U.D. zone.

Mr. Frederick Spooner was present to represent the application. He stated that the deck would be on the south side rear of the home, and would be 10' x 12'.

Mr. Oliver asked if the deck would be erected of pressure treated lumber. He was told, yes. Mr. Oliver inquired as to whom would construct this deck. Mr. Spooner stated the same contractor that had erected similar decks in the neighborhood. Mr. Oliver read into the record a letter from the neighbors, with 10-12 signatures stating they had no problem with the building of this deck.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

DECISION: Unanimously granted by a vote of 7 yes with no conditions. The following findings of fact was cited. 1. Minimum variance which would alleviate the hardship.

6. Application of Virginia Fischer, owner; 40 Weatherwood Lane, 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.

Virginia Fischer, owner, and John Reed (husband to-be) were present to represent themselves. John Reed stated that they had a phone balloon business, his whole day is spent in vehicle, the phone calls will call forward. Someone calls and places an order. 90 percent of the time calls go to portable phone. Balloons are picked up elsewhere and delivered.

William Oliver asked about advertising on mailbox, etc. John Reed stated that all they had were two cellular phones in two cars.

Mr. John Hellaby asked about storage of helium. Mr. Reed said none. Most of their business is to other businesses, 75-80 percent goes to wholesalers. John Hellaby asked about the actual delivery of the balloons, and was told that the wholesaler is located in Henrietta, no one comes to their home. Mr. Hellaby asked if they minded if the Board put restrictions on this permit, and was told, no. Mr. Melville asked about other employees, and was told there were none.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED:

Dave Figeralli, of 37 Weatherwood Lane, stated he had no problem with this, as did the owner of 7 Stone Barn, and Laurie Coperalli, of 21 Stone Barn.

DECISION: Unanimously granted by a vote of 7 yes with the following findings of fact: 1. Minimum variance to alleviate the hardship. 2. Customary home office application. The following conditions shall apply:

1. Granted for a period of one year.
 2. No advertising on home premises.
 3. No customer parking on street.
 4. Large house numbers (min. 4 1/2") be installed per Chilli Code.
7. Application of Daniel Boon, owner; 20 Berna Lane, Rochester, New York 14624 for variance to erect a 10' x 12' enclosed porch to be 55' from rear lot line (90' required) at property located at above address in R-1-20 zone.

Daniel Boon, was present to represent the application, and stated that he would like to have constructed an enclosed porch on the rear of his home.

Mr. Oliver asked about who would be building this. Mr. Boon said Patio Enclosures will do the job. Mr. Tom Glush, represented Patio Enclosures, said the porch would be a glass and screen porch, no heat, and he submitted photographs of it. Mr. Oliver asked if this would have a roof, and Mr. Glush said yes. Larry Smith said this will require an exiting door.

Mr. Oliver said Monroe County Planning and Development Board said this is a local matter, and does not require an environmental review.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

DECISION: Unanimously granted by a vote of 7 yes with no conditions. The following findings of fact were cited: 1. Minimum variance to alleviate the hardship. 2. Variance would not be materially detrimental to neighborhood.

8. Application of Lyell Metal Co., Inc. 1515 Scottsville Road Rochester, New York 14623, property owner: Gribbon, Nealy, & Bucci; for variance to allow two uses on property (Armored Motor Services in front, scrap metal yard with truck trailer storage in rear) at property located at 1525 Scottsville Road in G.I. zone.

Don Avery was present representing Lyell Metal Co., Inc. He stated that two owners were there tonight and he put up a diagram on the board. Mr. Aveery showed two users on the property. Armored Motor Services will remain in the front of the property. They want to use the gravel area in back for expansion of operation for scrap metal and store some trailers and put in an area where they will not be as noticeable to enhance the operation of scrap metal recycling.

Mr. Oliver inquired as to the types of operations. Mr. Avery said the trucks with dumpsters for material from plants and factories to store. Local people with trucks will be weighed in. Large trucks bring material and are processed. They call into the plant before they come into yard into playpen area. Other trucks to be screened from road. Eventually these will be stored out of view.

Mr. Hellaby said one of the complaints was the viewing of piles of scrap. Question as to reducing the height of piles. They do not want zoning changes. He explained this will take objectionable trucks and make it a more efficient operation.

Mr. Melville inquired as to whether some piles would be moved? He was told this would reduce the piles. Mr. Melville asked how high the piles were now; and was told from 22-30 feet, but they were trying to keep them lower. Larry Smith said the maximum height should be 12 feet. Dan Melville asked if expanding the area would allow Lyell Metal to reduce the piles to 12 feet. Harold Bobry and Art Stock from Lyell Metal said that 12 feet is not a livable height. That they would be coming to the Planning Board with a request for a height above 12 feet, but lower than the current level. Mr. Melville said that he thought that the Zoning and Planning Boards should be in agreement.

Mr. Bobry said that at the last Planning Board meeting one of the conditions to get a building permit and certificate of occupancy is to move and staging of the trailers. Both Mr. Bobry and Stock said they do not mind being granted a continuance.

Mr. Gerald Hendrickson asked if they owned the property back to the railroad. Mr. Bobry said, yes, that was correct. Mr. Hellaby asked if they presently owned the property or had a purchase agreement. Mr. Bobry said Armored Motor Services has an agreement with Lyell Metal, where they are allowed to continue their operation for up to two years. There was some discussion about the ownership of this property. It was determined that Lyell Metal did not own this, Gibbon, Nealy & Bucci were the owners.

Mr. John Hellaby asked how these scrap piles were allowed to accumulate so high? Mr. Bobry said that public awareness over recycling, recessionary periods, etc., has added to the amount of scrap metal. Mr. Hellaby asked if they were claiming that the influx of people bringing in scrap and inability to sell it? Mr. Bobry said yes. Mr. Hellaby asked if the variance is not granted how it would affect their overall operation. Mr. Bobry stated this would create a hardship, and they would have to continue the way they are have been over the last couple of years.

Mr. Castellani asked where they were planning on putting the trailers. He was told on the current Armored Motor Services property during the interim period. In answer to Mr. Castellani's inquiry, Mr. Bobry said there was an agreement to sell the property, but there was a problem with Armored paying a tax loss. That Lyell Metal and Armored were renters at the present time.

Mr. Stowe read from the Planning Board minutes where he stated there was a provision from them for acceptance pending approval from the Zoning Board. There was a discussion about the variance and Lyell Metal acting as an agent for owner. Mr. Stowe stated that a conditional use and site plan review is in front of the Planning Board. It was stated that is all Lyell Metal needed.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ANYONE IN FAVOR OR OPPOSED: No one.

DECISION: Granted with a vote of 6 yes and 1 abstention (John Hellaby) with the following condition:

1. Piles of scrap will not exceed Planning Board recommendations. The following findings of fact were cited: 1. Improvement in area. 2. Staging trucks on neighbor's property.

Linda Collinge made a motion to approve the meeting minutes for December 1991 and January 1992. John Castellani seconded the motion. Everyone was in favor of the motion.

CHILI ZONING BOARD
April 28, 1992

A meeting of the Chili Zoning Board was held on April 28, 1992 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 Bill Oliver.

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

ALSO PRESENT: Larry Smith, Building Inspector; Richard Stowe, Assistant Town Counsel.

Chairperson Bill Oliver declared this to be a legally constituted meeting of the Chili Zoning Board. He explained the meeting's procedures and announced the fire safety exits. He introduced the Board and front table. The Pledge of Allegiance was cited.

PUBLIC HEARINGS:

1. Application for Joseph Gomes, owner; 2652 Chili Avenue, Rochester, New York 14624 for Land Use Variance to convert existing building to professional business offices with an apartment at property located at above address in R-1-15 zone.

Joseph Gomes was present to represent the application. He stated he resides at 15 Bright Oaks. He stated the building currently has a conditional use permit to operate an insurance and real estate office with an apartment. He stated he is requesting the Board consider converting the building to a professional office use, thus obtaining a variance for a land use permit. He stated he wants to add parking in the back of the property. He stated the property next door has a variance for a professional use.

Bill Oliver read the County Comments and stated this came back as a local matter. Dan Melville asked if they are currently using this building for office space, and Mr. Gomes indicated they are. Dan Melville asked if they are going to add an office next to the existing office, and Mr. Gomes indicated they would. Dan Melville asked what business would go in next to the existing business, and Mr. Gomes did not know. He stated it would be a professional office.

Gerry Hendrickson asked if they would have another driveway, and Mr. Gomes indicated the driveway would be coming off Westside Drive. Larry Smith commented that would take site plan approval from the Planning Board. John Castellani asked if they would be building an additional building, and Mr. Gomes indicated nothing would be built new here on the exterior. John Castellani asked if this is one property, and Mr. Gomes indicated it is.

Larry Smith stated the conditional use was approved on 3/11/86 to allow a real estate/insurance office with an apartment, approved for one year. John Castellani asked if the conditional use has expired, and Larry Smith indicated it has. Mr. Gomes indicated he was told he did not have to renew because there was a building permit granted and he was told he never had to come back. Larry Smith stated there was a building permit issued, and there is a clause in the code that says if a building permit is issued for a conditional use, that becomes a permanent conditional use. He stated the Building Department feels this should be a land use variance because there are land use variances next door to this. He further stated the conditional uses typically go to the home occupations.

ANYONE IN FAVOR OR OPPOSED:

Betty Spuck

She indicated she lives to the east of the property in a home. She stated she previously gave her permission for him to use this as it is now, but she stated there is a drainage problem there now that she doesn't want to get worse. She stated she does not want to live next to a professional office building. She stated she has been there since 1957.

Bill Oliver made a motion to determine the Board lead agent and made the determination of no significant environmental impact associated with this

Gates-NEWS-Chili

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

Date.....4-22-92.....

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

GATES-CHILI NEWS

Issue Dated...4-22-92....

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y., Monroe Co.
My Commission Expires April 30, 19_92

Patricia M. Smith
Patricia M. Smith
Publisher

**LEGAL NOTICE
CHILI ZONING
BOARD OF APPEALS**

Pursuant to Section 267 of Town Law, a public hearing will be held by the Chili Zoning Board of Appeals at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on April 28, 1992 at 7:30 p.m. to hear and consider the following applications:

PUBLIC HEARINGS:

1. Application of Joseph Gomes, owner; 2652 Chili Avenue, Rochester, New York 14624 for Land Use Variance to convert existing building to professional business offices with an apartment at property located at above address in R-1-15 zone.
2. Application of Joseph Gomes, owner; 2652 Chili Avenue, Rochester, New York 14624 for variance to allow front parking for 14 vehicles at property located at above address in R-1-15 zone.
3. Application of Mary Marcera, owner; 694 Marshall Road, Rochester, New York 14624 for conditional use permit to allow a beauty shop in home at property located at above address in R-1-12 zone.
4. Application of Amateur Sports Program, owner; 130 Battle Green Drive,

Rochester, New York 14624 for variance to allow existing buildings to have the following front setbacks: concession stand #1 - 27.5'; concession stand #2 - 5.3'; portable office building - 21.6'; variance to erect a new shed to be 21' from front lot line (100' front setback req.) at property located at 525 Ballantyne Road in RA-20 & FPO zone.

5. Application of Donald Aselin, owner; 130 Battle Green 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.

6. Application of Conrad Schwarz, owner; 595 Chestnut Ridge Road, Rochester, New York 14624 for variance to allow existing dwelling to be 69' from proposed rear lot line (90' req.) at property located at above address in R-1-15 zone.

8. Application of Richard Briggs, owner; 2684 Chili Avenue, Rochester, New York 14624 for renewal of conditional use permit to allow a fuel oil distributing business in home at property located at above address in R-1-20 zone.

9. Application of Ronald Alkire, owner; 9 Gene Drive, Rochester, New York 14624 for conditional use permit to allow a fiber optics assembly business

in home at property located at above address in R-1-12 zone.

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

**William Oliver,
Chairman**

**Chili Zoning Board of
Appeals**

OLD BUSINESS:

1. Application of Sophia Lauricella, c/o Intertech Satellite Inc., 1178 Ridge Road West, Rochester, New York 14624 for variance to erect a 9' satellite antenna to be mounted on roof at property located at 196 Hillary Drive in R-1-15 zone.

2. Application of Raymond & Donald Turner, c/o Gallo & Iacovangelo, 80 W. Main Street, Rochester, New York 14614 for variance to create six undersized lots averaging 4-6 acres each (20 acres req.), variance to allow lot widths averaging from 210'-260' each (700' req.) as shown on plans, variance to allow existing house on Lot 3 to be 25' from proposed side lot line (50' req.), variance to allow existing house on Lot 6 to be 45' from side lot line (50' req.) at property located at 2495 & 2503 Scottsville Road in RA-20 & FPO zone.

application, and Gerry Hendrickson seconded the motion. The Board was all 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. This building is consistent with the area.
 2. Conforms to proposed master plan on zoning.
2. Application of Joseph Gomes, owner; 2652 Chili Avenue, Rochester New York 14624 for variance to allow front parking for 14 vehicles at property located at above address in R-1-15 zone.

Joseph Gomes was present to represent the application. John Hellaby questioned the 14 parking spots marked out. Larry Smith stated Westside Drive is a front. John Hellaby questioned the five spaces on Chili Avenue. Larry Smith stated the applicant already had permission to do that back on 3/25/86. He commented they have road on each side. John Castellani thought the front of a property is where the address is, and Larry Smith indicated that was incorrect. He explained there are two frontages here. He stated the property has no back.

Richard Stowe asked if the new office space will be for an office use other than real estate or insurance, and Mr. Gomes indicated it would not. Richard Stowe asked if it is possible some other use could go in, and Mr. Gomes stated a professional use could go in, yes. Larry Smith stated they could not have dual uses.

John Castellani asked how come this was handled in two applications. Larry Smith stated one application was for parking. He stated the Building Department looked at this as two separate issues for land use variance as separate to the use for the front parking. Richard Stowe stated a land use variance could be granted without approval for the front parking. John Castellani felt this could be done with one application.

John Hellaby asked if the plan shows the required number of spaces for the existing floor space, or is this above and beyond what is actually needed. Larry Smith stated this is above and beyond. John Hellaby asked what was the reason for this number of parking spaces. Mr. Gomes stated he did that because the land is there. He stated right now he doesn't need all 14, but he doesn't want to come back in at a later date for more parking. John Hellaby asked if a reduction in the number of parking spaces would affect the applicant. Mr. Gomes stated he does not want to have to come back. Larry Smith stated one parking space is required for each 400 sq. ft. of gross floor area. He stated the applicant is required to have seven parking spots for the square footage. Bill Oliver commented the applicant is looking for twice the required amount.

John Hellaby asked if they have a closed drainage system in the back, or is that an open swale, and Larry Smith indicated it is open.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver made a motion to determine the Board lead agency and made a determination of no significant environmental impact, and Linda Collinge seconded the motion. The Board was all in favor of the motion.

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

1. Applicant to apply to Planning Board for site plan approval.
2. Front parking for 1-14 vehicles.

The following findings of fact were cited:

1. Site plan approval from Planning Board with Environmental control (drainage, sewers, damage to area.)
 2. Variance to allow front parking up to 14 spaces.
3. Application of Mary Marcera, owner; 694 Marshall Road, Rochester, New York 14624 for conditional use permit to allow a beauty shop in home at property located at above address in R-1-12 zone.

Bill Oliver stated this came back from the Monroe County Department of Planning as a local matter. Salvatore Marcera, Jr. and Salvatore Marcera, Sr. were present to represent the application. Mr. Marcera, Jr. stated his mother was ill this evening. He stated she had handwritten an addendum to the application she would like the Board to consider. He passed out copies to the Board. Bill Oliver read the note from Mrs. Marcera indicating that she will only advertise in the papers stating by appointment only, no walk-ins. The note indicated there will be no signs in the yard. The note indicated the hours would not start until her rehab ends. The note indicated the hours of operation would be 10 a.m. to 7 p.m. Tuesday through Friday and 10 a.m. to 3 p.m. on Saturday. The note indicated the name of the business would be Chrissy's Unisex Hair Salon.

Mr. Marcera, Jr. stated the shop would not be a detriment to the property. He stated it would not affect the structure. He stated there would be no adverse impact on the parking because the service is done by appointment. He stated the driveway has been expanded into an L-shape and is an oversized driveway. He stated there would be no cars in the street. He stated the surrounding properties would not be affected.

Bill Oliver commented this end of Marshal Road is kind of a dead end. He stated there is room for about three cars in the driveway. Mr. Marcera, Sr. stated they could fit probably 25 cars. He stated he had the driveway enlarged when his kids were home so they didn't have to switch cars around. He stated the driveway has existed that way for 17 years. He stated going down Marshal Road, they are the first home on the right.

Bill Oliver asked if the applicant has a New York State license in relation to the beauty shop, and Mr. Marcera, Sr. indicated she has several licenses all up to date. He added she also has a license to do nails. Bill Oliver asked what would be done here, and Mr. Marcera, Sr. indicated she would just to hair at this location.

Dan Melville asked what style of house is this, and Mr. Marcera, Sr. indicated it is a ranch. Dan Melville asked if this business would be in the basement, and Mr. Marcera, Sr. indicated it would be. Dan Melville asked if there are any other exits out of the basement besides the stairs. Mr. Marcera, Sr. indicated there is a landing that comes from the garage and is 42" x 42" with 42" stairs. He described the dimensions of the basement. He stated they do not have a walk-out basement. Dan Melville questioned what would happen if there is a fire here. He asked what size windows are there in the basement, and Mr. Marcera, Sr. indicated they have the normal size windows of any ranch, encasement windows. Larry Smith stated the Fire Marshal would have to review this.

Ron Popowich asked if there would be any outside employees, and Mr. Marcera, Sr. indicated there would not.

ANYONE IN FAVOR OR OPPOSED: No one.

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

1. No on-site advertising.
2. Large (min. 4 1/2") house numbers be installed.
3. No on-street parking.
4. By appointment only.
5. Permit granted for a period of one (1) year.
6. Hours: Tuesday thru Friday: 10 a.m. to 7 p.m.
Saturday: 10 a.m. to 3 p.m.

The following finding of fact was cited:

1. Customary home occupation.
4. Application of Amateur Sports Program, owner; 130 Battle Green Drive, Rochester, New York 14624 for variance to allow existing buildings to have the following front setbacks; concession stand #1-27.5'; concession stand #2-5.3'; portable office building-21.6'; variance to erect a new shed to be

21' from front lot line (100' front setback req.) at property located at 525 Ballantyne Road in RA-20 & FPO zone.

Bill Oliver read the County Comments. Don Aselin was present to represent the application. He stated the reason they are doing this is because they got together with the Town Attorney and Larry Smith in regards to the things they had done over the last 12 years and the lack of record keeping on everyone's part, and he stated that Larry Smith suggested a new plan be submitted showing everything that is there. Mr. Aselin stated this is a brand new print with the exception of the shed. Mr. Aselin indicated the extra thing they need is a setback for the shed that is replacing the trailer.

Linda Collinge asked if the Board would be granting variances for all these buildings for setback, and Bill Oliver indicated that is correct. Bill Oliver reread the application description.

Dan Melville questioned the water situation on the property in regards to the shed. Mr. Aselin indicated the shed would be built on cinder blocks. He commented the trailer never had any water coming through the floor before. He further commented there is not much they can do with the drainage situation there. He stated they need the shed because they have already had \$28,000 worth of stuff stolen out of the park, including some vehicles.

Mr. Aselin indicated they need the fencing to keep people out rather than to keep them in. John Hellaby questioned the chain-link fence's movement on the plan back to the right-of-way when previously it was shown as 1.9 ft. over the right-of-way. Mr. Aselin indicated he met with Mr. Smith, and he stated the Empire Fence Company was supposed to be there last Friday to move the fence where it is reflected to be. Larry Smith stated when the applicant is done, he will have to have a survey shot of the fences, and the fences will have to be on the property line. He stated the applicant is not asking for a variance on the fencing. He stated the applicant has to amend his application, though, for the height of some of the fences.

Richard Stowe indicated the Board could amend the application if it is not a substantial change. He commented the fences are existing. Mr. Aselin indicated they would be getting rid of the stockade fence near the parking area, and they would be moving the gate behind the concession stand. Larry Smith asked how tall the fences are, and Mr. Aselin indicated they are 8 ft. Mr. Aselin indicated he would like to amend the application to allow the 8 ft. fencing.

John Hellaby asked what their intention is with the fencing, and he commented when the applicant was denied a stockade fence in the past, he put one up any way. Mr. Aselin indicated that was part of the Article 78 action taken against the Town. Mr. Aselin restated the stockade fence is coming down and chain-link fencing will go in its place. Larry Smith commented that should be done before the next Planning Board meeting. Bill Oliver asked if there would be any barbed wire, and Mr. Aselin indicated there would be just a top rail, no barbed wire.

John Hellaby asked if the 8 ft. fence would be wrapped in burlap, and Mr. Aselin indicated it is not burlap. He stated they would be using wind screen by the tennis courts. He stated at night the wind screen also does not allow drivers-by to see into the park; hence, it doesn't tempt thieves to steal what is behind the fence.

John Hellaby asked if the trailer has been removed where the shed is being proposed. Mr. Aselin indicated the trailer has been destroyed. He stated they are going to put a 14' x 16' shed there with a 21 ft. setback. John Hellaby questioned the location of the shed, and he questioned why they would not put it inside the chained in area back in the dumpster location. Mr. Aselin stated there is a security light where they are proposing to put the shed. He stated there is no electricity in the back of the park. He stated if the shed were back that far, thieves could come through the farmer's field in the back and steal everything. Mr. Aselin commented anything that is of any value they would try to keep as close to the road frontage as possible and where the security lights are. He commented they do have an alarm system.

John Castellani asked how long has the operation been going on, and Mr. Aselin indicated since 1979.

Richard Stowe stated there were multiple applications before the Planning Board. He stated there was subdivision approval, site plan approval and

conditional use permits. He stated the site plan approval has been tabled to allow Mr. Aselin additional time to address the issue of the fencing and in addition, to allow him time to come before the Zoning Board for the necessary variances. Richard Stowe stated there were some things the Planning Board asked Mr. Aselin to do in a very short time period, such as removing the trailer. Larry Smith stated the applicant has shown good faith.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver made a motion to determine the Board lead agency and made a determination of no significant environmental impact, and Dan Melville seconded the motion. The Board voted 5 yes to 2 no (Dan Melville, John Hellaby) in favor of the motion.

DECISION: Approved by a vote of 6 yes to 1 no (John Hellaby) with no conditions, and the following findings of fact were cited:

1. Minimum variance to benchmark property (photograph will be taken).
2. 8' fence needed for security around property.
5. Application of Donald Aselin, owner; 130 Battle Green 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.

Donald Aselin was present to represent the application. He stated for 22 years they were on Haymarket Street, and he stated he has always had his office in his home. He stated they moved last year, and his in-home office was approved for one year. He stated he would like to renew his application with the same conditions. He stated his office contains his typewriter, his computer and all the stuff that has to do with the national titles he has in sports. He stated he does a lot of correspondence, plus he operates his institutional sporting goods sales from his home. He stated he has no walk-in customers. He stated everything is done mail order or is handled directly with a purchase order. He stated the manufacturer ships directly to the customer.

Bill Oliver asked if there are any supplies stored there, and Mr. Aselin indicated there are no supplies stored at his home. John Hellaby asked the applicant if he is willing to live with the conditions that were set forth last time, and Mr. Aselin indicated he is.

John Castellani asked if there have been any complaints on this property, and Larry Smith indicated there have been none.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver stated this came back from the Monroe County Department of Planning as a local matter.

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

1. No on-site advertising.
2. No on-street parking.
3. No storage of solvents or flammables on the property pertaining to the business.
4. Permit granted for a period of five (5) years.

The following finding of fact was cited:

1. Customary home occupation.
6. Application of Conrad Schwarz, owner; 595 Chestnut Ridge Road, Rochester, New York 14624 for variance to allow existing dwelling to be 69' from proposed rear lot line (90' req.) at property located at above address in R-1-20 zone.

Don Avery was present to represent the application. Bill Oliver stated the

proposed subdivision of this property is scheduled for the April Planning Board meeting. Larry Smith stated this has already been to the Planning Board. Mr. Avery stated this was tabled at the Planning Board meeting. Mr. Avery indicated they want to take out the parcel where the existing house is and leave a masonry garage in the rear with the remaining parcel.

Mr. Avery stated from the back of the porch on the straight line with the house, to the property line, they have 69 ft. instead of the 90 ft. for the R-1-20 zone. He stated there is no other way they could establish the property line and still have the masonry house on the other remaining parcel. He stated their hardship is to divide this parcel and still keep it within the R-1-20 zone.

Bill Oliver asked if they are looking for the setback in the backyard, and Mr. Avery indicated they are. Linda Collinge asked who lives in the existing home. Steve Galante, grandson of the applicant, was also present to represent the application. He stated right now the applicant lives in the existing house, but he has sold it.

John Castellani asked if this is a change in the lot line from what is on the tax map right now, and Larry Smith stated it is because it is all one parcel now. He stated the applicant came before the Planning Board to get a subdivision taking the house off and leaving the garage on the larger parcel. He stated when they subdivided the property, the house became too close to the rear lot line, and they are asking for the 20 ft. variance.

John Hellaby asked if they have any plans to build on the back of the property, and Mr. Galante indicated they do not. He stated they are going to maintain their gardens and keep the garden tools and supplies in the masonry garage. He added they store a boat in there, also.

Richard Stowe stated the Planning Board initially tabled this for subdivision approval to make sure that the applicant could consider the ramifications of leaving just a 40 ft. space instead of a 60 ft. wide driveway in case they ever wanted to put a dedicated road in there. He explained the applicant thought it over and decided they did not want to do that. He further explained the Planning Board was satisfied that the subdivision didn't have any great problems except for the need of the variance requested this evening.

John Castellani asked if this is a single-lot subdivision, and Larry Smith indicated it is. Richard Stowe stated it is a one-lot subdivision into two lots. Larry Smith stated the Town does not have an administrative one-lot subdivision procedure yet. Richard Stowe commented that would not apply to this situation anyhow because there are structures involved.

John Hellaby asked how many structures would be left on the large parcel, and Mr. Avery indicated there would be 3.764 acres to the right-of-way.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver made a motion to determine the Board lead agency and made a 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 no conditions. The following finding of fact was cited:

1. Minimum variance required.
7. Application of Richard Kendall, owner; 28 Hilltop Drive, North Chili, New York 14514 for variance to erect a 17' x 25' addition to house to be 42' from front lot line (60' req.) at property located at above address in R-1-15 zone.

Richard Kendall was present to represent the application. He stated he is asking for a variance on the setback. He stated they currently have a two-bedroom ranch home. He stated he has two children. He stated he wants to add a third bedroom and bathroom to the house. Bill Oliver commented the homes in the neighborhood are pretty much in line with each other, and he stated this addition would put the front setback of the applicant's home quite forward of all the homes on the block. Bill Oliver stated this came back from the Monroe County Department of Planning as a local matter.

Garry Hendrickson felt the addition would protrude out past the other homes, also. John Hellaby asked if there would be a full basement under the addition, and Mr. Kendall indicated he would have a crawl space. John Hellaby commented the house to the north of the applicant sits out quite further than the applicant's home right now.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver made a motion to determine the Board lead agency and made a determination of no significant environmental impact, and Linda Collinge seconded the motion. The Board voted 6 yes to 1 no (Dan Melville) on the motion.

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

1. Hardship due to road configuration and property location.
2. Consistent with portions of neighborhood.
8. Application of Richard Briggs, owner; 2684 Chili Avenue, Rochester, New York 14624 for renewal of conditional use permit to allow a fuel oil distributing business in home at property located at above address in R-1-20 zone.

Eunice Briggs was present to represent the application. She indicated she was present to renew their conditional use permit to have an office in their home. She stated the home is used for mailing, banking, et cetera. She stated the orders are delivered to the customers and not to the applicant's property. She stated they do not have any in and out customers. She stated the vehicles associated with the business are parked at Easy Excavating on Howard Road, so there are no trucks on the property.

Bill Oliver asked if all the cars on the property are employees' cars, and Ms. Briggs indicated they are the family's cars. She stated they have six children that all drive their own cars. She stated they have no employees associated with the business except for herself and her husband.

Bill Oliver commented how the property has been remodeled. He commented the garage in the back of the property has been removed. Ms. Briggs stated they have been working to fix up the property.

John Hellaby asked if there have been any complaints about the business, and Larry Smith stated there have been no complaints in relation to the business. He stated there has been complaints about the storage of automobile parts, unlicensed vehicles and debris in the yard.

John Castellani commented they were granted a conditional use permit for one year, but it has been two and a half years since that time. Ms. Briggs stated she was not aware it had expired. Larry Smith stated some day the Town will have a notification process.

Larry Smith stated he would like a condition put on the conditional use permit that it be for one year and that the premises are to be kept within the Town's ordinances. Dan Melville stated that does not pertain to the business, though. Larry Smith stated the debris is not from the business use of the property, but he felt when someone operates a business out of a home, the home property should be kept clean for the business's sake also. Dan Melville felt if there is a problem with this property, there are enforcement procedures the Town can use to get the property cleaned up. Larry Smith stated Richard Drake is working on the issue of the cars. Dan Melville asked if they could place such a condition as requested by the Building Inspector on this application.

