

ZONING BOARD
February 27, 1979

A Meeting of the Zoning Board, Town of Chili was held at 7:30 P.M. in the Chili Administration Offices, 3235 Chili Ave., Roch., NY, 14624. The Meeting was called to order by Chairman John Nowicki.

ROLL CALL: John Nowicki, Ms. Chapman, Mr. DeGraff, Mr. Lynd, Mr. Burnett

ALSO PRESENT: Gail Shott, Zoning Enforcement Officer

MOTION MADE BY GERALD DE GRAFF to accept the minutes of the Zoning Board Meeting held December, 1978. Seconded by Mrs. Chapman. Carried Unanimously.

APPLICATION NO. 1

Application of John Englert, 14 Indian Hill Drive, Rochester, NY, 14624, for variance to allow two lots to have frontage on 219.23 feet (300 feet required) at property located on east side of Union Str-et, South of 3850 Union Street in RA-5 Zone.

MR. JOHN ENGLERT: I think you have enough plans. We are basically going in for subdivision for two homes. One for myself, and the other for a friend of mine.

MR. LYND: How long is your driveway?

MR. ENGLERT: Approximately 300 feet.

MR. BURNETT: Well Water?

MR. ENGLERT: Yes.

MR. BURNETT: Why locate the house that far back from the well?

MR. ENGLERT: It has to be far enough away from the septic field.

MS. CHAPMAN: This is not an area previously subdivided?

MR. ENGLERT: Not this particular piece. The original area was a Bowan estate subdivision. This was a parcel that was left intact.

MR. BURNETT: Are you using a common driveway?

MR. ENGLERT: Right. The property will be divided right down the center.

MR. BURNETT: What if you sell your home and the people aren't compatible?

MR. ENGLERT: There is enough driveway, 20 feet wide, for either party. We will have an agreement on the maintenance and that.

MR. BURNETT: I was involved in a situation like this when I lived in the city and it is not easy.

MR. ENGLERT: I have to talk to my lawyer about that. I don't know if it needs to be worked into the deed. I think the law is the property line will be right down the middle of the driveway. This would have two separate driveways into each home.

MR. LYND: Is there a special reason for such a setback?

MR. ENGLERT: It is a busy street and there are lots of White Spruce trees in front I would like to save. There is also a natural knoll that runs back in there and

NO ONE WAS IN FAVOR OF OR IN OPPOSITION TO THE APPLICATION.

DECISION: Crossett, Inc. Trucks - Unanimously approved.

Meeting adjourned at 7:45 P.M.

Town Clerk, Carol O'Connor

James E. J. J. J.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date... *Feb 21, 1979*

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

GATES-CHILI NEWS

Issue Dated... *Feb 21, 1979*

Geraldine C. Snyder
.....
Notary

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

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 27, 1979 at 7:30 p.m. to hear and consider the following applications:

1. Application of John Englert, 14 Indian Hill Drive, Rochester, New York 14624 for variance to allow two lots to have frontage of 219.23 feet each (300 feet required) at property located on east side of Union Street, south of 3850 Union Street in RA-5 zone.

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

**John Nowicki, Chairman
Chili Zoning Board of
Appeals**

ZONING BOARD
March 27, 1979

A Meeting of the Zoning Board, Town of Chili, was held on March 27, 1979, at 7:30 P.M. in the Chili Administration Offices, 3235 Chili Ave., Roch., NY 14624. The Meeting was called to order by Chairman John Nowicki.

ROLL CALL: John Nowicki, Janice Chapman, Bob Burnett, Jerry DeGraff, Shirley Whelpton, John Mallette

ALSO PRESENT: R. Thomas Ward, Bldg. Inspector; Daniel Miller, Dept. Town Atty.

MOTION MADE BY MR. BURNETT to accept the minutes of the meeting held February 27, 1979. Seconded by MS. CHAPMAN. Carried Unanimously. Minutes stand accepted as submitted.

APPLICATION NO. 1

Application of North Chili Community Church, 4415 Buffalo Road, North Chili, New York, 14514, for land use variance to allow a church building at property located at 3361 Union Street having tax account #90-000 in MR Zone.

MR. DONALD AVERY, ENGINEER.

MR. NOWICKI: stated the application is back from the County and the Board can vote tonight.

MR. AVERY: This piece of land is at the end of King Road and Union Street. It is approximately ten acres and goes back, rectangular in shape. St. Christophers, another church, is next door. The church now meets at the corner of Buffalo Road and Attridge Road. They need more space. They would like to build in this area. This is zoned MR so we are requesting a use variance. Presently, their plans are to build late in 1979 or early 1980. There used to be an old house here and we have saved as much trees as we possibly can. There are a few dead ones that have to be removed. We also obtained our topo out here, and we also have our drive so we know the site distance out here. In the back, we will have our parking. There may be some parking in front. I do not have the final details on the building tonight. It will be frame, approximately the size shown here. Setbacks will be at least 100 feet. It may be more if we have some parking and a drive in front. Drainage is to the large drain ditch. There will be very little because we are not developing much of the property. There is no plan for using any of the rest of it at this time. We plan a landscaping screen to buffer the parking lot. We do not want to put any trees on the other side in case we want future expansion.

MS. CHAPMAN: You have chosen to come for a use variance rather than rezoning the land. Can you tell us why you have chosen this way?

MR. AVERY: It will save us at least one step. This type of building is in a residential zone and we are requesting the use variance.

MR. NOWICKI: I would like to explore the use variance position with you in detail. This Board faces a tough challenge in granting use variances. We have three conditions we should probably take a look at, No. 1 is the land in question cannot yield a reasonable return if it was to be used differently. No. 2 is the plight of the owners must be due to unique circumstances, and No. 3 is the use will not alter the essential character of the land.

MR. AVERY: I understand the plans were for apartments to be built over here before they went bankrupt. That is why it would be economically feasible. We have similar usage in the area. Across the street is a church. The second one, I can't comment on.

MR. MILLER: Who presently owns the land?

MR. AVERY: I believe they are out of town. I don't know the name.

MR. MILLER: Did you know if they made any effort to sell this property over the last few years?

MR. AVERY: I don't know.

MR. NOWICKI: What progress have you made with the Planning Board at this time?

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date... *MARCH 21, 1979*...

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Geraldine C. Snyder

Notary

GERALDINE C. SNYDER

NOTARY PUBLIC, State of N. Y. Monroe Co.

My Commission Expires March 30, 19*81*

Patricia M. Smith

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1. Application of North Chili Community Church, 4415 Buffalo Road, North Chili, New York 14514 for land use variance to allow a church building at property located at 3361 Union Street having tax account #90-000 in MR zone.

2. Application of Thomas Shevlin, 6 Virginia Lane, Rochester, New York 14624 for variance to erect addition to garage 34' from rear lot line (90' required) in R-1-20 zone.

3. Application of Perna Homes, Inc., 849 Paul Road, Rochester, New York 14624 for variance to erect house 50' from DaVinci Drive (60' required) and 79' from Chestnut Ridge Road (100' required) at property located at 4 DaVinci Drive in R-1-20 zone.

4. Application of Solomon Greenstein, 21 Jemison Road, Rochester, New York 14624 for variance from Section 3.025 of Zoning Ordinance (Site Plan Approval) and for side setbacks of 15' from both east and west lot lines (50' required) for construction of a garage at above address in RA-20 and FPO zone.

5. Application of Oliver Perry, 355 Stony Point Road, Rochester, New York 14624 for variance to erect 6' x 18' sign above gutter line on false mansard roof for stores not having frontage on parking area at Towne Plaza, 4390 Buffalo Road in C-2 zone.

6. Application of Joseph Guinan, 37 Mercedes Drive, Rochester, New York 14624 for re-hearing by Court order for land use variance to erect commercial office building at 25 Chestnut Ridge Road at the corner of Chili Avenue and Chestnut Ridge Road in R-1-12 zone.

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

John Nowicki, Chairman
Chili Zoning Board of Appeals

John Nowicki
3/27/79
Chairman

MR. AVERY: I haven't appeared officially. I have talked to the Chairman and I see no objections to it.

MR. NOWICKI: In other words, you want to expedite this application.

MR. AVERY: Yes. They have an option running out where they are meeting now. They are located here in North Chili, about a mile from here. A lot of the people want to stay in this area. They have looked at other land over on the West Side Drive area that didn't turn out satisfactory. This seems to be the most promising one for them, although, they have spent some time in searching out other lands.

NO ONE SPOKE IN FAVOR OF OR IN OPPOSITION TO THE APPLICATION.

MR. BURNETT: How does this building conform to these plans here?

MR. AVERY: It will be a frame type building, similar to the Church across the road. It will not be masonry or metal.

MR. NOWICKI: If this Board ventured in this use variance, one of the conditions we would want to consider is the architecture of this building.

MR. AVERY: The plans will be ready Friday of this week. We could supply them on Friday.

MR. NOWICKI: Have you had any comments on the utility. I realize you haven't got any sanitary sewers or anything like that.

MR. AVERY: There is a problem with septic here. I have a letter from Pure Waters and they are planning on a sewer coming up King Road. I have also talked to the Health Department. I am in favor of supplying a holding tank here as they get started and provide for sewer connection. They are thinking of 1982 for the sewer that will relieve the overflow problems in North Chili. An added building would make it more feasible. This detail here shows the holding tank. We do have some one to take care of that.

MR. NOWICKI: Are the applicants aware of the conditions they will have to comply with for site plan process?

MR. AVERY: Yes they are.

MS. CHAPMAN: I am a little concerned with the driveway being so nearly opposite the driveway for St. Christophers. There is already a traffic problem when services get out.

MR. AVERY: I think it is better across from it that if you are further down. It is a state road.

MR. NOWICKI: Have you approached the State? I agree with you, there. The ninety degree is the best type of intersection. I would like to note for the record the traffic signal should be considered at that intersection during church services.

MR. AVERY: This is a very busy intersection. I agree with you there.

MR. NOWICKI: Is the sign part of this application.

MR. AVERY: No. We think we will have one that conforms to the zoning.

APPLICATION NO. 2

Application of Thomas Shevlin, 6 Virginia Lane, Rochester, New York, 14624, for variance to erect addition to garage 34' from rear lot line (90 foot required) in R-1-20 zone.

MR. SHEVLIN: I really have nothing to add. If you care to ask any questions . . .?

MR. NOWICKI: This is back from the County and we will be voting this evening.

MR. BURNETT: What are you going to be doing with the addition.

MR. SHEVLIN: I only have a single car garage and we have two cars. I can't go sideways because of the lot line, which is ten feet now. The only way I can go is to go back and park one behind the other.

MS. CHAPMAN: I am concerned about the drainage in that area in as much as you are so much lower than the other houses in the area.

MR. SHEVLIN: I know there is a lot of water in the area, but our sump pump is taking care of everything and we haven't had any trouble.

MS. CHAPMAN: You are not altering the driveway?

MR. SHEVLIN: No. The front of the house will have no change. It will be just in the back and I am making it 20 feet wide for lawn tools and some snow blowers.

MR. NOWICKI: This is strictly for storage of your own personal vehicles?

MR. SHEVLIN: Yes, and garden tools. We will still be using that as the garage.

MR. NOWICKI: Would you be repairing cars there?

MR. SHEVLIN: No.

MR. MILLER: Are you going to have a section from the existing home that connects into the new addition?

MR. SHEVLIN: Yes.

MR. BURNETT: This map shows a larger garage than the present garage.

MR. SHEVLIN: This new section will be 20 feet deep and 20 feet wide, but you have to consider the rest of the house will be a part of that garage so it won't be a full 20 feet by 20 feet. Part of the house will take up some of that garage.

MR. NOWICKI: I think he is saying this isn't drawn to scale.

MR. SHEVLIN: Right. It is not drawn to scale.

MR. NOWICKI: There will be no living area in this addition at all?

MR. SHEVLIN: No. Just a garage.

NO ONE SPOKE IN FAVOR OF OR IN OPPOSITION TO THE APPLICATION.

MS. MARY SYLVESTER: Is this going to be fixed up with shrubbery and is it going to be made attractive?

MR. SHEVLIN: I think it will be an asset. I plan to have aluminum siding put on the house and landscaping.

APPLICATION NO. 3

Application of Perna Homes, Inc., 849 Paul Road, Rochester, New York, 14624, for variance to erect house 50' from DaVinci Drive (60' required) and 70' from Chestnut Ridge Road (100' required) at property located at 4 DaVinci Drive in R-1-20 Zone.

MR. JAMES PERNA: I am here requesting this variance. The Board advised me to get a 50 foot variance, and that is one of the reasons why I am in here. This particular home that I have sold on this lot was a lot bigger than what we originally thought we would be putting up there. It is in the \$70,000 range and I think the house would really enhance the corner lot. Originally, we had an 80 foot variance in from Chestnut Ridge Road. The way this lot is shaped, it is sort of a pie shape, and it is not big enough.

MR. NOWICKI: Didn't this Board discuss this lot with you already?

MR. PERNA: Yes. The reason I am requesting this is so the gentlemen will have a yard. We are putting the garage on the Chestnut Ridge Road side and I want to keep it away from the house in the back.

MR. NOWICKI: This matter has come back from the County and we will be voting on this tonight.

MS. CHAPMAN: I think you have done a good job. The only problem is it is such a big house for this particular lot.

MR. PERNA: These people are middle aged and they really didn't want the lot of land. These lots are larger than the average, and he has a 2-4 lot anyway.

MR. NOWICKI: Is the owner comfortable with the setback of the lot?

MR. PERNA: Yes.

MS. CHAPMAN: What is the setback of the one next to it?

MR. PERNA: It is 50 foot, but the road goes on an angle.

NO ONE SPOKE IN FAVOR OF THE APPLICATION OR IN OPPOSITION TO IT.

MR. PERNA: I have another house that I would like to get your opinion on. If I could take up 5 more minutes of your time. The lot is lot 21 DaVinci Drive with the pump station on it. The length is 253 feet across - single drive. The depth is only 119 feet so I have the same situation as before. I can go to probably request a variance on the frontage to about 50 feet. This is the house we have talked about putting there. It is an \$85,000 house.

MR. NOWICKI: If you used the proper setback, what would they end up with?

MR. PERNA: 19 feet, but this is another situation where they are not interested in a yard. This house has a porch on the side. We are thinking of sidelading the garage. It is a corner lot.

MR. NOWICKI: If you could come in with a placement like you did on this thing, it would be good. You seem to have a pretty good idea.

MS. CHAPMAN: Where is the driveway going to be?

MR. NOWICKI: Basically, Jim, why don't you come back in before this Board?

MR. PERNA: Thank you very much for your time.

APPLICATION NO. 4

Application of Solomon Greenstein, 21 Jemison Road, Rochester, New York, 14624, for variance from Section 3.025 of Zoning Ordinance (Site Plan Approval) and for side setbacks of 15' from both east and west lot lines (50' required) for construction of a garage at above address in RA-20 and FPO zone.

MS. CHAPMAN: I was over there, and I can't believe you can have 15 feet from your lot line.

MR. GREENSTEIN: It is going to be in the rear of the house.

KEN BOGART, HENRIETTA: I will be building it, and he has got 44 feet. He has 15 feet on either side and we are using 14.

MR. NOWICKI: How will he get into this garage?

MR. BOGART: You go right around the house and into the garage. I measured it out and it is all right.

MR. NOWICKI: We have not received the comments back from the County so we can't vote tonight. We are also under the new flood insurance law and are operating under new rules. At this time, we are meeting with the County people. I am going to ask legal council to advise this Board next month. It is very complex and we want to work with the homeowner in that area. We will have an answer for you next month, but we have to be very, very careful. I agree with your wanting to waive the site plan approval law. Hopefully, we can find support for our position.

MR. BOGART: We don't mind waiting. Let me add one other thing. There is a garage on each side, approximately equal with this one. It is not anything unusual for this area.

MR. NOWICKI: We have worked with the people down in that area, and they have done a very nice job. It is just a brand new set of rules we have to live by, and we have to be the "bad guys". We will do our very best for you.

NO ONE SPOKE IN OPPOSITION TO THE APPLICATION.

IN FAVOR OF APPLICATION:

DONALD SAYMEN, 74 Brook Road: We are about to enter into this same thing. I guess I am just in favor of this because if he gets his, I will get mine.

APPLICATION NO. 5

Application of Oliver Perry, 355 Stony Point Road, Rochester, NY, 14624, for variance to erect 6' x 18' sign above gutter line on false mansard roof for stores not having frontage on parking area as Towne Plaza, 4390 Buffalo Road in C-2 Zone.

MR. OLIVER PERRY, 355 STONY POINT ROAD: I own the Towne Plaza. I have a mall with 7 stores. We have tried to hold the signs down, and all we have had from most of the customers is that if we knew the stores were there before, we would have come. We have gotten together and made up this one sign that has the 7 stores on it. It would all be one color with brown lettering so it will look good. We have had many, many, many people say they couldn't find these stores. I have had alot of stores move because they didn't have the business.

MR. NOWICKI: This is back from the County, so we will be voting on this.

MS. CHAPMAN: Why is the style of the Factory so different?

MR. PERRY: There are 7 stores. It would not come out square unless you had 8 stores. The Glue Factory is 4,000 square foot, and they were willing to buy two signs. I was glad to have somebody buy it so I wouldn't get stuck with it.

MS. CHAPMAN: The printing is so different and there is a logo.

MR. PERRY: That is what they want. The lady is here and she didn't like that printing. The logo will be smaller and the writing will be a little different than what is there. It will be "Old English" like thw writing of the store. It will be just put on differently.

MR. NOWICKI: Is this the type of lettering we are going to see on that sign except for Glue Factory?

MR. PERRY: It is all the same. Except, the emblem will be smaller and the name will go straight across. Otherwise, it is the same as what you see.

MR. BURNETT: The North Chili Hair Garden and the Barber - are they the same?

MR. PERRY: No. They are different. We have two empty stores and we have two blanks. We kept them together in case we are renting to one and then we can sell the double sign.

MR. NOWICKI: Are there existing signs?

MR. PERRY: Just over the doors.

MR. NOWICKI: Are they comfortable with this arrangement?

MR. PERRY: They have approved it. Each one has put their "O.K." on it.

MS. CHAPMAN: My only objection is I would like to see more uniformity in the lettering. Do you think everyone would like to go for old English?

MR. PERRY: We thought they would like this. It is on the opposite side of those, and I know it will look better when this is made smaller. I prefer this to having all different signs and colors all over. I thought one sign and one color would be much better.

MR. MILLER: How far is this sign from the drug store?

MR. PERRY: It is roght next door. The color of the drug store sign is red letters with a white sign. What we are trying to do is hold all signs to this color. The bank and laundry are this color. The drug store is existing.

MR. MILLER: How big is the drug store sign?

MR. PERRY: It is a foot higher than this.

MR. MILLER: This sign will but up against this?

MR. PERRY: No. It is 36 feet across with about 8 foot on each side from the drug store.

MR. MILLER: How late will you keep this illuminated?

MR. PERRY: Until about 9 or 10 o'clock.

MR. MILLER: Is that when the drug store goes off?

MR. PERRY: Yes. I think it is 8 now. It used to be later.

MR. MILLER: This is plastic panel?

MR. PERRY: Yes.

MR. MILLER: Each one of these squares can be removed?

MR. PERRY: Yes. If one store leaves, it can be replaced with some one else. It faces Union Street, about 500 feet from Union, and 400 feet from Buffalo Road.

MS. CHAPMAN: Do you have an existing sign for the place?

MR. PERRY: Yes. That says Town Plaza and is out by the road.

MS. CHAPMAN: There is no listing of stores?

MR. PERRY: No. This sign will be within the parking area.

FOR THE APPLICATION:

MARY, FROM GLUE FACTORY: I really feel the sign is essential for the operation of the store.

NO ONE SPOKE IN OPPOSITION.

APPLICATION NO. ⁶

Application of Joseph Guinan, 37 Mercedes Drive, Rochester, NY 14626, for re-hearing by Court order for land use variance to erect commercial office building at 25 Chestnut Ridge Road at the corner of Chili Avenue and Chestnut Ridge Road in R-1-12 Zone.

MR. JOSEPH GUINAN: We are here tonight subject to the order of Judge Fastrelly, dated February 14, 1979. We are here he says for an opportunity to present additional information to the Board. I have been involved in the Real Estate business for 20 years and I am licensed by the State of New York. During the past 20 years, I have done appraisal work for various individuals such as banks and insurance companies. I have built residential and commercial property. I have sold both. It is my opinion that this lot is going to be on Chili Avenue and the new Chestnut Ridge Road. To the east is Chiano's Sales and Service. Back of it is the accountant's office. Because of the size of the lot, approximately, and the proximity of the commercial ventures, I do not believe that it is marketable as a residential lot. I think it would be a hardship on the property if we do not get the variance.

MR. NOWICKI: The 3 conditions this Board has to meet on the use variance are 1, you must show the land in question cannot yield a reasonable return if you were to use it for any other purpose. Second, the plight of the owner must be due to unique circumstances and third, the land use must not seriously alter the land in question. If you would like to present additional information, please do so now.

MR. WILLIAM J. LEARY, GATES, REAL ESTATE: I have been in this business for 24 years. I was the past president of the Real Estate Board of Rochester. It is primarily my experience on the West Side of the city. I have done a number of appraisals in Gates, and Greece. I have looked at the lot and because of a new road coming in, I can't see any way that land could be used as residential property. For someone to build a residential on that lot, with commercial on one side and a used car lot on the other, is unthinkable. You are talking in terms of dollars to buy that lot. I think somebody could go into and establish an office for less money. I know the property has been up for sale for 2 or 3 years. I think it would make a tremendous burden on the owner to dispose of the land if the commercial use wasn't granted.

MR. NOWICKI: Do you feel confident that you have answered the question of unnecessary hardship?

MR. GUINAN: I think I would.

MR. NOWICKI: Is that because of the new road?

MR. GUINAN: I don't know if you could get an egress from that property. I notice they are going in from the back. There is nothing for egress from the area. I don't know if you could come out on that road with a driveway. I know they have some legal procedures.

MR. NOWICKI: That new road location will cause you a hardship?

MR. GUINAN: Yes. Because you are cutting down the size of the lot, too. It is very difficult on a corner lot. I also know it is difficult to put a garage there.

MR. NOWICKI: The reasonable return on this property and the compatibility with the surrounding locality, I believe Mr. Guinan has been before the Planning Board and submitted plans and it has been approved.

MR. GUINAN: I have seen that and you would think it was a house. It does look like a house in my opinion.

MR. NOWICKI: I want you to be facing this and now is the time to get it in the record, to get all your points in. I do want to enter the Affidavit we have for the record. This is duly notarized and signed by Mr. J. Arthur Felluca that should be entered into the minutes.

MR. MILLER: I see Mr. Felluca in the hall, and I would think it more prudent that Mr. Felluca make the statements in the affidavit in person so they can be on the record and anyone present together can question him.

MR. J. ARTHUR FELLUCA, 65 DAUTON DRIVE (read the affidavit out loud to the audience. Copy of said affidavit to be attached to these minutes.)

MR. MILLER: Did you ever attempt to sell this as residential?

MR. FELLUCA: No. I tried to sell this as a residential lot for about 4 months before I started getting offers from Wilson Farms and Seven Eleven. Never an offer for a residential even after 6 or 7 months that the sign was up.

MR. MILLER: Just tell me how long you tried to sell it as residential?

MR. FELLUCA: 26 months to this date.

MR. MILLER: You never got an offer in 26 months for anybody to buy this?

MR. FELLUCA: No. I have never received an offer.

MR. BURNETT: Mr. Felluca, in this statement, you owned the property since 1976. What month?

MR. FELLUCA: January.

MR. BURNETT: One year later, you discovered the business was not operating to your expectations?

MR. FELLUCA: Yes. I was losing money. Originally, when Mr. Reynolds built that large store, there was no competition. It was built as a small supermarket. I have got it laid out as a small store. I have all old and decrepid equipment. It was my belief that I could attract and build up from my meat business more of a supermarket business. It need plenty of remodeling. I never was successful. It remained a meat market and beer and cigarett stop. It was never economical. My gas and electric bill was \$22,100 and I have oil heat. That is a tremendous amount of money for a store like that to meet those. The place needs a total revamping. It didn't take me long to realize I could not stay there that long. The equipment kept breaking down. The meats would spoil. It was one vicious circle. I lost customers. I didn't have the money to re do the store so I was stuck. The town won't let you do anything else with it. I lost \$22,100 in 1977.

MR. NOWICKI: You indicated that you were advised that it would be difficulty to sell as residential. Who advised you?

MR. FELLUCA: Dan Clair, a friend of mine, he is a realtor and that is how I bought the bungalow. He told me in his opinion, it would be difficult. Mr. Guinan told me it was poor for residential. The people in the store didn't think it was too appealing. I respect these real estate people's opinions.

MR. GUINAN: Dan Clair has Century 21 in Chi-Paul Plaza.

MR. MILLER: Mr. Clair told you in his opinion, as a realtor, he didn't think that parcel could be sold as residential?

MR. FELLUCA: He said it would be difficulty to sell as residential. It became more difficult once we knew the road was coming in because we are talking about an 88 foot frontage lot on Chili Avenue.

MR. NOWICKI: Do you feel that you would suffer a financial loss by selling it as residential?

MR. FELLUCA: Absolutely. I had to sign an agreement with the Monroe County Dept. of Transportation agreeing not to put up trees and shrubs. It would hamper any person from putting up a fence or anything to hamper vision on the curve of the road.

MR. NOWICKI: I don't believe that includes the entire lot.

MR. FELLUCA: No, it does not.

MR. NOWICKI: The affidavit leads us to believe that.

MR. FELLUCA: No, it does not include the entire lot.

MR. GUINAN: The decision just centered on the 112 by 120 foot lot. It applies to the lot after the road.

MR. MILLER: You are saying the County of Monroe told you there cannot be any shrubs near the intersection of the proposed road and Chili Avenue along the easterly or southerly boundary?

MR. FELLUCA: Yes. They don't want the vision to be hampered as you turn the corner. The Planning Board was talking about the same thing.

MR. NOWICKI: That is not affection the western boundary?

MR. MILLER: You would abide by the stipulations set by the Planning Board and screen Mrs. Paliuco's property?

MR. FELLUCA: Right. I have a letter Mr. Sam L. Franco, stating this. (He read that letter to the board.)

MR. NOWICKI: I would like a copy of your letter for our records.

MR. FELLUCA: Fine.

MR. NOWICKI: What is the date on that letter?

MR. FELLUCA: June 7, 1978. I will send you a copy.

MR. MILLER: What you are telling this Board is that the Monroe County Dept. of Traffic and Engineering has forbid any road cuts on the easterly or southerly side of this lot.

MR. FELLUCA: I don't think they have authority on the south side. They have prevented me from the drivecut in the future to service this parcel of land.

MS. CHAPMAN: This is referring to the Farm Market?

MR. FELLUCA: No, they are referring to this.

MR. NOWICKI: Dan, in their agreement, the ingress and egress is internal. Is this Board affected by any legal decision for them to develop a driveway or curb cut on Chili Avenue at all?

MR. MILLER: Our Planning Board would refer to the County of Monroe and they would probably not let anybody have a drive cut on Chili Avenue.

MR. LEARY: A residential owner would not like to come through a parking lot to get to his lot.

MR. NOWICKI: It is almost like they have land locked you.

MS. CHAPMAN: You could never have a driveway independent on the lot?

MR. LEARY: I think it is impossible.

NO ONE SPOKE IN FAVOR OF THE APPLICATION.

OPPOSED:

MRS. PAGLIUCO: There never was a sign there as long as I have lived there. The only time I heard that anything was going up there was when I heard about the hearing. I never saw a for sale sign.

MR. NOWICKI: There was nothing on the building or property?

MRS. PAGLIUCO: Nothing. The only time was the Wilson Market hearing that I heard through the town. We were hear opposed to this thing before ans seeing how he keeps his land up and how bad it is. I want his grass cut and no filth back there. I want that place kept up like it used to be. I want a writing on this. My lawyer wants a restriction on that, too, and wants it in writing. We have shown pictures and everything. We want that place cleaned up. We want a decent place to live.

MR. GUINAN: The for sale sign is how we made the purchase offer on this. There was a sign on the tree out there and that is how I knew the place was for sale. Mrs. Pagliuco complains about the up keep on the Bungalow. I would ask her if she is in favor of this proposal we have tonight and forget about the housekepping of the bungalow. It was my understanding that she didn't oppose me.

MR. NOWICKI: Mrs. Pagliuco, may I ask you the question because we do have an affidavit saying you did not oppose the project of Mr. Guinan?

MRS. PAGLIUCO: Right.

MR. NOWICKI: We are all concerned about how this town looks. It takes people, money, and time. Until you serve on one of these Boards and try to get these things done, you just won't believe it. We are looking at several processes to speed up the zoning enforcement of the code in this town. I am sure if Mr. Guinan is going to build a very lovely property there, I am sure he would want to insist Mr. Felluca clean up his area if we wants him there.

MR. FELLUCA: I just want to reconfirm the sign. I purchased a metal sign from K-Mart and underneath it I had a phone number.

MRS. PAGLIUCO: It was a little sign.

MR. FELLUCA: I had it nailed on the tree.

MR. MILLER: In fairness to all parties involved, Mrs. Pagliuco has directed a complaint against Mr. Felluca, and I think we should refer that to Mr. Ward. He does have a dumpster and it should be policed.

MR. NOWICKI: Right. We need personnel on enforcing this ordinance. We can't do it without people.

MR. FELLUCA: The big delay here has been the road that was supposed to be built by June. My Wilson Farm was not to be started until the road was finished. Things have just dragged on for me also. I have got a lot of complaints about the appearance of my land, but I think you will notice, there is not the bunch of kids hanging outside the store as there was before.

MR. NOWICKI: The residential people in the area have the right to expect the businessmen to keep their areas clean. Is everyone satisfied we have covered this completely?

MR. MILLER: I am pretty sure we have got certain elements of hardship and the uniqueness of the property that should give this Board a basis to act upon.

D E C I S I O N S

APPLICATION NO. 1

North Chili Community Church for land use variance to allow a church building at property located at 3361 Union St. in MR zone.

UNANIMOUSLY DENIED for the following reason:

The criteria for the conditional use permit has not been met - they should seek re-zoning.

APPLICATION NO. 2

Thomas Shevlin for variance to erect addition to garage 34' from the rear lot line (90' required) in R-1-20 Zone.

UNANIMOUSLY APPROVED subject to the Town building Codes.

APPLICATION NO. 3

Perna Homes for variance to erect house 50' from DaVinci Dr. (60' required) and 70' from Chestnut Ridge Road (100' required) at 4 DaVinci Dr. in R-1-20 zone.

UNANIMOUSLY APPROVED with no conditions or stipulations.

APPLICATION NO. 4

Solomon Greenstein for variance from Section 3.025 of Zoning Ordinance and for side setbacks of 15' from both east and west lot lines (50' required) for garage in RA-20 and FPO Zone.

RESERVED DECISION.

APPLICATION NO. 5

Oliver Perry, 355 Stony Point Road for variance to erect 6' x 18' sign above gutter line on false mansard roof for stores not having frontage on parking area at Towne Plaza, 4390 Buffalo Road in C-2 Zone.

UNANIMOUSLY APPROVED with no conditions or stipulations.

APPLICATION NO. 6

Joseph Guinan for re-hearing by Court order for land use variance to erect commercial office building at 26 Chestnut Ridge Road at the corner of Chili Avenue and Chestnut Ridge Road in R-1-12 Zone.

Based on the testimony of hardship on the owner and the uniqueness of the character of the land, this Board feels the hardship has been shown and this would be better used as commercial land/property.

CARRIED BY THE FOLLOWING VOTE: Mr. Mallette, aye; Mr. Nowicki, aye; Ms. Chapman, aye; Ms. Whelpton, aye; Mr. DeGraff, aye; Mr. Burnett, abstain.

ZONING VIOLATIONS:

MR. DEGRAFF brought up the doors are off the dumpsters in the shopping plaza and asked when the mess on Chili Avenue from the fire was going to be cleaned up.

MR. NOWICKI: Has a letter from Mr. Ward on Desiato. There is some equipment there just today so maybe they are starting to clean it up as of tomorrow. He then brought up the following violations:

1. A letter should be written to the Town Board stating the Board is in favor of the appearance tickets on the zoning violations and stating they hope the Town Board will give the Zoning Enforcement Officer and Building Inspector authorization to issue them;

2. He presented a letter from Tom Ward, Bldg. Inspector, that states the Building Department is currently backlogged. Would the Chairman of the Boards take over the decision letters. Hopefully, this is temporary.

3. Violations on Chili Bowling area - parking in fire lane and trailers

4. The Underground Gasoline Storage tanks should be reviewed by the Town Board. These are a hazard and the Zoning Board wishes the ordinance be revised to include a section requiring Building Permits for these;

5. Violation - Joe Benson - Something on the front lawn?;

6. Violation - Sectors' property - trailers are still there;

7. Violation - Mr. Trucey - collapsed garage;

8. Mr. Nowicki informed the Board that the Kelly's Basket is now going to be Pudge's Pizza.

Meeting adjourned at 10:00 P.M.

dai

ZONING BOARD
April 24, 1979

A Meeting of the Zoning Board, Town of Chili, was held on April 24, 1979, at 7:30 P.M. in the Chili Administration Offices, 3235 Chili Avenue, Rochester, NY, 14624. The Meeting was called to order by Chairman John Nowicki.

ROLL CALL: John Nowicki, Vic Lynd, Gerald DeGraff, John Mallette, Shirley Whelpton, Bob Burnett.

ALSO PRESENT: Daniel Miller, Dept. Town Atty.; R. Thomas Ward, Bldg. Inspector.

APPLICATION NO. 1

Application of Frank F. Lenhardt, 83 Wheatland Center Road, Clifton, NY 14431, for approval of a variance from Section 8.010 of Zoning Ordinance to allow a 26' x 30' addition to pre-existing, non-conforming use (machine shop) at property located at 202 Chestnut Ridge Road in R-1-20 zone.

MR. NOWICKI: Do you have any additional statements you would like to make?

MR. LENHARDT: No.

MR. NOWICKI: Let the record show that we have got the County Comments back and will be able to vote on this tonight. Would the structure itself be in similar architectural design as the existing building?

MR. LENHARDT: Yes. There is a sketch in here that will give you a rough idea. It will either be metal or steel.

MR. NOWICKI: Is the sheet metal design colored?

MR. LENHARDT: It would be white. It comes only in white.

MR. WARD: Any additional employees needed?

MR. LENHARDT: No. It is basically a warehouse building. We will be adding a few already in our present building.

MR. WARD: How much do you presently have?

MR. LENHARDT: It varies from 15 to 20 or 23, depending on the work load, including part time help.

MR. WARD: How long has that business been there?

MR. LENHARDT: My dad started it in 1940. It has been before the Zoning Board about three times before for additions.

MR. NOWICKI: If you had to expand again, would you look for another site or area?

MR. LENHARDT: I would probably come here first.

MR. NOWICKI: Is 1.44 the total acreage of the site?

MR. LENHARDT: Yes.

MR. NOWICKI: Is that your dumpster in the back of that building?

MR. LENHARDT: Yes, that is correct.

MR. LYND: What presently are your hours of operation? Do you intend to change them, and what type of equipment do you presently have in the plans?

MR. LENHARDT: We have a machine shop and molding injection shop. Our hours are 24 hours a day. We start at 11 o'clock Sunday night and shut down at 11 o'clock Friday night.

MR. NOWICKI: Is the material used highly flammable?

MR. LENHARDT: Yes. If there was a fire, the plastic is very flammable. We don't have flammable liquids on the premises or coming off the press. It is not an explosive atmosphere.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date *April 18, 1979*

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

GATES-CHILI NEWS

Issue Dated *April 18, 1979*

Geraldine C. Snyder

Notary

GERALDINE C. SNYDER

NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 1981

Patricia M. Smith

Patricia M. Smith
Publisher

Zoning Book

Legal Notice

Chili Zoning Board of Appeals

Pursuant to Section 267 of Town Law, a public hearing will be held by the Chili Zoning Board of Appeals at the Chili Town Hall, 3235 Chili Avenue, Rochester, New York 14624 on April 24, 1979 at 7:30 p.m. to hear and consider the following applications:

1. Application of Frank F. Lenhardt, 83 Wheatland Center Road, Clifton, New York 14431 for approval of a variance from Section 8.010 of Zoning Ordinance to allow a 26' x 30' addition to pre-existing, non-conforming use (machine shop) at property located at 202 Chestnut Ridge Road in R-1-20 zone.

2. Application of David Curtis, 22 Woodside Drive,

Rochester, New York 14624 for variance to erect single family dwelling 10' from north lot line (50' required) and 25.6' from south lot line (50' required) at property located at 37 Wadsworth Drive in RA-5 zone.

3. Application of David Richards, 275 Beaver Road, Churchville, New York 14428 for variance to erect addition to single family dwelling 70' from rear lot line in line with existing structure (90' required) at above address in R-1-20 zone.

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

John Nowicki,
Chairman,
Chili Zoning Board
of Appeals.

MR. NOWICKI: Did you feel there is adequate fire protection in and around the building?

MR. LENHARDT: We do not have an existing sprinkler system, but we do have CO2 fire extinguishers that have been approved with the insurance company.

MR. MILLER: What is located directly to the west of your property?

MR. LENHARDT: My aunt and uncle live there. It is a residence.

MR. MILLER: What is to the north of you?

MR. LENHARDT: Another uncle. His property comes in from Coldwater Road.

MR. MILLER: Do either of these uncles have any interest in the business?

MR. LENHARDT: No, they do not.

NO ONE SPOKE IN FAVOR OF OR IN OPPOSITION TO THE APPLICATION.

MR. FRIDAY, 978 Coldwater Road: How is this going to affect Coldwater Road? As it stands now, we don't even see it. Is there going to be a driveway coming in from Coldwater?

MR. LENHARDT: I have no intentions of putting in a driveway from Coldwater Road. You do own that property. I would like to say, I hope my business is successful, and I will be back to the Board again. Right now, we are pretty well hidden. The addition would be on the west side of the building and I don't believe you will see it any more. (Mr. Ward showed Mr. Friday the sketch plan of the building.)