Richard Stowe asked the applicant if they would have any objection to complying with the rest of the Town ordinances that affect the property, and Ms. Briggs indicated she would not have a problem with that. She stated they have been trying to fix up the property as best they can as money comes in. She commented they have a lot of cars in their family. She stated no one can tell there is a business at the property.

Richard Stowe stated as long as the applicant agrees to the requested condition, it could be included as a condition on this application. Dan Melville stated he

would hate to see the business denied because of some personal matters at the property.

ANYONE IN FAVOR OR OPPOSED:

Gertrude Tiger - 18 Dallas Drive

She asked if Mr. and Mrs. Griffith live at this address, and Mrs. Briggs indicated she lives there with her family. Ms. Tiger asked how many apartments are in the house, and Mrs. Briggs indicated there are no apartments.

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

1. Applicant shall comply with all Town local laws and ordinances regarding land use and vehicle use.
2. Permit granted for a period of three (3) years.
3. No parking of commercial vehicles on premises.
4. No service work of any kind related to the business.
5. No customers on premises.
6. No on-street parking of vehicles related to the business.
7. No storage or disposal of trash or debris related to the business on the property.

The following findings of fact were cited:

1. Consistent with home business occupations.
 2. No complaints regarding business only.
9. Application of Ronald Alkire, owner; 9 Gene Drive, Rochester, New York 14624 for conditional use permit to allow a fiber optics assembly business in home at property located at above address in R-1-12 zone.

Bill Oliver read the County Comments. Ronald Alkire was present to represent the application. He stated he would like a conditional use permit to perform fiber optic consulting and assembly work within his home. He stated the business would be conducted within the garage area. He stated in that area he would have an office with a computer, office supplies, a fax machine. He stated the other portion of the garage would have two lab benches which he would conduct research on fiber optic projects that he gets from major corporation in and outside of the Rochester area. He stated he would not employ anyone other than himself and his wife. He stated he is a degreed engineer in three different disciplines of engineering and so is his wife.

Mr. Alkire explained they supply high technical support in the fiber optic industry to a lot of major corporations throughout the United States. He stated the structure of the home will not change and the appearance will not change. He stated there would be no additional traffic to the home other than himself and his wife. He stated his wife and himself currently have full-time jobs, so this is a part-time job. He stated they would have no signs on the outside of the property. He stated no customers would be visiting them. He stated they will be doing mainly research and development of the processes and assembly of the prototypes which would then be installed in customer sites across the country.

Bill Oliver asked what machinery would be involved in the fiber optic assembly. Mr. Alkire indicated there will be no equipment that he needs. He explained there are two major pieces of equipment he would deal with. He stated he would have a splicer to do fusion splicing on fibers. He stated the fibers are approximately the size of a human hair. He stated they generally splice the fibers together with a laser on one end and a device on the other end that receives the laser. He stated they would have testing equipment to test the connections and the equipment. He stated they would have polishing equipment. He stated most of the equipment is about the size of a typewriter.

Bill Oliver asked what dangers are associated with the lasers. Mr. Alkire stated

the device he uses is for telephone communications. He stated he sends light over lines for the telephone company. He stated there is no harmful damage that can be done. He stated when he does use the lasers, he works with glasses that protect his eyes because the light can affect the eyes.

John Hellaby asked what exactly they do with the fiber optics. Mr. Alkire stated he works on the devices that send the transmissions for companies like Sprint. John Hellaby asked if the applicant could be called up as a telephone repair man. Mr. Alkire indicated this process is not yet being installed in homes.

John Castellani asked where they are currently performing this operation, and Mr. Alkire stated he worked for a company two years ago and has not been allowed to work in this field legally for two years after leaving that employment. He stated he is currently not performing this work. John Castellani asked if they have looked at opening an assembly area outside of their home, and Mr. Alkire indicated he has not because they don't have the money to do that now. He stated if the business ever got larger, he would move outside of his home with it.

Richard Stowe asked if they park cars in the garage now, and Mr. Alkire stated he does not. Larry Smith asked if any noise would leave the property, and Mr. Alkire indicated it would not. Larry Smith asked if there would be any fumes, and Mr. Alkire indicated there would be no fumes.

Richard Stowe asked if they would be using any sort of chemicals in the polishing or fusion operations, and Mr. Alkire stated he uses electrodes to do the splicing. Mr. Alkire indicated he would have no chemicals associated with the business on the property. Larry Smith stated the applicant would need a building permit if the conditional use permit is granted.

ANYONE IN FAVOR OR OPPOSED:

Alice Benedict - 8 Hill Crest Drive

He stated there were tract restrictions set up when they built the tract that would not allow any businesses at all in the tract. He stated they are afraid once the door is opened with one business, others will follow. Dan Melville asked if the tract restrictions are on file with Monroe County, and Mr. Benedict did not know.

Mr. Benedict submitted two letters to the Board. Bill Oliver read a letter dated 4/28/92 in opposition to the application from Mary Jane Patella at 20 Earl Drive. The second letter read was from Lisa Gambino and Robert Shebodah, also in opposition to the application.

John Castellani asked the applicant if there are any restrictions on his deed, and Mr. Alkire indicated he has owned the house since January 2nd of 1992, and there were no restrictions on his deed. Richard Stowe stated the restrictions have to be presented up front before a purchase is made if there is a community home ownership type association as part of an offering plan. He stated if this is an existing home, and their predecessors had filed tract restrictions, and their contract to purchase said that they would take title subject to deed or other restrictions common to the subdivision, then the applicant took the property subject to whatever those restrictions may be.

Richard Stowe stated the issue of the tract restrictions would be a civil matter. Bill Oliver stated he could not make a decision without knowing about any restrictions. Dan Melville moved to table the application, and John Hellaby seconded the motion. The Board wanted to see an abstract of title.

Geraldine Berger - 11 Gene Drive

She stated the Hill Crest Tract Park Association members have to pay dues. She stated in the past two of her neighbors have asked for variances and have been turned down. She stated their subdivision has a park and is a unique area of Town they would like to maintain as a residential area.

Dan Melville asked if this would be considered a customary home occupation, and Larry Smith indicated it would be.

Paul Ferren - 2 Hill Crest Drive

He did not feel the research and assembly aspect of this business would classify it as the normal in-home occupational use such as in-home offices. He stated it

appears the business will grow. He did not feel the business would be appropriate in the residential area.

Carl Hammond - 25 Dallas Drive

He stated he was opposed. He stated he spent two years looking for a place to live and they bought where they did because of the residential atmosphere.

The Board was all in favor of the motion.

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

1. Board needs more information on tract restrictions per builder.

OLD BUSINESS:

1. Application of Sophia Lauricella, c/o Intertech Satellite, Inc., 1178 Ridge Road West, Rochester, New York 14624 for variance to erect a 9' satellite antenna to be mounted on roof at property located at 196 Hillary Drive in R-1-15 zone.

No one was present to represent the application.

Bill Oliver made a motion to declare the Board lead agency and made a determination of no significant environmental impact, and John Castellani seconded the motion. The Board voted 4 yes in favor of the motion, 3 against (Linda Collinge, Dan Melville, Bill Oliver). Dan Melville made a motion to deny the application, and Linda Collinge seconded the motion. The Board was all in favor of the motion.

Larry Smith stated he got a phone call from the installation company stating they could not come up with the data why it had to be on the roof. Larry Smith commented without approval the dish would have to come down.

DECISION: Unanimously denied by a vote of 7 no with the following findings of fact:

1. No applicant appeared before Board after two previous appearances and were tabled for more information.
 2. Documentation required by Board not available.
 3. No installation information submitted.
2. Application of Raymond & Donald Turner, c/o Gallo & Iacovangelo, 80 W. Main Street, Rochester, New York 14614 for variance to create six undersized lots averaging 4-6 acres each (20 acres req.), variance to allow lot widths averaging from 210' - 260' each (700' req.) as shown on plans, variance to allow existing house on Lot 3 to be 25' from proposed side lot line (50' req.), variance to allow existing house on Lot 6 to be 45' from side lot line (50' req.) at property located at 2495 & 2503 Scottsville Road in RA-20 & FPO zone.

Richard Stowe stated the application originated at the Zoning Board with a map other than the one presented this evening. He stated the Zoning Board was asked to grant setbacks and variances without any sort of a detail on the nature and extent of the variance that was being requested. He stated the Zoning Board tabled the application and told the applicant to bring back a map to show what they would be dealing with. He stated the applicant has been to the Planning Board and has subdivision approval.

Don Avery was present to represent the application. He stated he had submitted an addendum to the plans for the Board. He stated on Lot 3 they are only going to have 40 ft. rather than 50 ft. He stated on Lot 6 they have formed the lot lines 63.5 rather than what was stated in the notice. He stated they do not need a variance on Lot 6. He explained what they needed variances on by use of the plans.

Mr. Avery stated the Turners want to divide up their land for their children. He stated they have no intention of selling the property. He stated they would still farm the back of the property.

John Castellani asked if they would still have undersized lots, and Mr. Avery

indicated they would. Mr. Avery stated they need a variance for the width of the property. There was discussion over what Board could grant variances on this application.

John Hellaby asked if preliminary perk tests have been made out there, and Mr. Avery indicated they have not done the tests yet. He stated the systems have worked already on the existing lots. He stated the Turners have been there 28 years with no problems.

Gail Turner was also present to represent the application. She stated they had to have a new septic system put in because of the gas line that is supposed to be going through. She stated the original plan was to put the gas line across the existing leach field, and that was done last fall.

Dan Melville asked how the Board could approve the application without the perk tests or any information on the map. Richard Stowe stated they did not come to the Planning Board for site plan. John Hellaby commented these are undersized lots and it would be up to the applicants and the Health Department regarding the septic systems. Mr. Avery stated there is public water for the lots.

Bill Oliver clarified the applicant would be changing the application regarding Lot 3 having a side lot line of 40 ft. and not 50 ft., and Lot 6 would not require a variance anymore. The lot widths would also be changed from 210' - 260' to 90' - 180'.

After more discussion on the application, it was amended to include lot sizes averaging 3.8 acres to 5.5 acres. Lot widths would average 190' - 289'. The house on Lot 3 would have a 40 ft. setback, and the setback variance for Lot 6 would not be withdrawn.

ANYONE IN FAVOR OR OPPOSED: No one.

DECISION: As amended, approved by a vote of 6 yes to 1 no (Dan Melville) with no conditions and the following findings of fact were cited:

1. Division of family property to family members.
2. Consistent with this Board on family property.

The 2/25/92 Zoning Board members were approved as corrected.

The meeting ended at 11:05 p.m.

CHILI ZONING BOARD
May 26, 1992

A meeting of the Chili Zoning Board was held on May 26, 1992 at the Chili Town Hall, 3235 Chili Avenue, Rochester, New York 14624 at 7:30 p.m. The meeting was called to order by John Castellani. (Chairman Bill Oliver had problems speaking due to a dental problem.)

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

ALSO PRESENT: Richard Stowe, Assistant Town Counsel (notified Board he would arrive late); Richard Drake, Assistant Building Inspector.

John Castellani 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 Board and front table. The Pledge of Allegiance was cited.

1. Application of John Mertz, owner; 11 Pine Ridge Drive, Rochester, New York 14624 for variance to erect a 12' x 27' addition to garage to be 55 1/2' from front lot line (60' req.) and 5' from side lot line (10' req.) at property located at above address in R-1-15 zone.

John Castellani indicated the applicant had requested postponing the hearing because he just got out of the hospital. John Castellani indicated this would be put on the next 6/2/92 agenda.

An unidentified man in the audience indicated he bought a home next door and did not receive notification of this application except for reading the sign. The Board discussed the possible reasons for his not receiving notification, and John Castellani requested Mr. Drake look into the matter.

DECISION: Unanimously tabled by a vote of 6 yes for the following request:

1. Applicant could not be present due to illness. Application will be heard at the June 23, 1992 meeting.
2. Application of United Refining, owner; c/o Denluck-O'Neill, 5 S. Fitzhugh Street, Rochester, New York 14614 for variance to create a lot depth on Lot 1 to be 61.75' on the west side and 135.22' on the east side (250' req.) variance for Lot 2 to have 30' frontage on a street (40' req.) at property located at 3215 & 3219 Chili Avenue in G.B. zone.

Hiram Coldwell was present to represent the application. John Castellani stated there were no signs put up for this application. Mr. Coldwell indicated the signs were supposed to be put up. John Castellani stated there were no signs there yesterday. Linda Collinge stated there were no signs there Friday. Ron Popowich stated there were no signs there today. Gerry Hendrickson stated there were no signs there a week ago. John Castellani moved to table Applications 2 and 3, and Dan Melville seconded the motion. The Board was all in favor of the motion.

Dan Melville stated the signs have to be up 10 days prior to the meeting.

DECISION ON APPLICATION #2: Unanimously tabled by a vote of 6 yes for the following reason:

1. No sign was displayed on property advertising hearing.

DECISION ON APPLICATION #3: Unanimously tabled by a vote of 6 yes for the following reason:

1. No sign was displayed on property advertising hearing.
4. Application of Chili Legion Club, Inc., owner; 450 Chili Scottsville Road, Scottsville, New York 14546 for variance to erect a 24' x 35 1/2' two-story addition to be placed on side lot line (100' req. abutting a street) at property located at above address in PRD zone.

Harry Empie was present to represent the application. He stated he wants to have a 36' x 24' addition on the back of the building, two-story, wood. He indicated the addition would be used for storage downstairs and storage

Gates-NEWS-Chili

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

Date.....5.20.92.....

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

GATES-CHILI NEWS

Issue Dated....5.20.92....

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

Zoning May 92

**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 26, 1992 at 7:30 p.m. to hear and consider the following applications:

1. Application of John Mertz, owner; 11 Pine Ridge Drive, Rochester, New York 14624 for variance to erect a 12' x 27'

addition to garage to be 55 1/2' from front lot line (60' req.) and 5' from side lot line (10' req.) at property located at above address in R-1-15 zone.

2. Application of United Refining, owner; c/o Denluck-O'Neill, 5 S. Fitzhugh Street, Rochester, New York 14614 for variance to create a lot depth on Lot 1 to be 61.75' on the west side and 135.22' on the east side (250' req.), variance for Lot 2 to have 30' frontage on a street (40' req.) at property located at 3215 &

3219 Chili Avenue in G.B. zone.

3. Application of United Refining, owner; c/o Denluck-O'Neill, 5 S. Fitzhugh Street, Rochester, New York 14614 for variance to erect a 24' x 34' canopy over fuel pumps to be 6.50' from front lot line (75' req.) at property located at 3215 Chili Avenue in G.B. zone.

4. Application of Chili Legion Club Inc., owner; 450 Chili Scottsville Road, Scottsville, New York 14546 for variance to erect a 24' x 35 1/2' two story

addition to be placed on side lot line (100' req. abutting a street) at property located at above address in PRD zone.

5. Application of James Donald, owner; 36 Alger Drive, Rochester, New York 14624 for variance to erect an 8' x 12' utility shed to be 3' from side lot line (8' req.) at property located at above address in R-1-12 zone.

6. Application of Sandra Testa, owner; 75 Chestnut Drive, Rochester, New York 14624 for conditional use permit to allow a

beauty shop in home at property located at above address in R-1-20 zone.

7. Application of Dan McEneaney & Mary Rose Balmas, owner; 51 Rochelle Drive; Churchville, New York 14428 for variance to erect a gazebo to be 15' high (12' 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.

**William Oliver,
Chairman
Chili Zoning Board of
Appeals**

OLD BUSINESS:

1. Application of Ronald Alkire, 9 Gene Drive, Rochester, New York 14624 for conditional use permit to allow a fiber optics assembly business in home at property located at above address in R-1-12 zone.

upstairs. He indicated they would be putting in an elevator for the handicapped. He indicated there would be restrooms upstairs.

John Castellani commented the existing building is pre-existing, non-conforming. He asked if this will be an extension off the side of the building, and Mr. Empie indicated it would be off the back to Stryker Road. Ron Popowich asked if the addition would follow the north and south walls of the building, and Mr. Empie indicated it would.

ANYONE IN FAVOR OR OPPOSED:

Ed Smith - Chapel Way
He indicated he was in favor of the application.

Don Craig - 160 Chili-Scottsville Road
He indicated he was in favor of the application.

Lester Redman - 142 Scottsville-Chili Road
He indicated he was 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. Consistent with existing structure.
2. Pre-existing non-conforming building.
3. Expansion not detrimental to area.
5. Application of James Donald, owner; 36 Alger Drive, Rochester, New York 14624 for variance to erect an 8' x 12' utility shed to be 3' from side lot line (8' req.) at property located at above address in R-1-12 zone.

James Donald was present to represent the application. He stated he wants to construct a salt-style shed 3 ft. from the property line. He stated he would keep the shed off the flat area currently used for the kids playing area and the picnic area.

John Castellani asked if the shed could be put somewhere else. Mr. Donald stated if the shed were put down in the back, it is marshy back there. He stated further down it is hilly. He stated it would be difficult to handle lawn equipment on a hilly area. He stated the east side would be opposite the garage and they would have to walk across the property to get to the shed. John Castellani asked if they could bring it in 5 ft., and Mr. Donald indicated that would bring it into the flat area as well as putting it partly on the sloped area.

Linda Collinge questioned the extent of the flat area. She asked if they could move the shed over towards the center of the yard 5 ft. further towards the center of the yard without interfering with the flat area. James Donald indicated they could, but the slope would make it slippery on rainy days to handle lawn equipment. Linda Collinge questioned the application paperwork and asked if the shed would be 10' x 12' or 8' x 12'. James Donald indicated the shed would be 8' x 12'.

Dan Melville asked how large is the flat area, and Mr. Donald indicated it is 25 ft. wide. He stated there is also a tree there near the corner of the proposed shed. He commented the small tree would get large. Gerry Hendrickson asked if they have a swimming pool, and Mr. Donald indicated they do not.

ANYONE IN FAVOR OR OPPOSED: No one.

John Castellani made a motion to declare the Board lead agency and made 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 6 yes with no conditions, and the following finding of fact was cited:

1. Minimum variance due to uneven area of applicant's rear yard.
6. Application of Sandra Testa, owner; 75 Chestnut Drive, Rochester, New York 14624 for conditional use permit to allow a beauty shop in home at property located at above address in R-1-20 zone.

Sandra Testa and John Testa were present to represent the application. Sandra Testa indicated she would like to do family and friends' hair. She stated they have lived there three years. She indicated she works outside the home a little bit now, but has twin daughters. She stated with the cost of daycare, she needs to have a business in the home to earn extra dollars.

John Castellani asked if she would be the only employee, and Mrs. Testa indicated it would be just her. John Castellani asked if she is currently licensed, and Mrs. Testa indicated she is.

Mr. Testa indicated they have checked with all their immediate surrounding neighbors, and the neighbors have no problem with the application.

John Castellani asked if they would have more than one exit from the area they would be using, and Mr. Testa indicated they do. Linda Collinge asked the applicant if she is sure she only wants nine hours. Ms. Testa indicated nine hours would be enough. John Castellani asked what the hours of operation would be, and Ms. Testa indicated Monday, Tuesday and Wednesday between 11 a.m. and 2 p.m.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver 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 conditions:

1. Approved for a period of one year.
2. Large house numbers (minimum 4 1/2") be installed.
3. Hours to be 11 a.m. to 2 p.m. Monday through Wednesday.
4. No advertising on premises.
5. One extra car in driveway.
6. To be operated by owner only, no employees.

The following finding of fact was cited:

1. Consistent with home occupations code.
7. Application of Dan McEneaney & Mary Rose Balmas, owner; 51 Rochelle Drive, Churchville, New York 14428 for variance to erect a gazebo to be 15' high (12' req.) at property located at above address in R-1-15 zone.

Dan McEneaney was present to represent the application. He stated they had their home built last spring, and he stated they would like to put a deck on the back. He stated they applied for the permits for the deck. He stated at the same time they want to incorporate a roof over one-third of the deck for shade and aesthetic purposes. He stated the roof itself would be only 3 ft. from the house. He stated he does not want to attach it to the house making it a porch which would eliminate the need for a variance. He stated he does not want to get into that because it would be expensive and they would have to address drainage and gutter systems, et cetera. He stated the area involved is not in the middle of the yard and the deck would not obstruct any neighbor's views.

John Castellani asked if 12 ft. would be an option, and Mr. McEneaney indicated 12 ft. is not an option because of the grade of the slope versus the base height of the house not allowing for that.

ANYONE IN FAVOR OR OPPOSED: No one.

John Castellani made a motion to declare the Board lead agency and made a determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. The Board was unanimously in favor of the motion.

DECISION: Unanimously approved by a vote of 6 yes with no conditions. The following finding of fact was cited:

1. Minimum variance to alleviate hardship due to yard conditions.

ZB 5/26/92 -- Page 4

OLD BUSINESS:

1. Application of Ronald Alkire, 9 Gene Drive, Rochester, New York 14624 for conditional use permit to allow a fiber optics assembly business in home at property located at above address in R-1-12 zone.

Ronald Alkire was present to withdraw the application.

The meeting ended at 8:40 p.m.

CHILI ZONING BOARD
June 2, 1992

A meeting of the Town of Chili Zoning Board was held on June 2, 1992 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 Bill Oliver.

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

ALSO PRESENT: Larry Smith, Building Inspector; Richard Stowe, Assistant Town Counsel.

Chairperson Bill Oliver declared this to be a legally constituted meeting of the Chili Zoning Board and explained the meeting's procedures. He introduced the Board members and front table. He identified the fire safety exits. The Pledge of Allegiance was cited.

No one was present to represent the tabled application from 5/27/92 regarding Mr. Mertz's property.

John LeClair - 9 Pine Ridge Drive

He was present to speak in opposition to the application. He presented a statement and pictures in opposition of this application for when it would be heard in the future.

1. Application of Richard Baker, owner; 13 Alfred Avenue, Rochester, New York 14623 for variance to erect a 4' high chain link fence in front yard (3' allowed) at property located at above address in RA-20 & FFO zone.

Richard Baker was present to represent the application. He stated he wants a fence because he constantly has kids running through his yard and he can't get grass to grow because of that. Bill Oliver asked if a 3 ft. fence would be sufficient, and Mr. Baker indicated it would not with these particular kids. He stated the kids climb the 4 ft. fence in his backyard. Bill Oliver asked if the fence would have sharp prongs on top, and Mr. Baker indicated it would not; it would be the standard chain link.

Bill Oliver stated this came back from the Monroe County Department of Planning as a matter not requiring SEQR. Mr. Baker stated the neighbor across the street has a chain link fence in his front yard. Linda Collinge asked how high is the neighbor's fence, and Mr. Baker indicated it is 4 ft.

Ron Popowich asked if the fence would go down one side of the property or across the property, and Mr. Baker indicated it would go between his property and the property next door only.

ANYONE IN FAVOR OR OPPOSED: No one.

DECISION: Approved by a vote of 5 yes to 1 no (Linda Collinge) with no conditions, and the following findings of fact were cited:

1. Consistent with other fences in area.
 2. Needed for safety and protection of property from thru traffic.
2. Application of Forest Creek Equity Corp., 80 W. Main Street, Rochester, New York 14614, property owner: M/M Charles Stahl; for variance to erect a 14' x 16' deck to be 22; from rear lot line (35' req.) at property located at 49 Toni Terrace in R-1-15 zone.

Ken Carosa was present to represent the application along with Mr. Stahl. He stated they want to receive a rear setback variance in order for them to install a 14' x 16' deck. He stated they cannot follow the rear setback of 35 ft. due to the practical difficulty stated in the application. He stated the rear of the house is 35 ft. on one end and 37 ft. on the other side. He stated they are as close as they can be to the rear of the lot. He stated the lot itself is a corner lot. He stated they tried to angle the house as much as possible in order to avoid having a rear or side yard on White Oak Bend and to try and show the frontage of the house, to maximize the frontage of the house. He stated the house is one of the largest ranches in the development. He stated it covers more of the lot than other homes. He stated the lot backs up to a common area.

Gates-NEWS-Chili

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

Date... 5-27-92.....

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

GATES-CHILI NEWS

Issue Dated.... 5-27-92...

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 2, 1992 at 7:30 p.m. to hear and consider the following applications:

1. Application of Richard Baker, owner; 13 Alfred Avenue, Rochester, New York 14623 for variance to erect a 4' high chain link fence in front yard (3' allowed) at property located at above address in RA-20 & FPO zone.
2. Application of Forest Creek Equity Corp., 80 W. Main Street, Rochester, New York 14614, property owner: M/M Charles Stahl; for variance to erect a 14' x 16' deck to be 22' from rear lot line (35' req.) at property located at 49 Toni Terrace in R-1-15 zone.
3. Application of Brent Vitolins, 27 Saddle Back Trail, Rochester, New York 14624, property owner: M/M Imants Vitolins; for conditional use permit to allow an office in home for a graphics/advertising business at property located at above address in R-1-12 zone.
4. Application of Ronald Beyor, owner; 48 Morrison

Avenue, Rochester, New York 14623 for variance to erect a 12' x 18' deck to be 6' from side lot line (100' req. abutting a street) at property located at above address in RA-20 & FPO zone.

5. Application of Donald Clar Jr., owner; 3 Pleasant Street, North Chili, New York 14514 for variance to erect a 14' x 24' addition to garage to be 27' from rear lot line (40' req.) at property located at above address in R-1-15 zone.

6. Application of James Emerson, 268 Fisher Road, Rochester, New York 14624 for variance to erect a 20' x 16' deck to be 10' from north side lot line and 30' from south side lot line (50' req.) at property located at above address in RA-10 & FPO zone.

7. Application of Robert Fallone Inc., owner; 237 Fisher Road, Rochester, New York 14624 for variance to allow a front setback in the King Forest Section 1 Subdivision ranging from 35' - 60' as shown on plans (60' req.) at property located at 2 King Road in R-1-15 zone.

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

William Oliver, Chairman

Chili Zoning Board of Appeals

5-27

William Oliver
June 2, 1992

Bill Oliver asked what materials would be used, and Mr. Carosa indicated it would be pressure-treated wood. Dan Melville asked why it would be located on the rear of the house, and Mr. Carosa indicated that is where the rear door is.

Gerry Hendrickson asked how high the deck would be, and Mr. Carosa indicated it would be 8 inches below the first floor which is approximately 2 ft. from the grade at that point.

John Castellani asked if the home is occupied, and Mr. Carosa indicated it is occupied by the Stahls. John Castellani asked if they were made aware of the proximity to the lot line at the time of purchase, and Mr. Stahl indicated they were. Mr. Stahl indicated he was told they would need a variance if he wanted a deck. He stated he didn't know, though, how much room they had.

ANYONE IN FAVOR OR OPPOSED: No one.

DECISION: Approved by a vote of 5 yes to 1 no (Ron Popowich) with no conditions and the following findings of fact were cited:

1. Consistent with subdivision.
2. Small lots are noted in this area.
3. Application of Brent Vitolins, 27 Saddle Back Trail, Rochester, New York 14624, property owner: M/M Imants Vitolins; for conditional use permit to allow an office in home for a graphics/advertising business at property located at above address in R-1-12 zone.

Brent Vitolins was present to represent the application. He stated he needs a business address for his art work. He stated he opened up a business to freelance. He stated the companies he freelances for need an address.

Bill Oliver asked if he would be the only person involved in the business, and Mr. Vitolins indicated he would be. He stated there would be no clients or customers coming to the site. Bill Oliver asked what the hours of operation would be, and John Castellani commented on the application it states 9-5, Monday through Friday. Bill Oliver asked if there would be any traffic, and Mr. Vitolins indicated there would be no traffic associated with this; just phone usage. Mr. Vitolins indicated he goes out and get his work. He stated once in a while it is Federal Expressed to him.

Dan Melville asked if he would be doing the work in the home, and Mr. Vitolins indicated he would be working at his computer and would be doing drawings. Linda Collinge asked if there are house numbers on the home, and Mr. Vitolins indicated there are numbers on the lamp post and on the mailbox. Linda Collinge asked if the ordinance requires 4 1/2 inch letters on the house, and Larry Smith indicated it does not. He stated they are only required for new construction. He stated the Board could make the large numbers a condition of approval.

Bill Oliver stated the Monroe County Department of Planning wants SEQOR done on this.

ANYONE IN FAVOR OR OPPOSED:

Imants Vitolins

He indicated he was in favor of the application. He stated this will just provide an address for the business. He stated there will be no traffic associated with the business.

Bill Oliver made a motion to declare the Zoning Board lead agency as far as SEQOR and made the determination of no significant environmental impact, and Linda Collinge seconded the motion. Everyone was in favor of the motion.

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

1. Approved for a period of one year.
2. No on-site advertising.
3. No on-street parking pertaining to business.

4. Large house numbers (min. 4 1/2") be installed on house.
5. Hours of operation: Monday-Friday, 9 a.m. to 5 p.m.

The following findings of fact were cited:

1. Standard home occupation accepted per code book.
 2. Not detrimental to neighborhood.
4. Application of Ronald Beyor, owner; 48 Morrison Avenue, Rochester, New York 14623 for variance to erect a 12' x 18' deck to be 6' from side lot line (100' req. abutting a street) at property located at above address in RA-20 & FPO zone.

Ronald Beyor was present to represent the application. Richard Stowe excused himself from the meeting since he represented Mr. Beyor in the purchase of this home before he became Assistant Town Counsel. Mr. Beyor indicated he is requesting a variance to erect a 12' x 18' deck for family pleasure and recreation. He stated it will be on the west side of the property.

Mr. Beyor indicated on the back of the porch he has some double french doors. He stated he would like to erect a deck at that level so the deck can be accessed from the porch.

Bill Oliver asked what the deck would consist of, and Mr. Beyor indicated it would be made of pressure-treated wood. Bill Oliver asked if the deck would have a roof, and Mr. Beyor indicated it would not. He stated the deck would be approximately 30 inches from the ground, the deck itself. He stated then the rail would be 36 inches above that on two sides. He stated the other two sides would be against the porch and the house.

Ron Popowich asked how close the deck would be to the fence, and Mr. Beyor indicated it would be 6 ft.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver declared the Board lead agency for the purposes of SEQOR and made a determination of no significant environmental impact, and Ron Popowich seconded the motion. Everyone was in favor of the motion.

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

1. Due to condition of area, there is no other recourse.
2. Minimum variance to alleviate the hardship.

Richard Stowe returned to the meeting.

5. Application of Donald Clar Jr., owner; 3 Pleasant Street, North Chili, New York 14514 for variance to erect a 14' x 24' addition to garage to be 27' from rear lot line (40' req.) at property located at above address in R-1-15 zone.

Donald Clar, Jr. was present to represent the application. He stated he presently has a 12' x 20' detached garage. He stated the approximate setback from the house is 20 ft. He stated if approved, the garage will be 27 ft. from the back lot line instead of the required 40 ft. He stated he will attach the structure to the back of the present garage. He stated he would put a hole in the back wall of the present garage so it would be all one structure. He stated it will be a post and beam foundation. He stated the building comes completely assembled from Geneva.

Bill Oliver asked what is the purpose for the addition, and Mr. Clar, Jr. stated he has a couple vehicles he would like to store. He stated he has space for only one car now. He stated he will not change the southern boundary of the addition. He stated the addition will be maintained at 10 ft. from the adjacent property line.

Bill Oliver asked if the storage would be for personal vehicles, and Mr. Clar, Jr. indicated it would. Bill Oliver asked if the vehicles would be used for any business, and Mr. Clar, Jr. indicated they would not. Bill Oliver asked if they

would be storing any flammable material like gas in the garage, and Mr. Clar, Jr. indicated only the normal amount for lawn mowers. Bill Oliver asked if there would be any painting of vehicles in the garage, and Mr. Clar, Jr. indicated there would not be.

Ron Popowich asked how would access be gained to the addition. Mr. Clar, Jr. indicated there would be entrance through the front of the existing garage and there will be an 8 ft. door on the back of the additional structure. He stated it will all be one structure. Ron Popowich asked how would the vehicles get in, and Mr. Clar, Jr. indicated through the front or side. Ron Popowich asked if there would be a driveway around the side, and Mr. Clar, Jr. indicated there would not be. He stated he would just drive on the grass if he needed to remove a vehicle from the back. He stated that would be a rare event. Ron Popowich asked if there would be storage of vehicles here, and Mr. Clar, Jr. indicated there would be.

John Castellani asked if the applicant was positive about the 27 ft. Mr. Clar, Jr. indicated it is actually over 27 ft. He stated there is a brand new house next door and the lot was surveyed then. He stated the stakes are still in the ground. He stated it is at least 27 ft. from the stakes. John Castellani stated he does not want the applicant to have to come back if he didn't ask for enough. Mr. Clar, Jr. indicated there is another foot to play with.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Linda Collinge seconded the motion. Everyone on the Board was in favor of the motion.

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

1. Minimum variance to alleviate the hardship.
2. Woods bordering property shields neighbors from viewing addition to garage.
6. Application of James Emerson, 268 Fisher Road, Rochester, New York 14624 for variance to erect a 20' x 16' deck to be 10' from north side lot line and 30' from south side lot line (50' req.) at property located at above address in RA-10 & FPO zone.

James Emerson was present to represent the application. He stated he wants a variance for a 20' x 16' pressure-treated wood deck. Bill Oliver asked what is meant by having the deck over an existing patio. Mr. Emerson indicated they have a broken up cement patio they would build over. He stated it would be ground level with an 8' x 8'30" high area that would connect with the first floor level of the home. He stated there would be a step down between the two portions.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and John Castellani seconded the motion. All Board members were in favor of the motion.

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

1. Narrow lot.
2. House is pre-existing, non-conforming.
3. Minimum variance.
7. Application of Robert Fallone Inc., owner, 237 Fisher Road, Rochester, New York 14624 for variance to allow a front setback in the King Forest Section 1 Subdivision ranging from 35' x 60' as shown on plans (60' req.) at property located at 2 King Road in R-1-15 zone.

No one was present for the application. It was stated the representative was coming but was late.

There was a recess in the proceedings.

Application #7 was recalled.

Lee Sinnebox was present to represent the application. He stated the subdivision was proposed and developed through planning over the last year and a half. He stated the project has been approved by the Planning Board and all other involved agencies have signed off.

Mr. Sinnebox indicated the reason they are asking for the variances is in the last minute approval process, the Town Engineer had asked for some drainage easements on the site, particularly behind lots 101 - 107. He stated there was an area butted up against the existing homes on Still Meadow Drive where drainage was flowing southerly onto this property. He stated there was never a drainage swale in that area. He stated the Town Engineer felt it prudent to construct a swale that would handle the drainage from those lots, but there was no easement. He stated they offered a 20 ft. easement that took some of the backyards of these lots.

Mr. Sinnebox stated they would like to slide the houses forward to enhance the backyards. He stated the site is tough to develop from the standpoint it would require an enormous amount of fill. He stated the sewers are extremely shallow in that area. He stated the site has to be elevated to provide cover for those sewers. He stated that is the probable reason why the roads have been dead-ended there. He stated the variances would allow the lots to be more in harmony with the neighborhood. Mr. Sinnebox indicated they are asking for a range of 35 ft. minimum up to 60 ft. He stated everything else complies to zoning.

Larry Smith stated the denial was based on approval of the site plan because the setbacks did not meet site plan. He stated the Planning Board has approved the layout and concept of varying setbacks to keep the subdivision aesthetically pleasing with the surrounding areas.

Dan Melville questioned if they really want a range of 35 ft. to 60 ft. Mr. Sinnebox indicated they do. Dan Melville stated he would rather see it consistent.

Mr. Sinnebox explained how the 35 ft. setback would be carried down the whole side road. He stated 62 Evergreen would have a 60 ft setback. Dan Melville indicated he understood the reasoning. Mr. Sinnebox indicated they do not want the homes behind one another.

John Castellani stated if this were granted, he would want a condition placed on the approval that the drawing submitted tonight would be the binding drawing. Larry Smith stated the map would be filed. Mr. Sinnebox indicated they have drawn the map up how they would like it filed. Richard Stowe stated the map can be referenced in the decision letter.

Mr. Sinnebox indicated they would like to ask the Zoning Board for one consideration other than what is shown on the plan, Lot 108. He stated they want to allow 40 ft. for that setback. He stated the new homeowners only have a 40 ft. backyard.

There was discussion on how that change would affect other lots.

Larry Smith stated the drawing will have to be changed to reflect the changes discussed this evening.

Lee Sinnebox stated Lots 108 and 109 would be 50 ft.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Linda Collinge seconded the motion. All Board members were in favor of the motion.

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

1. Lot #108 - change setback on drawing from 60' to 50'.
2. Lot #109 - change setback on drawing from 55' to 50'.

3. All other lots to stay as noted on drawing #395-05 and revised March 19, 1992.

The following findings of fact were cited:

1. Variance to allow setbacks to be consistent with old neighborhood in adjacent properties.

The 3/24/92 Zoning Board minutes were approved as corrected.

The meeting ended at 9:05 p.m.

CHILI ZONING BOARD
June 16, 1992

A meeting of the Town of Chili Zoning Board was held on June 16, 1992 at the Chili Town Hall, 3235 Chili Avenue, Rochester, New York 14624. The meeting was called to order by Chairperson Bill Oliver.

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

ALSO PRESENT: Larry Smith, Building Inspector; Richard Stowe, Assistant Town Counsel.

Bill Oliver declared this to be a legally constituted meeting of the Chili Zoning Board. He introduced the Board and front table. He explained the meeting's procedures. He announced the fire safety exits. The Pledge of Allegiance was cited.

1. Application of United Refining, owner, c/o Denluck-O'Neill, 5 S. Fitzhugh Street, Rochester, New York 14614 for variance to create a lot depth on Lot 1 to be 61.75' on the west side and 135.22' on the east side (250' req.), variance to Lot 2 to have 30' frontage on a street (40' req.) at property located at 3215 & 3219 Chili Avenue in G.B. zone.

Hiram Colwell was present to represent the application. He stated the last time he was present the public notice had not been posted properly. Bill Oliver asked if he was present to represent United Refining, and Mr. Colwell indicated he was. Mr. Colwell stated the main reason they have applied for this is to get a canopy. He stated they were notified the sign is in violation. He asked the Board to amend the application to include the freestanding sign.

John Hellaby asked if United Refining owns Lot 1, and Mr. Colwell indicated it does. John Hellaby asked how long have they owned it, and Mr. Colwell indicated since 1989. John Hellaby asked who did they purchase it from. He stated the lot never went through the subdivision process. Mr. Colwell stated he was told at the Planning Board United Refining was caught in the middle. John Hellaby asked if the applicant has to go to the Planning Board. Richard Stowe stated they have already been to the Planning Board. Bill Oliver read the Planning Board decision letter from their 5/12/92 meeting.

John Castellani asked if Mr. Colwell was representing the Truisi, and Mr. Colwell indicated he was not. He stated he is only representing United Refining. John Castellani asked if they have permission from the Truisi to change the lot lines, and Mr. Colwell indicated they haven't changed the lot lines. Richard Stowe stated at the Planning Board level it was established that United Refining purchased the property from Mr. Truisi. Richard Stowe stated the Planning Board approved the application with the condition the variances requested from the Zoning Board be granted. Richard Stowe stated Mr. Truisi had deeded the property to United Refining without coming in for the necessary approvals.

John Castellani asked how did they do all the building then. Richard Stowe stated United Refining's predecessor did that before. Larry Smith read the site plan approval letter. He stated both the site and subdivision were approved by the Planning Board.

John Castellani questioned Lot 2's involvement in this application. He asked if the Planning Board condition regarding Lot 2 should be on Mr. Truisi's application and not United Refining's. Richard Stowe stated they cannot approve a subdivision into two pieces when the second piece is less than a legal sized access onto the highway. He stated in reality, Mr. Colwell is Mr. Truisi's agent because if they don't get this approval, they don't have a legal lot and the subdivision approval would fall apart. He commented Mr. Truisi was not present to object.

Linda Collinge asked if there would be guardrails around the canopy base. Mr. Colwell indicated many times the canopy legs are in the island and guardrails are not necessary, but if necessary, they will guard them. Larry Smith indicated the State requires protection. Mr. Colwell indicated the canopy will have fire suppression and ground sweeps.

John Castellani asked if this were approved, does Lot 2 become a legal lot, and Richard Stowe indicated it would.

Dan Melville stated the Board told the applicant a while ago that the freestanding sign would have to be moved when the highway was expanded. Larry Smith stated their sign is protruding over the State right-of-way which they can't do. He stated they cannot approve the sign in the current location. John Castellani felt the sign needs to be covered in a different application. Larry Smith stated even so, the sign probably can't be approved unless it is moved. Mr. Colwell stated he wanted a notice of violation for his director's information.

ANYONE IN FAVOR OR OPPOSED:

William Kenyon - attorney for the Chili Fire Department
Mr. Kenyon stated he was not in favor of the application or opposed. He stated Lot 2, the 30 ft. strip adjacent to the Stop and Go property over which the Chili Fire Department is located, has had an easement since 1987. Larry Smith indicated he was told by Mr. Lechtner the easement was never filed. Mr. Kenyon stated recorded or not, that has no impact on the legality. He stated he had a copy of the easement, and he submitted it to Larry Smith. Larry Smith stated that had no bearing on this application. Larry Smith stated on July 16th this matter will come to the court.

Dan Melville stated they are just hearing the setbacks tonight. Mr. Kenyon stated they would be legalizing Lot 2. He felt if they legalize Lot 2 and the easement exists, this may be relevant.

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

1. Variance will help legalize pre-existing non-conforming lots.
 2. Minimum variance required.
2. Application of United Refining, owner; c/o Denluck-O'Neill, 5 S. Fitzhugh Street, Rochester, New York 14614 for variance to erect a 24' x 34' canopy over fuel pumps to be 6.50' from front lot line (75' req.) at property located at 3215 Chili Avenue in G.B. zone.

Hiram Colwell was present to represent the application. He showed the Board a picture of a similarly proposed canopy. He showed the Board the proposed color scheme.

John Hellaby asked if the canopy would meet all the safety requirements. Dan Melville stated it would have to meet State code. John Hellaby questioned the signage on the canopy. Mr. Colwell stated if the signage would cause a problem, it is not necessary. Mr. Colwell stated they have a sign on the front of the building that says Red Apple Food Mart. Larry Smith stated if they look at the Kwik Fill sign on the canopy as being a structural sign, they would be entitled to 1 1/2 sq. ft. for every linear ft. of sign. Larry Smith stated he would look at the canopy as a separate structure.

Larry Smith stated the freestanding sign is not a matter of this application this evening. He stated in the past the applicant was told the freestanding sign would have to be moved.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver 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. The following findings of fact were cited:

1. Minimum variance.
 2. Canopy to aid fire safety of pumps.
3. Application of Joan Hilger, owner; 6 Entress Drive, Rochester, New York 14624 for conditional use permit to operate a bookkeeping/accounting business in home at property located at above address in R-1-20 zone.

Joan Hilger was present to represent the application. She stated she wants to operate an accounting, bookkeeping and secretarial service out of her home. She stated there would be no traffic. She stated there would be no signs. She stated most of the work she has been doing is contract work outside of her home.

Bill Oliver commented there were no hours of operation listed. Mr. Hilger indicated what she is doing so far is working like a temporary worker that anyone can hire without benefits and without commitment. She stated most of the work she has done has been in someone else's office. She stated the contractor she is currently working for, she goes and gets the work and brings it to her home. She indicated she works on her computer at home and brings the work back to the client.

Bill Oliver asked if Ms. Hilger would be a self-employed person with no one else helping her. Ms. Hilger stated there would be no one else involved in the business other than herself. Dan Melville asked if there would be any clients coming to the house, and Ms. Hilger indicated no one would be coming to the house. She stated she goes to them. Larry Smith stated the applicant is allowed to have one other employee by code.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver made a motion to declare the Board lead agency and made a determination of no significant environmental impact, and Linda Collinge seconded the motion. All Board members were in favor of the motion.

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

1. Approved for a period of one year.
2. No on-site advertising.
3. No on-street parking pertaining to the business.
4. Large house numbers (minimum 4 1/2") be installed on house.

The following finding of fact was cited:

1. Request falls under Town's customary home occupations.
4. Application of Patsy Cavuoto, owner; 81 Archer Road, Rochester, New York 14624 for conditional use permit to allow an office in home for a car dealership business at property located at above address in R-1-15 zone.

Patsy Cavuoto was present to represent the application. He stated he would like to get his office transferred from 44 Richmond Street in the City to Chili. He stated he is retired, but he is still doing a little car business. He stated he goes to the auctions and buys a car to sell. He stated he buys one car, drives it, keeps it in his driveway and then sells it. He stated he would like his office to be in his house to come down on his overhead.

Dan Melville asked if he would be bringing cars to the house, and Mr. Cavuoto indicated he would only have one car at any time. He stated his wife has her own car with a private plate on it. He stated the one he would drive would have a dealer plate on it. He stated he would sell no cars from his house.

Gerry Hendrickson asked if any repairs to the cars would be made at the house, and Mr. Cavuoto indicated there would be no repairs made at the site. Dan Melville questioned if people contact him for the cars, and Mr. Cavuoto indicated he sells the cars at auctions. He stated he would not advertise or sell from his home.

John Hellaby asked the applicant if he would buy a car that needed a lot of work, and Mr. Cavuoto indicated he would not do that. He stated if his cars need work, he would take them to a local mechanic. He commented if three cars are seen in the driveway, it is because his son lives with him.

Larry Smith stated if this application is approved, he would like the condition that there be no unlicensed vehicles on the property.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver made a motion to declare the Board lead agency and made a determination of no significant environmental impact, and Linda Collinge seconded the motion. All Board members were in favor of the motion.

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

1. Approved for a period of one year.
2. Applicant is not to have unlicensed vehicles on property consistent with Town laws.
3. One vehicle for sale will be allowed on property at a time.

The following findings of fact were cited:

1. Standard home occupation for office in home.
5. Application of DeWayne Scott, owner; 11 Sequoia Drive, Rochester, New York 14624 for variance to erect a 13'10" x 22'10" deck to be 23' from rear lot line (30' req.) at property located at above address in R-1-12 zone.

DeWayne Scott was present to represent the application. He indicated he wants a variance of 23 ft. from the lot line to build a deck. He indicated his carpenter told him he should ask for 14' instead of the 13'10" as well as asking for 22' instead of 22'10", so the variance would not change.

John Castellani commented they are only looking at the rear setback. Mr. Scott indicated he had a letter from his neighbor in the back that could not be present this evening. The letter indicated the neighbor had no problem with the proposed deck. Bill Oliver read the letter from 16 Laredo Drive signed by David Hazelwood. The letter will be on file in the Building Department.

John Hellaby asked who came up with the 23 ft. Mr. Scott indicated he did. John Hellaby asked the applicant if he was sure of that figure, and Mr. Scott indicated he was.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver made a motion to declare the Board lead agency and made a determination of no significant environmental impact, and Linda Collinge seconded the motion. All Board members were in favor of the motion.

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

1. Minimum variance.
2. Neighbors favor location per documented letter.
6. Application of Fallone Homes Inc., owner; 2496 Ridge Road West, Rochester, New York 14626 for variance to erect a 3' x 16' freestanding sign with logo at property located at 2 Talos Way in R-1-15 zone.

Bill Oliver stated this came back from the Monroe County Department of Planning as a local matter. No one was present to represent the application. Bill Oliver indicated they would call this application at the end of the meeting.

At the end of the meeting, the application was recalled and no one was present to represent the application.

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

1. Applicant did not appear for public hearing.
7. Application of Carol O'Connor, owner; 4 Sunridge Drive, Rochester, New York 14624 for variance to erect a 12' x 12' utility shed to be 2' from side lot line (8' req.) and 5' from rear lot line (8' req.) at property located at, above address in R-1-15 zone.

Carol O'Connor was present to represent the application. She stated she needs a

variance because she is going 2 ft. on one side and 5 ft. on the other side where she needs 10 ft. on both sides.

Bill Oliver asked if the property is angled, and Ms. O'Connor indicated it is. She stated what she calls her backyard is actually her side yard. Dan Melville asked if she would be using this shed for storage, and Ms. O'Connor indicated she would be storing a snowmobile, a motorcycle and garden tools.

John Castellani asked if there is an existing storage shed there, and Ms. O'Connor indicated there is not. She stated her neighbor in back has a wood pile there.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver made a motion to declare the Board lead agency and made a determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. All Board members were in favor of the motion.

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

1. Minimum variance.
 2. Placement of existing tree in area causes hardship.
8. Application of Donald Hudson, owner; 9 Charmaine Road, Rochester, New York 14624 for variance to erect an 8' x 12' utility shed to be 3' from side lot line (8' req.) and 6' from rear lot line (8' req.) at property located at above address in R-1-12 zone.

Donald Hudson was present to represent the application. Bill Oliver asked why they could not just move the shed over a little bit. Mr. Hudson stated he has already cut down the size of his garden to 20' x 16'. Bill Oliver asked if the garden is a hobby, and Mr. Hudson indicated it is.

John Hellaby asked if a shed presently exists back there, and Mr. Hudson indicated it does. John Hellaby asked if the proposed shed would be replacing what is back there, and Mr. Hudson indicated he is replacing it. John Hellaby asked how the new shed conforms sizewise to the old shed, and Mr. Hudson indicated the one that he has there is 6' x 8'.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver made a motion to declare the Board lead agency and made a determination of no significant environmental impact, and Linda Collinge seconded the motion. All Board members were in favor of the motion.

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

1. Shed is a replacement of existing non-conforming structure.
 2. Location not detrimental to neighborhood.
9. Application of Edward Hill, owner; 21 Florentine Way, Rochester, New York 14624 for variance to erect a 14' x 20' utility shed to be 280 sq. ft. (160 sq. ft. allowed) at property located at above address in R-1-20 zone.

Don Avery was present to represent the application. He stated they are not asking for any variances as far as the side lot lines are concerned. He stated they just want to place a larger shed in that area where they have an existing shed. He stated the siding and roofing will match the house and will be the same color and materials.

John Hellaby asked why they need such a large shed when they have a three-car garage. Edward Hill was also present to represent the application. He stated his garage is filled with antique cars. He stated he wants to get more stuff out of the garage so he doesn't scratch the cars up.

John Hellaby asked if it is the applicant's intention to store another car in the shed, and Mr. Hill indicated it is not. John Hellaby asked the applicant if he presently owns three antique cars, and Mr. Hill indicated he owns four cars in his garage now.

ANYONE IN FAVOR OR OPPOSED:

George Scheil - 28 Florentine Way
He indicated he was in favor of the application.

Bill Oliver made a motion to declare the Board lead agency and made a determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. All Board members were in favor of the motion.

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

1. Showed a need for this size shed.
 2. Structure will be consistent with house siding and convey a neatness to property.
10. Application of Home Leasing Corp., owner; 850 Clinton Square, Rochester, New York 14604 for renewal of variance to allow two 3' x 2' double-faced "A" frame signs place on front and side lot lines (20' req.) variance to allow two flags, at property located at 4 College Greene Drive in P.U.D. zone.

Laurie Tones was present to represent the application. She indicated they want to renew a variance for two A-frame signs. She stated one of the signs has changed, the actual wording. She stated they now have a sign that says, "Retirement Community". She stated their main front sign only says, "College Greene". She stated there is no way of knowing from the signage on Buffalo Road that this is a retirement community.

Ms. Tones indicated they have also ordered some white and green flags. She stated they have a rock that they would like to landscape around including a flagpole.

Dan Melville asked how long will they need the signs for, and Ms. Tones did not know but felt another two years would be good. Dan Melville asked if these are temporary signs, and Ms. Tones indicated they are. She stated the signs are up only when they are open. Dan Melville asked when the project would be finished, and Ms. Tones indicated they are hoping to be done in three years but realistically it looks like seven or eight years.

John Hellaby asked if the present hours of operation are the same as they were a year ago, and Ms. Tones indicated they are currently the same. John Hellaby asked if it is their intention to bring the signs in every night. Ms. Tones indicated when they are not open, they will bring the signs in with them otherwise they would be destroyed. John Hellaby asked what the size of the flags will be, and Ms. Tones indicated they will be 3 x 5. John Hellaby asked how high off the ground would the flags be, and Ms. Tones indicated about 10 to 12 ft.

Ms. Tones indicated they would like to add Friday to their hours of operation.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver moved to declare the Board lead agency and made a determination of no significant environmental impact, and Linda Collinge seconded the motion. All Board members were in favor of the motion.

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

1. Signs to be up only Tuesday, Thursday, Friday and Saturday from 12:00 p.m. to 3:00 p.m.
2. Signs to be removed all other times.
3. Approved for 5 years.
4. Flags shall be maintained in good condition and replaced if necessary.

The following findings of fact were cited:

1. Renewal of past variance.
 2. Showed a need for advertising.
11. Application of Mark Smith, owner; 5 Sierra Road, Rochester, New York 14624 for variance to erect a 4' stockade fence in front setback area (3' allowed) at property located at above address in R-1-12 zone.

Mark Smith was present to represent the application. He stated he has a very strange pie-shaped lot. He stated his address is off Sierra Drive but his driveway is off Mercedes Drive. He indicated he found out what he considered his backyard or side yard is really his front yard. He stated he wants a 4 ft. fence in the front to match the rest of the yard. He stated he needs the fence because being a pie-shaped lot where it is, many teenagers cut through his lot.

Bill Oliver asked what the distance would be from the fence to Sierra Road. Mr. Smith indicated it would be 24' approximately. Larry Smith stated it would be 24 ft. from the edge of the road. Mr. Smith stated he has approached six of his neighbors and none of them have any problems with this.

Dan Melville asked if the applicant is constructing this fence himself, and Mr. Smith indicated he would buy the fence sections and erect them himself. Dan Melville asked if the fence would be anchored in the ground with concrete. Mr. Smith stated they would be anchored with stone. He stated the fence would be made of pressure-treated wood.

Gerry Hendrickson asked what they would do with the part between the garage and the house, and Mr. Smith did not know what they would do with that yet.

John Castellani asked if there are any easements in this area, and Larry Smith indicated there were none that he could see. Mr. Smith indicated Kathy Reed checked and did not find any.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver made a motion to declare the Board Lead agency and made a determination of no significant environmental impact, and John Castellani seconded the motion. All the Board members were in favor of the motion.

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

1. Applicant demonstrated need for fence.
2. Fence height will help maintain safety and privacy of property.
3. Not detrimental to area.

The 4/28/92 Zoning Board minutes were approved as is.

The meeting ended at 9:25 p.m.

A meeting of the Town of Chili Zoning Board was held on June 23, 1992 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 Bill Oliver.

PRESENT: Ron Popowich, John Castellani, Gerry Hendrickson, Linda Collinge, and John Hellaby.

ALSO PRESENT: Richard Drake, Assistant Building Inspector; Richard Stowe, Assistant Town Counsel.

Bill Oliver declared this to be a legally constituted meeting of the Chili Zoning Board. He explained the meeting's procedures and introduced the Board and front table. He announced the fire safety exits. The Pledge of Allegiance was cited.

1. Application of John Mertz, owner; 11 Pine Ridge Drive, Rochester, New York 14624 for variance to erect a 12' x 27' addition to garage to be 55 1/2' from front lot line (60' req.) and 5' from side lot line (10' req.) at property located at above address in R-1-15 zone.

John Mertz was present to represent the application. He stated he needs the variance to enlarge the garage because he has built an 8' x 6' mud room from his house into one section of the garage. He stated he needs a variance to go out to the side instead of the back, otherwise he would have to change the whole roof line which would be more expensive than just adding a little on.

John Mertz stated he has four children, bikes, wagons, a motorcycle, a camper and more cars will be in the driveway in the future. He stated with the addition he could get a pop-up camper in the garage out of the way, which would allow him to move the cars up. He felt with the cars moved up closer to the garage, it would allow a greater sight distance for cars to see children exiting the driveway.

Mr. Mertz stated a shed would only allow for storage of their small items. He stated Mr. LeClair, his next-door neighbor, has no windows on the ground level facing the addition. He stated there would be 5 ft. between the addition and the property line. He stated there is approximately 12 ft. from Mr. LeClair's house to the property line. He stated Mr. Manair at 12 Pine Ridge Drive built a three-car garage and was granted a variance for it two years ago.

Mr. Mertz stated he has been in the neighborhood for six years. He stated he has made improvements to his home. He stated the addition won't detract from the neighborhood. He stated adding the structure to the garage would only increase the property values.

Bill Oliver commented this applicant has already been granted a variance.

Mr. Mertz stated he was granted a variance to move his garage out 3 ft. He stated that variance will still not give him enough room to put his cars in the garage because of the mud room. Bill Oliver asked if they have added onto the garage according to the first variance requested yet, and Mr. Mertz indicated he has not yet. Bill Oliver stated the previous variance was granted in 1988. Mr. Mertz stated he wants to do all the construction at once.

Ron Popowich asked how large is the present garage, and Mr. Mertz was not sure of the dimensions. He stated it is a two-car garage. Ron Popowich asked when was the mud room put on, and Mr. Mertz indicated three years ago. Ron Popowich asked if they would put the addition on the side of the garage, and Mr. Mertz indicated he would. Ron Popowich asked if the driveway would be extended out, and Mr. Mertz indicated there would be a little curve.

Gerry Hendrickson asked if the wall would be taken down between the two structures, and Mr. Mertz indicated it would not be taken down.

ANYONE IN FAVOR OR OPPOSED:

John LeClair - 9 Pine Ridge Drive

He stated they bought their home on 4/13/92. He stated they are currently moving in this week. He stated they had resided at 82 Hillary Drive for 5

Gates-NEWS-Chili

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

Date.....6-17-92.....

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

GATES-CHILI NEWS

Issue Dated...6-17-92...

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 Co June 23

req.) and 5' from side lot line (10' req.) at property located at above address in R-1-15 zone.

2. Application of Frank Moran, owner; 2872 Chili Avenue, Rochester, New York 14624 for variance to erect an above ground swimming pool to be 31' from side lot line (55' req. abutting a street) at property located at above address in R-1-12 zone.

3. Application of Rochester Acoustical, 44 Paul Road, Rochester, New York 14624, property owner: J. Biddle; for variance to erect a 6' stockade fence in front setback area (3' allowed) at property located at above address in G.I. zone.

4. Application of Alexander Torre, owner; 387 Weidner Road, Rochester, New York 14624 for variance to allow the total square footage of garage area, including a 30' x 24' addition to be 1,250 sq. ft. (900 sq. ft. allowed) at property located at above address in R-1-12 zone.