MR. FRIDAY: On the west side, I have no objections at all.

MR. MILLER: Is your lot presently lined with trees?

MR. LENHARDT: NO. There is a line on my uncle's property. Through natural growth, there are trees pretty heavy on mine. We are not visible at all from Chestnut Ridge Road.

MR. MILLER: I am familiar with the area. I have lived here all my life and I don't recall ever seeing it.

MR. NOWICKI: Which way does the drainage go?

MR. LENHARDT: I believe it heads toward Chestnut Ridge. That is where most of the driveway slopes. About one third of the way down there is a tile that heads directly east and into the corner lot. It drains into there.

MR. NOWICKI: The height is 18 feet?

MR. LENHARDT: Yes. Our present building is 10 feet high, with a 14 foot eve height. We would like to go with a 14 foot eve height. It would not exceed 18 feet.

MR. NOWICKI: Do you have gutters and down spouts?

MR. LENHARDT: No. There is no gutter or down spouts.

MR. LYND: The amount of deliveries you would have per week, would these be adjusted for any reason because of this addition?

MR. LENHARDT: Normally, you have maybe three a week. It is not a regular thing, to have one a day. A shipment lasts us a long time. We have our own van that goes in and out frequently. There may be some increase in the deliveries and I would hope it would pick up a certain amount. I can't seem to see them doubling or anything like that. The delivery times are usually from 8 to 5 o'clock.

MR. NOWICKI: This is going to be used only for warehousing?

MR. LENHARDT: It is to start with. We will insulate it. It is not large enough to put machinery into it. It is hardly large for a warehouse, but it is what I feel that I would like to go ahead with at this time.

MR. NOWICKI: Is there anything under the new energy code?

MR. WARD: If there is, we will inspect it.

MR. LENHARDT: It is going to be heated by our present system.

MR. NOWICKI: This is actually a pre-engineered metal building?

MR. LENHARDT: Yes.

APPLICATION NO. 2

Application of David Curtis, 22 Woodside Drive, Rochester, NY, 14624, for variance to erect single family dwelling 10' from north lot line (50' required) and 25.6' from south lot line (50' required) at property located at 37 Wadsworth Drive in RA - 5 Zone.

MR. CURTIS: I believe this is fairly well covered.

MR. NOWICKI: This is back from the County planning, so we will be voting on this tonight.

MR. LYND: The one question I had is the area of your proposed house is used as a riding pad or coral?

MR. CURTIS: No. That is the property immediately to my east.

MR. WARD: This same property was before the Zoning Board once before when a different owner wanted a variance for a side setback. There was a previous variance granted and this is a new owner with a different house so the variance is a little bit different but there was a past side variance granted.

MR. MILLER: How long have you owned this lot?

MR. CURTIS: I purchased it last September.

MR. NOWICKI: What is the acreage of this?

MR. CURTIS: Approximately 1 1/3.

MR. BURNETT: Why have you designed in this position rather than having Wadsworth Drive in front of you where you will have 120 feet?

MR. CURTIS: We have since changed it to make it a 90 degree angle because of the septic system. We wanted the view of the pond out the back of the property.

MR. NOWICKI: It was my understanding that this strip of land was an option to pick up.

MR. CURTIS: Right.

MR. NOWICKI: There is a small strip of land that is going to be picked up over here.

MR. CURTIS: Yes. I am in the process of buying it right now. I will join those two properties.

NO ONE SPOKE IN FAVOR OF THE APPLICATION.

OPPOSED - Richard Gracy, 32 Wadsworth Drive: Last year, they inadvertently covered up the culvert and I have experienced quite a lot of water in my yard. The normal drainage of the property is to the north. I would like the assurance of the proper drainage.

MR. CURTIS: It drains to the north, and then there is a culvert under the road in my property. I will culvert my driveway to make a connection. There is a vacant lot for 80 feet and this land absorbs this.

MR. NOWICKI: Is that spongy?

MR. GRACY: It is swampy. Possibly a ditch or something across the front of his property.

MR. CURTIS: The Board of Health approval was based on the stipulation of a swail to the North and west back toward the pond area.

MR. NOWICKI: If you don't improve it, you will have problems, too.

MR. CURTIS: Most of my drainage will be to the north.

MR. GRACY: That is my only concern. The pond normally drains to the north. I have heard mention of building a dike back there.

MR. CURTIS: Not if it drains back there.

MR. BURNETT: Is this building in conformity to the rest of the residents around you?

MR. CURTIS: Yes. It is a log home, and all those homes are log or log faced.

MR. BURNETT: Will this be guttered?

MR. CURTIS: Yes.

MR. BURNETT: Into what system?

MR. CURTIS: Whatever system will be required. If I can have a dry well, I will. I will use whatever is necessary.

APPLICATION NO. 3

Application of David Richards, 275 Beaver Road, Churchville, NY, 14428, for variance to erect addition to single family dwelling 70' from rear lot line in line with existing structure (90' required) at above address in R-1-20 Zone.

MR. WARD: We have the County referral back. We have two additional maps, one too large to copy. The house doesn't go any further back than to the rear setback than the existing house. The ordinance now required 90'. That is why it is before the board.

MR. NOWICKI: There is a garage behind the house and the new addition would block that garage?

MRS. RICHARDS: Yes. As you look at it from Beaver Road.

MR. NOWICKI: Will the new construction be similar to the existing house?

MRS. RICHARDS: It will all be new siding on the addition plus the old part.

MR. WARD: I just want the record to show I have a note that Evelyn Cabeck called, who is the neighbor, and has no objections of the application. She is the neighbor to the south.

MR. BURNETT: What is the size of the present dwelling?

MRS. RICHARDS: I don't know.

MR. BURNETT: Basically, from this rough drawing, the addition is equal in size to the present house.

MRS. RICHARDS: It is up and down. It is a two story addition.

MR. LYND: The dimentions are basically 25 by 15?

MRS. RICHARDS: Right. The rest is the second story.

MR. WARD: Is your neighbor to the west present this evening?

MRS. RICHARDS: Yes, he is, and they are in favor of it.

MR. DAVE BEAVER OF BEAVER ROAD: I am in favor of this application.

NO ONE SPOKE IN OPPOSITION TO THE APPLICATION.

MR. LYND: Will you have to reroute the driveway to get to the garage?

MRS. RICHARDS: No.

The Board recessed at 8:10 P.M. and Reconvened at 8:15 P.M.

D E C I S I O N S

APPLICATION NO. 1

Application of Frank F. Lenhardt, 83 Wheatland Center Road, Clifton, NY, 14531, for approval of a variance from Section 8.010 of Zoning Ordinance to allow a 26' by 30' addition to pre-existing, non-conforming use (machine shop) at property located at 202 Chestnut Ridge Road in R-1-20 zone.

MOTION MADE BY MR. DEGRAFF and seconded by MR. BURNETT to accept application. Carried UNANIMOUSLY and subject to the following terms and conditions:

1. Subject to the Town Building Codes;
2. Subject to the Town Fire Code Review.

APPLICATION NO. 2

Application of David Curtis, 22 Woodside Dr., Roch., NY, 14624, for variance to erect single family dwelling 10' from north lot line (50' required) and 25.6' from south lot line (50' required) at property located at 37 Wadsworth Drive in RA-5 zone.

MOTION MADE BY MR. DEGRAFF and seconded by MR. MALLETTE to accept application. Carried UNANIMOUSLY and subject to the following terms and conditions:

1. Adhere to the Town Building Codes;
2. There be Positive drainage (away from the neighbors).

APPLICATION NO. 3

Application of David Richards, 275 Beaver Road, Churchville, New York, 14428, for variance to erect addition to single family dwelling 70' from rear lot line in line with existing structure (90' required) at above address in R-1-20 zone.

UNANIMOUSLY APPROVED subject to the following terms and conditions:

1. Subject to the Town Building Codes.

VIOLATIONS OF ZONING ORDINANCE:

1. Dumpster in the Chi-Paul Plaza. The gates are off. MR. WARD said one or two were damaged in the winter. He will send a letter and get a reply.
2. MR. NOWICKI requested a letter be sent to the Town Board from the Zoning Board stating their approval of the APPEARANCE TICKETS and hope the Town Board will adopt such a procedure.
3. Chili Bowling Lanes Dumpster Violation. MR. WARD said the trailers will be gone within 30 days. The dumpster proposal will come in before the Board shortly.

OLD BUSINESS

APPLICATION of Solomon Greenstein, 21 Jemison Rd., Roch., NY 14624, for variance from Section 3.025 of Zoning Ordinance (Site Plan Approval) and for side setbacks of 15' from both east and west lot lines (50' required) for construction of garage at above address in RA-20 and FPO Zone.

MOTION MADE BY MR. BURNETT and seconded by MR. DEGRAFF to accept application. UNANIMOUSLY APPROVED subject to the following terms and conditions:

1. Adequate anchoring be required for flooding;
2. Sections 3.025 and 9.041 and all subsections be adhered to under the direction of Mr. Ward, Town Building Inspector

MR. NOWICKI read a letter dated 4-11-79 from Gary Russell, Monroe County Planning Dept. to R. Thomas Ward, Town Bldg. Inspector, indicating amendments that should be made to the Town Ordinance.

MR. NOWICKI brought up underground storage gas tanks. MR. WARD stated it is not a Zoning Board matter. If it is residential, there are stringent fire codes and it is the Fire Marshal's job.

VIOLATION - Joe Benson - front lawn. MR. WARD said 1 to 2 years ago, he requested Mr. Benson to come back in to the Planning Board to renew the conditional use. He wrote a letter and the Board did not feel there were any violations. He is not in violation of the Zoning Ordinance.

MR. SPECTORS trailers are still on property. MR. WARD said some trailers were cleaned out of there. He does not know how many are unlicensed. He will report back to the Board next month.

MR. TRUCEY violation. MR. WARD said it is still in litigation.

CHINESE RESTAURANT has "Open for Lunch" sign in window. So does Cori's Restaurant. MR. WARD will see to them being removed.

MR. NOWICKI mentioned to the Board Members, Supervisor Powers would like a report back from the members on their feelings on the RA-5 to RA-1 Zoning Change. Mr. Nowicki stated he is in favor of this change. The Board members will think it over and individually contact Supervisor Powers.

MR. WARD mentioned D. D. Davis will be in next month.

MEETING ADJOURNED.

DAI

ZONING BOARD
MAY 22, 1979

A Meeting of the Zoning Board, Town of Chili, was held on May 22, 1979, in the Chili Administration Offices, 3235 Chili Ave., Roch., NY 14624 at 7:30 P.M. The meeting was called to order by the Chairman, John Nowicki.

ROLL CALL: Mr. Nowicki, Ms. Chapman, Mr. Burnett, Mr. DeGraff, Ms. Whelpton.

ALSO PRESENT: R. Thomas Ward, Bldg. Inspector; Daniel Miller, Dept. Town Atty.

MOTION MADE by Mr. Burnett and seconded by Mr. DeGraff to accept the minutes of the meetings held 3-27-79 and 4-24-79 as submitted. Unanimously carried.

APPLICATION NO. 1

Application of Moses Cooper, 7 Baylor Circle, Rochester, NY 14624, for variance to allow existing garage addition to have 7' side setback (8' side setback granted by 6-23-73 variance) at above address in R-1-12 Zone.

MR. RICHARD M. DANDREA, ATTY.: I am here representing the owners of the property. The property was owned by Mr. & Mrs. Nick on June 18, 1973 and they made application for an 8 foot variance, which was granted by the Zoning Board, for a garage addition. When it was completed, the rear portion was constructed 7 feet from the lot line rather than 8, and we are here asking for correction of this mistake that was made back in 1973.

NO ONE SPOKE IN FAVOR OF OR IN OPPOSITION TO THE ABOVE APPLICATION.

APPLICATION NO. 2

Application of Dean James, 29 Lester Street, Rochester, NY, 14623, for variance from Section 3.025 of Zoning Ordinance (Site Plan approval) and for 27' side setback (50' required) and 32' rear setback (50' required) for construction of detached garage at above address in RA-20 and FPO Zone.

MR. DEAN JAMES: I am asking for a 24 foot variance on the side and the 32 foot on the back for a garage to be built.

MS. CHAPMAN: Is there any particular reason you want to go that far back? I know the driveway access.

MR. JAMES: Because I am building this 32 feet deep, I can't bring it forward any more due to the oddball shape of the side lot line.

MR. NOWICKI: Could you explain to me why the garage is so long?

MR. JAMES: I didn't want to go wide, so I went back because I need the room on the side. I don't have a basement or utility room or attic in my house. I don't have any place for storage or to do any work on my cars or to park.

MR. NOWICKI: You are not planning to have anyone living in here?

MR. JAMES: No.

MR. NOWICKI: Do you plan to do any repairs on any cars?

MR. JAMES: No. Just oil changes and such on my own cars.

MR. NOWICKI: Your own cars and not anyone elses?

MR. JAMES: Right.

MR. NOWICKI: Are you changing the driveway?

MR. JAMES: No. It will be lined up with the house

NO ONE SPOKE in favor of or in opposition to the application.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date *May 16, 1979*

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

GATES-CHILI NEWS

Issue Dated *May 16, 1979*

Geraldine C. Snyder

Notary
GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 1981

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 Hall, 3235 Chili Avenue, Rochester, New York 14624 on May 23, 1979 at 7:30 p.m. to hear and consider the following applications:

1. Application of Moses Cooper, 7 Baylor Circle, Rochester, New York 14624 for variance to allow existing garage addition to have 7' side setback (8' side setback granted by 6-23-78 variance) at above address in R-1-12 zone.

2. Application of Dean James, 29 Lester Street, Rochester, New York 14623 for variance from Section 3.025 of Zoning Ordinance (Site Plan Approval) and for 27' side setback (50' required) and 32' rear setback (50' required) for construction of detached garage at above address in RA-20 and FPO zone.

3. Application of Fred Chidsey, 6 Morrison Avenue, Rochester, New York 14623 for variance from Section 3.025 of Zoning Ordinance (Site Plan Approval) and 40' front setback (100' required) and 40' rear setback (50' required) for construction of garage and breezeway at above address in RA-20 and FPO zone.

4. Application of Don Sayman & Gale Preston, 74 Brook Road, Rochester New York 14623 for variance from Section 3.025 of Zoning Ordinance (Site Plan Approval) and for 15' side setback from southeast lot lines (50' required) to erect 32' x 35' addition to existing barn at above address in RA-20 and FPO zone.

5. Application of Dallas D. Davls, 3760 Chili Ave., Rochester, New York 14624 for variance from Section 3.016(a) of Zoning Ordinance (structures not permitted) and Section 3.017 (Site Plan Approval) to allow existing 12' x 20' addition to remain at property located at 20 Willowbend Drive in FW (Floodway) zone.

6. Application of DeCroce & Kuhs, 3313 Chili Avenue, Rochester, New York 14624 for variance from Section 5.050(b) of Zoning Ordinance to allow dumpster on site for bowling alley at above address in C-2 zone.

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

John Nowicki, Chairman
Chili Zoning Board
of Appeals

APPLICATION NO. 3

Application of Fred Chidsey, 6 Morrison Avenue, Rochester, NY 14623, for variance from Section 3.025 of Zoning Ordinance (Site Plan Approval) and 40' front setback (100' required) and 40' rear setback (50' required) for construction of garage and breezeway at above address in RA-20 and FPO zone.

MR. NOWICKI: Did you wish on making any other statements?

MR. CHIDSEY: I think you have got just about everything.

MS. CHAPMAN: What do you plan to do with the existing driveway?

MR. CHIDSEY: The existing garage and driveway will be taken out and the garage will be converted into a family room. The driveway I am going to make into a "U" turn shape.

MR. NOWICKI: I thought the cars were getting smaller. Why do you need such a large garage?

MR. CHIDSEY: I have a 4-wheel drive truck with a snowplow and I need the room.

MR. NOWICKI: Do you plan to do any repairs to other vehicles besides your own?

MR. CHIDSEY: No, just my own.

MR. NOWICKI: Have you discussed this with your neighbors?

MR. CHIDSEY: Yes.

MR. NOWICKI: Have you had anyone object to it?

MR. CHIDSEY: No. They are anxious to have me get started.

MS. CHAPMAN: I see you are fairly close to the side lot line. Is there a variance on this?

MR. WARD: I don't know what the past history was on this. I assume they had a variance. Fred, are there currently living quarters on the lower floor?

MR. CHIDSEY: There is an existing family room adjacent to the garage.

NO ONE SPOKE IN FAVOR OF OR IN OPPOSITION TO THE APPLICATION.

APPLICATION NO. 4

Application of Don Sayman & Gale Preston, 74 Brook Road, Rochester, NY 14623 for variance from Section 3.025 (Site Plan approval) and for 15' side setback from south-east lot line (50' required) and to erect 32' x 35' addition to existing barn at above address in RA-20 and FPO zone.

DONALD SAYMAN: I think you have everything there.

MR. NOWICKI: Are you putting the addition on the front?

MR. SAYMAN: Yes.

MR. NOWICKI: Is there any particular reason for going that way?

MR. SAYMAN: Basically, it is more feasible to lose driveway than to lose pasture in the back for the horses.

MS. CHAPMAN: How many horses do you have?

MR. SAYMAN: Three.

MR. NOWICKI: Is this going to be two stories?

MR. SAYMAN: About one and a half. We wanted to keep the same lines as the existing barn.

MR. NOWICKI: This is the front elevation we are looking at?

MR. SAYMAN: Yes.

MR. NOWICKI: This is tying in the existing structure?

MR. SAYMAN: Yes.

MR. NOWICKI: Is the existing structure sound enough to take this addition?

MR. SAYMAN: This will be no structural stresses on the other, other than the roof will set there. It will have its own foundation.

MS. CHAPMAN: What sort of floor are you proposing? The reason I ask is that across the road it is considerably wet today, and I wonder what your land is like

MR. SAYMAN: It is pretty dry for it has been built up. Part will be cement and part will be gravel for the horse stalls.

MS. CHAPMAN: You have a four course block, is that above the ground?

MR. SAYMAN: Yes.

MR. NOWICKI: Why would that be above ground?

MR. SAYMAN: That was a recommendation from Tom Ward (Bldg. Inspector).

MS. CHAPMAN: Yes, because you are in the floodplain overlay.

MR. SAYMAN: And, it will be water proofed outside, also.

MR. NOWICKI: The use is for what?

MR. SAYMAN: Horse stalls and a garage area there. We don't have any farm equipment yet, but we hope to get a little tractor and that.

MR. MILLER: What is the total acreage on your property?

MR. SAYMAN: Slightly less than 5 acres.

MR. WARD: How long have horses been kept on the property?

MR. SAYMAN: To the best of my knowledge, always. We have a letter from your office authorizing us to keep horses there, and that was part of the written agreement when we bought the house.

MR. WARD: That letter was written because it was pre-existing, non-conforming use. Even though there is only 4.7 acres, it was zoned rural agricultural.

MR. NOWICKI: How do you plan to have the final drawings prepared.

MR. SAYMAN: Jean Blanchard will do them.

MR. NOWICKI: Is he a licensed professional engineer?

MR. SAYMAN: I don't know.

MR. NOWICKI: Did you have any flooding in your area now?

MR. SAYMAN: Not on our property. Next to us, it is wet and it had dried up by July of last year when we moved in.

MR. WARD: What is the estimated cost of construction.

MR. SAYMAN: Right now, we have a rough estimate of \$10,000. That could vary quite a bit.

NO ONE SPOKE IN FAVOR OF OR IN OPPOSITION TO THE APPLICATION.

APPLICATION NO. 5

Application of Dallas D. Davis, 3760 Chi-i Ave., Roch., NY, 14624, for variance from Section 3.016(a) of Zoning Ordinance (structures not permitted) and Section 3.017 (Site Plan Approval) to allow existing 12' x 20' addition to remain at property located at 20 Willowbend Drive in FW (floodway) zone.

MR. DALLAS D. DAVIS wished to wait until his attorney arrived before he made his appeal. MR. NOWICKI AND THE Board agreed to go on to the final application and come back to his.

APPLICATION NO. 6

Application of DeCroce & Kuhs, 3313 Chili Avenue, Roch., NY 14624, for variance from Section 5.050(b) of Zoning Ordinance to allow a dumpster on site for bowling alley at above address in C-2 zone.

PAT DECROCE, 37406 Chili Ave.: This is all we want. A variance to allow a dumpster in an enclosed area.

MR. NOWICKI: Do we have any more plans on this?

MS. CHAPMAN: Why in that location?

MR. DECROCE: It would be the west side of the bowling area.

MR. NOWICKI: Right on the edge of the paved area?

MR. DECROCE: Yes.

MR. DEGRAFF: What type of enclosure are you planning?

MR. DECROCE: Chain link fence with some webbing on it. I have a picture here (Which he showed to the Board). They have the same one at the Convenience store on Union Street.

MR. BURNETT: Did you have any entrance or egress at the back of the building? Is there any access from your building?

MR. DECROCE: We will have to go out the back door. We have plans for a new addition in there, and we need that rear 20 feet for a driveway to go in and out of the building. We hope to add on eventually.

MR. BURNETT: You have a 20 foot easement for a sewerline?

MR. DECROCE: It is in the drive area.

MR. NOWICKI: You are saying the dumpster will be a permanent structure?

MR. DECROCE: Yes. We figured as long as we are going to do it, we would make it permanent. We are also allowing enough space for the Naum's dumpster to go in there, also.

MR. BURNETT: Do you need a dumpster that size?

MR. DECROCE: Yes for it is for the two of us, and the Pizza house uses ours also.

MS. CHAPMAN: You have a back door?

MR. DECROCE: Yes. There are 3 back doors. In the future, with the addition, we have the same existing west door from the building, and then the dumpster will be fairly close.

MR. BURNETT: Is there any plans to expand the Naum's area?

MR. DECROCE: No. The only future plans are for the bowling area. With the amount of parking for the buildings, we won't have any room for any additions to Naum's. The only future additions would be in the front for offices. (He showed the Board on their maps the exact location of the addition and dumpster.)

MR. NOWICKI: Could you possibly tell us how that fire hydrant got placed there?

MR. DECROCE: Tom made us change it. It was originally proposed by McDonald's Dumpster. We plan to move that when the addition goes in.

MR. MILLER: They made them loop it for adequate water pressure. The Planning Board recommended that.

MR. NOWICKI: I can understand that, but I can't understand why they made them put it there.

MR. DECROCE: We do plan, with the new addition, to move it off the parking lot.

MR. NOWICKI: Good move.

MR. WARD: I have a concern. I like the idea of having Naum's dumpster included, but what if their stockboys get a little lazy and leave their cartons outside the door and don't carry them all the way over to the dumpster?

MR. DECROCE: If you leave the dumpster where it is, you would block off the other driveway. We don't want to see it and if we do, we will bring it to their attention and take care of it.

MR. WARD: You will be the person I should see if I catch Naum's things being stuffed out the back door?

MR. DECROCE: Yes. I am. They haven't given us any trouble so far.

MR. NOWICKI: Who is responsible for cleaning up that parking lot?

MR. DECROCE: We are. We have had it swept and it costs \$83 to do that, so you can't do it every week. The kids smash their bottles in there, and we can't clean it daily. It's impossible. It is too expensive. We are trying to get at the kids who are parking there and making the mess.

MR. WARD: Will you maintain this fence enclosure after it is put up?

MR. DECROCE: If we don't happen to see it, and we are reminded, we will take care of it.

MR. WARD: How often is the dumpster picked up?

MR. DECROCE: He should pick it up once a week, but he has been picking it up 3 times a week.

MR. BURNETT: What is the ratio of your deposit to Naums?

MR. DECROCE: They have their own. We are just going to put both of them in one spot.

MS. CHAPMAN: Do you have to travel around to your office?

MR. DECROCE: No. I park in front.

MR. NOWICKI: When do you plan to expand?

MR. DECROCE: I can't answer until we get some other things straightened up.

NO ONE SPOKE IN FAVOR OF OR IN OPPOSITION TO THE APPLICATION.

MRS. DOVER, CHILLI-SCOTTSVILLE ROAD was not really opposed but had a concern about keeping the doors to the enclosure closed, during use during the day and night.

MR. DECROCE: Your new laws require them to be sealed. I called the dumpster man about a month ago to seal the fronts of my dumpster and he was well aware of it.

MR. NOWICKI: We have gone after more people to get these taken care of. They start out great and then the maintenance goes right down the drain. I see no pride in much of the businesses in the Town except McDonalds.

MR. DECROCE: I don't think our dumpsters have shown any mess out there. For two years they have been kept clean.

MR. NOWICKI: The whole complex looks very nice now.

APPLICATION NO. 5

Application of D. D. Davis for variance from Section 3.016(a) and 3.017

MR. PAUL RIDER, ATTY.

MR. NOWICKI: Do all the Board members have the letter from the Director of Planning regarding this application, dated May 18? I think it is important to all. We have reviewed this application according to sections 239L and M and article 7 of the Monroe County Charter. According to the flood code, which he read from the letter to the Board, which stated due to the type of development and surrounding area such that an addition would not adversely affect flood heights in the area. The Town must insure the addition be flood proofed and no openings be allowed below the flood plain elevation) We have had a good response back from HUD and County Planning to instruct us in the right direction to go for many of these applications.

MR. RIDER: I have also got a letter from Mr. Russ Bowman, which all the Board members have, and I also have a letter from Gary Russell. I wanted to point out, there is a violation issued from the Building Inspector. The property is a residence that was built in 1936. A patio was put in in 1946. Then, in 1977, this addition was anchored to the concrete slab. This was not issued with a Building permit and the violation was brought. We did go to the Town Justice and there was a violation and a fine was levied for not having a building permit. The terms of their dismissal were that Mr. Davis reapply to

The Zoning Board for that addition within 6 months. Under the first area of review, you could allow a building permit to be issued. You could do this if it is a substantial improvement per your Zoning Ordinance. As I interpret it.

MR. WARD: May I just interject that the substantial improvement has a Section C.

MR. RIDER: My opinion is Section C. applies to the start time, and I discussed this with Mr. Miller. There is a reference to this brought out in the ordinance. The letters the County has written seem to illustrate this is the interpretation HUD has placed on the regulations. That is the reason for Mr. Bowman's letter. He does not believe the addition would affect the floodway. My point is, if the addition is a non-substantial improvement, then there is no violation of the ordinance. We don't have a real assessment available tonight. Even using the appraised value of the house in 1977, it comes out to \$10,200 as the minimum value. The cost of the improvement was less than that \$5,000. We would hope to provide a real appraisal later. The property turns out to be between \$200 and \$12,000 and the cost of the improvement was less than \$5,000, so it is less than 50%. I appreciate the information and time Mr. Ward and Mr. Miller gave, and I really appreciate their help. The second theory I want to point out is about allowing a building permit as long as you accept the variance will be issued only when there is a violation of the statute, and I don't feel there is a violation of the statute. This does not increase the water in the floodway so it is not in violation. I have been assured that HUD feels this type of addition and improvement is not untypical, and they are not going to refuse to insure these homes because of these additions. They will not stand in the way of approval of these additions or withdraw their insurance program. Mr. Ward also talked to them. If a variance is required, I feel the provisions of the statute under Section 9041 are fulfilled. It would be a hardship if it had to be torn down. There is a question for a variance from Section 3.017 for Site Plan approval. This is not an application for construction to be, but for construction that is already up. I believe the Planning Board would be more interested in new subdivisions. I don't feel the need to send anything back to the Planning Board if this does not affect the floodway.

MS. CHAPMAN: What are your plans for the rest of the structure?

MR. DAVIS: Rebuild it.

MS. CHAPMAN: Within the original dimensions?

MR. DAVIS: No.

MR. RIDER presented a picture of the home and surrounding area.

NO ONE SPOKE IN FAVOR OF OR IN OPPOSITION TO THE APPLICATION.

D E C I S I O N S

APPLICATION NO. 1

Application of Moses Cooper, 7 Baylor Circle, Rochester, NY, 14624, for variance to allow existing garage addition to have 7' side setback (8' required) by 6-23-73 variance at above address in R-1-12 Zone.

UNANIMOUSLY APPROVED with no conditions or stipulations.

APPLICATION NO. 2

Application of Dean James, 29 Lester Street, Rochester, NY 14624, for variance from Section 3.025 of Zoning Ordinance (Site Plan Approval) and for 27' side setback (50' required) and 32' rear setback (50' required) for construction of detached garage at above address in RA-20 and FPO zones.

UNANIMOUSLY APPROVED subject to the following terms and conditions:

1. Adequate anchoring be required for flooding;
2. Subject to sections 3.025 and 9.041 and all subsections be adhered to under the direction of R. Thomas Ward, Building Inspector;
3. There be no servicing of any vehicles besides his own;
4. Approval is subject to the approval of final building plans;
5. There shall be no living quarters of any kind in the addition.

APPLICATION NO. 3

Application of Fred Chidsey, 6 Morrison Avenue, Rochester, NY 14623 for variance from Section 3.025 of Zoning Ordinance (Site Plan Approval) and for 15' side setback (110' required) and 40' rear setback (50' required) for construction of garage

and breezeway at above address in RA-20 and FPO zone.

UNANIMOUSLY APPROVED subject to the following terms and conditions:

1. Adequate anchoring is required for flooding;
2. Sections 3.025 and 9.041 and all subsections be adhered to under the direction of R. Thomas Ward, Building Inspector;
3. There will be no servicing of any vehicles besides his own;
4. The existing garage shall be converted into a family room upon completion of the new garage/breezeway addition.

APPLICATION NO. 4

Application of Don Sayman & Gale Preston, 74 Brook Road, Rochester, 14623, for variance from Section 3.025(a) of the Zoning Ordinance (Site Plan Approval) and for 15' side setback from southeast lot line (50' required) to erect 32' x 35' addition to existing barn at above address in RA-20 and PRO Zone.

UNANIMOUSLY APPROVED subject to the following terms and conditions:

1. Adequate anchoring is required for flooding;
2. Sections 3.025 and 9.041 and all subsections be adhered to under the direction of R. Thomas Ward, Building Inspector;

NOTE: Mr. Ward advised the Board it is not necessary for sealed plans for it will cause unnecessary expense to this applicant and is not required of others.

APPLICATION NO. 5

Application of Dallas D. Davis, 3760 Chili Ave., Roch., NY 14624, for variance from Section 3.016(a) of Zoning Ordinance (Structures not permitted) and Section 3.017 (Site Plan Approval) to allow existing 12' x 20' addition to remain at property located at 20 Willowbend Drive in FW(floodway) zone.

UNANIMOUSLY APPROVED subject to the following terms and conditions:

1. Adequate anchoring be required for flooding;
2. Sections 3.025 and 9.041 and all subsections be adhered to under the direction of R. Thomas Ward, Building Inspector;
3. Subject to Section 3.016 D of the Zoning Ordinance.

APPLICATION NO. 6

Application of DeCrocce & Kuhs, 3313 Chili Ave., Roch., NY 14624, for variance from Section 5.050(b) of Zoning Ordinance to allow a dumpster on site for bowling alley at above address in C-2 zone.

NOTE: Although this application has not come back from the County, MR. WARD advised the Board to vote because he did not feel this application had to go to the County for review anyways.

UNANIMOUSLY APPROVED subject to the following:

1. Subject to Placement by the direction of the Building Inspector, R. Thomas Ward and to be placed in the southwest corner if possible and not as shown on the original plan;
2. The enclosure shall be chain link with locking gates;
3. Mr. DeCrocce shall assume full responsibility for the maintenance and upkeep of the dumpster and enclosure.

OLD BUSINESS:

MR. NOWICKI inquired about the Spector's Trailers. MR. WARD said some are for sale. MR. NOWICKI would like to see papers served on them.

MR. WARD has not talked to the Chinese Restaurant or Cori's Restaurant about their "open for lunch" signs. He will try to do so.

MR. WARD requested the Zoning Board issue a letter to the Town Board urging them to adopt the Zoning Ordinance changes. MR. NOWICKI expressed his concern that the changes be adopted as soon as possible for the Zoning Board and Building Dept. need them desperately.

MR. NOWICKI stated if the old sign frames could be removed from the hardware store.

MEETING ADJOURNED at 10:00 P.M.

dai

ZONING BOARD
June 26, 1979

A Meeting of the Zoning Board of Appeals was held on June 26, 1979, in the Chili Administration Offices, 3235 Chili Ave., Roch., NY 14624, at 7:30 P.M. The meeting was called to order by the Chairman, John Nowicki.

ROLL CALL: John Nowicki, Janice Chapman, Gerald DeGraff, Bob Burnett, Shirley Whelpton

ALSO PRESENT: Mr. Ward, Bldg. Inspector; Dept. Town Atty., Daniel Miller

MOTION MADE by MR. BURNETT and SECONDED BY MR. NOWICKI to accept the minutes of the May, 1979, meeting. UNANIMOUSLY APPROVED.

APPLICATION NO. 1

Application of Jonh & Mary Bolam, 4215 Buffalo Road, North Chili, NY, 14514, for variance to erect addition to single family dwelling 40' from front lot line (100' required), no closer than existing house at property located at above address in R-1-12 zone.

MARY BOLAM: We just want to erect a family room. This is an older home, built before the Zoning rules applies. It will also have extra bathroom facilities. The whole house is within the 100 foot limit.

MS. CHAPMAN: Where is the new family room to be located?

MR. WARD: The setback will be beyond the existing setback. It is a local matter.

MR. NOWICKI: Then we can vote on this tonight.

NO ONE SPOKE IN FAVOR OF, OR IN OPPOSITION TO THE APPLICATION

APPLICATION NO. 2

Application of Edward Force, 20 Berna Lane, Rochester, NY, 14624, for variance to erect addition to garage 6' from south lot line (10' required) and 75' from rear lot line (90' required) at property located at above address in R-1-20 zone.

MR. FORCE: I am asking to make a 2 car garage, 23 feet. The present garage is 13½ feet. I am extending about 8 feet.

MR. MILLER: Your property is pie-shaped?

MR. NOWICKI: You are just going to change the apron a li-tle bit?

MR. FORCE: Right.

NO ONE SPOKE IN OPPOSITION TO, OR IN FAVOR OF, THE APPLICATION.

APPLICATION NO. 3

Application of Schiano Sales & Service, Inc., 2950 Chili Ave., Roch., NY 14624, for land use variance to allow used car sales at former gas station at property located at above address in C-1 Zone.

MR. WILLIAM MC DONALD, ATTY.: I wrote a lengthy letter that sets forth the reasons we are seeking this use variance. Basically, the use variance would not be detrimental to any of the adjacent homes. The property has been used for more than the past 20 years. Originally, there was a conditional use there. It has been operated as a used car dealership. And, as far as I know, there have been no complaints as to the way the property is maintained or the volume of traffic. On the contrary, because it is a used car lot, and does not attract an in and out customer business, it generates less traf- fic in the area. It is at a point where Chili Avenue and Chestnut Ridge Road merge together. It is to your advantage to have it like that. The other reasons are in the letter. I would also like to add, from the Town Zoning Ordinance, this application complies as set forth in section 9.040. This is necessary for the preservation of the property right because I don't believe the land is siutable for much else. Some of the adfacent uses are a Florist shop, real estate office, accounting firm. It could not be used for any of those purposed for competition reasons. It is necessary for the preservation of the property, because of its unusual shape and location.

MR. BURNETT: As you know, that road is going to be changed. Fenton Road will be brought down west of the property. This will create a blind corner at the location.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date *June 20, 1979*

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

GATES-CHILI NEWS

Issue Dated *June 20, 1979*

Geraldine C. Snyder

GERALDINE C. SNYDER
Notary

NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 19*81*

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 at the Chili Town Offices, 3235 Chili Avenue, Rochester, N.Y. 14624 on June 26, 1979 at 7:30 p.m. to hear and consider the following applications to the Zoning Board of Appeals:

1. Application of John and Mary Kay Bolam, 4215 Buffalo Road, North Chili, New York 14514 for variance to erect addition to single family dwelling 40' from front lot line (100' required), no closer than existing house, at property located at above address in R-1-12 zone.

2. Application of Edward Force, 20 Berna Lane, Rochester, New York, 14624 for variance to erect addition to garage 6' from south lot line (10' required) and 75' from rear lot line (90' required) at property located at above address in R-1-20 zone.

3. Application of Schiano Sales and Service, Inc., 2950 Chili Avenue, Rochester, New York 14624 for land use variance to allow used car sales at former gas station at property located at above address in C-1 zone.

4. Application of Joseph Gallo, 663 Stottle Road, Scottsville, New York 14546 for variance to erect 15' x 16' family room addition to be 16' from side lot line (50' required) at property located at above address in RA-20 zone.

5. Application of Thomas Weller, 3037 Chili Avenue, Rochester, New York 14624 for variance to erect storage shed to be 3' from east lot line (10' required) 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 Zoning Board of Appeals.

John Nowicki, Chairman
Chili Zoning Board of Appeals

Zoning Board

MR. MCDONALD: It is going to make an island out of it?

MR. BURNETT: Yes. I think the state will have to put some type of controls, traffic lights or something. There have been several rather serious accidents in the area.

MR. MCDONALD: Under the properties current zoning, consider that in a C-1, it included grocery stores, and that.

MR. BURNETT: I would think it should be eliminated all together. They are far along with the road now. They will be bedding very shortly. I think they are going to be closing off part of that road.

MR. NOWICKI: It was indicated in the newspapers the other day, the land area that will be left over was going to be given to the landowners and divided among them at no cost. I am just quoting the papers. I have a letter to whom it may concern from Antoinette Rivers stating she lives directly across from them and they have been helpful in many ways. They are neat and she feels pretty lucky having them for neighbors. (The letter was filed with the other correspondence regarding the application.)

MR. NOWICKI: The land in question cannot get a reasonable return and the use will not essentially alter the character of the land are two concerns regarding the use variance. In our comprehensive plan, the area is designated as commercial. I do suggest you may want to consider bringing in an expert in real estate to justify the reasonable return of the land cannot be realized as it is.

MR. MCDONALD: In light of this road that is going to be coming, it is almost obvious that it is not suitable for too much other uses. There are not many people going in and out of there.