5. Application of Richard Titus, owner; 2596 Scottsville Road, Scottsville, New York 14546 for variance to allow a dwelling on existing foundation to be 18' from front lot line (100' req.) at property located at 200 Krenzer Road in RA-20 & FPO zone.

6. Application of Kathleen Kowalski, owner; 44 Parkway Drive, North

Chili, New York 14514 for variance to erect a 26' x 8' open porch to be 43' from front lot line (60' req.), variance to erect a 22' x 18' attached garage to be 41' from front lot line (60' req.) at property located at above address in R-1-15 zone.

7. Application of Lyell Metals, owner; 1515 Scottsville Road, Rochester, New York 14623 for variance to erect an 8' high fence and 14' high fence as shown on plans at property located at 1515 & 1525 Scottsville road in G.I. zone.

8. Application of Armored Motor Services of America, 300 Main Street, East Rochester, New York 14445, property owner: J. Robfogel; for variance to allow front parking for 52 vehicles at property located at 28 & 36 Jet View Drive in L.I. zone.

9. Application of Armored Motor Services of America, 300 Main Street, East Rochester, New York 14445 for variance to erect an 8' chain link fence with 3 strands barbed wire (6' allowed) at property located at 28 & 36 Jet View Drive in L.I. zone.

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

**William Oliver,
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 June 23, 1992 at 7:30 p.m. to hear and consider the following applications:

1. Application of John Mertz, owner; 11 Pine Ridge Drive, Rochester, New York 14624 for variance to erect a 12' x 27' addition to garage to be 55 1/2' from front lot line (60'

years. He stated they have experienced water drainage problems in their previous home. He stated they feel a change in elevation or grade of the new proposed structure, addition of the gutters, downspouts, et cetera, could negatively impact his property. He stated the deciding factor in purchasing their new home was the space between the homes. He stated the addition would impact negatively on his property value.

Mr. LeClair stated he felt there were two alternatives to the variance. He stated the applicant could extend the garage to the rear, which he would have no objection to. He stated 6 Pine Ridge Drive has done that and has maintained a two-car garage appearance, not a four-car garage appearance. Mr. LeClair stated the applicant could also build a shed. He stated the owners of 12 Pine Ridge built a three-car garage but did not impact the neighboring lot since it is a corner lot.

Maureen Mertz was also present to represent the application. She stated they cannot extend out the back because the mud room is there. She stated they would not be able to put two cars in the garage if they did that. She stated there would not be a door to get to the back portion of the garage. She stated they have lived there for six years and have an interest in the neighborhood. She stated they feel having things out of the driveway would add to the value of the property.

Mr. Mertz stated he could bury a drainage pipe under his garage and head it out towards the back of his yard.

John Castellani asked what is in the backyard, and Mr. Mertz indicated they have a pool. John Castellani asked if they added the addition out the back, would it be too close to the pool, and Mr. Mertz indicated it would be too close.

Bill Oliver asked when the mud room was put in. Mr. Mertz stated it was built three years ago. He stated he was given one year to complete the last variance item. Mr. Mertz stated he didn't know before there was a time limit on a variance. Bill Oliver commented maybe they didn't need the first variance if they didn't use it yet.

John Hellaby stated from the existing garage floor there appears to be a swale line between the two houses. Mr. Mertz stated from the garage floor there is quite a dip. John Hellaby asked if the addition is granted, what would their intention be with the grade. He asked if they would leave it or would they fill around the garage as it presently is and slope it off more. Mr. Mertz indicated he intends to leave it.

Bill Oliver made a motion to declare the Zoning Board lead agency as far as SEQOR, and he made a determination of no significant environmental impact, and Ron Popowich seconded the motion. All Board members were in favor of the motion except for John Castellani.

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

1. Self-created hardship due to construction of mud room.
 2. Drainage on side of property was noted as a detriment to property.
 3. Applicant did not research area before asking for variance.
2. Application of Frank Moran, owner; 2872 Chili Avenue, Rochester, New York 14624 for variance to erect an above ground swimming pool to be 31' from side lot line (55' req. abutting a street) at property located at above address in R-1-12 zone.

Frank Moran was present to represent the application. He indicated he needs a variance to erect a 4 ft. above ground pool 31 ft. from his side lot line. He stated in July of 1991 they wanted to buy a pool and put it at the back of the houses. He stated they came down to the Town and found out they would need a variance because of the side road. He stated to try and meet the Town requirements of 55 ft, they selected another spot, and they called the pool installer. Mr. Moran stated his backyard has a hill in it. He stated to put the pool where the spot was, it would entail taking down two trees and digging into the hill at a cost of \$1,000 more. Mr. Moran stated at that point they decided they would wait and try to get the variance.

Ron Popowich asked if a professional pool installer told them the proposed location would be the best location. Mr. Moran stated it was a professional. He added he has a drainage problem in his side yard. Ron Popowich asked if they were talking about the west side of the house for the proposed location, and Mr. Moran indicated that was correct.

John Hellaby asked if it would be the applicant's intention to leave the large pine tree and everything there, and Mr. Moran indicated he intends to leave the tree there.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver 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 and made a determination of no significant environmental impact, and Linda Collinge seconded the motion. All Board members were in favor of the motion.

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

1. Minimum variance needed.
2. Only logical location based on contour of property.
3. Application of Rochester Acoustical, 44 Paul Road, Rochester, New York 14624, property owner: J. Biddle; for variance to erect a 6' stockade fence in front setback area (3' allowed) at property located at above address in G.I. zone.

William Gilbride was present to represent the application. He stated their hope is to erect a 6' x 100' long wood stockade fence basically to enclose their storage property and the rear of the building. He stated they have a large 30 yard dumpster out there. He stated they seem to find a lot of stray garbage in it. He stated the area is a storage area for metal studs and is somewhat less than attractive.

Linda Collinge asked if the fence is going to face Paul Road, and Mr. Gilbride asked it would, and he stated it would be approximately 100' ft. long. Linda Collinge asked how far back from the road would the fence be, and Mr. Gilbride indicated from the edge of the road it would be 25 ft., maybe 20 ft. Linda Collinge asked if the proposed enclosed area would be a grassy area, and Mr. Gilbride indicated that is grass where the metal studs are stored. He stated the grass has grown up around the studs.

John Hellaby asked if the poles are presently set, and Mr. Gilbride indicated they are. Mr. Gilbride stated he did call the Town and ask if he needed permission to build a fence and was told he did not need permission. He stated the employees then set the poles and a red flag notice was placed on them. He stated he called the Town and was told then anything over 3 ft. requires a variance.

John Hellaby asked if a survey was done to meet the proper setback, and Mr. Gilbride was unsure why that was needed. John Hellaby stated the applicant has to maintain a minimum distance from the road for the fence itself. He asked if a survey was done to guarantee the fence is not in the road right-of-way, and Mr. Gilbride stated no survey was done.

Bill Oliver commented if the Building Inspector finds out the fence is a foot over into the road right-of-way, the applicant would have a big problem. He stated that is why John Hellaby asked if a survey was taken. Mr. Gilbride felt they were set back of the setback. John Hellaby stated he brought it up as a caution. He felt it looked close.

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

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver made a motion to declare the Board lead agency and made a

determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. All Board members were in favor of the motion.

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

1. Proper instrument survey be done to locate property line.

The following findings of fact were cited:

1. Fence needed to secure area.
 2. Fence would be in harmony with surrounding area.
4. Application of Alexander Torre, owner; 387 Weidner Road, Rochester, New York 14624 for variance to allow the total square footage of garage area, including a 30' x 24' addition to be 1,250 sq. ft. (900 sq. ft. allowed) at property located at above address in R-1-12 zone.

Alexander Torre was present to represent the application. He stated he would like to erect a pole barn. Ron Popowich asked what the barn would be used for. Mr. Torre indicated it would be used as a garage. He stated it would be a one-story garage almost three cars wide. He stated he would store cars in the garage. Ron Popowich asked Mr. Torre if he would work on cars or repair cars as a business out of this garage, and Mr. Torre indicated he would not. Mr. Torre indicated he has an old garage that is built real low inside. He stated that garage has had sections added on and on but there is not enough room.

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

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver made a motion to declare the Board lead agency and made a determination of no significant environmental impact, and Linda Collinge seconded the motion. All Board members were in favor of the motion.

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

1. Improve the appearance of the property.
 2. Not detrimental to area.
 3. Demonstrated a need due to condition of other garage.
5. Application of Richard Titus, owner; 2596 Scottsville Road, Scottsville, New York 14546 for variance to allow a dwelling on existing foundation to be 18' from front lot line (100 req.) at property located at 200 Krenzer Road in RA-20 & FPO zone.

Peter Pupatelli was present to represent the application. Linda Collinge stated she did not see a sign when she was out to the property. Mr. Pupatelli indicated the owner told him there were two signs given to him and he did post them. Gerry Hendrickson indicated he saw a sign. The Board decided to hear the application.

Mr. Pupatelli indicated the practical difficulty in this application lies in the fact that there once was a dwelling on this location. He stated the structure was in the exact place that is proposed in this application. He stated there is an existing basement and foundation that has been inspected and deemed to be in good condition. He stated the proposed structure would be in proximity to an existing well and septic system, which pending inspection and are believed to be in good condition, would all tie into being used in this property.

Mr. Pupatelli stated to build a home elsewhere on the property would require then removing and filling in the basement and foundation and constructing a new basement and foundation. He stated that would be costly. He stated the density in the area is very low, very sparsely populated. He stated the dwellings that exist in the area are on very large parcels and they are few and far between. He stated the construction of this home would not have an effect on the existing homes. He stated several of the homes in the area do not meet the present

setback due to the fact that it is an area that is very rural and the structures have been there for sometime.

Mr. Pupatelli indicated the property across the street is a wildlife refuge and is not likely to be developed. He stated the application would not interfere with the refuge in any way.

Gerry Hendrickson asked if there is a home on that existing foundation already, and Mr. Pupatelli indicated there was an attempt to start the building, and the applicant did order some materials. He stated there is a covering over the basement but no enclosed structure. Gerry Hendrickson asked if the walls and the chimney were inspected. Mr. Pupatelli indicated everything is in an open condition ready for inspection by the Building Department.

John Hellaby stated the fire that destroyed the home was quite a number of years ago. He asked how long ago was it, and Mr. Pupatelli did not know. Mr. Titus, also present to represent the application, indicated he bought the home on November 21, 1986. Gerry Hendrickson commented the fire was in 1985 or 1984. John Hellaby asked if the applicant had any kind of documentation from a structural engineer or from the Building Department indicating that the foundation is fit for reconstruction. Mr. Pupatelli had a document prepared by a licensed professional engineer, John E. Sweenink dated 6/23/90. John Hellaby commented two years have passed since that document was written. He was concerned about the foundation being exposed to the elements in the last two years.

Mr. Pupatelli indicated the foundation has been covered up. Richard Drake stated he has not done an actual structural inspection or building inspection on the foundation other than to place a stop work order two years ago. Mr. Pupatelli thought it would be part of their building permit to have the foundation inspected again prior to building the building. Richard Drake stated it would be a requirement by the Building Code to have that inspected again.

John Hellaby asked if the foundation would support a home, and Mr. Pupatelli indicated it would. John Castellani asked if the basement would be inspected before any permits are issued, and Richard Drake stated he would need an engineer's update on it for structural stability.

Richard Stowe asked when they plan to commence construction assuming the variance is granted. Mr. Pupatelli indicated the applicant would be in for a building permit and would commence immediately. Richard Stowe asked when construction would be completed if the permit is issued in the next 30 to 60 days. Mr. Pupatelli indicated the construction would be an on-going effort. Richard Drake stated the permit requires construction begin within three months and be completed within 18 months. Mr. Titus indicated he would be able to finish the home in that time period.

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

Mr. Pupatelli commented there has been recent case law that states a tie vote from a Board in the event there is an even number of voters results in non-action, not a denial. He stated a non-action is as if nothing happened.

Richard Drake stated the setback on the tape map that indicates 18 feet plus or minus should be set stated as 18 ft. He stated if they have more than 18 ft. there, they will need a variance for that. There was discussion they would change the map to not less than 17 ft as a minor amendment to the application.

Gerry Hendrickson asked if the road is still a Town road, or has it just been paved, partially paved. Mr. Titus thought it was stone and oil. Gerry Hendrickson thought there might be a problem with the setbacks if that is supposed to be a Town road. Richard Stowe stated the survey calls it out to be a three rod road, 49 1/2 ft. wide.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver made a motion to declare the Board Lead agency and made a determination of no significant environmental impact, and Linda Collinge seconded the motion. All Board members were in favor of the motion.

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

1. Applicant will send to the Town of Chili, a report from a qualified engineer showing the existing foundation is structurally sound.

The following findings of fact were cited:

1. Pre-existing foundation.
 2. Practical difficulty to move to new location due to septic system.
 3. Minimum variance needed.
6. Application of Kathleen Kowalski, owner; 44 Parkway Drive, North Chili, New York 14514 for variance to erect a 26' x 8' open porch to be 43' from front lot line (60' req.), variance to erect a 22' x 18' attached garage to be 41' from front lot line (60' req.) at property located at above address in R-1-15 zone.

Kathy Kowalski was present to represent the application. She stated there are three cars, a boat and six people at their home. She stated there is no room for their cars. She stated the porch would enhance their house.

Bill Oliver commented the plan shows a measurement of 8 ft. plus or minus. Ms. Kowalski indicated it is 8 1/2 ft. Ron Popowich questioned the 41 ft. measurement.

John Hellaby asked if the porch would be going across part of the front of the existing house, and Ms. Kowalski indicated it would. Ms. Kowalski stated they would have a tongue and grooved floor for the porch. She stated the house would be vinyl sided.

John Hellaby asked if the addition to the garage would be just for additional storage, and Ms. Kowalski indicated that was true. She commented they have a narrow garage right now. She stated the porch would have an A-frame portion over the doorway.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver made a motion to declare the Board lead agency and made a determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. All Board members were in favor of the motion.

DECISION: Approved by a vote of 4 yes to 2 no (John Hellaby, Bill Oliver) with no conditions. The following findings of fact were cited:

1. Design will dress up property.
 2. No opposition from neighbors.
 3. Minimum variance needed.
7. Application of Lyell Metals, owner; 1515 Scottsville Road, Rochester, New York 14623 for variance to erect an 8' high fence and 14' high fence as shown on plans at property located at 1515 & 1525 Scottsville Road in G.I. zone.

John Hellaby stated due to personal and professional standing relationships with the next three applications, he wished to abstain and request that he be allowed to step down. Bill Oliver excused John Hellaby from the meeting for the next three applications.

Bill Oliver stated the Chili Planning Board at their May 19th meeting approved this application, and he read the decision letter from that meeting.

Don Avery was present to represent the application. He stated the 14 ft. high fences they are showing on the plan would be at the northwest corner, then by the scales, to the east and then to the south and back. He stated the 14 ft. high fence is going to be made of a metal like metal siding. He showed the Board the possible colors for that fencing. He stated they are putting a new fence up on the property adjacent to the Lyell Metal Company property on the

south. He stated that would have to be an 8 ft. fence as decided by the Planning Board. He stated at the Planning Board meeting they looked at the line of sight at different points on Scottsville Road. He stated they wanted to be sure the piles were hidden. He stated they have lowered the piles.

Mr. Avery stated the additional property was to be able to operate the yard in a more efficient manner and to reduce the pile size. Richard Stowe stated the Planning Board was very concerned about the nature of the fencing material and went over the selection of material and the manner in which it would be constructed and set in the ground. He stated the Planning Board was concerned about the structural integrity of the fence with the piles of steel being behind it. He stated the Planning Board was satisfied with the design and materials that were presented by the applicant and the manner in which it was going to be constructed.

Ron Popowich asked if this would be a solid fence, or would it have slots. Michael Bobry, also present to represent the application, stated it would be solid with no slots. Richard Stowe stated the Planning Board wanted that for screening purposes.

ANYONE IN FAVOR OR OPPOSED: No one.

DECISION: Approved by a vote of 5 yes with 1 abstention (John Hellaby) with no conditions, and the following findings of fact were cited:

1. Height of fence needed for privacy of area.
2. To benefit health, safety and welfare of the public.
8. Application of Armored Motor Services of America, 300 Main Street, East Rochester, New York 14445, property owner: J. Robfogel; for variance to allow front parking for 52 vehicles at property located at 28 & 36 Jet View Drive in L.I. zone.
9. Application of Armored Motor Services of America, 300 Main Street, East Rochester, New York 14445 for variance to erect an 8' chain link fence with 3 strands barbed wire (6' allowed) at property located at 28 & 36 Jet View Drive in L.I. zone.

Tom Palumbo was present to represent the application. He stated they are looking for two variances, one to allow an 8 ft. fence with three strands of barbed wire on top of it. He stated the barbed wire fence is required for security of the armored car vehicles. He stated the area to the east of those vehicles is for the armored vehicle storage and the entrance to the armored vehicle loading area.

Mr. Palumbo stated the way the fence is located in that area is the doors open automatically when the trucks pull up. He stated once a truck pulls up, the doors will close and lock prior to the opening of the building. Mr. Palumbo stated on the north side is a loading and an exit area for the armored vehicles. He stated they have a loading dock that is used for transport of food stamps and receipts which will also be fenced in and locked in the same manner for operation.

Mr. Palumbo stated the 8 ft. fence is the minimum standard for the industry. He stated the way the vehicles operate, is they will come into the building along the east and would exit to the north. He stated they have proposed 13 Norway Spruce to be placed along Jet View Drive to impede the visual aspects of the fence and the loading area. He stated that would be on a 3 to 4 ft. high berm. He stated they have heavy landscaping all along the front, along the Airline Drive side.

Mr. Palumbo stated the parking was a pretty difficult design feature. He stated they designed it trying to meet AMSA's requirements and being sympathetic to the Town's needs. He stated AMSA has three uses in this building. He stated they have a courier service, an armored car service both of which are located on Scottsville Road. He stated the processing and the main offices are presently located in East Rochester. He stated they would like to have the traffic associated with the three uses broken up so they have secured traffic patterns and they know who is where at all times.

Mr. Palumbo stated the currency service is located to the north of the

building. He stated that service would function out of the other third of the building. He stated the armored vehicles operate in the center of the property. He stated those trucks would be stored in a fenced in area, and those drivers would be parking in a separate area. He stated they would have some visitor parking along the Airline Drive side. He stated the balance of the building is for the offices and the processing uses for receipts, cash, et cetera. He stated those personnel will park in the southerly parking area.

Mr. Palumbo stated they have also allowed for future expansion of the building. He stated that would be to the east between the parking area and the vehicle storage area and the truck storage area. He stated any future parking would then be along the north and south side of the railroad if required.

Mr. Palumbo stated they have located the parking area well behind the front setback of line of the property; the building setback being 60 ft. He stated they have heavily planted along that front side. Mr. Palumbo pointed out where RMA Kolko's parking is within approximately 15 ft. of the actual pavement there, and he pointed out where their loading area is.

Bill Oliver read a letter from the Chili Planning Board regarding their 5/19/92 public hearing (the letter is on file in the Building Department). Bill Oliver also read a letter from James Robfogel (also on file in the Building Department.)

John Castellani asked what part would they have the barbed wire on top of the 8 ft. fence. Mr. Palumbo indicated it would be on both secured areas. John Castellani asked if it would be out in the area of the general public parking area, and Mr. Palumbo indicated it would not. He stated the barbed wire would be around the main security entrances only.

Richard Stowe asked if they decided on the nature of the material on top of the fence. Mr. Palumbo stated it would be barbed wire, not constantine or razor blade.

ANYONE IN FAVOR OR OPPOSED: No one.

DECISION ON APPLICATION NO. 8: Approved by a vote of 5 yes with 1 abstention and no conditions. The following findings of fact were cited:

1. Showed need for parking.
2. Security reasons for parking at plant.

DECISION ON APPLICATION NO. 9: Approved by a vote of 5 yes with 1 abstention and no conditions. The following findings of fact were cited:

1. Based on nature of business, the fence is needed.

The meeting ended at 9:35 p.m.

A meeting of the Chili Zoning Board was held on July 28, 1992 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 Bill Oliver.

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

ALSO PRESENT: Larry Smith, Building Inspector; Richard Stowe, Assistant Town Counsel.

Chairperson Bill Oliver declared this to be a legally constituted meeting of the Chili Zoning Board. He explained the meeting's procedures and introduced the Board members and front table. He stated the fire safety exit notification. He initiated the Pledge of Allegiance.

Bill Oliver stated he saw no sign for Application #3. Linda Collinge and Gerry Hendrickson indicated they both did not see a sign for that application. No one was present in the audience to represent that application. John Castellani made a motion to table the application without prejudice until the sign is displayed properly. Gerry Hendrickson seconded the motion. All Board members were in favor of the motion.

1. Application of Fallone Homes, Inc., owner; 2496 West Ridge Road, Rochester, New York 14626 for variance to erect a 3' x 6' freestanding sign with a logo at property located at 2 Talos Way in R-1-15 zone.

Ermano Fallone was present to represent the application. He stated they want to replace the existing sign with a more aesthetically pleasing sign. He stated the Board has been provided with pictures of a similar sign. Linda Collinge asked if the sign would be illuminated at night, and Mr. Fallone indicated it would not be.

John Castellani asked who would be responsible for maintaining the sign, and Mr. Fallone indicated when he sells the house, he would leave it up to the homeowner. He stated if the homeowner doesn't want to maintain it, they would take it down.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver made a motion to declare the Board lead agency as far as SEQR and made the determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. All Board members were in favor of the motion.

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

1. Sign to be removed when last parcel is sold.
2. Developer to add to letter of credit in the amount sufficient to remove signage.
3. Cost estimate to be approved by Town Engineer.

The following findings of fact were cited:

1. Minimum variance required.
2. Sign needed for advertising.
3. Consistent with other tract advertising.

2. Application of Coleen Meeks, owner; 8 Clifton Road, Clifton, New York 14431 for variance to erect a 22' x 22' pole barn to be 1' from side lot line (30' req.) at property located at above address in RA-1 zone.

Coleen Meeks was present to represent the application. She stated she wants to erect a building in the same spot as the existing building because the lot is only 50 ft. wide. She stated if she complied with the zoning, it would still be

Gates-NEWS-Chili

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

Date... *7-22-92*

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

GATES-CHILI NEWS

Issue Dated... *7-22-92*

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 July 28, 1992 at 7:30 p.m. to hear and consider the following applications:

1. Application of Fallon Homes Inc., owner; 2496 West Ridge Road, Rochester, New York 14626 for variance to erect a 3' x 6' freestanding sign

with a logo at property located at 2 Talos Way in R-1-15 zone.

2. Application of Coleen Meeks, owner; 8 Clifton Road, Clifton, New York 14431 for variance to erect a 22' x 22' pole barn to be 1' from side lot line (30' req.) at property located at above address in RA-1 zone.

3. Application of Andrew Markese, owner; 37 Benedict Drive, Rochester, New York 14624 for variance to erect a 16' x 12' deck to be 20' from rear lot line (30' req.) at property located at above address in

R-1-12 zone.

4. Application of Chase Lincoln First Bank, 1 Lincoln First Square, Rochester, New York 14643, property owner; O. Perry; for variance to erect a 5' x 8' double faced freestanding sign at property located at 4390 Buffalo Road in G.B. zone.

5. Application of James Brill, owner; 4 Sunset Hill, Rochester, New York 14624 for variance to erect a 16' x 21' deck to be 75' from rear lot line (90' req.) at property located at

above address in R-1-20 zone.

6. Application of Herbert Rowling, owner; 8 Windsor Park, Rochester, New York 14624 for variance to erect a 10' x 12' open porch to be 20' from rear lot line (35' req.) at property located at above address in R-1-15 zone.

7. Application of Robert Fallone, owner; 237 Fisher Road, Rochester, New York 14624 for variance to allow a fireplace chimney in a drainage easement at property located at 92 West Forest Drive in R-1-

At such time all persons will be in order of the Chili Board of Appeals.

illegal. She stated if she moved the barn farther away than where it is now, it would cover wells. She stated if she moved it back towards the back, it would be in the leach field.

Gerry Hendrickson indicated he has talked with the neighbors and they have no objection to this application. Ms. Meeks stated the neighbors want the existing barn to come down. John Hellaby asked how does the proposed barn compare to the existing barn sizewise, and Ms. Meeks indicated it is approximately the same size. She stated the one there is maybe 20' x 21'.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver made a motion to declare the Board lead agency as far as SEQR and made the determination of no significant environmental impact, and Linda Collinge seconded the motion. All Board members were in favor of the motion.

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

1. Replacing existing structure.
2. Structure not detrimental to area.
3. Applicant demonstrated a need for structure.

Application #3 was previously tabled.

4. Application of Chase Lincoln Bank, 1 Lincoln First Square, Rochester, New York 14643, property owner; O. Perry; for variance to erect a 5' x 8' double-faced freestanding sign at property located at 4390 Buffalo Road in G.B. zone.

Brandon O'Reardon, Vice President in Corporate Real Estate at Chase Lincoln First Bank, was present to represent the application. He stated Chase Lincoln is in the process of changing the corporate identity on the exterior buildings of all their branches in Syracuse, Rochester, Buffalo and Jamestown. He indicated that totals about 65 branches.

Mr. O'Reardon stated he has been to the Chili Building Department and they have permitted all of the signs except the freestanding sign they are asking for this evening. He stated he understood they are permitted a freestanding sign in Chili, but they must come before the Town. He stated the sign will be placed out towards the road, towards 259. He stated the building where the branch is located is recessed somewhat severly from the corner, and they are looking for the maximum amount of signage. He stated there is a similar 64 sq. ft. sign right now in the rear of the building that will not be replaced. He stated they would request the proposed sign instead. He stated they have 136.8 sq. ft. of signage now. He stated if the variance is granted, they would have 122 sq. ft. He showed the Board a picture of a similar sign as that being proposed.

Ron Popowich asked if the sign would be illuminated, and Mr. O'Reardon indicated it would be internally lit. He stated the sign would be consistent with what they are doing in all branches, a standard sign. He stated all branches in the Chase family will now have signs that simply read, "Chase".

John Hellaby asked what the overall height is if the sign, and Mr. O'Reardon indicated there would be a 10 ft. pole with a 5 ft. sign on top. John Hellaby asked if the sign would be set back off the right-of-way, and Mr. O'Reardon indicated there is a 24 ft. setback and they would comply with that.

John Castellani asked what hours would the sign be illuminated, and Mr. O'Reardon indicated until midnight. Bill Oliver questioned the structural integrity of the sign. Mr. O'Reardon indicated it would be made of a decorative aluminum shroud placed around a pole. He stated the sign would be up on a pylon, on a steel pole. He stated if a car were to hit the shroud, they would replace it.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Ron Popowich seconded the motion. All Board members were in favor of the motion.

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

1. Consistent with other signage of this type.
2. Standard signage.
5. Application of James Brill, owner; 4 Sunset Hill, Rochester, New York 14624 for variance to erect a 16' x 21' deck to be 75' from rear lot line (90' req.) at property located at above address in R-1-20 zone.

James Brill was present to represent the application. He stated he would like to construct a 16' x 21' deck. He stated it would be approximately 80 ft. from the actual rear lot line. He stated they are requesting a 75 ft. variance to be safe. He stated the reason the deck is back that far is due to the layout of the house. He stated the garage is out front quite a bit. He stated it is still within the 50 ft. setback of the property line, but the rest of the house jogs back. He stated that puts the rear of the house probably closer to the rear lot line than other colonial homes. He stated he owns a modified cape cod house. He stated they want to construct a deck to fit right in the dinette area of the house. He stated he has talked with all his neighbors surrounding the property and no one has an objection.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver made a motion to declare the Board lead agency as far as SEQOR and made a determination of no significant environmental impact, and Linda Collinge seconded the motion. All Board members were in favor of the motion.

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

1. Deck to make attractive addition to property.
2. Minimum variance.
6. Application of Herbert Rowling, owner; 8 Windsor Park, Rochester, New York 14624 for variance to erect a 10' x 12' open porch to be 20' from rear lot line (35' req.) at property located at above address in R-1-15 zone.

Herbert Rowling was present to represent the application. He stated he wants to put an overhead on an existing deck that is already there and attached to the home now. He stated it would be approximately 10' x 12' and would look like a roof over a gazebo. He stated the basic construction would be 2 x 8 headers and 4 x 4s on the uppers. He stated the lower front line is 46 inches deep. He stated he would use 2 x 6 on the rafters, half-inch plywood and regular roof shingles.

Bill Oliver asked the applicant if he has any intention on enclosing the porch, and Mr. Rowling indicated he has no intention of doing that. John Castellani asked if the deck is presently in place, and Mr. Rowling indicated it is. John Castellani asked if the deck was built with the house, and Mr. Rowling indicated right after the house was built but before there was a permit needed to build the deck. Mr. Rowling indicated he is not asking per se to build an open porch, just a roof, but that is what he was told he had to ask for. Larry Smith commented a roof over a deck constitutes a porch according to the building code.