MR. BURNETT: His setback is rather limited. When he puts cars there, coming down the new road, you are limiting site visibility.

MR. MCDONALD: The important point to me would be the intersection. If there were a part of the property that would be obstructing the visibility, certainly Mr. Schiano would be willing to reserve that and not park any cars there.

MR. SCHIANO agreed.

MS. CHAPMAN: There are 18 cars on the site this morning. Is that your maximum?

MR. SCHIANO: Yes.

MS. CHAPMAN: What happens to them?

MR. SCHIANO: I sell them.

MR. NOWICKI: Some of those cars are held for retail, or do you auction them off?

MR. SCHIANO: I retail them, and if I can't, I wholesale them.

MS. CHAPMAN: What are your hours of business?

MR. SCHIANO: * a.m. to 8 or 9 p.m.

MR. WARD: I think it might be proper to have a little bit of history on the property.

MR. SCHIANO: Through the last gas crunch, it came to this.

MR. WARD: In 1957, Atlantic Refining Company, originally made application for a gas station, and it was denied. One year later, they refiled for the same use. They were again denied, and they went to court and the courts found it was the best use for the land at the time. A commercial use was the best use for the time. The Court of Appeals overturned the Town decision. That is important to know. The courts in the past, felt it is not suitable property for residential. Following that line of thinking and today's situation, with the gas shortage, long gas lines are starting and if this was still a gas station, the long lines down Chili Avenue could be a hazard.

MR. NOWICKI: What is your home address?

MR. SCHIANO: 7 Phyllis Lane. I have lived there for 20 years.

MR. MILLER: Specifically what hardship do you claim runs with the land?

MR. MCDONALD: If Mr. Schiano were to try to sell this property without the use variance, some of the C-1 uses are already taken up in the adjoining properties. Because of these uses, which are provided for in the C-1, unless this were granted in order to sell the property and recover his money, I doubt he could do so. What could you possibly use the property for? That would be especially true when Fenton Rd. is extended.

MR. MILLER: Is there any unique situation you could state for the Board?

MR. MCDONALD: The shape of it speaks for itself. It is located in a poor spot, and with the extension of Fenton Road, I think the shape and location make it unique.

MR. MILLER: You are saying Chili Avenue to the south and Chili Avenue to the North?

MR. MCDONALD: Chili Avenue does generate a fairly high volume of traffic and that does present a problem for any use which is granted on the property. It would not be a use with a high volume of traffic or it could propose a threat to the adjoining properties.

MR. NOWICKI: Is this business your only means of making a living and supporting your family?

MR. SCHIANO: Yes.

MR. WARD: Would you have any objections to some conditions being placed on this, such as no sanding after 8:30 P.M.?

MR. SCHIANO: I don't do that anyway. We are open to 9 on Monday and Tuesday. The rest of the week, we close at 6 p.m. We have a part time doll up man that comes in. If I was bothering anyone, I have not been made aware.

MR. NOWICKI: Have any violations been reported to your Department in regard to this parcel, Mr. Ward?

MR. WARD: Other than the question on the use, there have been some complaints about items related to the use. The question was as to whether this was a permitted use or if it ever got town approvals. Legally, it had not and that is why he is here this evening. Some of the concerns will be brought out by some people in the audience.

MR. MILLER: If this was approved by this Board, would you object to certain setbacks for the cars you have on display? I realize you are limited in space. Say even to the pavement?

MR. SCHIANO: I have a curb about ten feet from the edge of the pavement. We park our cars against the curb. It would be hard to put them back any further. People would have to see them to sell them.

MR. MILLER: Under the present ordinance, new buildings are required to have a 100 foot setback. You have a building 30 to 45 feet from the road. How much land do you own to the west?

MR. SCHIANO: About 40 feet.

NO ONE SPOKE IN FAVOR OF THE APPLICATION

OPPOSED:

DICK FARONE, 8 IVY CIRCLE: A few people got together for a petition in opposition to this variance. 75 signatures in our surrounding area. I would say 95 percent of the people are opposed. I have two people that were neutral. This has been going on for 3 years. He has been operating illegally. There have been a number of complaints to my knowledge. The noise for one, and how was he operating a used car lot when it is zoned C-1? (He presented his petition to the Board.)

MR. RAJKO KANKARAS requested a copy of the petition.

MS. CHAPMAN: We the undersigned oppose the application of Schiano Sales & Service, Inc. for a land use variance to allow used car sales at a former gas station at 2950 Chili Avenue is how the petition reads.

MR. WARD: If you want to stop by later on, I will run off a copy for you.

MR. KANKARAS: I live 3 houses from there. Last fall, for 1 week, they were working until 11:15 p.m. They were sanding and sandblasting a car. He is not keeping his hours properly.

MR. NOWICKI: Are sales being made beyond 8 or 9 p.m.?

MR. KANKARAS: Working there the door was opened completely. If that intersection goes through, they are going to have lights and flags to attract people and you are coming on a slight curve there. I don't see anybody that can be in favor of this. I am afraid we are going to create another can of worms there. They will be adding a problem to one that is there already. The noise and working hours are bad. Don't trust that letter you got from one person.

MARY LOU OGNIBENE: I am speaking as a member of the Old Ivy Circle Association. Mr. Ward, we all met with you a couple of times last year about Mr. Schiano. That was a complaint.

MR. WARD: That was a complaint as to whether the use ever had been obtained. I also talked to you about your other concerns.

MS. OGNIBENE: Did we ever exchange correspondence?

MR. WARD: A lot of phone calls. A lot of it was verbal.

MS. OGNIBENE: I oppose it personally. I have lived there 8 years, and at times, I have had to go around a delivery truck, usually a double decker that pulls up along Chili Avenue. You have to wait and then pull around the truck and make a quick left. This has happened on several occasions and that is a safety hazard. In addition, we are talking about the road being graded down toward Chili Avenue. My concern is the traffic that now comes east on Chestnut Ridge and South on to Fenton Road will be fed down one road, in front of this station where as before, it went behind his building and then fed into the traffic. I thought that would be a safety hazard. I have also brought a copy of letters that I wrote to the Department of Transportation in 1975 when Reynolds was trying to rezone this property. (She read 2 or 3 letters to the Board - these letters are a matter of public record and filed in the Reynolds file per Mr. Ward). Also, the whole triangle looks terrible for aesthetic reasons. You will find these letters with the Reynolds application. We had a legal firm represent us then.

MR. NICK DRAGONE: I have brought this up several times, and I still don't understand how he sold used cars over there when it was against all the rules of the Town? Who permitted this?

MR. NOWICKI: You are going back before my time. This Board is trying to get them to conform to the ordinance. This has happened the past several years, and we thank Mr. Ward for bringing these things to our attention.

MR. BURNETT: I have been instrumental in some of the Town Boards. Going back many years, little things have occurred, not by the natural approach of the Town, but just that no one was there to oversee the actions that were taking place.

MR. DRAGONE: We have reported this to the Board, and I would like something done.

MR. SAMUEL OGNIBENE: I would like to go on record as being opposed to the application. If a property is in violation, what police powers does your Board have to force them to comply?

MR. NOWICKI: Mr. Ward can notify the owner to come before this Board to seek relief through the Zoning Ordinance. If this Board denies him his place of business and livelihood, he can go to the Court of Appeals. If the Board grants it, you also, have the right to appeal this through the courts.

MR. MILLER: This town has been understaffed for years, and Mr. Ward has tried to do a good job. He now has an assistant building inspector, and maybe within the next two years, we can get some of this under control.

MR. OGNIBENE: The parcel of land in this area has been brought before the Board from time to time. I am concerned when something is made known, maybe some action could be taken. I am opposed to any variance for them. If there is an illegal use of that land, why can't something be done to stop the use of it?

MR. MILLER: The very fact that he is here indicates to me that something has been done.

MR. OGNIBENE: Did you do collision work when you had the station?

MR. SCHIANO: I do my own repairs and paint work. I don't get the gas anymore.

MR. OGNIBENE: You were aware at the time that this was not the place to sell cars?

MR. SCHIANO: I could not get the gas.

MR. OGNIBENE: What if he is denied?

MR. MILLER: Then he can have any of the uses that are allowed in the C-1, such as a beauty shop, grocery store, and that. You may have a more hazardous situation than what he has now, and he doesn't need permission to do any of those.

MR. JACKSON, 2979 CHILI AVE.: If this goes through, what does that allow him to do? We are concerned about the appearance of the property.

MR. NOWICKI: There is a sign ordinance and in order to have those things, he must apply. He continues in his present state. If he decides to do anything at all, he can come back in. This Board has the right to put conditions and stipulations on the use variance, such as painting, dumpsters, landscaping, or anything that might improve the property.

MR. JACKSON: One stipulation should be the hours of operation. Sometimes he is open very late at night. I would like to see a statement that there will not be any lights or signs.

MR. NOWICKI: We don't allow spinners or signs or lights. He would have to come in again.

MR. WARD: I did meet with them and I have heard their complaints. I have investigated and dug through the records. I then met Mr. Schiano. I explained his options and he is in here now.

TOM KEEDETH, 360 HUMPHREY RD.: There are dangerous situations everywhere. How many of those people on the petition submitted tonight are aware of the fact that he can operate a beauty shop or grocery store there? I don't think they are aware of it.

MR. FARONE: Everyone we met with and signed this petition was informed of what the C-1 zone was.

NINA EARLY, 2 OLD IVY CIRCLE: I hear the noise. He has been operating until at least 12 in the evening. If you let him have this, little by little he will add more and more. If we stop it now, he will just have what he has.

MR. WEIL GIULIANO, 2475 CHILI AVE: This hasn't looked good to me for years.

DEE GALLO: I have been listening. Most of you have forgotten that you cannot stop a person from earning a living. I know I don't live there, but there are a lot of things we have to cope with. Everyone has to compromise.

MR. GALLO: I am a truck driver, and I pass his station quite a number of times, and if half the guys keep a car lot up as nicely as that and as clean as that, they haven't got any complaints. If they don't like the late hours, correct that.

ANN CUMMINGS, 10 OLD IVY CIRCLE: This is not the place for this type of operation. I am opposed to the application.

MR. MCDONALD: I think that due to the number of complaints received, that stipulations on the sound blasting and noise could be restricted. Sometimes these people overlook the fact that Mr. Schiano is also a property owner with rights and sometimes these rights conflict with each other. That is what you people are here to decide. The use has been going on for 6½ years.

MR. NOWICKI: Is there anything you would like Mr. Schiano to do to make this better for the community?

MARY LOU ZITEFOGEL, CHILI AVE: Can there be any restrictions on the number of cars on that lot? In the winter time, that could pose a problem with the plowing.

MR. VASILE: Mr. Schiano does have a right to make a living, but I feel restrictions should be placed on this. Anyone who is buying a car has to come in a car and that will create traffic, and I don't think that property is big enough. The customers may park on Chili Avenue. I don't think that lot is big enough for a car lot with sales and repairs. Could there be a restriction that this be for sales, and he could have another lot somewhere for repairs?

MR. SCHIANO: How come nobody ever said anything to me? You should have come over, and said something to me. Nobody said a word. If I had known, maybe I could have

done something about it. As far as traffic, I don't sell more than 15 cars a month. Sometimes people don't stop for a week or more. It is not as much traffic as a gas station.

MR. OGNIBENE: I think the responsibility is the Towns to come to you.

APPLICATION NUMBER 4

Application of Joseph Gallo, 663 Stottle Road, Scottsville, NY 14546 for variance to erect 15' x 16' family room addition to be 16' from side lot line (50 feet required) at property located at above address in RA-20 zone.

MR. GALLO: The situation is we had a home built 9 years ago, and built a family room that we thought would be big enough, but now, I have grandchildren and it is not big enough. I am going to put a small addition on it.

MS. CHAPMAN: It is on the side toward the empty lot?

MR. GALLO: Yes. My next door neighbor is back about a couple hundred feet. He sees no problems with it what so ever.

MR. NOWICKI: Your neighbors do not object?

MR. GALLO: No.

MS. CHAPMAN: Is that lot empty or is it owned with the next door neighbor?

MR. GALLO: Yes. He owns that lot. It adjoins his property. It also cannot be built on because it is too small.

MR. WARD: Did you live right on the corner of Morgan and the Stottle Road? You don't have the junk cars and trucks?

MR. GALLO: Yes, I own that lot.

MR. WARD: This is off the subject, but what is your intentions with those unlicensed vehicles?

MR. GALLO: They are owned by friends of mine in the city. Now and then, they bring them down and fix them in the shop.

MR. WARD: I did send you a letter.

MR. GALLO: I did take care of that application. You also turned me down when I applied for a house for my daughter on that lot.

MR. NOWICKI: That appearance ticket situation is for all of the conditions around this town that do exist to solve them. If we have a problem, now is the time to discuss it.

MR. GALLO: I will clean up my lot, and you go around Chili and make sure the others are cleaned up.

THOMAS KEEDETH: We are talking about two different lots here. The addition is to be on a different lot, and tax account number. I just want you to be aware of that.

NO ONE SPOKE IN FAVOR OF OR IN OPPOSITION TO THE APPLICATION.

MR. KEEDETH: We had quite a bit of trouble with that lot. We wanted to subdivide the property into 3 lots. We had everything, a surveyor, deep hole tests. The Planning Board approved it, but when it went to the Zoning Board, it was shot down because of lack of hardship because we didn't have enough land. I wanted to build a \$55,000 home there. It was about 3 years ago.

MR. NOWICKI: We have had applications from the R-10 and R-20 zones and have approved them. We have taken the position of working with the landowners, especially farmers with sons and daughters. We have approved them all.

MR. KEEDETH: We were going to beautify the neighborhood. We had all the neighbors here to speak for us. Why lead someone on like that and then shoot them down? I spoke to a lawyer and he said there was no way we could win.

APPLICATION NUMBER 5

Application of Thomas Weller, 3037 Chili Avenue, Roch., NY 14624 for variance to erect storage shed to be 3' from east lot line (10' required) at property located at above address in R-1-15 zone.

MR. WELLER: I have an application for a variance for a utility shed within the 3 foot distance from the east lot line. Presently, there is an acre of garden that backs up to this garden. I have consulted all the neighbors and none of them have any objections. The lot is pie-shaped, and it would be right in the middle of the back yard if I put it in there. It is under the pine trees so it will not be as conspicuous from the road. I am on the south side of Chili Avenue.

MR. NWOICKI: What is the overall size of the shed?

MR. WELLER: 8' by 12'.

MS. CHAPMAN: Is it going on a concrete block?

MR. WELLER: Right now, I would like to make a floor on top of beam. I would rather go concrete slab, but I would rather stay within the building code of a non-permanent structure.

NO ONE SPOKE IN FAVOR OF OR IN OPPOSITION TO THE APPLICATION.

OLD BUSINESS

PERNA HOMES

JIM PERNA: This is the one I showed the Board members the last time I was here. It has the pump station in the corner.

MS. CHAPMAN: What are the dotted lines?

MR. PERNA: The utilities. This particular person is in a problem because the house should have faced DaVinci Dr. but because of the pump station, the house has to face the other way. We have a variance for a 30 foot setback. This house is 2400 square feet. I would think the graage could be cut down. It will face DaVinci Dr. cul-de-sac. This house is also set up for an alderly lady. They sold two homes and now need this house right away. He has an in-law apartment for his own mother-in-law. But, it does not have a separate entrance. I am asking for a 3.5 foot setback from the rear and 45 foot from the front.

MS. CHAPMAN: Where does the driveway come in?

MR. PERNA: The house itself is really nice. The driveway is coming in from the side. He has a porch and he will have the nice backyard in one area. It will look really nice. I need the 4 feet more in the back than I already have. I need a 26 foot setback. I have a signed purchase offer on this. I would like to start the house as soon as possible.

MS. CHAPMAN: How far back are the other houses?

MR. PERNA: Lot 20 backs up to his backyard. It has a side yard with alot of trees. It is under construction now and he has no objections to the situation. There is a neighbor here tonight. That lot is very undesirable. I can't stick a cheaper home in there because of the other homes are \$85,000. We will come into the Zoning Board next month with a proper application.

The Board UNANIMOUSLY supports his application.

DECISIONS

APPLICATION NO. 1

Application of John & Mary Bolam for variance to erect addition to single family dwelling 40' from front lot line (100' required) no closer than existing house, at property located at above address in R-1-12 zone.

UNANIMOUSLY APPROVED provided applicants comply to the Ordinance and State Building and Energy Codes. MRS. WHELPTON ABSTAINED for she came in late and did not hear application.

APPLICATION NO. 2

Application of Edward Force, 20 Berna Lane, to erect addition to garage 6' from south lot line (10' required) and 75' from rear lot line (90' required) at above address in R-1-20 zone.

UNANIMOUSLY APPROVED, MRS. WHELPTON ABSTAINED for she came in late and did not hear the application, provided applicants comply to the Ordinance and State Building and Energy Codes.

APPLICATION NO. 3

Application of Schiano Sales & Service, Inc., 2950 Chili Ave., Roch., for land use variance to allow used car sales at former gas station at property located at above address in C-1 Zone.

DECISION RESERVED due to the volumes of information received. The Board feels that this decision should be researched thoroughly and the minutes are submitted and sent to each member of the Board. This will be decided under old business at the 7-24-79 meeting.

APPLICATION NO. 4

Application of Joseph Gallo for variance to erect 5' x 16' family room addition to be 16' from side lot line (50' required) at property located at 663 Stottle Road in RA-20 zone.

UNANIMOUSLY APPROVED provided the applicant compli-s with the Ordinance and State Building and Energy Codes.

APPLICATION NO. 5

Application of Thomas Weller, 3037 Chili Ave., Roch., NY for variance to erect storage shed to be 3' from east lot line (10' required) at property located at above address in R-1-15 zone.

UNANIMOUSLY APPROVED provided the applicant complies with the ordinance and State Building and Energy Codes.

MR. WARD sent a letter to the Green Dollar Bill Restaurant.

MR. GRECO is coming in 7-10-79 to the Planning Board for a change of use.

MR. NOWICKI thanked the Board for lots of fun. He enjoyed being Chairman and hopes he can use the experience as Councilman.

MEETING ADJOURNED.

dai

ZONING BOARD
JULY 24, 1979

A Meeting of the Zoning Board, Town of Chili, was held on July 24, 1979, at 7:30 P.M. in the Chili Administration Offices, 3235 Chili Ave., Roch., NY 14624. The meeting was called to order by the Chairwomen, Janice Chapman.

ROLL CALL: Janice Chapman, Shirley Whelpton, Jerry DeGraff, John Mallette, Vic Lynd, Bob Burnett

ALSO PRESENT: Mr. Miller, Dept. Town Atty.; Mr. Ward, Bldg. Insp.; Mr. Conolly, Asst. Bldg.Insp.

The Minutes of the Meeting held June 26, 1979, were MOVED FOR ACCEPTANCE by Mr. Bob Burnett, seconded by Mr. DEGRAFF and UNANIMOUSLY APPROVED as submitted.

APPLICATION NO. 1

Application of Tom Roshick, 68 Hubbard Dr., No. Chili, NY, 14514, for variance to construct screen house on existing foundation to be 6' from south side lot line (10' required) at above address in R-1-12 zone.

MR. ROSHICK: I want to build a screen house on the existing site of what was once a storage shed. It will be half screen and half storage. The old shed was run down and rotted.

MS. CHAPMAN: What sort of foundation is there?

MR. ROSHICK: Poured concrete slab.

MS. CHAPMAN: The dimensions of the building will be the same?

MR. ROSHICK: Yes. Post and beam construction. The screen house on the east and storage shed to the west. It will be completely sided on the neighbor's side.

MS. CHAPMAN: You are very close to the lot line with your garage. Is there an existing variance for that garage?

MR. ROSHICK: I don't know. The garage was originally on the site where the screen house is to be. The original owner moved the garage to its present site and built the storage shed. I don't know if he had a variance for that.

MR. LYND: What do you intend to store there?

MR. ROSHICK: Garden equipment, tools, etc.

MR. LYND: You are not going to operate any business there?

MR. ROSHICK: No. The storage will be only one third of the total area.

NO ONE SPOKE IN FAVOR OF OR IN OPPOSITION TO THE APPLICATION.

APPLICATION NO. 2

Application of B & A Paints & Wallpaper Supplies, Inc. 3225 Chili Ave., Roch., NY 14624, for variance to erect a 24 square foot freestanding sign, with more than 3 colors, 4' from highway right-of-way, located at above address and advertising B & A Paint & Wallpaper Supplies, Inc., in C-2 zone.

ANN RIOLA, 54 RED BUD ROAD: I had submitted papers requesting that a sign for the brand be placed on our location. Tom Ward explained to me that because it is more than 3 colors, with the logo with the "D", we do have to come in. We do have a Benjamin Moore sign, which is just 3 colors, that will be standing in the same location should there be any problem. I have submitted the DeVoe brochures.

MS. CHAPMAN: I presume you are intending to use the existing post?

MS. RIOLA: Yes, I am, and I understand the electric wiring and that has been there. This was placed long before we came along. I want permission to use the same sign and put the new sign in it.

MS. CHAPMAN: The Benjamin Moore sign would still be 4' by 6'?

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date... *July 18, 1979*

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

GATES-CHILI NEWS

Issue Dated... *July 18, 1979*

Geraldine C. Snyder
Notary

Patricia M. Smith
Patricia M. Smith
Publisher

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 19*80*

Legal Notice

Chili Zoning Board Of Appeals

Pursuant to Section 287 of Town Law, a public hearing will be held by the Chili Zoning Board of Appeals at the Chili Town Offices, 3225 Chili Avenue, Rochester, New York 14624 on July 24, 1979 at 7:30 p.m. to hear and consider the following applications:

1. Application of Tom Boshick, 68 Hubbard Drive, North Chili, New York 14514 for variance to construct screen house on existing foundation to be 6' from south side lot line (10' required) at above address in R-1-12 zone.

2. Application of B & A Paint & Wallpaper Supplies, Inc., 3225 Chili Avenue, Rochester, New York 14624 for variance to erect a 24 square foot freestanding sign, with more than three colors, 4' from highway right-of-way, advertising B & A Wallpaper Supplies, Inc. at property located at above address in C-2 zone.

3. Application of William Johnroe, 77 Lyndale Drive, Rochester, New York 14624 for variance for lot frontage to be 390' (500' required) for proposed lot to be known as Lot 11 of the Hunt Estate Subdivision located on the east side of Stottle Road, approximately 2969' north of Bowen Road in RA-10 and FPO zone.

4. Application of John T. and Rosemary Rowe, 108 Riverside Drive, Rochester, New York 14624 for variance to operate a restaurant and tavern at property located at 2771 Scottsville Road in RA-20 zone.

5. Application of One Step Lawnscape, Inc., 2336 Westside Drive, Rochester, New York 14624 for variance to erect a freestanding sign to be 4' x 5' for proposed landscaping business at property located at 4343 Buffalo Road in C-2 zone.

6. Application of Perna Homes, Inc., 849 Paul Road, Rochester, New York 14624 for variance to build house 45' from DaVinci Drive (60' required) and 28' from rear lot line (90' required) at property located at 28 DaVinci Drive in R-1-20 zone.

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

Janice Chapman
Vice Chairman
Zoning Board of Appeals

Chili Zoning Board

MS. RIOLA: Yes. The Benjamin brochure was only brought in to show that it is only 3 colors.

MS. CHAPMAN: Is there a place on the sign for your firm name?

MS. RIOLA: I don't know.

MR. DEGRAFF: The Benjamin Moore Sign leaves no space for the dealers name.

MS. CHAPMAN: It would still be 4' by 6' then. Tom, as far as that existing post, is there a variance for that?

MR. WARD: Yes. Several years ago there was a variance granted.

MS. CHAPMAN: I know we have been concerned for sometime with the deteriorated sign that was there.

MS. RIOLA: We are asking for the sign because the building sets so far in and the house next door has very high shrubbery. You ca-not see the building until you are practically on top of it, which could cause an accident if someone stops short to find the place.

MR. DEGRAFF: How long will this sign be lit?

MS. RIOLA: The store is open only 2 nights a week. We can put it on a timer and shut it off at whatever time the town wants. 9 or so. It is self-illuminated.

MS. CHAPMAN: What is the value of this sign, in place? The reason I ask is we have an ordinance, which calls for taking down all free-standing signs with the exception of one sign per shopping center. At the moment, we are not enforcing this part of the ordinance. It is being reconsidered and revised. There is a possibility that this may have to come down eventually.

MS. RIOLA: Approximately \$259.

MR. BURNETT: We have been trying to assimilate information relative to the business enterprises that have been advertising. This Benjamin Moore sign does not give the business very much space. The DeVoe sign gives at least two thirds. I would go on record as not recommending the Benjamin Moore for that is advertising the dealer, not the business.

MS. RIOLA: I have considered that. I only submitted that in case the DeVoe Logo was too much with too many colors in it. I wanted to show there was an alternative.

MR. BURNETT: Could you put the sign on the building due to the fact it may have to come down?

MS. RIOLA: Then I will come in for a wall sign if the free-standing sign has to come down.

MS. WHELPTON: Who will repair this sign in the event it is vandalized or needs repair?

MS. RIOLA: I don't know at this time.

MS. WHELPTON: That has been one of the problems of the free-standing sign. They are put up and then left up damaged.

MS. RIOLA: We do pay for the sign, and I would assume we would have to take full responsibility should it break, we will fix it. I would have to find out further on that.

MS. WHELPTON: You will be prepared on your own to replace it and not wait for the company to replace it?

MS. RIOLA: Yes.

NO ONE SPOKE ~~XXXXXXXXXXXX~~ IN OPPOSITION TO THE APPLICATION

IN FAVOR:

Mr. Fitzpatrick - owner of building

MR. WARD: Right now B & A is occupying part of the building. At some future time, there may be 3 or 4 businesses in there. What had you planned as far as signs for these other businesses that go in there? Are they all going to want their own sign?

MR. FITZPATRICK: I would have to fix a base that would satisfy the Board. As far as the number of occupnats, I don't know. The present sign has a variance form 1963. I

think you have to advertise small business when it is mixed in with homes and other commercial property. It is important that some marking be on the street for this business or any other.

MR. WARD: I am concerned that we don't get several requests for 4 or 5 signs, separate and free-standing. It might be better to consider a sign that could be added on to perhaps a 6' by 4' sign that you can add to. There is other space for rent. Are there still 2 poles up?

MR. FITZPATRICK: Right.

MR. WARD: What is the intention for the other pole?

MR. FITZPATRICK: It is not a variance from the same time as the other.

MR. WARD: Are you going to leave it there or utilize it?

MR. FITZPATRICK: We might utilize it for other signs.

MR. WARD: Then you are intending to possibly use it in the future?

MR. FITZPATRICK: Yes.

VINNIE J. FIREMONTE spoke in favor of the application. He needs this sign very badly. If the Board could get together for a sign for the whole building in the meantime, you would issue B & A Painting a sign for a limited time, say 1 or 2 years. Then, if a sign for the complex was to come in, B & A could use that. The bushes from the neighbors home are also causing a problem. If those bushes were down 3 feet, you probably could see the front of the store.

OPPOSED -- MARTIN WEHLY, 46 STOTTLE ROAD: The application reads 4 feet from the right of way. Chili Avenue is a 66 foot road. We are next door and will not allow anyone of the tenants to put there signs out front. I am in the same spot there. I don't think any one of the tenants is going to have any problems once they are there. I want them to have signs on the building, the same color as the building, white. I am concerned when we wind up with 4, 5, or 6 colors or signs in front of the building. People begin to know where they are. The two signs that were on there were knocked apart for years. The main pole is 4 feet into the state highway.

BOB RIOLA: The arm of the sign will go right on the pole. It will not hang out beyond the arm. I also stated I was willing to turn the arm around in the inside.

MR. WARD: The County has localized the matter.

MR. BURNETT: What percentage of the building are you going to occupy?

MS. RIOLA: 1600 square feet. About 23 percent. Our store has a large picture window. There is no way we could place a face sign on the building. The people upstairs would have this sign under their window as well and occupy the whole area, and won't allow them room for their sign.

MR. DEGRAFF: The Directory sign would still be the best way.

MS. RIOLA: Is there any way to ask this women to trim those bushes toward the front?

MR. WARD: I don't know. It never hurts to ask.

MR. FITZPATRICK: This road has never been widened. It might not be widened for another 2 or 3 years. If the road is widened, the sign will have to be back further. If another applicant come in, no doubt we will have to make other provisions for say a directory sign.

MR. BURNETT: Why not consider one sign at this time. That would take care of their immediate problem and also future tenants without new applications?

MR. FITZPATRICK: Well, what if I don't rent the rest of the building for 5 years?

APPLICATION NO. 3

Application of William Johnroe, 77 Lyndale Drive, Roch., NY 14624, for variance for lot frontage to be 300' (500' required) for proposed lot be known as lot 11 of the Hunt Estate Subdivision, located on the east side of Stottle Road, approximately 2969' north of Bowen Road in RA-10 and FPO zones.

MR. EDWARD SUMMERHAS for MR. KLINGINBERGER, who is representing Mr. Johnroe

MR. SUMMERHAS: Approximately a year ago, a survey was made by William Walter. Each of these were well over the 10 acre restriction. At the time, he made not have realized or made allowance for a 500 foot frontage. Some of the lots have been sold as shown on the map. There Mr. Johnroe has bought lot 11 and is trying to develop it. Across the street, there is another subdivision and all of them are 300 foot frontages. We don't think by having another variance here it would be adversely lowering the grade of the neighborhood in the area. You have on your map sketched in the area where lot 11 is in relation to the subdivision across the street with 300 foot frontage lots.

MR. LYND: How many of those 300 foot frontage lots exist?

MR. SUMMERHAS: Three. As I understand it, lots 8 & 9 & 12 have been sold and Mr. Johnroe owns 11. Four out of the 5 have been purchased.

MR. LYND: Did you know why it was done that way, 2-600 foot lots and 3-300 foot lots?

MR. SUMMERHAS: I don't know. I can see the wetlands on one lot and that takes up a major portion of one lot and could explain the reason for it. The other one, I don't see any reasons for.

MS. CHAPMAN: There is adequate land there to accommodate this home and septic system?

MR. SUMMERHAS: Yes. We have taken percolation tests in the area. The leach field is designed to withstand any of the sewage flow they get. The size of the lot is 18.7 acres. We feel that is sufficient for the construction of a single family home.

MR. LYND: Are there any structures built on the adjacent lots?

MR. SUMMERHAS: I don't know.

MR. BURNETT: Why would only 1 person be making an application when the other 2 lots have been sold? Will those other people be appearing before us?

MR. SUMMERHAS: I believe one called the other day. I don't know if we are going to work with him to develop this lot. To my knowledge, we have had no other calls. When we design, we will try to put the houses at the uniform setback with the rest of the neighbors unless they request it to be on a different spot.

MR. LYND: You said there were some houses down the road?

MR. SUMMERHAS: Yes. Right across the road there is at least 3 or 4 houses that have been built within the last couple of years as a 300 foot parcel.

MR. BURNETT: Is there a plat map filed for this area?

MR. WARD: No. He is going through the subdivision approval for that lot now. No dwelling has been proposed yet. This side of the street has not been subdivided yet. The parcels were sold off, and they are under separate ownership and this applicant has been in to the Planning Board for preliminary approval. He has received approval conditional upon the Zoning Hearing and approval of the 300 foot frontage.

MR. MARTIN WEHLY: In favor of the application. That is one of the most beautiful pieces of property of the Town of Chili. This would be the only solution for a sewer and water main in the Town of Clifton. I am all for the 300 foot. It would look terrible to have 500 foot frontages on one side of the road and 300 on the other.

MR. DICK MANOYA: I own a parcel, #12, next to Mr. Johnroe. It is a very picturesque part of the Town of Chili, and I have lived here for 32 years. 300 foot wide home sites would be very appealing regardless of the setback. The terrain and location of the lots 11 and 12 is slightly rolling and very suitable.

NO ONE SPOKE IN OPPOSITION TO THE APPLICATION.

APPLICATION NO. 4

Application of John T. & Rosemary Rowe, 108 Riverside Dr., Roch., NY 14623, for land use variance to operate a tavern at 2771 Scottsville Road in RA-20 zone.

MR. JOHN ROWE: (read his letter for application) The building has been a restaurant for 20 some odd years, and is located on a main road. It is equiped only as a restaurant. We feel we should have the same rights as owners of other properties in the area have. This was originally constructed as a restaurant with permits from the Town of Chili. We would like to have this rezoned, if possible. We purchased this property, and my wife has been in banquet work for 20 years. My son is a ^{chef} and I have worked in many bars and restaurants. We bought this building, and are naturally going to have opposition from the neighbors. I just stand firm in my belief that I should be granted the right to use my property as other people have to use their's.

MS. CHAPMAN: Has this ever been rezoned?

MR. WARD: In the mid 50's someone applied for a grill and tavern in a residential zone. That was granted then renewed. It then lapsed from 1960 on, but continued to operate.

MR. MILLER: That was a special permit, not a variance. It did not run with the land.

MR. WARD: About 2 years ago, we heard another application on the same premises. That was denied.

MS. CHAPMAN: Has it been operating as a restaurant in the interim?

MR. WARD: It hasn't been operating for quite a while.

MR. ROWE: It is a very decent building. We put a lot of money into it. We have completely remodeled the house and my son will be moving in.

MR. DEGRAFF: Will you have alcoholic beverages?

MR. ROWE: My main business will be food. I can apply for a tavern license and then be covered both ways.

MR. LYND: How long ago did you purchase the property?

MR. ROWE: February, 1979.

MR. LYND: At that time, did you realize what the existing zoning was?

MR. ROWE: I understand the people had tried, but hadn't been approved.

MR. LYND: Did you realize at the time you purchased that property how it was zoned? You realized it had been a rural agricultural zone?

MR. ROWE: I heard that, but assumed it was a restaurant and was going to use it as such. I didn't realize you didn't have to get the building in shape before you could apply for application.

MS. CHAPMAN: This property was then never granted a variance that passed with the land

MR. MILLER: No it was not.

MR. BURNETT: As I am hearing now, it hasn't been a restaurant for 8 or more years?

MR. ROWE: In 1946, when the building was built, it was a restaurant. They put him under some strict standards. As I said, it was a restaurant, and I purchased it with the intention of using it as such. I inquired about it before, but thought someone already owned it. Then my wife saw a for sale sign, and we called and followed through.

MR. LYND: Are you claiming hardship for the property itself? What is the reason for this hardship?

MR. ROWE: I bought it to operate as a restaurant.

MR. LYND: But you did buy it knowing that it was not zoned to be a restaurant. You made your own hardship. Do you feel the restaurant you are going to put in would have any effect upon the character of the neighborhood?

MR. ROWE: I have worked in them and run them. I know the procedure and know how to control them. I understand there was a broken bottle fight there before at one time and I would not let anything like that happen.

MR. LYND: The character of that land is basically residential. You have houses on both sides of the building.

MR. ROWE: Right.

IN FAVOR: MRS. ROWE: I want a place with a little class. I run the Sheraton Motor Inn and that is the type of thing I would like. I don't want just a bar and grill. I don't want a rough, tough, beer joint.

ROBERT ROWE: I am definitely in favor of this being run as a family type restaurant. We have replaced the copper plumbing, and are prepared to completely relandscape the outside of the property, which is an eyesore. We have spent a number of hours and dollars in the house right next door to remodel it. Everything is remodeled. We are prepared to renovate the entire building.

IN OPPOSITION:

SHIRLEY WAINWRIGHT, 9 JERET ROAD: For years we lived in hell there with the other restaurant. Cars were parked up and down the street. You can't get out of therein case of emergency. We had fights, people on our porch who were stabbed and that. I don't want anybody in there with any selling of liquor of any kind.

HARLOW WAINWRIGHT, 9 JERET ROAD: The area is all residential. There is no commercial in there. Mr. Rowe is far out of line. There has been a heck of a lot of problems in the area, and I don't want any part of it.

GEORGE JERET, 11 JERET RD: I want to voice the same objections. What are the hours of operation?

MR. ROWE: Probably until 11 or 12 o'clock. You don't have to stay open to 2 a.m. because you are allowed to.

MR. FERET: I have no objections against the family type restaurant. It is an eyesore in there now. The liquor is my main objection. We do have kids there and the road does come off on a corner, and we did have problems with parking. We had our house torn up. If it is approved, I would like to see some blockage to block off our area and the restaurant. A fence or something. A sound barrier. A row of Evergreens would be nice. Would you be having any bands or entertainment?

MR. ROWE: I hadn't planned on anything like that. If we run a small wedding or anything, yes.

MS. ROWE: I can't have a big wedding there.

MR. JERET: Nobody in the area has any air conditioning and the noise does travel.

MS. ROWE: We will have air conditioning and keep our windows closed.

JIM WAINWRIGHT: We have had problems with the people before. If they are going to have music, if they would keep it until about 11 or 12 o'clock. I have 2 small children and another on the way. The man before had straight liquor and we had a problem. I can see a family restaurant with dinner and that.

ANDREW DISORE, SCOTTSVILLE RD: I am all in favor of a family type restaurant, but I am completely against any alcoholic beverages on that property. It would be a complete misuse of the land. If someone straightens up and makes it look suitable, it will be a great improvement and make the general area look better.

MR. LYND: What is your own feelings to operating a restaurant without liquor?

MR. ROWE: All I can say is if I run a restaurant there is no way liquor wars would happen. If I could make a living at it, I would be glad to try it. If you can't accommodate them both ways, when I go out, I like a drink before I eat. We will stay within the law and be adamant about enforcing any kinds of laws. I have 3 boys and I know how to put a hand on them if I have to. I believe I will get good cooperation.

MR. BURNETT: How much research have you done to see if they need a restaurant?

MR. ROWE: I have lived in the area for 35 years and that was available. If the fellow at the hotel just sends me his overflow, I would have enough.

RON WAINWRIGHT: There is not a restaurant between the Town of Calendonía or the City line where the ten wheeler can pull off the road and safely have a bite to eat. This is the only restaurant on route 383 up to just before Olympic Park.

APPLICATION NO. 5

Application of One Step Landscape, Inc., 2336 Westside Dr., Roch., NY 14624, for variance to erect a freestanding sign to be 4' x 5' for proposed landscaping business at property located at 4343 Buffalo Road in C-2 zone.