Mr. Rowling stated the roof would not be attached to the house. There was discussion amongst the Board members and front table as to the definition of this structure in the code and whether it needs a variance. Larry Smith commented the deck was built before permits had to be issued for decks, but now that he is adding to the structure, it has to come in for a variance because it is too close to the rear lot line. Larry Smith stated as of last summer according to the Codes Council, anything 18 inches above grade requires a permit and anything less than 18 inches above grade does not.

John Hellaby asked how high would the gazebo-like structure be, and Mr. Rowling indicated the overall height would be 15 ft. from grade level to the top of the roof. Larry Smith stated accessory structures are limited to 12 ft. Larry Smith asked the applicant if he would want to amend his application to include a variance for the 3 ft. height difference, and the applicant indicated he wanted to do that.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. All Board members were in favor of the motion.

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

1. Minimum variance.
2. Porch backs into common area and does not affect neighborhood.
7. Application of Robert Fallone, owner; 237 Fisher Road, Rochester, New York 14624 for variance to allow a fireplace chimney in a drainage easement at property located at 92 West Forest Drive in R-1-15 zone.

Nory Fallone was present to represent the application. He stated they would like to request that the Board give them a variance for the fireplace on Lot 1607 West Forest Drive. Bill Oliver asked if the fireplace chimney was an afterthought. Mr. Fallone indicated it was on the drawing, but there was a human error in the staking out of the basements.

Linda Collinge asked how far is the chimney over the easement, and Mr. Fallone indicated it is about 20 inches over. John Castellani asked if the other homes in the area that have chimneys are in the easement also, and Mr. Fallone indicated they are not.

John Hellaby asked if it would be pertinent to have the application read 20 inches into the easement, and Larry Smith indicated it would. John Hellaby next questioned if they know it is 20 inches over. Larry Smith suggested calling it 24 inches over. Richard Stowe commented the variance could read up to 24 inches into the easement.

Larry Smith indicated he had checked with the Drainage Committee and they do not have a problem with this. John Hellaby asked if the easement is a drainage easement, and he pointed out it is labeled as a utility easement. He asked if the applicant would have to pursue approvals with RG & E to be in their easement. Larry Smith indicated the applicant would not have to do that because RG & E uses foundations in determining easements. Larry Smiths stated he did look the easement up, and it is a drainage easement.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver made a motion to declare the Board lead agency as far as SEQR and made the determination of no significant environmental impact, and Linda Collinge seconded the motion. All Board members were in favor of the motion.

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

1. Variance needed to adjust mistake in measurement.
2. Chimney does not significantly encroach on drainage easement.

The 5/26/92, 6/2/92 and 6/16/92 Chili Zoning Board minutes were approved.

The meeting ended at 8:40 p.m.

CHILI ZONING BOARD
August 25, 1992

A meeting of the Chili Zoning Board was held on August 25, 1992 at the Chili Town Hall, 3235 Chili Avenue, Rochester, New York 14624. The meeting was called to order by Vice-chairperson John Hellaby at 7:30 p.m.

PRESENT: John Castellani, Linda Collinge, Gerry Hendrickson and Acting Chairperson John Hellaby.

ALSO PRESENT: Larry Smith, Building Inspector; Richard Stowe, Assistant Town Counsel.

John Hellaby declared this to be a legally constituted meeting of the Chili Zoning Board. John Hellaby explained the meeting's procedures and introduced the Board and front table. He identified the fire safety exits and initiated the Pledge of Allegiance.

Ron Popowich and Bill Oliver were excused from the meeting.

1. Application of Harold Worden, owner; 362 Wiler Road, Hilton, New York 14468 for variance to allow existing dwelling to be 6.6' on the east side and 9' on the west side (10' req.) at property located at 623 Paul Road in R-1-15 zone.

Harold Worden was present to represent the application. He stated he is in the process of selling this property. He stated as a result of doing an instrument survey, they found the house is only 9 ft. from one border and 6.6 ft. from the east border. He stated they would like a variance allowing that particular setback. He stated it would be 1.0 ft. on the west and 3.40 ft. on the east. He stated the property was originally given a C of O based on a tape survey map. He stated this is the first time application has been made for a mortgage since he bought the property with cash. He stated he never had to have an instrument survey before.

John Castellani asked if this variance is as a result of a change in measuring techniques, and Larry Smith indicated it is not. He stated the difference is in using an instrument survey and a tape map.

ANYONE IN FAVOR OR OPPOSED: No one.

John Hellaby made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 4 yes with no conditions, and the following findings of fact were cited:

1. Minimum variance required.
 2. Pre-existing, non-conforming.
 3. Documentation at time of construction did not show violation.
2. Application of Sandra Cornell, owner; 520 Paul Road, Rochester, New York 14624 for renewal of conditional use permit for a beauty shop in home at property located at above address in R-1-15 zone.

Sandra Cornell and Carl Cornell were present to represent the application. Ms. Cornell stated she wants to increase her hours. She stated she wants to have two customers at a time.

John Hellaby asked if there have been any complaints, and Larry Smith stated there was one complaint from a neighbor to the west who is a competitor.

John Castellani asked if there would be sufficient parking for more than one customer, and Ms. Cornell indicated there would be. John Castellani asked if Ms. Cornell would add an employee. Ms. Cornell indicated she has no plans for that at this time. She commented while one customer is under the dryer, she could be cutting someone else's hair. Linda Collinge noticed the application indicates one employee. Ms. Cornell stated she has no plans now but may have another employee in the future if warranted.

Linda Collinge stated originally last year the applicant asked for six days but the Board asked the applicant to cut it down to four days. She stated the new application is back up to five days with a total of 42 hours. Ms. Cornell stated after a year of business, she realizes she doesn't fill all those hours. She stated she has to have more hours to accomplish part-time status. She stated some people want to come in at night. She stated business is dead in the middle of the day.

Linda Collinge stated last year they asked the applicant to put in a K-turn so customers don't have to back out onto Paul Road. She asked if the customers are backing out. Ms. Cornell stated the customers use the turnaround. She stated she does have a number of people who are not customers that use her driveway as a turnaround.

John Hellaby asked if all the conditions have been met satisfactorily, and Larry Smith indicated they have.

ANYONE IN FAVOR OR OPPOSED:

Benjamin Sarfaty - 518 Paul Road

He stated he sent a letter to Mr. Brixner on 1/20/92 complaining about this property. Larry Smith stated the Building Department has not received a copy of that. John Hellaby read a letter dated 1/20/92 to Jerome F. Brixner Supervisor in opposition to this application from Benjamin Sarfaty. (The letter is on file in the Building Department.)

Mr. Sarfaty stated the applicant does what she wants to do. He stated he objects to her permit being renewed.

Art Gurvin - 526 Paul Road

He stated according to the Chili Corridor Study of 12/14/88, it states no more than one person who is not a family member residing on the premises shall be employed. She stated he is against the applicant hiring another hairdresser.

Lueella Shearing - 562 Paul Road

She stated she objects to the sign request. She stated they live in a residential neighborhood.

John Hellaby read a letter to the Chili Zoning Board in favor of the application from Sharon Inclima. John Hellaby read a letter to the Chili Zoning Board in support of the application from Patricia Ludd. John Hellaby read a letter to the Chili Zoning Board in support of the application from Ann Marie Snyder. John Castellani read a letter to the Chili Zoning Board in support of the application from Cathy Peck. John Hellaby read a letter to the Chili Zoning Board in support of the application from the James Robert Reed family. John Castellani read a letter to the Chili Zoning Board in support of the application from Eric, Cheryl, Jennifer & Eric, Jr., "The Fountain Family". (All letters are on file in the Building Department.)

John Hellaby made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Linda Collinge seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 4 yes with the following conditions:

1. Approved for one year.
2. No on-street parking pertaining to the business.
3. No more than two customers at a time allowed on the property.
4. Business will be conducted on an appointment only basis.
5. Subject to proper New York State licensing and inspections.
6. Subject to Chili Building Inspector and Fire Marshal inspections as needed.
7. 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 p.m. to 4:00 p.m.
 Saturday 9:00 a.m. to 4:00 p.m.

The following findings of fact were cited:

1. Renewal of existing permit.
 2. Customary home occupation, would be hard pressed to deny.
 3. Some of the applicant's modifications allowed and some were denied.
3. Application of Sandra Cornell, owner; 520 Paul Road, Rochester, New York 14624 for variance to erect a 3' x 2' double faced freestanding sign, variance for sign to be 5' from front lot line (20' req.) at property located at above address in R-1-15 zone.

Sandra and Carl Cornell were present to represent the application. Ms. Cornell stated a lot of the customers have asked for a sign to identify the house since the house is set so far back. John Hellaby asked if they plan to illuminate the sign, and Ms. Cornell indicated they do not. John Hellaby asked what the sign would be made of. Mr. Cornell indicated it would be like a real estate sign where there is wooden 4 x 4s, pressure-treated uprights, and then the actual sign would hang from a crossbar. He stated the sign would be 3 ft. wide, 2 ft. high with painted construction on plywood.

John Hellaby asked if there is any reason why the sign has to be 5 ft. and not 20 ft. set back. Mr. Cornell stated there are several bushes not on their property that are almost to the road, and they have pine trees in their yard, so if the sign were set back 20 ft. from the right-of-way, the sign would be 30 ft. from the house, almost 70 ft. from the actual edge of the pavement. He stated it would be hard to see the sign in that location.

ANYONE IN FAVOR OR OPPOSED:

Benjamin Sarfaty - 518 Paul Road

He stated he objects to the sign. He felt they should keep a residential area residential. He stated the last time the applicant was in, he was told this would be an in-home occupation. He stated an in-home occupation doesn't mean they can have signs. He felt the applicant should establish her business in a commercial zone if she wants a full-blown beauty salon.

Mr. Sarfaty stated the applicant stated her customers are asking for a sign, however, he stated there are letters on her mailbox. Mr. Cornell stated the letters are only 2 inches high. Mr. Sarfaty stated the mailbox is painted with the name of the business on it. He stated the customers should be able to see the letters on the mailbox. He stated the applicant previously had a sign in her window that was in violation of not allowing on-site advertising under the conditional use permit. He stated the sign in the window came down after he complained.

Luella Shearing - 562 Paul Road

She stated on 3/21/92 there was a sign at the end of the road. She stated she wrote a letter to the Building Inspector to have that checked out. She stated there hasn't been a sign there since her complaint. She commented she would not want this business to creep into something more. She further commented they live in a residential section.

Art Gurvin - 526 Paul Road

He stated he is against the sign. He presented a letter from the neighbors.

John Hellaby read the letter dated August 25, 1992 from Ann Likka indicating her opposition to the sign.

Jill Cory - Westway Court

She stated she has a business at 780 Paul Road in a commercial zone use. She stated she is a member of the Chili Business Association and is also Chairperson of the Chili Economic Development Committee. She stated she was concerned about having a sign of that nature in a residential area. She stated she went out and bought a piece of property in a commercial area so she could maintain a sign and be within the zoning laws of the Town of Chili. She stated she could have easily gone and operated a business out of her home and put a sign out in her

front yard. Ms. Cory stated the Chili Business Association and the Master Plan have tried to accomplish commercial and small business zoning in Chili so that residential areas can maintain a residential atmosphere. She stated it is difficult to sell homes in Chili where people see evidence of a business in a residential area. She stated she is opposed to the sign. She stated if someone wants a business, they should be in a commercial zone.

Mr. Cornell stated the area they are talking about may be residential on their side of the street, but he stated directly across the street there is the Carriage House with a sign probably 4 x 8 ft. tall. He stated immediately next door they have Bausch and Lomb with a very large frontage that is all industrial. He stated the man directly next door to them, Mr. Sarfaty, has a home that is a rental property. He stated the Gurvins have a competing business next door to them at 526 Paul Road. He felt a lot of the complaints are based on people trying to stifle the Fountain of Youth's business instead of directing concerns about the neighborhood itself.

Ms. Cornell stated Mr. Sarfaty is complaining about her turnaround when he has a turnaround that has a boat parked in it for the people he rents out to.

Ms. Cornell stated she had permission from the Post Office to have the name of her business on the mailbox. She stated it is a name strip on the mailbox, not a sign.

John Hellaby asked how high is the sign, and Mr. Cornell indicated the letters on the mailbox are an inch and a half high. Larry Smith stated the Town can regulate signs attached to the post, but if it is on the mailbox, it is the Postmaster's business.

Ms. Cornell stated the sign at the edge of her driveway did not pertain to the business; it was requesting donations to the Paul Road School Fair.

John Hellaby indicated this application has come back from the Monroe County Department of Planning as a local matter.

DECISION: Unanimously denied by a vote of 4 no for the following reasons:

1. Sign is not in keeping with the character of the surrounding homes.
2. Customers are on an appointment only basis, not drop in; therefore, customers know where they are going.
4. Application of Rose Marie Trotta, owner; 36 Emerald Point, Rochester, New York 14624 for variance to allow a fireplace chimney in a drainage easement at property located at above address in R-1-15 zone.

Gerry Antetomaso was present to represent the application. He stated Ms. Trotta no longer owns the property. He stated she owned it since 1980 and has since sold it. He stated at the closing they raised the issue of the chimney encroaching into the 15 ft. drainage easement. He stated the chimney only encroaches about 2 ft. He stated Ms. Trotta owned the home and had it built in 1980. He stated she bought the home based on a tape location map that showed the chimney totally within the lot line and not encroaching on the easement. He stated the chimney has not been an issue for over 12 years.

John Hellaby asked if the closing is pending on this, and Mr. Antetomaso indicated the house is closed on already. John Hellaby asked if the applicant is just trying to relieve the problem, and Mr. Antetomaso indicated they are doing this for the new owners.

Richard Stowe asked if Glenn and Kelly Vogler are the current owners, and Mr. Antetomaso indicated they are. Richard Stowe asked if the applicant has permission to clear the title objection, and Mr. Antetomaso indicated he is present asking for the variance at the request of the new owners.

John Hellaby commented the application does not state how far this protrudes into the easement. There was discussion it protrudes 2.15 ft. into the easement.

John Castellani asked how many more homes on Emerald Point are there in this situation, and Larry Smith indicated he had no idea. John Castellani indicated

he was concerned about a flurry of such variance requests coming in. Larry Smith did not feel there would be an abundance of such requests.

Mr. Antetomaso indicated he had a copy of a tape location map from 1980 if the Board would like to see it. He stated it shows the chimney inside the lot line and not encroaching the easement.

ANYONE IN FAVOR OR OPPOSED:

Sabastian Bascardi - 36 Emerald Point
He stated he would not object to the variance. He felt easements should not have been any part of the lot structure for the home. He felt this developer must have had an "open book" when he was building this subdivision. He felt easements devalue property and are a detriment to selling a home. He felt the developer should be held responsible.

John Hellaby made a motion to declare the Board lead agency as far as SEQOR and made a determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. All Board members were in favor of the application.

The Board amended the application to allow a fireplace chimney to be 2.15 ft. into a drainage easement.

DECISION: Unanimously approved by a vote of 4 yes with no conditions, and the following findings of fact were cited:

1. Minimum variance required.
2. Pre-existing, non-conforming.
3. Documentation at time of construction did not show violation.
5. Application of Kevin Collings, owner; 48 Bowen Road, Churchville, New York 14428 for variance to allow the total square footage of garage area, including a 28' x 28' addition to be 1,344 sq. ft. (900 sq. ft. allowed) at at property located at above address in PRD zone.

Kevin Collins was present to represent the application. He stated he wants to put an addition on the garage, 28 x 28 ft., which would make the total structure 48 x 28 ft. wide. John Hellaby asked what the reason is for the additional space, and Mr. Collins indicated he has a lot of lawn equipment and a small six-wheel dump truck and trailer. He stated he would like to park the equipment inside.

John Hellaby asked if the total addition would be going out the back, and Mr. Collins indicated it would. Mr. Collins stated when he bought the house, the guy who occupied it before him had built a roof over the top of the shed that is shown on the map there, and the roof that he built is 28' wide by 20' deep. He stated the new roof is nice but the cinder block foundation and all the whole existing shed underneath it is really tough to work with. He stated one floor is 10 inches lower than the other side, and the one side fills up with water. He stated he wants to knock down the cinder block walls on each side and support it like a pole barn style building with steel siding and a shingled roof.

John Hellaby asked if it is the applicant's intention to remove the existing shed and make the whole thing new construction, and Mr. Collins indicated it is not. He stated he just wants to resupport the construction.

ANYONE IN FAVOR OR OPPOSED:

Gary Charpelli - 36 Bowen Road
He stated he has no problem with the application. He stated he can't even see the garage area.

John Hellaby made a motion to declare the Board lead agency as far as SEQOR and made a determination of no significant environmental impact, and Linda Collinge seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 4 yes with no conditions, and the following findings of fact were cited:

1. Showed need for additional storage.

2. Needed to insure structural integrity of existing structure.
6. Application of Renato Pietrantonio, owner, 27 Jacklyn Drive, Rochester, New York 14624 for variance to erect a 10' x 13' utility shed to be 4' from side and rear lot lines (8' req.) at property located at above address in R-1-15 zone.

Donte Pietrantonio was present to represent the application. He stated the shed has already been built. He stated they were unaware of the regulations until it was basically all built. He stated there are other sheds in the same direction as theirs with the same, if not less space, nextdoor to them that were built maybe a few months before theirs was. He stated they tore down a previous shed and built the new one in the same area but actually further from the property line than the previous shed.

Mr. Pietrantonio indicated the lot is not that deep and it wouldn't look right if they gave it 8 ft. John Hellaby asked if there is a reason why they couldn't have built on the other side of the lot, and Mr. Pietrantonio stated they just decided to build the new shed where the old shed was. John Hellaby asked how much larger is the new shed than the old shed, and Mr. Pietrantonio indicated it is probably twice the size of the previous one. Mr. Pietrantonio submitted pictures to the Board.

ANYONE IN FAVOR OR OPPOSED:

Bruce Randall - 6 McNair Drive

He stated his property is at the rear lot line. He stated he has no objection to their shed. He stated he objects to the lot line. He stated the applicant's line fence runs on a tangent from his property across his (Mr. Randall's) property. Mr. Randall stated he and the previous owner of the applicant's shed put up a shed that was two inches on his property. He stated they had open backyards and both their families used the facilities for two-yard activities.

Mr. Randall stated the previous shed was a steel building like one one would buy out of a catalog. He stated the shed was not very permanent in nature.

Mr. Randall stated Mr. Pietrantonio put his fence up partially on his (Mr. Randall's) property.

Larry Smith asked Mr. Randall if he had a survey of his property. Mr. Randall indicated he did not have a survey. Larry Smith commented both gentlemen submitted a tape map, but neither of them is an instrument survey, which is the more accurate way to measure property. Larry Smith questioned how Mr. Randall knows the applicant's property is two inches over on his (Mr. Randall's) property.) Mr. Randall stated the person at 30 Jacklyn had surveying done, and the stake that was left in the ground is what Mr. Randall measured off of.

Mr. Randall indicated his concern about the shed is that it would have a permanent cement foundation and it would be there for a long time with the wrong lot lines being considered. Mr. Randall stated he would have no problem with this project at all, but he would like the fence moved.

Mr. Pietrantonio indicated they have had the fence up since they moved in, about 12 years ago. He stated the only way to solve this would be to get an instrument survey, and he stated they cannot afford that. He stated if Mr. Randall wants to get an instrument survey done, that is fine.

Richard Stowe commented the map presented by the applicant indicates the property has not been owned by the applicants for 12 years if that is the map they received when they bought the property. Mr. Renato Pietrantonio, also present to represent the application, stated that was the map they received when they bought the property. Richard Stowe commented it has been more like 14 years they have owned the property. He asked if they used that map when they located the fence, and Mr. Renato Pietrantonio indicated the fence was put up with use of the tape location map.

Mr. Donte Pietrantonio indicated there is no way they could have been 3 ft. into Mr. Randall's property with their tape location map saying that the shed is give or take a foot from the property line.

John Hellaby made a motion to declare the Board's lead agency as far as SEQR and made a determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. All Board members were in favor of the motion.

The Board amended the application during the discussion period for the shed to be up to 4' from the side and rear lot lines.

DECISION: Unanimously approved by a vote of 4 yes with no conditions, and the following findings of fact were cited:

1. Minimum variance required.
 2. Condition is the same throughout the neighborhood.
 3. Will not impart the health and safety of area residence.
7. Application of Edward Buckovich, owner; 54 Bellmawr Drive, Rochester, New York 14624 for variance to erect a 12' x 16' utility shed to be 192 sq. ft. (160 sq. ft. allowed), variance for shed to be 5' from side lot line (8' req.) at property located at above address in R-1-15 zone.

Edward Buckovich was present to represent the application. He stated this spring he took down his swimming pool that he had had for 20 years. He stated that is the levellest section of his backyard, so that is the area he would like to put the shed on. He stated currently he stores items along side the house, and he stated he needs the storage inside for these items. He read a list of items including lawn equipment, et cetera. He felt the shed would look like an eyesore in the middle of his yard rather than along the fence. He stated the two neighbors in back of his also have sheds.

John Hellaby read the list of items that would be stored in the shed as submitted by the applicant. John Hellaby asked if there is a reason for the 5 ft. distance from the side lot line. Mr. Buckovich stated he would rather get the shed as close to the lot line. He stated his neighbor has no objection to that.

John Castellani asked if the proposed location for the shed is the most level spot of the yard, and Mr. Buckovich indicated it is.

ANYONE IN FAVOR OR OPPOSED: No one.

John Hellaby made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Linda Collinge seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 4 yes with no conditions, and following findings of fact were cited:

1. Showed need for additional storage.
 2. Location is best suited for construction of shed.
 3. Will not impact the health and safety of area residences.
8. Application of Richard Mullaney, Sr., owner; 39 Sunnyside Lane, North Chili, New York 14514 for variance to erect a carport to be 3' from side lot line (10' req.) at property located at address in R-1-15 zone.

Richard Mullaney was present to represent the application. He stated they have only a two-car garage. He stated they have three cars. He stated in the winter he would like shelter for the third car.

John Hellaby asked if the area proposed for the carport is currently blacktop, and are they parking a vehicle there now, and Mr. Mullaney indicated it is and they do. Mr. Mullaney indicated they would like the carport to protect the car from being covered with snow in the winter. John Hellaby asked if it would be just a roof structure with all three sides open, and Mr. Mullaney indicated that was correct.

ANYONE IN FAVOR OR OPPOSED: No one.

John Hellaby made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 4 yes with no conditions, and the following findings of fact were cited:

1. Minimum variance required.
2. Showed need for additional car storage.
3. Area is presently blacktopped and used for parking.

The meeting ended at 9:27 p.m.

CHILI ZONING BOARD
September 22, 1992

A meeting of the Chili Zoning Board was held on September 22, 1992 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 Bill Oliver.

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

ALSO PRESENT: Richard Stowe, Assistant Town Counsel (arrived late).

Chairman Bill Oliver declared this to be a legally constituted meeting of the Chili Zoning Board. He explained the meeting's procedures and introduced the Board and front table. The Pledge of Allegiance was initiated.

1. Application of Mabel Coyle, owner; 851 Morgan Road, North Chili, New York 14514 for variance to create an undersized lot to be .689 acres (20 acres req.) with a lot width of 150' (700' req.) at property located at 879 Morgan Road in RA-20 zone.

Herman Klingenger was present to represent the application. He stated the land is situated on the south side of Morgan Road. He stated Mrs. Coyle has owned the parcel of land since 1925 and has farmed the land until 25 years ago. He stated Mrs. Coyle lived in the existing frame house that is shown on the plan until last December at which time due to her health, she moved in with her daughter.

Mr. Klingenger stated Mrs. Coyle wishes to sell the existing farm house and a parcel of land to go with it. He stated the zoning requires a 20-acre parcel of land; whereas the application proposes a .802 parcel of land to the centerline of the road, .689 acres to the right-of-way. He stated the other variance requested is for a 150 ft. frontage rather than the zoning of 700 ft.

Mr. Klingenger stated the existing frame garage will be removed that is shown on the plan. He stated there is another existing frame barn that would remain on the surrounding property.

Mr. Klingenger stated if the parcel were subdivided, it would be in harmony with the neighbors. He stated the surrounding parcels of land are in approximately the same size as what is being proposed. He stated across the street is Black Creek Park, so there would be no parcel of land up there.

Mr. Klingenger stated Mrs. Coyle has leased out the remainder of the parcel for about 25 years, and it is actively being farmed. He stated in order to conform, it would be necessary to cut into the remaining parcel of land, reducing her return on the parcel of land. He stated if it has to be extended, the price of the land would not be realized because of the size of the parcel. He stated it would be an economic hardship.

Bill Oliver read a letter from the Planning Board regarding their subdivision approval. He read the County Comments.

John Hellaby asked how many acres are in the remaining portion, and Mr. Klingenger indicated approximately 72 acres. John Hellaby commented the property would be subdivided for sale. He asked if the property has been on the market yet. Mr. Klingenger indicated it has not. He stated the entire parcel is being leased and farmed and will continue to be leased out to a farmer to keep it in an ag district. John Hellaby asked if there is a written lease agreement for a certain length of time. Mr. Klingenger indicated they have leased to the same farmer for the past 25 years and they would continue to lease the property with the same farmer.

John Hellaby asked if the property is on a septic system. Mr. Klingenger indicated it is. John Hellaby asked if the existing septic system has been located, and Mr. Klingenger indicated it is within the confines of the lot that is being proposed.

John Castellani asked if an application has been made to the Town Board for rezoning, and Mr. Klingenger indicated it hasn't. John Castellani asked if they are looking for relief or spot zoning, and Mr. Klingenger indicated they

Gates-NEWS-Chili

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

Date.....9-16-92.....

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

GATES-CHILI NEWS

Issue Dated...9-16-92.....

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 September 22, 1992 at 7:30 p.m. to hear and consider the following applications:

1. Application of Mabel Coyle, owner; 851 Morgan Road, North Chili, New York 14514 for variance to create an undersized lot to be .689 acres (20 acres req.) with a lot width of 150' (700' req.) at property located at 879 Morgan Road in RA-20 zone.
2. Application of Donald

Freese, owner; 21 Milewood Road, Scottsville, New York 14546 for variance to erect a 12' x 16' addition to house to be 33' from side lot line (50' req.) and 30' from rear lot line (50' req.) at property located at above address in RA-20 & F.P.O. zone.

3. Application of Westside Meadows Inc., owner; 21 Union Hill, Spencerport, New York 14559 for variance to erect two 2' x 3' temporary double faced freestanding signs placed on front lot line, variance to erect an 8' x 3' temporary freestanding sign, at property located on Spring Flower Drive (corner Buffalo Road) in R.M. zone.

4. Application of Steven Woodard, owner; 11 Revere Drive, Rochester, New York 14624 for renewal of conditional use permit for an 80' high amateur radio antenna at property located at above address in R-1-15 zone.

5. Application of Gillette Tool & Die, owner; 955 Millstead Way, Rochester, New York 14624 for variance to erect a warehouse to be 15' from side lot line (35' req.) at property located at above address in G.I. zone.

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

**William Oliver,
Chairman**

**Chili Zoning Board of
Appeals**

9-16

are not looking for a zoning change. John Castellani asked if the variance would accomplish the same purpose, and Mr. Klingenger indicated it would.

ANYONE IN FAVOR OR OPPOSED:

George Emmons - 861 Morgan Road

He stated the parcel would conform with other residential properties within the area as far as size. He stated he is in favor of the application.

Frank Emmons - 847 Morgan Road

He indicated he is in favor of the application.

John Hellaby asked if the existing garage as shown is being removed, and Mr. Klingenger indicated it would be removed. Bill Oliver asked if the garage would be removed prior to the offer for sale, and Mr. Klingenger indicated they could remove it prior to the conveyance of the parcel.

Richard Stowe arrived at 7:41 p.m.

DECISION: Approved by a vote of 5 yes to 1 no (Linda Collinge) with no conditions, and the following findings of fact were cited:

1. There are adjacent lots of approximately the same dimensions nearby.
 2. Surrounding farm land would be maintained.
 3. Not detrimental to neighborhood.
 4. Variance would still maintain rural character.
2. Application of Donald Freese, owner; 21 Milewood Road, Scottsville, New York 14546 for variance to erect a 12' x 16' addition to house to be 33' from side lot line (50' req.) and 30' from rear lot line (50' req.) at property located at above address in RA-20 & F.P.O. zone.

Donald Freese was present to represent the application. Bill Oliver asked if addition would be for bedrooms, and Mr. Freese indicated it would be. Bill Oliver asked if the wood deck would be removed, and Mr. Freese indicated it would.

Ron Popowich asked if the area where the blue plastic is is the area where the addition will come off of, and Mr. Freese indicated it is. He stated they already tore the deck off the house. Ron Popowich asked if there is a hole in the roof now, and Mr. Freese indicated there is not. He stated they had just stapled the roof over the screened in porch and it was kind of weak in that area. He stated they put plastic over there to keep water out until the roof is back on the addition.

John Hellaby asked if Lots 3 and 4 run from the house back down to the river, and Mr. Freese indicated they do. John Hellaby asked if anything is on those lots now, and Mr. Freese indicated there is.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver made a motion to declare the Board lead agency as far as SEQR and made the determination of no significant environmental impact, and Linda Collinge seconded the motion. All Board members were in favor of the motion.

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

1. Lot very unique for home building (small).
 2. Minimum variance required.
 3. Not detrimental to neighborhood.
3. Application of Westside Meadows Inc., owner; 21 Union Hill, Spencerport, New York 14559 for variance to erect two 2' x 3' temporary double-faced freestanding signs placed on front lot line, variance to erect an 8' x 3' temporary freestanding sign, at property located on Spring Flower Drive (corner Buffalo Road) in R.M. zone.

Alan Burr was present to represent the application. He stated they have recently gone into construction on the garden homes in a complex of clustered townhomes. He stated none of these homes are visible from either Buffalo Road or Westside Drive. He stated the request is to erect two signs identifying the construction of the garden homes in the interior of the project. He stated they ask for it be allowed to be on the property line rather than the normal 20 ft. setback because if the signs were set back 20 ft. behind the property line, they would not be visible from Buffalo Road.

Mr. Burr stated the other identification on Buffalo Road is a Mayflower Village sign which identifies the construction as being that of townhomes.

Mr. Burr stated the other variance is a request to put an 8' x 2 1/2' high sign. He stated the construction of the single-family garden homes would be located at the corner of Springflower Drive and Snapdragon Drive in Section 1, Phase 2. He stated Section 1, Phase 2 is about built out.

Mr. Burr stated they would further like permission of the Board to relocate the sign into the Section 2, Phase 1 area. Bill Oliver asked if they would be moving the signs, and Mr. Burr indicated they want what is requested in the application. Bill Oliver read the application in that regard.

Linda Collinge asked who would maintain the signs, and Mr. Burr indicated the builder would. Mr. Burr stated at the time they moved their model to the new section, they would like to move the sign with it. Bill Oliver asked if it is necessary to have a sign on either side of the drive as one enters, and Mr. Burr indicated as one approaches Springflower Drive from either direction, they have a massive sign out there now identifying Mayflower Village that would obstruct view. He stated they would want signs on the southeast and southwest corners.

John Castellani asked if they are going to move the large existing sign, and Mr. Burr indicated they are not. He stated the large sign is in the construction trailer right now, and it has not been put up. John Castellani asked if it is not up currently in Phase 2, and Mr. Burr indicated it is not. He stated they want to first put the sign in Section 1, Phase 2 until they complete Section 1 construction. He stated after the first year they would be in the next section.

Linda Collinge asked if they already have the sign uprights there, and Mr. Burr indicated they do. John Hellaby asked what would the duration of need for the signs would be, and Mr. Burr indicated if they get into Section 2, Phase 1, at the rate the sales are happening now, probably 35-45 units a year, the only thing holding up the construction now is contingent offers. He stated if the market comes around, 2 - 2 1/2 years, to 3 years tops.

John Hellaby asked if the signs would be maintained and upgraded, and Mr. Burr indicated they would.

Richard Stowe indicated he was concerned the Board knew what they would be approving and that the Building Department would understand how many approvals there would be. John Castellani commented they could handle that as a condition, and Richard Stowe agreed.

Richard Stowe stated the developer was at the Planning Board and there were certain related conditions of the Planning Board approval. Mr. Burr stated they are in the process of taking care of those now. He stated they have brought heavy equipment out to address the conditions. Richard Stowe asked if they have paid the lighting bill, and Mr. Burr indicated he did not know. He stated he was sure it would be paid. Richard Stowe indicated those conditions are from the September 11, 1992 Planning Board decision. He stated it would be up the Zoning Board if they would want to incorporate some of the Planning Board's conditions in the Zoning Board approval.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. All Board members were in favor of the motion.

Linda Collinge made a motion to amend the variance request for two 2' x 3' temporary double faced freestanding signs to be placed on the front lot line to

a variance for only one of such signs. The motion was seconded by Gerry Hendrickson. All Board members were in favor of the motion.

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

1. One 2' x 3' freestanding sign as amended by Board vote.
 2. One 8' x 3' freestanding sign in either location as noted on application.
 3. Building Inspector to give applicant a specific time frame to move signs as needed.
 4. Three-year use of signs.
 5. Discretion of Building Inspector to position freestanding sign between road and lot line.
4. Application of Steven Woodard, owner; 11 Revere Drive, Rochester, New York 14624 for renewal of conditional use permit for an 80' high amateur radio antenna at property located at above address in R-1-15 zone.

Patrick Moyer was present along with Steven Woodard to represent the application. Mr. Moyer stated since last year Mr. Woodard has not applied for the building permit on this because he ran out of money after the problems last year. He stated Mr. Woodard is willing to ask to have the approval renewed with the same conditions. He stated Mr. Woodard has never had any problems with any of the conditions.

Mr. Moyer indicated the approval was a compromise that was worked out with the Town and the neighbors, and he stated very little has changed in the meantime. Bill Oliver read a letter from Mr. Woodard. The letter will be on file with the Building Department.

Mr. Moyer stated they found that most of the interference, when they could trace it to Mr. Woodard, was during the couple of weekends where he works intensively. He stated Mr. Woodard is trying to work with the neighbors on that.

John Hellaby asked if the structure being proposed is the same one proposed as last year, and Mr. Moyer indicated it would be the same. Mr. Moyer indicated the tower would be in the back yard and guyed with an agreement to protect the guys from children falling over them. He stated they had agreed to blend in the tower with the environment as much as possible.

Bill Oliver read the conditions from the last approval.

Mr. Moyer stated at the time of the last approval Mr. Woodard at the time did take down the three antennas, and he stated those have been down for the whole period of the year.

John Castellani stated according to Standard 115.24 Paragraph D there is no conditional use permit existing today. He stated the applicant has not exercised within a year the building permit option, nor has he complied with any of the other restrictions that were deemed as part of the conditional use permit. John Castellani stated from his point of view this application would not be a renewal this evening. He stated the applicant does not have a conditional use permit any more, and now he should make a full new application.

Mr. Moyer asked if those standards applied to conditional or special permits. John Castellani stated the conditional use permit becomes null and void after one year unless a building permit is issued. He further commented the one-year time frame was up June 27, 1992.

Richard Stowe asked when the application was submitted, and Mr. Moyer indicated the application was submitted in August. John Castellani commented it was the 23rd of August according to the application. Mr. Moyer stated they could change their variance request to an application instead of a renewal request if the Board pleases. John Castellani commented an application would need to be advertised.

Richard Stowe stated he was not in his position last year. He asked if the Board had full plans to review then, and Bill Oliver indicated they did. Richard Stowe asked if there were conditions a year ago that required the dismantling or the taking down of the two towers. Bill Oliver indicated at the time of the original request, the applicant had two towers. He stated the applicant himself consented to the fact of taking two of them down because the Town was not going to let the applicant have three towers. Mr. Moyer clarified that was not a condition of approval, however.

Mr. Moyer referred to the language of the approval, "recommends the one year trial". Richard Stowe stated that point was moot since the ordinance says it deems it for a year if it doesn't state any other time period.

Richard Stowe asked if there have been any other applications applied for whatsoever in the last year. Mr. Moyer indicated there have been none. Richard Stowe asked if they had applied for a demolition permit for the two towers, and Mr. Woodard indicated they did not. Richard Stowe asked if they are reducing the height. Mr. Moyer indicated they would not be reducing the height of the tower but would be reducing what is mounted on the tower itself.

Richard Stowe asked if there were variances granted or if just a conditional use permit was granted. Mr. Moyer indicated they have a conditional use permit only. Richard Stowe commented the recommended trial period never occurred because the equipment was never mounted, and Mr. Moyer indicated that was right. Richard Stowe commented they have used the portable tower in the last year, and Mr. Moyer indicated that was correct.

Richard Stowe commented the applicant had used a portable unit, and Mr. Moyer confirmed that. Richard Stowe asked if there is a reason the application did not get mailed until August, and Mr. Woodard indicated it slipped his mind. Richard Stowe asked the applicant if he was notified by the Building Department that the permit was up in June, and Mr. Woodard indicated he was not notified. Mr. Moyer indicated as the applicant's counsel he was not notified either.

Richard Stowe stated the standards in the conditional use permit portion of the code and the year period are intended to protect applicants who go ahead and expend large sums or money, get a building permit, get the building up, and then technically the conditional use permit ends with the application for the building permit and construction, meaningful construction. He stated it is correct the permit ended in one year, but he stated it has nothing to do with whether the applicant applied for a building permit.

John Castellani commented since the applicant was going to have to apply for a building permit to exercise what they had granted as a Board, not doing that fell within Subparagraph D from the way he read the code.

Richard Stowe stated the fact the applicant didn't apply for a building permit doesn't mean the approval expires. He stated the fact it expired in a year means that it expires.

John Castellani stated he would want to see what the smaller dishes would look like. Richard Stowe commented notice wouldn't have been any different if this were a renewal or a new application. Mr. Moyer indicated they would be more than willing to submit new documentation for a new application if so requested by the Board.

Bill Oliver indicated Monroe County Planning approves of this application insofar as airport considerations are concerned. He stated they have described the application as a matter for local determination.

John Hellaby indicated he appreciates Mr. Woodard's bringing everybody's attention to the all-out contest on the weekend. He stated he had the opportunity to pass Mr. Woodard's mobile station. He commented that unit looks quite cumbersome to be going anywhere. He asked what guarantees the Board has that once the tower is installed, the applicant won't go right back into the all-out contest weekends from a home station situation, and Mr. Woodard indicated he has no intentions of doing that. He stated he wouldn't guarantee anything, however.

Mr. Moyer indicated participating in those contests is where they think the major source of any major problems has come from. He commented if there are problems, however, that is a federal matter and there are those that can deal

with that. Mr. Moyer did not feel the applicant could give any guarantees, but he stated they would pledge their good faith effort to try to resolve any problems with it.

John Hellaby asked how often the all-out contests occur, and Mr. Moyer indicated three times a year for the weekend.

John Hellaby asked what the reason is for going with the two smaller dish antennas, and he asked if they accomplish the same thing as the 6 ft., and Mr. Woodard indicated they do not. He stated the small dishes would not be on the same band. He stated the reason he is not going to put a 6 ft. dish up is he is not trying to be competitive from home any more.

John Hellaby asked if this is approved with the two 2 ft. dishes, and two years from now the applicant wants a 6 ft. dish, what is going to happen. Richard Stowe stated the Board can only approve what the applicant is applying for. He stated the applicant would have to come back if he ever wanted the 6 ft. dish in the future.

Richard Stowe asked if all the drawings were submitted to the Building Department including the engineer's wetsealed drawings, and Mr. Woodard indicated not until he applied for the permit. Mr. Moyer indicated they plan on doing that. He further commented they have never had any problem with any of conditions.

ANYONE IN FAVOR OR OPPOSED:

Arnold Latoski - 26 Battlegreen Drive

He stated his lot attaches to the rear on Westside Drive. He stated he did not understand the talk that the residents of the area were only having interference during the contest weekends. He stated that is a misconception. He stated they have interference constantly. He stated they have sent away for a 64-page booklet from the FCC on interference. He indicated he was told the reason he is receiving interference is because his television set is not shielded properly. He stated no one goes to buy a t.v. and questions a salesperson to see if a set is shielded properly against radio frequency.

Mr. Latoski indicated he has called GRC in this regard, and he stated they only guarantee the signal to the back of the set. Mr. Latoski stated they get interference on their telephones and their radios, too. He stated the last letter he got from the FCC said towers are not their jurisdiction; it is local government. He stated the FCC also indicated they are keeping a file open on this matter.

Mr. Latoski stated the higher the tower, the greater the blanket effect. He stated others in the audience may have trouble, too.

Bill Oliver asked Mr. Latoski if he has spoken with Mr. Woodard and informed him of these interference problems, and Mr. Latoski indicated he has not because the FCC said it was up to Mr. Woodard to contact him if he gets a complaint. Bill Oliver asked Mr. Woodard if anyone has complained to him, and Mr. Woodard indicated he has received no complaints.

Mr. Moyer asked Mr. Woodard if he has operated from his home since last year when the meetings on the application were held, and Mr. Woodard indicated he has only operated 10 to 15 minutes at home in the past year. He stated Mr. Woodard has put his efforts in the mobile station. He stated where Mr. Woodard goes with that unit is not in the neighborhood.

Mr. Latoski stated the Chili Master Plan refers to maintaining a rural, suburban residential look for Chili. He stated his subdivision has all underground utilities. He stated the tower is very noticeable. He did not believe that the presence of the tower would not affect his property values. He stated he is definitely against the tower.

Ken LaDieu

He indicated his father, Byron, is a neighbor of Mr. Woodard's. He stated there were many complaints prior to last year about interference. He stated his father has interference on his phone, t.v., et cetera. He stated his father did communicate with Mr. Woodard. He stated he was under the impression Mr. Woodard did try to alleviate the situation, but he stated there are still problems.

Mr. LaDieu presented photographs to the Board of the area. He stated the property values are going to go down once an 80 ft. tower is erected.

Richard Stowe asked if changing the bands would create more of a problem, or would it lessen the problem. Mr. Woodard indicated it would probably not change. Mr. Moyer stated last time they presented information in their original application showing engineering data that, in fact, a higher antenna would probably produce less interference than a lower one.

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

1. Applicant's use of portable equipment to serve his needs.
 2. Not using his "conditional use permit" for over one year (issued 6/27/91, asked for renewal 9/22/92.)
 3. Not infringing on applicant's use for recreation.
 4. 80' tower is unsightly in tract neighborhood.
 5. Number of complaints from neighbors.
 6. Monroe County Planning voiced concern of neighbors' homes in case tower falls.
5. Application of Gillette Tool & Die, owner; 955 Millstead Way, Rochester, New York 14624 for variance to erect a warehouse to be 15' from side lot line (35' req.) at property located at above address in G.I. zone.

Bill Oliver read a letter from the Planning Board regarding this application. The letter is on file with the Building Department. Bill Oliver read the County Comments.

Mark Costich was present to represent the application. He stated the original plan as submitted was two-fold. He stated they wanted to have site plan review and a subdivision. He stated Gillette is interested in subdividing the property for two reasons. He stated the operation they are proposing is related in some ways to the existing business, but is not really related. He stated it is a different machining, precision machining operation. He stated they do currently do a small bit of it in the existing building. He stated they want to expand that. He stated having a subdivision would allow them in the future to sell the business as a separate business if they wanted to.

Mr. Costich stated another reason for the subdivision is for financing reasons. He stated they would have to have a separate parcel from the existing parcel. He stated the Planning Board has reviewed this application and found it very acceptable with the exception they did not have the County Comments then, so the application was tabled. Mr. Costich explained they then did receive County Comments and they were very dramatic. He stated the County had denied them. He explained the County did not want any approval of this project because of the plan the County has for expansion of the airport, namely the future taxiway and what they call their building restriction line. He stated the building restriction line would go right through the building.

Mr. Costich stated he was able to meet with Gary Gaskins of the airport and was able to obtain from him coordinates on the runways to accurately plot the runway, the building restriction line. He stated at that point their task was to try and develop a plan that would meet the client's needs and still try and work around the County's restrictions. He stated that effort resulted in the plan before the Board this evening. He explained the plan by use of the map.

Mr. Costich stated they were able to maintain the front setback required. He stated they are present tonight for a side setback from the required 35 ft. to 15 ft. He indicated he had letter from Gary Gaskins indicating the County's support of the revised plan.

Mr. Costich stated the new plan indicates a building of 15,000 sq. ft. with room for further expansion on the order of 6,000 sq. ft. He stated they could move the building to avoid the variance request, but then they would eliminate some of their parking.

ANYONE IN FAVOR OR OPPOSED: No one.

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

1. Minimum variance required.
2. Chili Planning Board investigated this case and found it to be compatible to the Master Plan.
3. Favorable report from Monroe County Planning after applicant amended first application.

The Chili Zoning Board minutes of 6/23/92 were approved as is.

The meeting ended at 9:35 p.m.

A meeting of the Chili Zoning Board was held on October 27, 1992 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 Bill Oliver.

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

ALSO PRESENT: Richard Stowe, Assistant Town Counsel; Larry Smith, Building Inspector.

Chairperson Bill Oliver declared this to be a legally constituted meeting of the Chili Zoning Board. He explained the meeting's procedures and introduced the Board and front table. The fire safety exits were identified. The Pledge of Allegiance was cited.

1. Application of Manuel Dias, owner; 38 Autumn Wood, Rochester, New York 14624 for variance to erect a deck to be 76' from rear lot line (90' req.) at property located at above address in R-1-20 zone.

Maria Dias was present to represent the application. Bill Oliver asked if the reason for the variance is to provide for more room, and Ms. Dias indicated it is. Bill Oliver asked when the new home was built, did they anticipate putting the deck on, and Ms. Dias indicated they had thought about it.

Larry Smith stated in an R-1-20 zone, they require 90 ft. He stated they are trying to get the Town Board to change that to 60 ft.

Ron Popowich asked what is the size of the deck, and Bill Oliver indicated it was stated as 8 x 37.7 ft. John Hellaby commented she is asking for a 76 ft. rear setback, yet they are only adding 8 ft. out from the house. He asked if there is a reason for the 8 ft. Ms. Dias stated it would mean more space in the back. John Hellaby asked if there is any future expansion planned, and Ms. Dias indicated there is not.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver made a motion to declare the Board lead agency and made the determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. All Board members were in favor of the motion.

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

1. Minimum variance.
 2. Not detrimental to neighborhood.
 3. Consistent with the area.
2. Application of Hans Baumeister, owner; 1091 Paul Road, Churchville, New York 14428 for variance to erect a 24' x 24' storage shed to be 576 sq. ft. (160 sq. ft. allowed) at property located at above address in R-1-20 zone.

Hans Baumeister was present to represent the application. He stated he currently has an old horse barn which is substantially larger than what he is asking for. He stated the existing barn is not well built. He stated the previous owner built the existing barn, and it is deteriorating. He stated he wants to replace the existing barn with a smaller structure, a 24' x 24' garage kit. He stated he would build it next to the existing structure.

John Hellaby asked if the present structure houses anything, and Mr. Baumeister indicated he used to have sheep, but there are not any animals there now. John Hellaby asked when the existing barn would be removed, and Mr. Baumeister indicated after the new barn is constructed. John Hellaby asked if they plan to raise horses back there, and Mr. Baumeister indicated they do not.

Larry Smith stated the applicant also needs to apply for a demolition permit. Mr. Baumeister indicated he wasn't sure when he would start demolition. He

Gates-NEWS-Chili

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

Date.....10/21/92.....

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

GATES-CHILI NEWS

Issue Dated.....10/21/92.....

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

**LEGAL NOTICE
CHILI ZONING**

BOARD OF APPEALS

Pursuant to Section 267 of Town Law, a public hearing will be held by the Chili Zoning Board of Appeals at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on October 27, 1992 at 7:30 p.m. to hear and consider the following applications:

1. Application of Manuel Dias, owner; 38 Autumn Wood, Rochester, New York 14624 for variance to erect a deck to be 76' from rear lot line (90' req.) at property located at above address in R-1-20 zone.
2. Application of Hans Baumeister, owner; 1091 Paul Road, Churchville, New York 14428 for variance to erect a 24' x 24' storage shed to be 576 sq. ft. (160 sq. ft. allowed) at property located at above address in R-1-20 zone.
3. Application of Catherine Richardson, owner; 8 Scott Lane, Rochester, New York 14624 for variance to erect a 21' x 8' open porch to be 52' from front lot line (60' req.) at property located at above address in R-1-12 zone.
4. Application of Christopher Judd, owner; 669 Beahan Road, Rochester, New York 14624 for variance to erect a 24' x 32' two story detached garage to be 1,536 sq. ft. (900 sq. ft. allowed), variance for garage to be 10' from side lot line (50' req.) at property located at above address in RA-10 & F.P.O. zone.
5. Application of Frank Pepper, owner; 321 Cornwall Crossing, Rochester, New York 14624 for variance to erect

a 12' x 18' deck to be 25' from rear lot line (35' req.) at property located at above address in R-1-15 zone.

6. Application of Ryan Homes, owner; 1280 Scottsville Road, Rochester, New York 14624 for variance to allow existing house with porch to be 32' from front lot line (35' req.) at property located at 8 Yankee Court in R-1-15 zone.

7. Application of Gary & James Frederico, c/o Carl Fuehrer, P.E.; 51 W. Main Street, Honeoye Falls, New York 14472 for variance to erect three mini storage buildings to be 25' from front lot line (75' req.), 25' from rear lot line (40' req.) and 25' from side lot line (35' req.) at property located at 1651 & 1659 Scottsville Road in G.I., F.P.O. & F.W. zone.

8. Application of Gary & James Frederico, c/o Carl Fuehrer, P.E., 51 W. Main Street, Honeoye Falls, New York 14472 for variance to erect a 6' high stockade fence with three strands barbed wire around perimeter of property at property located at 1651 & 1659 Scottsville Road in G.I., F.P.O. & F.W. zone.

9. Application of Michael Fischer, 1 Heatherwood Road, Fairport, New York 14450, owner: T. Black; for Land Use Variance to allow a golf course at property located at 370 Attridge Road in L.I. zone.

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

William Oliver,
Chairman
Chili Zoning Board of Appeals
10-21

James Melting 10-27-92

stated he won't be able to build the barn in that area because it is late in the season.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver made a motion to declare the Board lead agency and made a determination of no significant environmental impact, and Linda Collinge seconded the motion. All Board members were in favor of the motion.

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

1. Old building to be taken down within 90 days time after construction of new building.

The following findings of fact were cited:

1. New building will improve property.
 2. Minimum variance.
 3. New building not detrimental to neighborhood.
3. Application of Catherine Richardson, owner; 8 Scott Lane, Rochester, New York 14624 for variance to erect a 21' x 8' open porch to be 52' from front lot line (60' req.) at property located at above address in R-1-12 zone.

Catherine Richardson was present to represent the application. Bill Oliver asked what the reason is for the front porch. Ms. Richardson indicated the porch that was existing there when they bought the property was concrete and was breaking up. She stated the porch was dangerous for their grandchildren.

Gerry Hendrickson asked if the porch has been started, and Ms. Richardson indicated it has. Larry Smith indicated a stop work order was issued. Ms. Richardson said she had pictures to show the progress. Bill Oliver stated the Board members visit the properties before the meeting. Larry Smith stated the house had a fire two years ago, and they had permits for several items but not for the front porch. He stated there was an inspection to be done when it was noticed the front porch did not meet the setback. John Hellaby asked if the inspections have been made, and Larry Smith indicated before they give a certificate of compliance, it will all be taken care of.

ANYONE IN FAVOR OR OPPOSED:

Harold Donnelly - 45 Jensen Drive
He stated it is a nice addition. He was in favor of the application.

Bill Oliver made a motion to declare the Board lead agency and made a determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. All Board members were in favor of the motion.

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

1. Porch will improve property.
 2. Porch not detrimental to neighborhood.
 3. Minimum variance.
4. Application of Christopher Judd; owner; 669 Beahan Road, Rochester, New York 14624 for variance to erect a 24' x 32' two-story detached garage to be 1,536 sq. ft. (900 sq. ft. allowed), variance for garage to be 10' from side lot line (50' req.) at property located at above address in RA-10 & FPO zone.

Christopher Judd was present to represent the application. He stated he wants to put up a two-car, two-story detached garage. He stated he is looking for a variance to allow the garage to be 10 ft. from the existing zoning of 50 ft. He stated he was told 100 ft. is not required.

Mr. Judd stated the downstairs square footage would be 1056 sq. ft., and the second story would be smaller due to the roof style.

Bill Oliver asked what would be in the upper portion. Mr. Judd indicated he would have woodworking hobby equipment up there. Linda Collinge asked if it would be used for a business, and Mr. Judd indicated it would not, just for hobbies.

John Castellani asked if the application looked at placing this garage in any other position to avoid the variance. Mr. Judd indicated the lot is a little over 100 ft. wide, so there was no way to get around it.

John Hellaby asked what the necessity is to have it 32 ft. deep. Mr. Judd indicated he wants to have two cars in the garage and room to have a workbench along the wall. John Hellaby asked if there is presently an existing garage on the home, and Mr. Judd indicated there is, but it is less than a single-car garage. He stated that area will be made into a breezeway. He stated there is an existing shed in the back that will be taken down. He stated he will get a demolition permit for that after the garage is built.

Ron Popowich asked if the applicant would fix cars as an automotive business, and Mr. Judd indicated it would not be for a business. He stated he just tinkers with his own cars.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver made a motion to declare the Board lead agency and made a determination of no significant environmental impact, and Linda Collinge seconded the motion. All Board members were in favor of the motion.

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

1. Garage will improve property.
2. Minimum variance.
3. Garage not detrimental to neighborhood.
5. Application of Frank Pepper, owner; 31 Cornwall Crossing, Rochester, New York 14624 for variance to erect a 12' x 18' deck to be 25' from rear lot line (35' req.) at property located at above address in R-1-15 zone.

Frank Pepper was present to represent the application. He stated the deck would face the pond. He stated there are 22 homes around the pond and 17 have decks. Bill Oliver asked if this is a corner lot, and Mr. Pepper indicated it is.

Ron Popowich asked when the property was bought, were they aware of the rear setback, and Mr. Pepper indicated they were. He stated the original plan of the home was to have the garage on the other side, but that was changed and the house was titled to fit on the lot.

John Castellani asked how many applications like this has the Zoning Board seen. Larry Smith stated they are trying to get a definition of decks to put a definition in the code book calling decks landscaping devices and accessory structures so they could eliminate the requirements for a setback. John Castellani stated he would expect to see more variance requests from this track.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver made a motion to declare the Board lead agency and made a determination of no significant environmental impact, and John Castellani seconded the motion. All Board members were in favor of the motion.

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

1. Adjacent property is open area.
2. Consistent with area properties.
3. Minimum variance.
6. Application of Ryan Homes, owner; 1280 Scottsville Road, Rochester, New York 14624 for variance to allow existing house with porch to be 32' from front

lot line (35' req.) at property located at 8 Yankee Court in R-1-15 zone.

Terry Gleason was present to represent the application. He stated the home in question is at 8 Yankee Court. He stated it is located on a cul-de-sac. He stated the front porch extends 3 ft. into the required front setback. He stated it is a covered porch so the roof portion is the part that brings the porch into encroachment. He stated when the home was originally constructed, it was staked out to have a stoop rather than a covered porch.

Larry Smith stated the overhang on the second floor is an encroachment. Mr. Gleason agreed. He stated there is a cantilevered second floor for a living room that encroaches 2 inches over the setback.

Bill Oliver stated he was amazed at all of the new homes being built in that area that need variances. Terry Gleason stated when they went back for the instrument survey for the closing is when it came to light it was a covered porch and not a stoop.

Gerry Hendrickson asked when it was built, and Mr. Gleason indicated it was just recently completed. He stated they are still waiting to go to closing subject to the variance being granted.

ANYONE IN FAVOR OR OPPOSED:

Timothy Ingersoll

He stated he was the attorney for David and Phyllis Stookey. He stated Mr. and Mrs. Stookey have a purchase and sale contract for the purchase of the property. He stated they were supposed to close on 10/7/92 and have been living in a hotel since then. He asked the Board to approve the application.

Bill Oliver made a motion to declare the Board lead agency and made a determination of no significant environmental impact, and Linda Collinge seconded the motion. All Board members were in favor of the motion.

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

1. Variance needed to correct error by home builder.
 2. Minimum variance.
 3. Variance not detrimental to area.
7. Application of Gary & James Frederico, c/o Carl Fuehrer, P.E.; 51 W. Main Street, Honeoye Falls, New York 14472 for variance to erect three mini storage buildings to be 25' from front lot line (75' req.), 25' from rear lot line (40' req.) and 25' from side lot line (35' req.) at property located at 1651 & 1659 Scottsville Road in G.I., F.P.O. & F.W. zone.
 8. Application of Gary & James Frederico, c/o Carl Fuehrer, P.E.; 51 W. Main Street, Honeoye Falls, New York 14472 for variance to erect a 6' high stockade fence with three strands barbed wire around perimeter of property at property located at 1651 & 1659 Scottsville Road in G.I., F.P.O. & F.W. zone.

John Hellaby indicated he would abstain from hearing and voting on this application since his employer has had past dealings with the applicant.

Carl Fuehrer was present to represent the applications. He stated there was a separate application submitted for the fence variance. He stated there was a letter of intent submitted with that application. He stated the date on the letter of intent of the application was September 29, 1992. He stated the application is not for a stockade fence as was indicated in the application description. He stated the variance they request is for a 6 ft. high chainlink fence. He indicated they are looking for a continuation of the security chainlink fence as is installed now on the existing mini storage facilities. He stated the reason they are asking for the barbed wire on the fence is because they have had some experience with break-ins there and it would be helpful for security reasons.

Mr. Fuehrer stated the setback variances they are asking for are due to the unique shape of the parcel. He stated the parcel is tapered, and there is a

large portion of the property which is in a wetland area. He stated they need to work around an existing septic system which was part of the Castle Inn site.

Bill Oliver indicated the Planning Board has tabled this application for one month pending submission of an ultimate layout of the building. Mr. Fuehrer indicated he was unaware of that delay. The matter was discussed, and Richard Stowe indicated the Planning Board did not table the application. He stated the application has received preliminary approval from the Planning Board with conditions.