BOB OTTLEY, 2336 WESTSIDE DR: I just recently got approval from the Planning Board to operate my business. It is just storage of equipment and supplies. The reason I would like a sign is to show people I am a local business in the Town and that I have had a problem myself driving by the place. It sits back from the road, behind the house. The main purpose is for deliveries and customers that come to the location to go over plans for landscaping and look over different types of shrubs to use and pay bills.

MS. CHAPMAN: You do not occupy the house?

MR. OTTLEY: No, I don't. The sign would be wooden, like the Duncan & Hill sign. But, down lower on the ground, 4 by 4 frame with a painted sign in the middle. No lights. It would set back beyond the right of way for Buffalo Rd. and not interfere with any driveways in the area.

MS. CHAPMAN: Would you be willing to accept that it have to be put up under the direction of the Building Inspector?

MR. OTTLEY: Sure. That is fine. There is an existing post there. I am not going to be using that. My landlord is supposed to take that down.

MS. CHAPMAN: Normally, we allow a maximum of 3 colors. What will it be?

MR. OTTLEY: Just 2 colors. White with green lettering.

NO ONE SPOKE IN FAVOR OF OR IN OPPOSITION TO THE APPLICATION.

APPLICATION NO. 6

Application of Perna Homes, Inc., 849 Paul Road, Roch., NY 14624, for variance to build house 45' from DaVinci Dr. (60' required) and 26' from rear lot line (90' required) at property located at 28 DaVinci Drive in R-1-20 zone.

JAMES VALERIO: Mr. Perna is away and asked me to come in.

MS. CHAPMAN: He was in last month and discussed this with us. Is there anything further you would like to add?

MR. VALERIO: All I can say is the house will not detract in the least. I live 5 houses down and this is a corner lot.

MR. MILLER: This is the lot with the pmup station?

MR. VALERIO: Right.

MS. CHAPMAN: The driveway is in from the side?

MR. VALERIO: Right. The setbacks are from the easement line, not the road. The easement is about 10 to 20 feet. It is much further from the Road than it seems.

NO ONE SPOKE IN FAVOR OF OR IN OPPOSITION TO THE APPLICATION.

INFORMAL: OLD BUSINESS - application of Schiano Sales & Service, Inc., 2960 Chili Ave., Roch., NY for land use variance for used car sales in C-1 Zone.

NO ONE WAS PRESENT TO REPRESENT THE APPLICATION.

The Board recessed at 9:25 P.M. and reconvened at 9:35 P.M.

DECISIONS

APPLICATION No. 1

Application of Tom Roshick for Variance to construct screen house on existing foundation to be 6' from south side lot line (10' required) at 68 Hubbard Drive, North Chili, New York 14514, in R-1-12 Zone.

UNANIMOUSLY APPROVED

with no conditions or stipulations.

APPLICATION NO. 2

Application of B & A Paint & Wallpaper Supplies, Inc., 3225 Chili Ave., Roch., NY 14624, for variance to erect 24 sq.ft. freestanding sign with more than 3 colors 4' from highway right-of-way, advertising B & A Paint & Wallpaper Supplies, Inc. in C-2 zone.

UNANIMOUSLY DENIED. A Director Sign - one side divided equally for all businesses that will occupy the space in the building will be approved upon application.

APPLICATION NO. 3

Application of William Joharoe, 77 Lyndale Dr., Roch., NY 14624, for variance for lot frontage to be 800' (500' required) on proposed lot to be known as lot 11 of the Hunt Estate Subdivision, located on the east side of Stottle Road approximately 2969' north of Bowen Road in RA-10 and FFO zone.

UNANIMOUSLY APPROVED with no conditions or stipulations.

APPLICATION NO. 4

Application of John T. & Rosemary Rowe, 108 Riverside Dr., Roch., NY 14623 for land use variance to operate a restaurant and tavern at property located at 2771 Scottsville Road in RA-20 zone.

DECISION RESERVED pending more detailed information on landscaping, parking, menu, hours of operation and pictures.

APPLICATION NO. 5

Application of One Step Lawnscape, Inc., 2336 West Side Dr., Roch., NY 14624 for variance to erect a freestanding sign to be 4' x 5' for proposed landscaping business at property located at 43433 uffalo Road in C-2 zone.

UNANIMOUSLY APPROVED subject to the following suggestion: removal of the previous sign post per Section 6.022 subsection 0, and the electrical be disconnected. ALSO the sign is to be installed under the direction of the Building Inspector.

APPLICATION NO. 6

Application of Perna Homes, Inc., 859 Paul Road, Rochester, NY 14624, for variance to build a house 45' from DaVinci Dr., (60' feet required) and 26' from rear lot line (90' required) at property located at 28 DaVinci Dr. in R-1-20 Zone.

UNANIMOUSLY APPROVED with no conditions or stipulations.

ODL BUSINESS:

APPLICATION OF SCHIANO Sales & Service, Inc., 2950 Chili Ave., Roch., NY for land use variance on used car sales in C-1 Zone.

NOTE: Although Mr. Mallette and Mr. Lynd were not present at the last meeting when the application was presented, both have gone over the minutes thoroughly and feel confident to vote on the application. They also have discussed with Mr. Schiano his application.

APPROVED by the following vote: Ms. Chapman, aye; Ms. Whelpton, aye; Mr. Mallette, aye; Mr. Lynd, aye; Mr. DeGraff, aye; Mr. Burnett, no.

SUBJECT to the following terms and conditions:

1. No doll up work after 9:00 P.M. or at all on Sundays;
2. Hours of operation shall be 8:00 A.M. to 9:00 P.M.;
3. No sales after 9:00 P.M. or on Sundays;
4. No expansion;
5. Limit of 25 cars on the property at any one time;
6. No cars shall be parked on West lot line and that 3 parking spaces be designated for customer parking ONLY and clearly marked.

MEETING ADJOURNED

dai

ZONING BOARD
AUGUST 28, 1979

A Meeting of the Zoning Board, Town of Chili, was held on August 28, 1979, at 7:30 P.M. in the Chili Administration Offices, 3235 Chili Ave., Roch., NY 14624. The Meeting was called to order by The Chairwomen, Janice Chapman.

ROLL CALL: Janice Chapman, Jerry DeGraff, Vic Lynd, Bob Burnett, Leo Bean

ALSO PRESENT: Bob Connolly, Bldg. Inspec.; Mr. Miller, Town Dept. Atty.(arrived late)

The Minutes of the Meeting held July 24, 1979, were amended and UNANIMOUSLY APPROVED as amended.

APPLICATION NO. 1

Application of Steven Valvano, 86 Hubbard Dr., No. Chili, NY, 14514 for variance to erect garage addition 52' from front (60' required) and 4.5' from side lot line (10' required) and family room addition to be 8.5' from side (10' required) at property located at above address in R-1-12 Zone.

STEVEN VALVANO: We intend to erect the structure described. The garage will be adjacent to the existing building. The family room will be adjacent to the east side of the house and the east side of the new garage.

MS. CHAPMAN: Your lot is 75 feet wide?

MR. VALVANO: Right.

MS. CHAPMAN: There is no need to come near your back lot?

MR. VALVANO: Right. It will be on a concrete slab. The elevation I believe is 12 to 16 feet.

MS. CHAPMAN: The house next door appears to be a little further from the lot line than yours. We are always concerned that emergency vehicles cannot get back there.

MR. VALVANO: That is no problem. A fire engine could get through there with no trouble at all.

MS. CHAPMAN: What is the outside of the structure to look like?

MR. VALVANO: A clapboard facade that is going to look exactly like the existing house.

MR. BURNETT: Half the size of your house will be the family room?

MR. VALVANO: I don't think the room itself is unusually large. Our house is broken up into a number of small rooms, and we need a large area.

MS. CHAPMAN: You have a two story home?

MR. VALVANO: Right. 3 bedrooms on the top floor.

MR. LYND: Could you explain why you have the 8.5' side setback on that? What would be the difference if you set the addition over?

MR. VALVANO: I need the walk through area from the garage into the back yard. There will be a door in there. Our plans for that room are to erect some very needed shelves that will decrease the size of the room.

MS. CHAPMAN: Will there be any other exists out of the family room?

MR. VALVANO: No. The garage will cover an existing door.

NO ONE SPOKE IN OPPOSITION TO THE APPLICATION.

IN FAVOR: Neil CRAMER, 79 HUBBARD DR.: I am in favor of the application. He is a good neighbor.

APPLICATION NO. 2

Application of John Basile, 136 Bowen Rd., Churchville, NY 14528 for variance to erect 20' x 20' detached garage to be 90' from side lot line and 4'8" from rear lot line (10' required) at property located at above address in RA-20 and FPO zones.

JOHN BASILE: I have already applied to combine my lots to eliminate the middle lot line, which will eliminate any problems with the side variance.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date. *August 22, 1979*

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

GATES-CHILI NEWS

Issue Dated *August 22, 1979*

Geraldine C. Snyder
Notary

Patricia M. Smith
Patricia M. Smith
Publisher

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 1981

Joiny Sel book

Legal Notice

Chili Zoning Board of Appeals

Pursuant to Section 267 of Town Law, a public hearing will be held by the Zoning Board of Appeals at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on August 28, 1979 at 7:30 p.m. to hear and consider the following applications:

1. Application of Steven Valvano, 86 Hubbard Drive, North Chili, New York 14514 for variance to erect garage addition 52' from front (60' required) and 4.5' from side lot line (10' required) and family room addition to be 8.5' from side (10' required) at property located at above address in R-1-12 zone.

2. Application of John Basile, 136 Bowen Road, Churchville, New York 14428 for variance to erect 20' x 20' detached garage to be 90' from front (100' required) and 0' from west lot line (50' required) at property located east of 136 Bowen Road in RA-5 zone.

3. Application of Harry Schultz Jr., 26 Alfred Avenue, Rochester, New York 14623 for variance to erect 24' diameter above ground pool 8' from side lot line and 4'8" from rear lot line (10' required) at property located at above address in RA-20 and FPO zone.

5. Application of Frank and Bernard Iacovangelo, 610 Wilder Building, Rochester, New York 14614 for variances to allow two proposed undersized lots on Clifton Road, Lot A to be 1.01 acres and Lot B to be 2.13 acres (5 acres required); and for variance for lot frontages, Lot A to have 120', Lot B to have 244.73' (300' required) at property located 400' east of Chili Riga Townline Road on Clifton Road in RA-5 zone.

6. Application of Perna Homes, Inc., 849 Paul Road, Rochester, New York 14624 for variance to allow single family dwelling to be 54' from rear lot line (64' required by 7/25/78 variance) at property located at 38 DaVinci Drive in R-1-20 zone.

7. Application of Claude Hyatt, 118 Names Road, Rochester, New York 14623 for variance to allow construction of garage to be 21' from Lester Street (100' required), 14' from side lot line (50' required) and variance from Section 3.025 of Zoning Ordinance (Site Plan Approval) at property located at above address in RA-20 and FPO zone.

8. Application of B & A Wallpaper and Paint Store, 3225 Chili Avenue, Rochester, New York 14624 for variance to erect freestanding directory sign

36' from west side (50' required), 16' from east side (50' required) and 68' from front line (100' required) and for variance from Section 3.025 of Zoning Ordinance (Site Plan Approval) at property located at above address in RA-20 and FPO zone.

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

Janice Chapman
Chairwoman, Chili Zoning
Board of Appeals

MS. CHAPMAN: As I understand it, the Planning Board has waived the subdivision requirement and these 2 lots will now have 1 tax account number?

MR. BASILE: Right. The only other problem is the front distance. I have 98 and $\frac{1}{2}$ and need 100'. I found out that I could take the average of the 2 houses on each side of mine and that turns out to be 80 feet, so I am alright there. I will not need a front setback.

MS. CHAPMAN: What do you plan to do about a driveway?

MR. BASILE: I have already started a turn around driveway to that garage. The material will be the same material, the same siding and roofing, of the existing house. I would like to make it a little bigger than 20 x 20 foot.

MS. CHAPMAN: There will be no problem as far as side setback. That information will have to be submitted in its final form in order for you to get a building permit. Will this go on a concrete pad?

MR. BASILE: Yes.

MS. CHAPMAN: You have no other plans for this other lot? A house or something?

MR. BASILE: No. That is the beauty of the lot. The woods and the privacy.

MS. CHAPMAN: Now that you have complied and combined that, you can have only 1 house.

MR. BURNETT: Is there a present garage?

MR. BASILE: There is a one car garage. That will be turned into a living space eventually. We have no upstairs or basement, and we are hurting for space. That is one of my reasons for making the garage as big as possible.

MR. BEAN: Is there a special reason for the garage being 26 feet from the side?

MR. BASILE: Any closer from my point of view, would not look the way I want it to look. It is just for looks, only. I don't want it attached because I occasionally do work on my cars, and I don't want that smell to get into the house.

MR. DEGRAFF: You are not going to be repairing cars for other people?

MR. BASILE: No. I have a sports car.

MR. BURNETT: Are you going to leave the shed in that position?

MR. BASILE: Yes. I am going to leave it where it is.

NO ONE SPOKE IN FAVOR OF OR IN OPPOSITION TO THE APPLICATION.

APPLICATION NO. 3

Application of Harry Schultz, Jr., 26 Alfred Ave., Roch., NY 14623, for variance to erect 24' diameter above ground pool, 8' from side lot line and 4'8" from rear lot line (10' required) at property located at above address in RA-20 and FPO zones.

MARY ANN SCHULTZ: We have a pool there now. If we went by the requirements, it would leave us no room for a pool. The children wanted a pool, so I had one put in.

MS. CHAPMAN: You mentioned in your letter there is a wire there?

MS. SCHULTZ: We have contacted an electrician, and he is going to remove that. It will be relocated and hooked to the side of our house.

MS. CHAPMAN: I went over there and looked at the lot and can see what your problem is. Naturally, these problems should come in before the pool went up. You should have been informed by who ever you bought the pool from. Your rear yard is fenced in?

MS. SCHULTZ: Yes. Completely. I think it is 4 feet high.

MR. CONNOLLY: I would say it is about 5 feet high.

MR. BURNETT: You are moving close for the rear lot line. Is there a neighbor in back?

MS. SCHULTZ: Behind my house is an empty lot. It is like a woods. There is a house kiddie-corner.

MR. BURNETT: A 20 foot pool would have put you in scope of the town regulations.

MS. SCHULTZ: I don't even know if you can get those.
 MS. CHAPMAN: Is there a possibility the land is landlocked?
 MS. SCHULTZ: It comes out on another street. I guess it would be a saleable lot. I don't know who owns it.

MS. CHAPMAN: Did you realize there are other requirements about where the electric comes for the filter and that? They are quite strict now.

MS. SCHULTZ: I am aware of those regulations.

NO ONE SPOKE IN FAVOR OF OR IN OPPOSITION TO THE APPLICATION.

APPLICATION NUMBERS 4 and 5 were taken out of order until legal council could be present. The applicants had no objections to this.

APPLICATION NUMBER 6

Application of Perna Homes, Inc., 849 Paul Rd., Roch., NY 14624, for variance to allow single family dwelling to be 54' from rear lot line (64' required by 7-25-78 variance) at property located at 38 DaVinci Drive in R-1-20 zone.

JAMES PERNA: We ran into another problem. The last few lots I have got there are so odd-shaped, we did that for area. To keep the house in line with the rest of the houses, we need the variances. This particular development, because we have the 90 foot rear setback, we are running into problems.

MR. BURNETT: How was this laid out when you first filed for plat plan?

MR. PERNA: When you get into something of this size, you don't know exactly who is going to build there. I didn't even know this house was off by 10 feet until after we went to close. The surveyor just thought the house would look better centered.

MR. BURNETT: Why didn't you stay to your original plan?

MR. BERNARD IACOVANGELO, ATTY: They had smaller homes in mind. They didn't realize these people wanted bigger homes. Mr. Perna is building custom homes. He had developed a very well designed subdivision. People are asking for extras. Or, they want to change the garage or something. In order to facilitate these people, he has had to vary his design. The setback areas are still good because these are good sized lots. This was their first full track of homes. Initially, they didn't know what kind of client was going to come in. It is very beautiful in there.

MR. PERNA: I turned a way alot of \$100,000 customers for my cul-de-sac because they just wouldn't fit in there.

MS. CHAPMAN: It looks good. We will agree on that.

NO ONE SPOKE IN OPPOSITION TO THE APPLICATION.

MR. GERALD ROSENBERG, 38 DaVinci Dr. is in favor because he lives on the lot.

APPLICATION NO. 7

Application of Claude Hyatt, 118 Names Road, Roch., NY for variance to allow construction of garage to be 21' from Lester St. (110' required) 14 feet from side lot line (50' required) and variance from Section 3.025 of the Zoning Ordinance (Site Plan Approval) at property located at above address in RA-20 and FPO ZONES.

MR. HYATT: I have pictures of this. We have a variance from 1971 for the same thing. I am finishing up this. I got sick in the meantime and didn't get it finished. Then, I lost my wife and for 3 years, I didn't do anything. We had the foundation in. I am tearing down the old garage that was falling down. I have got it partially done. I have got to do my own work on my car because I can't afford a mechanic.

MS. CHAPMAN: Will you tell me about your lot as a whole?

MR. HYATT: It is a corner lot that is wedge-shaped. All I have done is taken the roof off and made the house look presentable. I am vulnerable from all sides. The women in back of me does not care to sell any of her land. I did want to purchase some of it although I don't need the room. The Names Road is off-centered. It is closer to the other side of the road than my side.

MS. CHAPMAN: How far are you from the street?

MR. HYATT: It is not a square lot. I am getting this built up. The pictures are what I have up already.

MS. CHAPMAN: Your addition is 20' by 23'?

MR. HYATT: That is correct. That will finish this up. That footing is all in.

MS. CHAPMAN: What are your plans for the garage? Are you going to have the same siding as the house?

MR. HYATT: Yes. It will be cinderblock. In another year, I am going to put a fiberglass stucco on the whole place so it will all look the same. I am shingle the front for a little variety.

MR. CONNOLLY: This has been rezoned and that is the reason he is here again.

MR. LYND: What is the intended use?

MR. HYATT: Storage. I have 3 vehicles.

MR. LYND: You don't have any plans to open a business or anything?

MR. HYATT: No. I would just like to retire.

MR. LYND: Will the present garage still be a garage or are you going to use it as living space?

MR. HYATT: It will be storage. I can put my boat in there. One end of the garage will be a breezeway or family room type thing. There was a drawing up here that I put in originally.

MR. CONNOLLY: It is not really a garage now. He can't put a car or anything in there. It is a workshop more than a garage.

MR. HYATT: At the end of the house there will be a breezeway, 12 feet. It is 24 feet total. The other part is a small workshop. The house is 24' wide by 38 feet long.

MS. CHAPMAN: Are these buildings that are falling going to be removed when this addition comes in?

MR. HYATT: They are all coming down now because I am using the cinderblock. I have built up all around me to get out of the water if I can.

NO ONE SPOKE IN FAVOR OF OR IN OPPOSITION TO THE APPLICATION.