Ron Popowich asked if the 25 ft. setback is really enough room for them to use the building, and Mr. Fuehrer indicated it is. Ron Popowich asked if the chainlink fence is going to go along the front of the proposed building, and Mr. Fuehrer indicated it would. Mr. Fuehrer indicated the fence would go around the building, around the front of the parking lot, would jog at the driveway and come down to meet the existing one at the other parcel. Ron Popowich asked if the stockade fence would be taken down, and Mr. Fuehrer indicated it would be taken down.

Gerry Hendrickson asked if this development would interfere with the widening of the road. Mr. Fuehrer stated there have not been any concerns expressed by the Board or the County in the County's review of the site plan. Larry Smith commented that widening project will probably not be done for years.

John Castellani asked if the one and a half story building right up front would be taken down, and Mr. Fuehrer indicated it would be taken down. John Castellani commented if, in fact, they widen the road, they would lose the property and the variance would have no meaning. Mr. Fuehrer indicated there is an area from the existing pavement back to the property line of about 35 ft. right now.

Bill Oliver asked if the barbed wire would be tipped inward, and Mr. Fuehrer indicated it would be.

ANYONE IN FAVOR OR OPPOSED: No one.

DECISION ON APPLICATION #7: Approved by a vote of 5 yes with 1 abstention (John Hellaby) with no conditions, and the following findings of fact were cited:

1. Storage buildings are a good way to utilize this area of Chili.
2. Minimum variance needed to improve property.

DECISION ON APPLICATION #8: Approved by a vote of 5 yes with 1 abstention (John Hellaby) with no conditions, and the following findings of fact were cited:

1. Chain link fence and barbed wire are needed to protect property of others using storage building.
 2. Fence needed to protect main area.
9. Application of Michael Fischer, 1 Heatherwood Road, Fairport, New York 14450 owner: T. Black; for Land Use Variance to allow a golf course at property located at 370 Attridge Road in L.I. zone.

No one was present to represent the application. Bill Oliver indicated the Board would take a ten-minute recess and then recall the application.

A recess in the proceeding occurred.

Bill Oliver read the County Comments.

Kevin Ferrington was present to represent the application. He indicate Michael Fischer would be coming. He stated Mr. Fischer is under option to purchase a piece of property located on Attridge Road that is split between Riga and Chili. He stated Mr. Fischer wishes to develop the property as a par three golf course in combination with a driving range that would be at the rear of the property to be developed in the future; the golf course being developed as the initial portion of the project.

Mr. Ferrington stated the use is not allowed in the Light Industrial zone as they understand. He stated it is also not allowed in the Industrial zone. He stated they have been in front of the Riga and Chili Planning Boards on an informal basis to discuss the project. He stated they have also had a public hearing in the Town of Riga on their variance.

Bill Oliver indicated the Board has received a copy of Riga's conclusions on the matter. Mr. Ferrington indicated their variance was granted in Riga.

Mr. Ferrington stated the total site is approximately 33 acres, with 30 acres of that being in the Town of Chili. He stated the access and 2.6 acres would be in the Town of Riga. He stated they are requesting a variance to allow what is essentially commercial recreational use to be allowed in the Light Industrial zone in the Town of Chili.

Mr. Ferrington indicated the owner has been making an effort to sell this property for sometime now and has been unsuccessful with the exception of the one offer from Mr. Fischer dependent on the use change. He stated there is residential property to the north. He stated there is a railroad immediately to the south, Conrail, which runs along the southern boundary.

Mr. Ferrington stated a golf course would keep the area essentially green and in an open character. He stated Mr. Fischer has been to neighboring residents who live in Chili and has obtained most of their signatures on a petition or letter that indicates they have no objections to this project for this site. He stated if they are successful with the variance, they would then go into the planning process for site plan review and approval.

Mr. Ferrington stated they have an illegal lot from when a larger parcel was formerly broken apart. He stated they will have to apply for subdivision approval also.

Bill Oliver asked how this would fit into the master plan. Larry Smith stated the master plan keeps the site Light Industrial; however, the Planning Board was interested in this use if the land variance could be obtained. Mr. Ferrington stated the Riga Planning Board is also interested in this project. He stated Riga has indicated it would be more than willing to hold a joint hearing on this matter.

Mr. Ferrington stated the 9 hole golf course would be developed immediately, and the future driving range would be built in two to four years.

Bill Oliver stated his concern regarding driven golf balls and the proximity to the residential housing nearby.

Michael Fischer arrived and was present to also represent the application.

Mr. Fischer stated he went to every neighbor that could possibly see the golf course along Attridge Road. He stated one couple was not home, but he talked to their daughter who indicated they were in favor of it. He stated one fellow stated he was in favor of it but does not sign anything. The petition was submitted to the Board. A letter explaining the selling difficulty associated with the property was submitted to the Board. He stated most residents were enthusiastic about the project because they were not looking forward to industrial type buildings going up in their backyards.

Bill Oliver asked if they would be building on one side of the railroad tracks, and Mr. Ferrington indicated they would only build on one side.

Ron Popowich asked for the hours of operation. Mr. Fischer indicated they would put a par three golf course up first because he doesn't have the money to do the driving range at this point. He stated the par three course won't have lights. He stated the driving range would be 2,000 ft. away from the closest resident, and he stated the newer lighting systems are not up in the air but are low. He indicated the range would be open until 10 p.m.

Ron Popowich asked how many cars would be going in and out of there an hour. Mr. Fischer stated if they were filled to the brim, there would be 36 cars. He stated most people spend roughly two hours at a course. Mr. Ferrington stated Attridge Road is a County Road and they will be required to get a permit for the access from the County. He commented as one comes over the hill from the north, there are some problems with sight distance.

Gerry Hendrickson asked if that parcel was farmed before, and Mr. Fischer indicated not in the recent past. Mr. Fischer indicated the parcel is abandoned farmland.

John Hellaby asked what precautions would be made to keep the people from wandering onto Conrail's tracks. He asked if they would anticipate putting fencing up there. Mr. Fischer stated they would if they needed to. He stated the way the holes would be set up in that area, one would almost have to intentionally hit a ball over to that area for it to land there.

John Hellaby asked if any contemplation has been made as far as the amount of water consumption for the course as far as irrigating the course. Mr. Ferrington indicated any wells that will be drilled here will not be the over-burdened wells which are somewhat common in the older wells in the area. He stated they will hit into rock so that they will have a good steady supply of water without damaging the water table.

John Hellaby asked when the course would open, and Mr. Fischer stated if all approvals go well, they hope to be open by August. He stated the grass has to grow for three months.

Bill Oliver read the submitted petition in favor of this application dated August 29, 1992.

Linda Collinge questioned the lighting, and Mr. Fischer stated the nearest light would be 2,000 ft. to the nearest residence.

Richard Stowe stated he wanted to make sure the applicant could confirm their activity tonight as the act of the owner who is responsible for this. Bill Oliver read the submitted letter to the Board regarding the selling attempts of this parcel. The letter was from Terry Granger, broker/owner Prudential King Arthur Realtors. Mr. Fischer stated he thought the property had been for sale longer than what was stated in the letter. Mr. Ferrington commented this site is not currently serviced by public utilities, water or sanitary sewers. He stated there is water on the road to the Town of Chili/Town of Riga line.

Gerry Hendrickson asked how the water in that area tests out, and Mr. Ferrington stated they have had some preliminary discussions with the Health Department, and there are a number of operating wells in the area that are used for potable water. Mr. Ferrington also stated Mr. Fischer has been authorized to act on the owner's behalf.

ANYONE IN FAVOR OR OPPOSED: No one.

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

1. Pending approval of the Chili Planning Board.

The following findings of fact were cited:

1. Applicant showed he would be deprived of all economic use or benefit from property when used for a purpose allowed in the light industrial zone.
2. This hardship is unique and does not apply to a substantial portion of the district or neighborhood.
3. This variance will not alter the essential character of the neighborhood.
4. This hardship is not self-created.
5. Applicant will supply his own well for water, and septic system for sewage, due to the location of this area, until these services are provided by Monroe County.

The 7/28/92 and 8/25/92 Zoning Board meeting minutes were approved as is.

The meeting ended at 9:15 p.m.

CHILI ZONING BOARD

November 24, 1992

A meeting of the Chili Zoning Board was held on November 24, 1992 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 Bill Oliver.

PRESENT: Ron Popowich, John Hellaby, John Castellani, Gerry Hendrickson and Chairperson Bill Oliver.

ALSO PRESENT: Richard Stowe, Assistant Town Counsel; Larry Smith, Building Inspector.

Chairperson Bill Oliver declared this to be a legally constituted meeting of the Chili Zoning Board and explained the meeting's procedures. He introduced the Board and front table. He indicated the fire safety exits for everyone. The Pledge of Allegiance was cited.

1. Application of Joyce Burns, owner; c/o Avery Engineering, 849 Paul Road, Rochester, New York 14624 for variance to create an undersized lot on Lot R-1 to be 1.01 acres (20 acres req.), variance to allow six lots with lot widths ranging from 517' x 683.17' as shown on plans (700' req.) at property located at 530 & 560 Chili Scottsville Road in RA-20 zone.

Don Avery was present to represent the application along with Joyce Burns. Mr. Avery indicated the lots average 650 ft. Bill Oliver read the applicant's letter of intent. The letter is on file with the Building Department.

Ron Popowich asked if they are going to add roughly an acre to Lot 1 to make it a 10 acre lot, and Mr. Avery indicated there is an existing 1 acre now with a house on it. He stated they will be adding the 9 plus acres to that.

John Hellaby asked why they are subdividing the property. Ms. Burns indicated she is selling Lot 3 to a couple that has the money to purchase it. She stated they are also going to buy Lot 4. She stated they want to buy the whole thing. She stated when they buy Lot 4, they are going to have an option to buy Lot 5 within three years. She stated they want to buy Lot 2 and Lot 6. She stated the land is being farmed and is going to continue to be farmed. John Hellaby asked if the sale is pending on the decision this evening or has it actually been sold. Ms. Burns indicated it has been sold. She stated their mortgage has been approved for Lot 3.

John Hellaby asked if there is a lease with an area farmer regarding the farming of the land. Ms. Burns indicated the whole area right now, about 80 acres that is workable, is rented out to Mr. Paul Stein and will be again next year.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver asked if the purchasers have made any commitments in regards to Lots 4 and 5. Ms. Burns indicated it is stated in the agreement that they have to buy Lot 4. Ms. Burns indicated she thought she had Lot 2 sold to her other son, but he gave up the idea of doing that. She stated the purchasers of Lot 3 are interested in buying Lots 2 and 6.

Bill Oliver asked if the purchasers have any intention of dividing the land into building lots. Ms. Burns indicated to her knowledge they are from the city and want the open space.

Bill Oliver indicated this application 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.

The following findings of fact were cited:

1. Variance follows master plan guidelines.
 2. Variances are minimum and help improve area.
2. Application of Richard Gilmore, 71 Webwood Circle, Rochester, New York 14626, property owner: A. Longbine; for variance to allow existing garage on Lot 1 to be 1' from proposed side lot line (10' req.), variance to allow

Gates-NEWS-Chili

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

Date.....11-18-92.....

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

GATES-CHILI NEWS

Issue Dated.....11-18-92.....

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 November 24, 1992 at 7:30 p.m. to hear and consider the following applications:

1. Application of Joyce Burns, owner; c/a Avery Engineering, 849 Paul Road, Rochester, New York 14624 for variance to create an undersized lot on lot R-1 to be 1.01 acres (20 acres req.), variance to allow six lots with lot widths ranging from 517' to 683.17' as shown on plans (700' req.) at property located at 530 &

560 Chili Scottsville Road in RA-20 zone.

2. Application of Richard Gilmore, 71 Webwood Circle, Rochester, New York 14626, property owner: A. Longbine; for variance to allow existing garage on lot 1 to be 1' from proposed side lot line (10' req.), variance to allow Lot 2 to be 14,850 sq. ft. (15,000 sq. ft. req.) at property located at 835 Marshall Road in R-1-15 zone.

3. Application of Pal Oil Inc., 2849 Rt. 31, Palmyra, New York 14522, property owner: L. McKinney; for variance to erect an 8' x 8' double faced freestanding sign to be 8' from front lot lines (20' req.) and to be 25' high (20' allowed), variance to erect 12 logo signs (1' x 1' each) on gas

pumps at property located at 4210 Buffalo Road in N.B. zone.

4. Application of Up & Coming Ventures Inc., 1509 Scottsville Road, Rochester, New York 14623, property owner: A. Stock; for variance to erect an 8' x 4' double faced freestanding sign, variance for sign to be 5' from front lot line (20' req.) at property located at above address in G.I. zone.

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

**William Oliver,
Chairman
Chili Zoning Board of
Appeals**

11-18

Joanne J. Bell
11-24-92

Lot 2 to be 14,850 sq. ft. (15,000 sq. ft. req.) at property located at 835 Marshall Road in R-1-15 zone.

Joseph Yankonich was present to represent the application. He stated Lot 1 is the existing house and a garage. He stated on the map it indicates the garage shall be erased or a variance shall be granted. He stated Mr. Gilmore has a sale for the property and they would like to keep the garage. He stated if it were allowed to remain, they would have the 1 ft., and they would propose to put a maintenance easement in 9' x 40'. He stated they would have 10 ft. around the garage on the adjoining properties so they could properly maintain the building. Mr. Yankonich indicated whoever bought the property next door would be informed of the easement.

Ron Popowich asked if the sale is pending on the garage issue, and Mr. Yankonich indicated the people buying the house want the garage. John Hellaby asked if all the remaining lots in the subdivision meet the required area, and Mr. Yankonich indicated every lot meets the required area.

Bill Oliver asked if Stem Rose Lane is a part of the new track, and Mr. Yankonich indicated it is. Bill Oliver read a letter from the Chili Planning Board indicating they had no recommendation on this application.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver indicated the County Comments came back as a local matter.

Bill Oliver made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. All Board members were in favor of the motion.

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

1. Minimum variance required.
2. Applicant showed hardship due to size and location of lot.
3. Application of Pal Oil, Inc., 2849 Rt. 31, Palmyra, New York 14522, property owner: L. McKinney; for variance to erect an 8' x 8' double-faced freestanding sign to be 8' from front lot lines (20' req.) and to be 25' high (20' allowed), variance to erect 12 logo signs (1' x 1' each) on gas pumps at property located at 4120 Buffalo Road in N.B. zone.

Kevin Kyle was present to represent the application along with Frank Weinstock. Mr. Kyle indicated Mr. Weinstock has entered into an agreement with the property owner to lease the location. He stated Pal Oil were the previous leasees of the location from Mr. McKinney. He stated Mr. Weinstock is now doing that on a direct basis.

Mr. Kyle indicated Pal Oil represents Coastal Oil Corporation as a branded marketer. He stated Coastal has been coming into New York State within the last year and a half, seizing the opportunity to brand locations all across the state. He stated since they have taken over the brand, they have rebranded approximately 40 locations throughout New York State. He stated part of the branding process is to come in and commit to an owner a whole process of reconstruction in terms of appearance.

Mr. Kyle indicated Coastal has standardized its appearance and its look throughout the United States. He stated Coastal in the past was more into natural gas and they have got into the refineries and into the marketing on a direct basis throughout the states now. He stated their largest base is in Florida, in Texas and now they have come into New England and New York State, New Jersey and Pennsylvania.

Mr. Kyle indicated part of Mr. Weinstock's agreement with Coastal is that he would rebrand the location. He indicated Gulf Oil is going out of business. Mr. Kyle stated indicated there is a hardship to Mr. Weinstock in leasing this location in that there are some commitments to be made to Coastal in terms of signage.

Mr. Kyle indicated the location has been painted. Mr. Kyle indicated they need signage up that will indicate it is a Coastal location from out at the road.

He stated the sign they are asking for is not typical of what Coastal specifies. He stated one of the reasons for that is there is a requirement in Chili's code that the logo can be no larger than 20 percent of the sign. He stated the sign that they present to the Board fits that requirement. He stated the logo is just the C globe within the framework of the word Coastal.

Mr. Kyle indicated on the map where the existing sign is. He stated they plan to move the base of the sign back, but they have asked for a small triangle area so they could manipulate the sign to get the best view and also to keep it more attune to the motoring traffic and not in tune to the local community residences.

Mr. Kyle indicated they are also asking for a height variance. He stated the standard signs that Coastal has they buy on a national basis from a company called Everbright out of Wisconsin. He stated the sign they are proposing is a modification of their standard signs, but their standard signs are 25 ft. in height.

Mr. Kyle indicated Coastal likes to provide an image for the location. He indicated the pump skins would be another variance they are asking for. He showed the Board what the 1 sq. ft. logo would look like on each side of the pump.

Mr. Kyle indicated if Mr. Weinstock can get branded, he would be allowed to have a Coastal credit card business for that location. He stated if allowed to get branded, Mr. Weinstock would also receive some building and construction funds to allow the business to better its appearance.

Bill Oliver commented they cannot acquire any more property, and Mr. Kyle agreed.

Ron Popowich asked where the 12 logo signs are all going to be. Mr. Kyle indicated they are going to be on the pumps. Larry Smith stated the reason they are being brought in is because the Town brought in Mobil for their pegasus logos.

John Hellaby asked if there was some sort of sign variance given to the previous leasee, and Larry Smith stated the signs that the variance was given for are being replaced by the Coastal signs. John Hellaby asked if the previous variance should be voided, and Richard Stowe indicated the previous signs variance would be modified so that only the variances granted this evening would be in force and effect. Richard Stowe asked if the applicant only wants to use the signs they are applying for this evening, and Mr. Kyle indicated that was correct.

John Castellani commented with those statements having been made then, they wouldn't have any pricing signs up at all. Larry Smith commented the pricing signs are required by law. Mr. Kyle commented the pricing sign would be part of the existing 64 sq ft. sign. John Castellani asked if they would provide traffic barriers so there is not an accident with the signs. Mr. Kyle indicated the traffic barriers are already existing, and he indicated the change in the location of the sign is so small it will still stay in the protective barrier.

ANYONE IN FAVOR OR OPPOSED: No one.

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

Bill Oliver made a motion to declare the Board lead agency and made a determination of no significant environmental impact, and Ron Popowich seconded the motion. All Board members were in favor of the motion.

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

1. Minimum signs to identify business.
2. Signs and logo are consistent with Pal Oil Corp. regulations throughout the country.
4. Application of Up & Coming Ventures, Inc., 1609 Scottsville Road, Rochester, New York 14623, property owner: A. Stock; for variance to erect an 8' x 4'

double-faced freestanding sign, variance for sign to be 5' from front lot line (20' req.) at property located at above address in G.I. zone.

Bill Levy was present to represent the application. He indicated he is the owner of Up & Coming Ventures doing business as Diamonds Night Club. He indicated the business inherited with the building they took over two signs. He indicated one sign was attached to the building, a reader board sign. He indicated they have taken that sign down to improve the look of the building.

Mr. Levy indicated they plan to put a new face on its pre-existing sign that was a timber structure. He indicated it is a double-faced sign with dimensions of 3'10" x 8'. He indicated in putting up that sign, it came to their attention through the Building Department that a variance had never been granted for that sign by the original occupant of the building, Mr. Stock, regarding the setback from the property line.

Mr. Levy indicated they have found the drawings from the original sign company indicating that the timber structure was put up in around 1980. John Hellaby asked what the new structure is constructed of. Mr. Levy indicated it is a heavy plexiglass type material, a lexan, with vinyl lettering stuck to it. He commented the sign is back lit. John Hellaby commented the previous sign was lit by ground lights. Mr. Levy indicated it was originally back lit but was never fixed when it broke. He indicated their electrician fixed the sign.

John Hellaby asked what the hours of illumination would be, and Mr. Levy indicated it would be on a timer to come on shortly after dusk and would go off at 5 a.m. or 6 a.m. He commented the sign would be on the same timer as the building security.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver asked if they would be putting up a new sign in a different location, and Mr. Levy indicated they would not be. Bill Oliver asked if structurally the frame is a good frame, and Larry Smith indicated he would take a look at it.

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

Bill Oliver made a motion to declare the Board lead agency and made a determination of no significant environmental impact, and John Castellani seconded the motion. All Board members were in favor of the motion.

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

1. Minimum variance required.
2. Signs are consistent with the area.
3. Existing sign is being upgraded.

The 9/22/92 Chili Zoning Board minutes were approved as is.

The meeting ended at 8:53 p.m.

CHILI ZONING BOARD
December 22, 1992

A meeting of the Chili Zoning Board was held on December 22, 1992 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 Bill Oliver.

PRESENT: Ron Popowich, Gerry Hendrickson, John Hellaby, John Castellani and Chairperson Bill Oliver.

ALSO PRESENT: Richard Stowe, Assistant Town Counsel; Larry Smith, Building Inspector.

Chairperson Bill Oliver introduced the Board and front table. He explained the meeting's procedures and identified the fire safety exits. The Pledge of Allegiance was cited.

1. Application of Robert Fallone, 237 Fisher Road, Rochester, New York 14624, property owner: E. Briggs; for variance to erect two 2' x 2' double-faced freestanding signs and one 4' x 5' double-faced freestanding sign advertising a subdivision on another property (King Forest Estates Subdivision) at property located at 2129 Westside Drive in R-1-15 zone.

Nory Fallone was present to represent the application. He indicated they need a variance to erect the signs for their subdivision so that people are aware where the subdivision is because it is so far back from Westside Drive.

Bill Oliver read a letter from Edward Briggs. The letter will be on file with the Building Department.

Bill Oliver asked if there was a reason they needed two signs. Mr. Fallone indicated they usually put one on Evergreen and one near Brian Drive. John Hellaby asked if there is another entrance on Westside Drive where they want the other 2' x 2' sign, and Mr. Fallone indicated that was correct. John Hellaby asked how many homes are they planning to construct, and Mr. Fallone indicated there are 18 homes in Section 1 in the back.

John Hellaby asked what the signs would be constructed of. Mr. Fallone indicated they would be painted plywood like they had on West Forest Estates before Evergreen.

John Castellani asked if 9 of the 18 homes are up already, and Mr. Fallone indicated that was true. John Castellani asked if the signs would be up for a year, and Mr. Fallone indicated they hope to not need the signs by the end of the year.

John Castellani asked if they had permission from the property owner where they want to put in the 2' x 2' sign on Brian Drive. Mr. Fallone indicated they do not have permission. He stated the 4' x 5' would be on the corner of Evergreen and Westside Drive. Mr. Fallone indicated they could put both signs on Evergreen and it wouldn't matter. He stated they do not have to have the sign on Brian Drive.

Larry Smith asked the applicant he wanted to amend his application to put the subdivision sign only on Evergreen. Mr. Fallone asked if he has to have permission for the 2' x 2' sign on Brian Drive to be there Saturday and Sunday. Richard Stowe stated those signs are not supposed to be there, so if they want the signs there, they would have to keep the application the way it is.

Larry Smith stated the code states the signs are to be on the property that is for sale. He stated they could get a variance for the 2129 Westside Drive location for the King Forest sign. He stated they could not put A-frame signs on Town property. He stated they could put A-frame signs on private property, but they would have to get a variance from the Zoning Board. He further commented they would need permission from the property owners there.

Larry Smith stated on the drawing it shows the sign setbacks as 20 ft. from the property line. He stated they would be approximately 20 ft. from each property line, but the property line is 17 ft. in from the road. Richard Stowe commented the edge of the pavement is not the property line. Larry Smith indicated they need to be 37.5 ft. from the edge of pavement.

Gates-NEWS-Chili

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

Date... *12-15-92*

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

GATES-CHILI NEWS

Issue Dated... *12-15-92*

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

1. Application of Robert Fallone, 237 Fisher Road, Rochester, New York 14624, property owner; E. Briggs; for variance to erect two 2' x 2' double faced freestanding signs and one 4' x 5' double faced freestanding sign advertising a subdivision on another property (King Forest Estates Subdivision) at property located at 2129 Westside Drive in R-1-15 zone.

2. Application of Frank Miles, owner; 41 Everett Drive, Rochester, New York 14624 for variance to erect a 6' stockade fence in front setback area at property located at above address in R-1-20 zone.

3. Application of Steven Woodard, owner; 11 Revere Drive, Rochester, New York 14624 for conditional use permit to allow an 80' high amateur radio antenna at property located at above address in R-1-15 zone.

4. Application of Ryan Homes, 1280 Scottsville Road, Rochester, New York 14624, property owner; W. Baird; for variance to erect a 2' x 3' double faced "A" frame sign to be placed on

property line (20' req.), variance to erect 2 "open" flags, at property located at 346 Paul Road in R-1-15 zone.

5. Application of Forest Creek Equity Corp., owner; 80 W. Main Street, Rochester, New York 14624 for variance to allow existing deck to be 80.6' from rear lot line (90' req.) at property located at 42 Autumn Wood in R-1-20 zone.

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

**William Oliver, Chairman
Chili Zoning Board of
Appeals**

12-16

**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 22, 1992 at 7:30 p.m. to hear and consider the following applications:

Mr. Fallone stated he does not want to put the sign too far off the road so that no one sees it. Mr. Fallone indicated he wanted to go as close as he could go to the property line with the signs. Mr. Fallone indicated he would want the signs to be 20 ft. from the edge of the pavement. Larry Smith asked if they would be eliminating the A-frame signs on Brian Drive, and Mr. Fallone indicated they would do that because they don't have permission for those.

Bill Oliver indicated the County Comments came back as a local matter.

ANYONE IN FAVOR OR OPPOSED:

Edward Briggs - 2129 Westside Drive

He indicated he is the Secretary of the Traffic & Safety Committee. He stated the reason he gave Mr. Fallone permission to put that sign on his property is times this past summer he saw people coming down Westside Drive looking for Evergreen, drive past it and then realize that they went past it. He indicated he saw several near-miss accidents because people didn't know where the turn is.

Bill Oliver made a motion to declare the Board lead agency and made a determination of no significant environmental impact, and Ron Popowich seconded the motion. All Board members were in favor of the motion.

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

1. One 2' x 2' double-faced freestanding sign allowed.
 2. One 4' x 5' double-faced freestanding sign allowed to be 20' back from pavement of Westside Drive and Evergreen Drive.
 3. Signs approved for a period of one year.
2. Application of Frank Miles, owner; 41 Everett Drive, Rochester, New York 14624 for variance to erect a 6' stockade fence in front setback area at property located at above address in R-1-20 zone.

Bill Oliver read a letter addressed to the Chili Zoning Board from Blagoja and Vera Bosnakovski in regards to this matter. The letter will be on file with the Building Department.

Frank Miles was present to represent the application. He indicated he would like permission to extend a 6 ft. stockade fence on the front side of his house to eliminate a lot of dust, grass and soot that he has been getting. He stated right now it is all bare there. He stated there used to be shrubs there.

Bill Oliver read a letter addressed to the Chili Zoning Board from Ralph A. Horton. The letter will be on file with the Building Department.

Ron Popowich asked if the fence in question is already up, and Mr. Miles indicated he put it up three weeks ago. Ron Popowich asked if the yard that the grass blows from is on the opposite side, and Mr. Miles indicated it is. Ron Popowich indicated he did not understand the comment regarding the blowing grass. Mr. Miles indicated every time the person over there goes work, they have no consideration and the grass all comes over onto his (Mr. Miles') car and house. He stated he never used to have that until his neighbors moved in and took all the shrubs out.

Mr. Miles indicated the people in the Town told him he could have a 3 ft. fence there, but he felt that would not solve his problem.

John Hellaby asked if the neighbor's house is presently set back further than the applicant's garage, and Mr. Miles thought there was a 10 ft. difference from the front to his garage or 6 ft. John Hellaby asked how far is the current 6 ft. fence in front of the neighbor's home, and Mr. Miles indicated it is about 6 ft. at an angle. Mr. Miles indicated he wants to extend it so a car could fit behind the fence.

Ron Popowich asked if the 6 ft. section is up, and Mr. Miles indicated the 6 ft. section is up to the front of the house. Mr. Miles indicated he would want it 15 ft. long and 6 ft. high. John Hellaby asked the applicant if he would take the 3 ft. existing fence and move it to the end of the 6 ft. high fence, and Mr. Miles indicated he would not; the fence would end where it ends now.

Bill Oliver asked the applicant if he just wants to replace the smaller fence with a 6 ft. high fence for the same length, and Mr. Miles indicated that was correct.

ANYONE IN FAVOR OR OPPOSED:

Jim Doyle - 42 Everett Drive

He stated this is right across from his property. He stated there are stakes in the ground much closer to the road and across the front. Mr. Miles indicated those stakes are marked for some water project.

Mr. Doyle indicated he was concerned if the fence comes too far out to the road, it could block the neighbor's sight when pulling out of his driveway.

Ron Popowich asked if the fence is located on the applicant's property, and Mr. Miles indicated it is 6 inches into his property.

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

DECISION: Denied by a vote of 4 no to 1 yes (Gerry Hendrickson) with the following findings of fact having been cited:

1. Applicant did not show sufficient reason for height of fence.
 2. A 6' stockade fence would change the character of the neighborhood.
 3. Applicant did not demonstrate a need for extra height.
3. Application of Steven Woodard, owner; 11 Revere Drive, Rochester, New York 14624 for conditional use permit to allow a 80' high amateur radio antenna at property located at above address in R-1-15 zone.

Patrick Moyer was present to represent the application along with Steven Woodard. Mr. Moyer indicated they have submitted an application for conditional use permit. He stated they have laid out a map that is a basic overview for the survey map which shows the approximate location. He stated they have provided the notice from the FCC and the studies in terms of interference and the property value study from another city. He stated they have also included the SEQR form.

Ron Popowich asked why the applicant would need 80 ft. Mr. Moyer indicated the 80 ft. is needed for the type of operation the applicant is going to do; requiring a height as opposed to large antennas. He stated the height is a critical factor to get above the trees and the houses which are interfering. He stated they also need the height to reduce the amount of potential interference that might happen at a lower height.

Ron Popowich asked if this is a commercial operation, or is it a hobby. Mr. Moyer indicated it is non-commercial. Ron Popowich asked if the applicant could operate his hobby with a 30 ft. antenna, and Mr. Moyer indicated he could not. He stated the higher the operation is, the better. He stated a higher tower would put whatever antennas are up there further out of sight.

Mr. Moyer indicated if the applicant put an antenna up without a tower and used the shortwave bands for his communications, it would be a much bigger kind of operation and could be put on his roof. He stated he doesn't want to do that.

Ron Popowich stated he did not see anywhere where the FCC says he has to have an 80 ft. tower. Mr. Moyer stated the FCC has chosen not to specifically indicate a needed height. He stated they have left that up to the local communities as long as what height requirement is specified does not, in effect, keep the operation from happening. He stated for example, the Town could limit it to 10 ft., but that would be unreasonable. He further commented what is reasonable has not been defined by anyone. He stated what is reasonable is now being litigated in the courts and has come down in a number of different places.

Ron Popowich asked if at 35 ft. could the applicant send any signals or receive any signals, and Mr. Moyer indicated he could.

Gerry Hendrickson asked how the portable unit is working. Mr. Moyer indicated the portable unit works fine, and he commented that is not relevant to this application.

John Hellaby stated the little map that was provided does not state how far off the back of the house this tower is going to be. Mr. Moyer stated from the tower to the front guy is 50 ft. John Hellaby asked if it would be off the rear of the house approximately between 15 and 20 ft. Mr. Moyer thought that was an approximate distance.

John Hellaby asked if the base is presently in place for this, and Mr. Moyer indicated there is nothing there now. He stated everything that was there has been removed years ago.

John Hellaby read the application description and asked if it would be appropriate to include the words "support structure". He commented the 80 ft. tower is not an antenna. Richard Stowe stated that would be fine to include it in the description, and he pointed out the application itself does state the request is for an 80 ft. support structure.

John Hellaby asked what type of antennas are going to be on the tower, and Mr. Moyer indicated that has not been determined yet but would be determined before construction. He assumed the antennas would be flat that are about the size of a television antenna. He stated at the frequency Mr. Woodard is proposing to operate on, that is the approximate size or smaller.

Mr. Woodard indicated he would probably have a 3 ft. dish and a 2 ft. dish on the tower. John Hellaby asked if they would be rotary type beam antennas, and Mr. Moyer indicated they would be. John Hellaby asked if any antenna would extend beyond the height of the tower, and Mr. Moyer indicated 80 ft. would be the maximum height.

John Hellaby asked how high the support structure would actually be, and Mr. Woodard indicated it would be 63 ft. Mr. Moyer explained there would be a solid pole off the 63 ft. support structure where things are mounted on. He stated the tower does not rotate. Bill Oliver asked if the top 17 ft. would be a single rotary mast, and Mr. Moyer indicated that was correct.

John Hellaby asked if the dishes would be mounted on the structure itself, and Mr. Moyer indicated they would be mounted on the mast along with everything else. John Hellaby asked if all the appropriate stamped engineering drawings will be submitted to the Building Inspector for approval, and Mr. Moyer indicated they will be.

Bill Oliver commented at one of the previous hearings mention was made of contest weekends, and he asked if the applicant is presently doing that with the mobil communication. Mr. Moyer indicated his client is doing that. John Hellaby asked what the ultimate outcome would be of the mobil operation if this permit were granted. Mr. Woodard indicated he has no intentions of stopping the mobil contesting. He stated that operation is far more lucrative than the operations from his home.

John Hellaby asked if contest weekends would be held off the tower. Mr. Moyer indicated the contest specific operation is a high-power intensive operation that Mr. Woodard will still use the portable operation for. Richard Stowe asked if it is the applicant's present intention not to have any of the contest weekends run from the tower antennas, and Mr. Woodard indicated that was correct. Richard Stowe asked if the Board relies on that and decides to grant the variance, would the applicant have an objection to putting a condition on approval that the contest operation would not occur using the tower antenna. Mr. Woodard stated he would have no problem with that.

Mr. Moyer indicated there are two contest weekends a year and they fall almost exactly the same time every year. Richard Stowe commented if there were any problems related to that period of time, they could see if that was causing it and it could be enforced.

John Hellaby asked what the hours of operation of the tower antennas would be and the frequency with which they would be used. Mr. Moyer indicated that is not something they would want to commit to a total number of hours. He stated on average, however, Mr. Woodard would probably operate for three hours a week. He commented his client has an intensive work schedule. Mr. Moyer indicated the hours he would operate would be sporadic.

Mr. Woodard stated when the band is open, he could be on. He stated when the band is not open, there is nobody to talk to. Mr. Moyer indicated the atmospheric conditions have to be right for the operation to work. He stated they can usually operate for only 15 minutes or so an hour. He stated there are variations in when it can be used. He stated most of the good air time is during the day when people are at work.

John Hellaby asked what the procedure is for changing or adding additional antennas to the structure. Mr. Moyer stated someone with the appropriate safety equipment could scale the tower by a bolt-on operation. John Hellaby asked if the engineering data would indicate the limit to the number of antennas. Mr. Moyer indicated it does do that, and he stated every antenna that is purchased has a specific wind load and then the tower is rated on a maximum wind load. He stated they would have no problem with reporting what kind of wind load they are proposing for the tower.

John Hellaby asked if Mr. Woodard presently owns this tower, and Mr. Woodard indicated he does not. He stated he had the tower but had to sell it to pay for his attorney.

John Castellani wanted the safety concerns to the neighborhood addressed. Mr. Moyer stated there would be guy wires as specified by the manufacturer and in accordance with the engineering drawings. Mr. Moyer indicated he has not reviewed Mr. Woodard's insurance policy, but he stated typical insurance policies do cover these things in an Act of God situation. He stated they will identify the guy wires so people that walk through the yard will not fall over them. He stated they have also talked about keeping the guy wires within the setback requirements.

John Castellani asked if the tower would fall en mass or would it crumble. Mr. Moyer indicated his understanding is that in the past when towers have come down they come straight down rather than falling one way or another because of the guying.

Ron Popowich stated the State Environmental Quality Visual EAF lists three visually similar locations which he assumes are antennas. He asked where they are located. Mr. Moyer stated just outside of the subdivision are high-tension transmission lines. He stated on the Wegmans building there is a communications tower. He stated there are church steeples in the area, and there is a tower up by the cemetery. He stated there is a microwave tower on Chili Center Road.

Ron Popowich indicated he wanted to know similar locations that are in a residential zone. Mr. Moyer indicated it is not in a residential zone, but on Chili Avenue there are a couple of towers. He stated there are a number of citizens' band antennas in the same subdivision as Mr. Moyer which aren't under scrutiny at all. He stated some of those can be as intrusive.

Ron Popowich stated he went to the high part of Marshall Road by Chili Avenue, and he stated he could not seem to find the locations cited other than the church steeple. Mr. Woodard stated his brother used to live on the high part of Marshall Road and from his roof they could not see the 75 ft. tower that Mr. Woodard himself had up on his property. Ron Popowich commented there used to be a windmill there that is gone.

Bill Oliver asked if the radio waves are strong and powerful. Mr. Moyer indicated they are relatively speaking. Bill Oliver stated high-tension wires have been noted to cause problems with neighbors' health. He asked what the applicant has to show that the neighbors will not be affected by the high frequency power from the antennas. Mr. Moyer indicated they could supply the Board with the information. He stated it was his understanding the studies have been inconclusive in that regard. He stated with this type of work Mr. Woodard would be doing, it has been found that the power dissipates very rapidly with distance. He stated it dissipates inversely to the square, so if someone were to go a square of the distance, it dissipates very quickly geometrically. Bill Oliver asked the applicant to provide whatever information in that regard he could to the Board.

Mr. Woodard stated he previously had an expert testify that the higher they would go with the tower, the less the radiation gets to the ground. He stated a horizontal tension line tends to radiate in a circle around it coming to the ground as well as in the air. He stated the radiation coming from these

antennas by design, the signal is sent out and not toward the ground. He stated the signal is nearly undetectable to a receiver directly underneath the tower. He commented the lower he would be, the worse it would be.

Bill Oliver indicated the County Comments came back with no recommendation or comments, and he stated they removed their concern about the fall zone.

Ron Popowich asked what the former expert's credentials are. Mr. Moyer indicated the credentials were attached to the information submitted to the Board. Ron Popowich asked if the people in the area that have rabbit ears and antennas for their televisions are going to get interference from the tower. Mr. Woodard indicated it is not likely.

Mr. Woodard stated the only incident he has been made aware of with television interference is that of Mr. Ladiou's, and he stated that problem is because Mr. Ladiou is running a broad band amplifier after his antenna which amplifies t.v. signals as well as everything else in that spectrum. He stated Mr. Ladiou is actually taking his (Mr. Woodard's) signal and is amplifying it and sending it straight to his t.v.

Ron Popowich asked if there is anything on the tower that could cut down the chance of that happening. Mr. Woodard indicated there is no new technology. Mr. Woodard indicated the sheer height of the tower would help. He commented the interference he has had with Mr. Ladiou's t.v. he has always had on a substantially shorter tower. Mr. Woodard stated the height difference should help dramatically because of the vertical separation.

Richard Stowe stated the previous conditional use permit had seven conditions attached to it, and he asked if the applicant is familiar with those. Mr. Moyer indicated they are familiar with those. Bill Oliver asked if the applicant would have any problem abiding by the same seven conditions previously in force and effect, and Mr. Moyer indicated those conditions were fine.

Richard Stowe asked if it was the applicant's intention to ever use the mobile unit from his site at home. Mr. Woodard indicated he would probably test with it. Richard Stowe asked if that would be for personal use, the testing, and not for contest weekends, and Mr. Woodard indicated that was correct. Richard Stowe stated the applicant should submit the actual calendar dates of the contest weekends. Mr. Woodard commented there are usually three weekends a year; January, June and September. Mr. Moyer indicated they would have no problem submitting those dates to the Town.

Larry Smith stated the Town has had quite a few complaints about interference in the last two years from Mr. Ladiou and Mr. Latoski. Richard Stowe asked if that was when the other towers were up, and Mr. Moyer indicated that was correct. He stated Mr. Woodard has not been operating since he tore down the last one when they had the other hearing.

ANYONE IN FAVOR OR OPPOSED:

Ken Ladiou

He asked why this application was back before the Board again. He stated he was under the impression at the last meeting that this was denied. Richard Stowe stated at that time it was heard as a renewal of an existing permit rather than a new application. He stated this is a new application essentially with the same set of facts, but instead of a renewal of the application that had expired, this is being heard as a new application.

Mr. Ladiou asked if this approval is pretty much cast in stone. He stated he heard a rumor there was a lawsuit filed in reference to this. Richard Stowe indicated there was a lawsuit filed. He further stated no decision has been made on this application.

Mr. Ladiou indicated he and his parents do not want the 80 ft. tower. He stated his parents purchased a wooded lot at 13 Revere Drive about 24 years ago and paid extra money for that lot because of the trees. He stated his parents like the seclusion, privacy and absence of utility lines. He stated now they have to contend with a neighbor that has a blatant disregard for anyone other than himself. He stated that disregard is apparent in Mr. Woodard's continued attempts to put up the 80 ft. eyesore as well as the visual eyesore Mr. Woodard's property has been over the last year or so with the debris around his yard, including a rundown 6 ft. x 6 ft. flatbed trailer that has been parked in the front of his house next to the Ladiou's property line.

Mr. LaDieu questioned where Mr. Woodard will store the portable unit that was mentioned.

Mr. LaDieu asked the applicant prior to his purchasing the property on Revere Drive, was he intending on installing this type of tower. Mr. Woodard indicated he was. Mr. LaDieu asked why he would want to do that in this type of a neighborhood and why not on a farm or in a rural area. Mr. Woodard indicated he would rather be in such a location. He stated he promised his children when he moved them to Chili after several months in the military that he would not move them until they got out of school because they have been to too many schools already. He stated as soon as his children get out of school, he is buying the first highest hill top.

Mr. LaDieu felt there were other properties more suitable for this in Chili. He asked the Zoning Board what kind of guarantees could it give his parents that both their person and their property will be protected from any part of the tower should it fall. He commented on a recent storm in New England, and he questioned what would have happened if those high winds were to occur in Chili. Mr. LaDieu stated the first tower that the applicant erected that the Town did approve was damaged during the ice storm.

Mr. LaDieu stated the FCC has regulations for the installation of radio towers and the use of public airwaves, but as stated in the letter dated April 12, 1991 to his parents from the FCC from Public Affairs Specialist John Ronicker, local zoning laws and rulings involving Mr. Woodard's case have to be made by the Town. He commented the FCC has no jurisdiction over local zoning ordinance and actions.

Mr. LaDieu indicated if the tower is approved, he would request the following from the Town prior to its installation: P.E. stamped drawings indicating the tower will stand the forces of a 100-year storm and that everything on the tower would withstand such a storm; there be some kind of device around the guy wires that would be a certain distance from the property line, unlike where they were the last time the tower was up; an environmental impact covering the effects of electromagnetic fields from transmission, the effects of microwaves from transmission; the radius of housing that could potentially experience any interference problems during both normal transmissions and during the few times a year when the full-power transmissions occur.

Mr. LaDieu stated he will personally contact every household within that radius and furnish them with the FCC hotline for interference complaints. He stated Mr. Woodard will then be required by law to reply to each and every complaint and resolve it to the satisfaction of every single complainant.

Mr. LaDieu indicated he would also request a property value devaluation study because of the tower and its impact on the property values. He stated he wants the study done by someone here, not someone in some other Town someplace else. He stated he finds it hard to believe that a perspective buyer would purchase a house and pay the same price for a house next to a tower than they would if the similar property were available outside of the eyesore. He stated he would be quite upset if his parents received less money for their home because of this tower if they were to sell their home.

Mr. LaDieu stated he is contracting for an appraisal of his parents' home. He stated if the tower goes up and his parents end up losing anything, he will pursue whatever action is necessary to regain what they lost. He stated if there are any other neighbors of Mr. Woodard's who feel that they have also been wronged by this tower erection, he would pursue a joint action suit against the Town.

Arnold Latoski - 26 Battlegreen Drive

He indicated he lives behind the property at 11 Revere Drive to the west. He asked what the procedure notification is of people concerned with this issue. Richard Stowe stated the notice of the hearing was published in the paper. Mr. Latoski explained a situation where his neighbor did not get a notice, and Larry Smith indicated she should have gotten a notice.

Mr. Latoski indicated his neighbor who didn't get the notice is concerned because her house is especially equipped for her handicapped daughter, and he indicated she is wondering how this tower would affect her property value especially in light of the fact she already has a limited market for her home.

Mr. Latoski indicated in the past hearings he submitted a petition to the Board in regards to the interference and visual impact of the tower in their neighborhood. He stated it bothers him that at the previous hearings there supposedly was no interference from the tower, yet at this hearing if the applicant is allowed to go higher, there will be less interference.

Mr. Latoski read part of an article from the paper commenting the neighbors' problems are due to faulty wiring and citizens' band radios. Mr. Latoski felt he was qualified due to his line of work to distinguish what type of interference is coming over his t.v. set. He felt it was an insult to his intelligence to say the problem is caused by faulty wiring.

Mr. Latoski stated this matter has been going on since May 1989. He stated not once in all of those hearings has Mr. Moyer or his client suggested getting the neighbors together to try to rectify this situation in a friendly manner. Bill Oliver commented it has been stated the applicant has made some attempts, and Mr. Latoski indicated no attempts were made with him.

Mr. Latoski indicated he has been handling this situation by the law, by filling out the papers and by sending them into the FCC. He read a letter he received from the FCC dated April 19, 1991 which indicated his information will be kept with other information the FCC receives regarding this case.

Mr. Latoski stated he purchased his house almost 19 years ago. He stated he paid a premium price for a lot with a lot of trees. He stated his lot and Mr. LaDieu's lot create a park-like setting. He felt somewhere along the line the neighbors had to pay for underground utilities.

Mr. Latoski stated if it were not for his grandson who lives with them, he would sell his home and move if this tower goes up. He indicated his grandson goes to Catholic schools, but he stated his neighborhood is still his neighborhood. Mr. Latoski indicated he has written to Louise Slaughter and is going to write to Senator Al Damato regarding this matter.

Mr. Latoski stated the reason he did not attend the first meeting is because he had a neighbor that was an amateur radio operator that had a tower going from the patio in the back of his house up 35 ft. He stated that neighbor was proud of his equipment and took him down to show him how it works. Mr. Latoski stated he has nothing against ham radio operators. He stated it is a fascinating hobby, but he stated it is a hobby.

Mr. Latoski stated his neighbor he referred to explained his operation to him and told him if he encountered any interference, to let him know. He stated there is a neighbor in the area that has a ham radio with an antenna on his roof that is not offensive. He stated he did not go to the first hearing regarding this matter because he thought the tower in question would be like his neighbor's or the other neighbor in the area with the antenna on his roof. He stated he was not interested in this application until he saw a hole being dug in the ground. He stated he called the Town when he saw the tower going up, and he stated he was told by Kathy in the Building Department that there were a lot of complaints about this.

Mr. Latoski stated he and Mr. LaDieu contacted the Town and tried to arrange a meeting with the Town Attorney and Supervisor Ramsey. He stated once they got the meeting, Mike Mazzullo couldn't be there, but they voiced their complaints to the Supervisor and Larry Smith. He read a letter he received from the Supervisor after that meeting.

Mr. Latoski stated he has spoken to Mr. John Ronicker and Mr. Monte DePont about this matter. Mr. Latoski indicated he was told that unless it was an extenuating circumstance where a ham radio operator was prohibited from transmitting, a violation of his first amendment rights, the FCC does not give this type of clearance. He stated he has a letter to that effect stating that the clearance was obtained from the FCC. He stated he and Mr. LaDieu have letters that indicate the FCC has no jurisdiction in this matter.

Mr. Latoski stated he is not trying to prevent a tower because he knows Mr. Woodard has his rights. He stated, however, he (Mr. Latoski) also has the right to uninterrupted communications which is part of the first amendment. Mr. Latoski stated he was present to find out who regulates this operation.

Mr. Latoski indicated he received the law on these matter from from DePont.

Mr. Latoski stated he was surprised to find out that the Town doesn't have an antinoise ordinance. He commented, however, that does not permit him to blare music at 2 in the morning.

Mr. Latoski commented his hobby is woodworking. He stated he does not do his woodworking in the early morning hours, though, due to the disturbance of noise. He commented he does not want this situation to be a personal confrontation with Mr. Woodard. He stated he has tried to be neighborly with Mr. Woodard, but Mr. Woodard did not want to do the same.

Mr. Latoski indicated he is going to forward all the information he has obtained to his personal attorney. He commented he feels like he has been stripped of his rights. Mr. Latoski asked what the restrictions are that are stated on his deed. Richard Stowe indicated those restrictions are tract restrictions that the developer filed prior to laying out the subdivision and any others that might exist. He stated Mr. Latoski would have to do research to find out what those are if he didn't know.

Mr. Latoski read a portion of his deed that indicated the party of the first part covenants as follows: that the party of the second part shall quietly enjoy the said premises. He commented he is not enjoying his property.

Richard Stowe stated the regulation of the tower if approved and any complaints about interference the operation of that tower might create and cause are properly matters for the FCC. He referred to the comments made by Mr. LaDieu regarding the FCC hot line. Richard Stowe stated the tower construction and erection, the tower placement, safety and health concerns, welfare, et cetera are matters for the Town's concern, but the Town is limited.

Mr. Latoski commented there is supposed to be reasonable accommodation. He stated in one of the first hearings the applicant stated a 45 ft. tower would not be enough, but he would put that tower up. He stated the tower requested at that time was not like what was put up. He commented the applicant asked for 60 and is now asking for 80 ft.

Larry Smith asked if there was a way to measure if an 80 ft. tower would decrease the interference as opposed to having a 45 ft. tower, would Mr. Latoski rather have the 80 ft. tower. Mr. Latoski stated with the 45 ft. tower, it was on the back of his property line put in an easement, the lowest part of his property, defeating the purpose of the height. Mr. Latoski commented he doesn't know if an 80 ft. tower would cause less interference.

Larry Smith asked Mr. Latoski if he is looking at this from an aesthetic point of view or an interference point of view, and Mr. Latoski indicated from both points of view. Larry Smith commented the applicant would be allowed to have a tower, and he asked which concern was greater for the residents.

Mr. LaDieu stated he wants the very minimum to be allowed so that Mr. Woodard does what he wants to do and yet they are not affected property valuewise and interferencewise. Larry Smith commented if the interference problems are documented with the FCC, the FCC will take care of that aspect.

Marlene Kretser - 56 Lexington Parkway

She indicated she complained to the FCC and to the Building Department about interference on her t.v. She stated she does not live next to Mr. Woodard but could still see the tower out her windows. She stated she has cable t.v. and doesn't have an antenna outside her home. She stated her next door neighbor has had interference also and could not attend tonight's meeting.

Ms. Kretser indicated the cable company checked her cable and stated there is nothing wrong with it. She stated the cable company thought the tower antenna was most likely the problem. She indicated her neighbor had the cable company come down and was also told there was no problem with her cable. Ms. Kretser stated the Board should look at this and the feasibility of one person having a tower antenna and a whole subdivision having interference problems. Ms. Kretser felt the higher the antenna, the greater possibility more people would be negatively impacted by it.

Ms. Kretser stated during February school recess a while back her daughter said there was interference during the day on the t.v. Ms. Kretser stated she had interference during the Desert Storm time period.

Bill Oliver asked the applicant if anyone contacted him during these times of interference, and Mr. Woodard stated Mr. LaDieu has contacted him when he was, in fact, on the air. He stated Ms. Allardo has contacted him about a telephone problem, and he stated that is specifically preempted by the FCC. He stated he is probably the cause of that problem, but he stated the problem is her telephone.

Mr. Woodard indicated he responded to Ms. Kretser's complaint, and he stated without the information that he requested, the best he could determine is he is not the problem there. He commented he probably wasn't on the air. He stated the February recess in question he was not on the air. Mr. Woodard stated there is probably more interference from the high-tension lines behind Ms. Kretser's house in the Wegmans complex.

Ms. Kretser stated after Mr. Woodard stopped using his antenna, she had no more problems. She commented as far as she knew, none of her neighbors do either.

Ms. Kretser stated she doesn't want to take Mr. Woodard's hobby away, but she further stated she pays for cable and wants to be able to use it. Ms. Kretser asked if there would be a microwave dish on the tower, and Mr. Woodard indicated there would be. Ms. Kretser stated microwaves can cause problems with those people that have pacemakers.

Ms. Kretser commented she fought against Wegmans building behind her home. She stated now she has to worry about this tower in the front of her house. She felt the tower would be an eyesore. Ms. Kretser asked if Mr. Woodard uses his booster for other people, and Mr. Woodard indicated he does not use a repeater.

Ms. Kretser wanted to know what would happen if the tower goes up and everyone starts to have interference problems. She commented when Mr. Woodard purchased the house, he intended to put the tower up. She stated he should have notified the Town before he bought the house and asked at that point if it would be allowed.

Stephen Hendershott - Stenwick Drive

He stated he is a member of the Chili Town Board but was here tonight as a private citizen. He asked if the applicant is applying for a conditional use permit or a variance, and Bill Oliver indicated the applicant is applying for a conditional use permit and a variance on the building of the tower because of the height.

Mr. Hendershott indicated under Section 115-12 regarding information in an R-1 zone, it lists the conditional uses and it does list communications tower provided that it does not exceed the height restrictions set out in the chapter, among other things. Larry Smith stated the tower is an accessory structure. Mr. Hendershott did not believe the Board would be allowed to grant a conditional use for a communications tower above 12 ft, and that the applicant would have to either apply for a variance or would have to go to the Town Board and request a change in zoning to allow a conditional use with height restrictions outlying different than what is in the code at this point.

Mr. Hendershott stated in regards to conditional use, if this Board proceeds and decides that they, in deed, have the right to grant the conditional use permit for this applicant, he would draw their attention to Chapter 115-24, Standards for Conditional Use Permits, under A, indicating that the Board is allowed to grant a conditional use provided that the request is in harmony with the general purpose and intent of the chapter, taking into account location, size, use, et cetera.

Mr. Hendershott commented probably the tallest thing in that zone is the vegetation which is probably around 35 ft. He stated because of that, he does not think the tower would conform to the code provisions. Mr. Hendershott stated under Section B it states the tower has to not be detrimental to the health, safety and general welfare of the persons residing in the area, and Mr. Hendershott further stated those that spoke before him have made cases regarding those conditions set forth, especially with respect to television reception, which is a general welfare of the community.

Mr. Hendershott stated with regard to the variance, 115-55 Conditions requires under A that a variance may be granted only in the event that all of the following circumstances exist, and Mr. Hendershott read the code in that regard. He stated the first three circumstances he read cannot be met with this application, and he stated the fourth circumstance is questionable.

Mr. Hendershott stated he did not feel the Board could grant the conditional use permit. He did not think the Board had the authorization to do it. He stated if the Board does feel it is authorized to do so, the application does not meet the criteria for a conditional use permit. He stated the variance required for the height does not meet all of the qualifications necessary. He stated the application should be denied.

Beverly Griebel - 31 Red Bud Road

She indicated she was concerned about the microwaves. She stated she was not aware that microwave relays were allowed in a residential zone.

Mr. Moyer stated prior to the issuing of the conditional use permit that they came to renew last time, those conditions that were in that conditional use permit were the result of a meeting between himself, Mr. Mazzullo and all the neighbors who had spoke at the previous meeting were invited. He stated Mr. Woodard has, in fact, tried to be as cooperative as possible in terms of these matters.

Mr. Moyer stated there are some exceptions to the height regulations that may come into play here, but he stated that is for the Town's counsel to determine. He stated some of the speakers are confused about the powers of the federal government and the powers of the local government in this regard. He stated interference is a federal problem. He stated, however, it is not a priority item for the federal government. He stated if Mr. Woodard is contacted by the FCC, he will do everything he has to because that is a condition of his licensing.

There was discussion whether to table the application. Richard Stowe asked if the applicant had an objection to providing the requested information and for holding the public hearing in abeyance, and Mr. Moyer indicated he would have no objection to that.

Richard Marion - 10 Revere Drive

He asked when would this be considered again. There was discussion over the notification procedure.

John Castellani made a motion to recess the public hearing at a time to be determined, and Gerry Hendrickson seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously tabled by a vote of 5 yes for the following reason:

1. Pending further information as requested by the Board.
4. Application of Ryan Homes, 1280 Scottsville Road, Rochester, New York 14624, property owner; W. Baird; for variance to erect a 2' x 3' double-faced "A" frame sign to be placed on property line (20' req.), variance to erect 2 "open" flags, at property located at 346 Paul Road in R-1-15 zone.

No one was present for the application. Bill Oliver indicated the applicant had requested a tabling of the application.

Ron Popowich made a motion to table the application, and Gerry Hendrickson seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously tabled by a vote of 5 yes for the following reason:

1. Applicant did not appear.
5. Application of Forest Creek Equity Corp., owner; 80 W. Main Street, Rochester, New York 14624 for variance to allow existing deck to be 80.6' from rear lot line (90' req.) at property located at 42 Autumn Wood in R-1-20 zone.

Ken Carosa was present to represent the application. He indicated they feel the deck as it is built right now falls within the spirit and intent of the ordinance, and he stated the reason they feel that is that the rear setback right now is 90 ft. He stated that was put into place to maximize the distance between homes at Autumn Wood to maintain the upscale neighborhood, the quality of the neighborhood. He stated the side setbacks are 10 ft.

Mr. Carosa stated 42 Autumn Wood is a corner lot, so the back of the house faces

the side of Lot 20 Autumn Wood, which is 40 Autumn Wood. He stated if one were to add 10 and 90, the maximum distance would be 100 ft. He stated between the deck and the house itself is 118 ft., so they are within the minimum as it would be if they would minimize the setbacks. Mr. Carosa stated there is also a hardship on Forest Creek because the deck was installed and they were not aware they were beyond the 90 ft. He stated there is already a hardship on the owners of the home. He stated if the deck were built according to the code, it would only be 4 ft. deep. He stated right now it is approximately 14 ft. by 21 ft.

Bill Oliver asked if this was an error in measurement. Mr. Carosa stated what happened was it was both an error in measurement and it wasn't caught when they were building the house. John Castellani commented it is not really a hardship.

John Hellaby asked if the deck was built at the same time the house was, and Mr. Carosa stated it was built before the house was closed; it was part of the contract. He stated the bank required them to build it at the time.

ANYONE IN FAVOR OR OPPOSED: No one.

Bill Oliver made a motion to declare the Board lead agency and made a determination of no significant environmental impact, and John Castellani seconded the motion. All Board members were in favor of the motion.

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

1. Applicant described measured error due to layout of lot.
2. Lot is unique because it is a corner lot.