APPLICATION NUMBER 4

Application of Larry DeFeo, 4371 Buffalo Road, North Chili, NY 14514 for variance to construct service kiosk 26.6 feet from Buffalo Rd. (100' required) at service station located at southwest corner of Buffalo Rd. and Union St. in C-2 zone.

MR. DEFEO: We have an existing service station there. This operation has a canopy over the pump island. Now, the cashier sits in the office of the old building and takes the customers money as they come into the office. We are having a series of hold ups and that. One death in Rochester. We are in the process of changing 11 of these locations for maximum security conditions, which consist of bullet resistant metal siding on the building. We are asking for a variance for a kiosk to house the cashier. It will be of metal construction with bullet resistant glass on three sides. It will house the cashier, who is usually female. We are trying to offer as much protection as we can. It will not increase the gallonage at the location or the business. It is a security measure. I am asking for the variance because the kiosk can only go in one position, approximately 3 feet at the end of the island. It is predetermined. The present building will remain as is and be used only for supplies. The building will not be removed. The front of the kiosk has a metal cash drawer so the transactions are completed through the cash door so the person on duty will not have to leave until closing.

MS. CHAPMAN: I am concerned about the existing building. We have had several applications for self-service groceries to go into existing service stations. I can imagine that type of request coming in from this location.

MR. DEFEO: We have no intention of converting the building into a quick service operation. We have done a total of 12 of these in the area. They are operated on the basis of multi-lease operations. The 12 locations are divided into three

owners, each one has 4 stations. They supplement their incomes from the items they sell at the service station. They have no desire to go into the food business or to use the present buildings for selling other items. They will sell cigarettes through the cashiers drawer, just by the pack. The bays of the station have been blocked up for 3 years now. There may be materials stored in there, but no mechanical work at all is going on.

MR. BURNETT: You are only a few feet off the road. Why don't you try to put it closer to an existing building?

MR. DEFEO: The building is maximum security regardless of where it is. I don't think it could be any more or less safe. I do see your point. This location has to be at the island so there will be a smooth flow of traffic and the cashier will have full visibility of the islands. We are trying to get away from making the whole building bullet resistant. In order to protect the cashier, we do hope one day the service station will be open at night. We have a similar location down on Mt. Hope and Crittenden in Rochester. We don't foresee any problem.

MS. CHAPMAN: I envision people driving up to the kiosk and not walking there.

MR. DEFEO: I thought of that. We have alarms and teach the cashier to take plate numbers and report them to the police. We have fire fighting equipment at each island and an intercom, so the cashier can talk to everyone.

MR. LYND: Will this additional security make it more likely that you will stay open into later hours?

MR. DEFEO: With daylight savings coming and shorter days, even if we close at 7:00 p.m., they will be working in dark hours.

MR. MILLER: Does your lease provide any restrictions for the owners to operate anything besides a gas station there?

MR. DEFEO: They cannot do anything else without our permission.

MR. MILLER: Then you know that you are going to have to come before this board if you decide to do anything else with it?

MR. DEFEO: Yes.

NO ONE SPOKE IN FAVOR OR IN OPPOSITION TO THE APPLICATION.

APPLICATION NO. 5

Application of Frank & Bernard Iacovangelo, 610 Wilder Bldg., Roch., NY 14614 for variances to allow two proposed undersized lots on C Clifton Road, Lot A to be 1.01 acres and Lot B to be 2.13 acres (5 acres required); for variance for lot frontages on lot A to be 120' and lot B to be 244.73' (300' required) at property located 400' east of Chili Riga Townline Road on Clifton Road in RA-5 zone.

DONALD AVERY, ARCHITECT: Presently, this is vacant. It is part of a larger parcel owned by Mr. Iacovangelo. The first lot would be 1.01 acres rather than 15 acres that is required. This shows a general layout of where the house will be. The existing houses are all comparable to this. There are homes all across the street and next to these lots. Presently, this land is not being used at all. It is not being farmed or anything.

MR. BURNETT: Why would you select one with 2.13 acres and one with 1.01? Why not split it down the middle?

MR. AVERY: I have got to stay away from the creek that is down here. We do not want to just split it down the center. The Health Department does not like to have your leach fields closer than 100 feet to this creek.

MS. CHAPMAN: One other arrangement would be to make this 1 lot, which would still be substantially sub-standard. Is there some sort of hardship that attaches to this property that it cannot be preserved as RA-5?

MR. AVERY: The rear line squares the property off with the existing properties in the back.

MS. CHAPMAN: What is the total size of the property?

MR. IACOVANGELO: It is about 53 acres. Along that particular roadway, the lots that exist are smaller homes and the 5 acres lot will cost substantially more than a 1 or 2 acre lot. The question of marketability is there. It is almost impossible to sell that size a parcel of land for people that would build in that area. Certainly I can't see anyone building 3200 square foot homes in the village of Clifton. This parcel is squared on 4 roads and is the only property adjacent to the Clifton Road. To make it 5 acres would blossom it out into the rear lot lines of adjoining properties. Even that 3 acre lot cost wise, for what houses there are along that road will be a definite hardship.

MR. MILLER: Do you own any property to the east or west on Clifton Road?

MR. IACOVANGELO: In order to build my home, I had to apply for a 2 lot subdivision I own the 5 acres where my home is. My brother and I own the balance of it together. There is no other lots that have been subdivided out of there. I think we are at a 4 lot subdivision stage.

MS. CHAPMAN: There has been no attempt previously on marketing this area as a 5 acre lot?

MR. IACOVANGELO: I have had numerous requests from builders, Toper Construction for one, who have asked if I would be interested in selling some acreage. I have had an inquiry for a lot on that particular road. Some of the lots near there are so small, it is impossible to build anything there. There are 1 or 2 that don't perc. out. There is a real need among the local people to have a lot of this size. It is hard to find smaller lots in that area because it is zoned RA-5; not everyone can afford 5 acres of land. I think it is not the intention of the Town of Clifton to provide those big lots. With the price of construction today . . .

MR. LYND: What are the lots to the west and east presently used for?

MR. IACOVANGELO: To the west there is the old farm house and to the east there is a home that is owned by Mr. Nothnagle. It creates a real nice picture in there. This is the only piece of land that is not trimmed or cut. I think it will be nice to have a new home in there. Mr. Nothnagle's lot size I am not sure about. I would think the other lots are 300 or 400 feet by 400 feet.

MR. BURNETT: Why can't you locate the house on the bigger lot further back?

MR. IACOVANGELO: It would setback farther than the existing homes in the area. It would be aesthetically better to set the homes back near each other.

MR. MILLER: The County Dept. of Health has the final say where the leach fields go.

NO ONE SPOKE IN FAVOR OF THE APPLICATION.

OPPOSED:

MR. IKE WILLIAMS, 43 CLIFTON ROAD: Clifton is an old town and the houses do match each other. To break these acres down would devalue my property. When I bought it, I bought it knowing that the area around me would not be sold for less than 5 acres. I live directly across the street. My property is probably a couple of hundred feet. The rest of the area is owned by the Town.

MARY LOU WILLIAMS, 43 CLIFTON ROAD: The Nothnagle lot is huge. Our lot is also big, even though the town owns part of it. We are not one right on top of the other. I think they would be too crowded together.

TIM CLANCY, 63 WHEATLAND CENTER ROAD: The lots in that area are not that small. My lot, around the corner is 115 by 200 something and has been in there for 80 years or so. I moved there because of the zoning. I want to raise my family in a rural area, not in a suburb. We put up with a lot of inconveniences in Clifton, but that is why we bought the house there.

DAN COYLE: This creek swails very wide. When you take that out, the lot has very little frontage. We already have a problem there and don't need anymore.

APPLICATION NO. 8

Application of B & A Wallpaper and Paint Store, 3225 Chili Ave., Roch., NY 14624, for variance to erect freestanding directory sign, two colors, 12' high on two poles (one existing) at property located at above address in C-2 zone.

MR. ELLIS FITZPATRICK asked MRS. CHAPMAN to read his letter of application out loud.

MS. CHAPMAN read the letter. It will be 6 feet wide by 2 feet high for each individual?

MR. FITZPATRICK: Each sign will be plastic material. We spoke to the Company that puts this out and they would be willing to get us a 5 year guarantee on it. The only thing that could penetrate it would be a bullet. The tenants will have their name on the section that will slide into the sign on both sides. One facing east and one facing west. They will be of removable nature. We haven't come to a definite decision on the colors. Probably it will be orange and white. It may be yellow and white. The lights behind the sign show only the lettering on the sign, not really the color. At the top will be the number of the building.

MS. CHAPMAN: Did you have any requirement for the tenants coming in that they will have to use this sign?

MR. FITZPATRICK: They will have to. We will make them aware of that.

MS. CHAPMAN: 18 feet will be the overall height of the top of the sign?

MR. FITZPATRICK: Yes.

MR. MILLER: The ordinance states signs shall not be more than 18 feet high. He is in compliance there.

MR. BURNETT: Will you have underground power?

MR. FITZPATRICK: Yes sir. It is already in the existing pole.

MR. LYND: What do you intend to do with the other pole on the property?

MR. FITZPATRICK: We are going to take it down.

MR. LYND: Prior to this other sign's installation?

MR. FITZPATRICK: That will be in the sign contract. The guy who puts up this sign will take that other sign down.

MR. LYND: You won't mind that being a requirement for this approval?

MR. FITZPATRICK: No. It has to come down anyway. We have a variance on that pole that goes back to 1963 and it was my understanding that the variance goes with the land?

MR. LYND: You don't intend to have any signage on the building?

MR. FITZPATRICK: That has been brought up. If the Board and town objects, we will have to go along with it.

MR. ARIOLA, B & A WALLPAPER: The town told me we would be able to put up a sign on the building if we want.

MR. LYND: In our ordinance, we are trying to hold the sign square footage down. If you put more on the building, you are going to exceed that requirement in our ordinance. The total signage includes both sides of your free-standing sign and any signage on the building.

IN FAVOR OF THE APPLICATION:

MRS. ARIOLA, B & A WALLPAPER: We need the sign or people CANNOT see the store.

OPPOSED:

MARTIN WEHLY, 3229 CHILI AVENUE: I would hate to see this sign 18 feet high. Won't this obstruct the view? There has been no grading done, and I get all his drainage. I can't see this sign when the building from the beginning has been maybe, we propose, possibly, and you never knew what that was going to be. There is still no parking in the back, and I would like to see the fence put in. Nothing has happened. Won't a sign be much better on the building? This directory sign does not show where in the building the stores are. I am opposed to a store and the free-standing sign in the state right-of-way.

APPLICATION NO. 9 - see next page.

APPLICATION NO. 9

Application of Hybert Maracle, 104 Names Road, Rochester, NY 14623, for variance to erect storage addition to rear of house to be 36' from west side (50' required) 16' from east side (50' required) and 68' from front line (100' required) and for variance from Section 3.025 of the Zoning Ordinance (Site Plan approval) at property located at above address in RA-20 and FPO zone.

MS. CHAPMAN: Why do you need such a big storage space?

MR. MARACLE: I have a shed already. I have equipment and that that I would like to put in there. In the little shed, I have cement and that. I do most of my own work. Small jobs and that.

MS. CHAPMAN: It is not to be living space?

MR. MARACLE: No.

MS. CHAPMAN: What kind of storage shed?

MR. MARACLE: Cement slab with a pitch roof. It will be closed in around the sides. It will blend in with the rest of the house.

MR. BEAN: Just for equipment, right?

MR. MARACLE: Yes. My shovels and that. I just do small jobs and that. I am an independent contractor. I don't like to leave it outside. I have a small shed and I can't fit much in there.

MS. CHAPMAN: You can't take the little shed down?

MR. MARACLE: I still want to use it. I have cement and that in there. I can't leave it outside.

MR. BURNETT: Where is your garage in relation to the driveway?

MR. MARACLE: I have no garage.

MR. BEAN: Are you going to drive your truck in it?

MR. MARACLE: No. The truck can stay outside. I will drive up to it and empty the things out of it.

MR. BURNETT: How high is this?

MR. MARACLE: The shed is 11 foot.

MR. BURNETT: How high is your present house?

MR. MARACLE: 2 stories. 2 bedrooms upstairs. There is a slanted roof there now. I am going to continue the roof line down. The other side will be about 7 foot high.

MR. LYND: Are you going to have a regular door in there or a garage door?

MR. MARACLE: I will have a door on the driveway side and on the other side. I will be a regular door.

MR. LYND: From the outside, people will think it is a part of the house? It will be sided?

MR. MARACLE: The shed will be textured. The rest of the house is shingled.

IN FAVOR:

JOHN ROWE, 108 RIVERSIDE DRIVE: I think you will have no eyesore if you put this equipment inside. They have to be in out of the weather.

NO ONE SPOKE IN OPPOSITION TO THE APPLICATION.

10:15 P.M. The Board recessed for 10 minutes, and reconvened at 10:25 P.M.

OLD BUSINESS:

APPLICATION of John & Rosemary Rowe, 108 Riverside Drive, Rochester, NY 14623 for land use variance to operate a restaurant/tavern at 2771 Scottsville Road in RA-20 zone.

MS. CHAPMAN: The decision was reserved from the July meeting pending more detailed information on the landscaping, parking, hours of operation, and submission of pictures.

MR. ROWE: I blew up the tape location map. I also have a letter listing the type of menu planned. We walked it off with a tape.

MRS. ROWE: We are not going to have any parking on Mr. Wainwright's side at all. I had a discussion with him. He said let the Conservation decide what type of screening will go in there. Whatever they want, I will put in. I want to discourage all parking over there, and I am promising him 2 or 3 no parking signs. Even if we had a crowded night, we can let people know they cannot park down there over a PA system. We are not remodeling anymore. We are just painting and redecorating.

MR. ROWE: Submitted a drawing of the interior.

MRS. ROWE: The Health Dept. has been out there, and they have told us what we have to do.

MR. ROWE: I am changing the drain on the bar sink. The building is 60.1 by 36. Those are outside dimensions.

MR. BEAN: How many people can you accommodate?

MR. ROWE: Less than 100.

MR. LYND: What are you going to do with the parking lot?

MR. ROWE: I won't be able to afford it this year. At some time in the future, I will blacktop it.

MR. DEGRAFF: Eventually, you will blacktop?

MR. ROWE: Yes. My kids work part-time for a construction company. It is presently good, solid gravel there.

MR. BURNETT: One thing is you have an entrance and exit there. Your only other exit is down in the other corner. You cannot have a fire exit and an entrance in the same location.

MR. ROWE: You must have another door for fire exit? That is what I will do if the Fire Marshal says so. The landscaping is identical to what it is now. The hours of operation will be until midnight at the latest. The sign will be out there next to the island.

DECISIONS

APPLICATION NO. 1

Application of Steven Valvano for variance to erect garage addition 52' from front (60' required) and 4.5' from side lot line (10' required) and family room addition to be 8.5' from side (10' required) in R-1-12 zone.

UNANIMOUSLY APPROVED.

APPLICATION NO. 2

Application of John Basile for variance to erect 20' x 20' detached garage to be 90' from front (100' required) and 0' from west lot line (50' required) in RA-5 zone.

UNANIMOUSLY APPROVED.

APPLICATION NO. 3

Application of Harry Schultz, Jr. for variance to erect 24' diameter above ground pool 8' from side lot line and 4'8" from rear lot line (10' required) in RA-20 and FPO zones.

RESERVED DECISION until the Building Inspector finds out exactly what the location of the power lines are on or near the property.

APPLICATION NO. 4

Application of Larry DeFeo for variance to construct service kiosk 26'6" from Buffalo Road (100' required) at service station located at southwest corner of Buffalo Road and Union Street in C-2 zone.

UNANIMOUSLY DENIED for the following reasons:

1. A better location would be on the Northeast corner of the building
2. The kiosk would be a traffic hazard in the applied for location.

APPLICATION NO. 5

Application of Frank & Bernard Iacovangelo for variances to allow two proposed undersized lots on Clifton Road, Lot A to be 1.01 acres and Lot B to be 2.13 acres and for variance for lot frontages, Lot A to 120' and Lot B to 244.73' (300' required) at property located 400' east of Chili Riga Townline Road on Clifton Rd., in RA-5 zone.

UNANIMOUSLY DENIED

APPLICATION NO. 6

Application of Perna Homes, Inc. for variance to allow single family dwelling to be 54' from rear lot line (64' required by 7/25/78 variance) at property located at 38 DaVinci Drive in R-1-20 zone.

UNANIMOUSLY APPROVED.

APPLICATION NO. 7

Application of Claude Hyatt for variance to allow construction of garage to be 21' from Lester St. (100' required) 14' from side lot line (50' required) and variance from Section 3.025 of the Zoning Ordinance in RA-20 and FPO zones.

DECISION RESERVED pending Monroe County Planning Dept. comments.

APPLICATION NO. 8

Application of B & A Wallpaper and Paint Store for variance for freestanding directory sign, two colors, 12' high on two poles (1 existing) at C-2 zone.

DECISION RESERVED pending Monroe County Planning Dept. comments.

APPLICATION NO. 9

Application of Hubert Maracle, for variance to erect storage addition to rear of house to be 36' from west side (50' required) and 16' from east side (50' required) and 68' from front line (100' required) and for variance from Section 3.025 of the Zoning Ordinance in RA-20 and FPO zone.

DECISION RESERVED pending Monroe County Planning Dept. comments.

OLD BUSINESS:

Application of John & Rosemary Rowe, 108 Riverside Dr for land use variance to operate a restaurant/tavern at 2771 Scottsville Rd in RA-20 zone.

UNANIMOUSLY APPROVED subject to the following terms and conditions:

1. There will be a limit of three (3) years to land use variance
2. Subject to Site Plan approval of the Planning Board

Meeting adjourned.

dai

ZONING BOARD
September 25, 1979

A Meeting of the Zoning Board of Appeals, Town of Chili, was held on September 28, 1979, in the Chili Administration Offices, 3235 Chili Ave., Roch., NY 14624 at 7:30 P.M. The meeting was called to order by the Chairwomen, Janice Chapman.

ROLL CALL: Bob Burnett, Jerry DeGraff, Vic Lynd, Shirley Whelpton, John Mallette, Leo Bean, Janice Chapman

ALSO PRESENT: Daniel L. Miller, Dept. Town Atty.; Bob Connolly, Bldg. Inspector

The Minutes of the Zoning Board Meeting held 8-79 were moved for acceptance by Mr. Burnett and seconded by Mr. DeGraff and carried Unanimously. The minutes stand approved as submitted.

APPLICATION NO. 1

Application of Richard O'Toole, 62 Ramblewood Drive, North Chili, NY 14514 for variance to construct addition to garage to be 8' from south lot line (10' required) at property located at above address in R-1-12 zone.

MS. CHAPMAN: You are proposing 3'6" closer to the lot line and the finished addition will be 8 feet from the lot line. So, you are 11½ feet from the lot line now?

MR. O'TOOLE: Right.

MS. CHAPMAN: Why are you enlarging your garage like that?

MR. O'TOOLE: So I can put two cars in it. It is oversized now, but you can't put two cars in it. The family room jogs into it.

MS. CHAPMAN: There is a jog for the living space?

MR. LYND: The property south of you, how close is that to your lot line?

MR. O'TOOLE: He is about 17 feet from his lot line.

MR. LYND: Did you discuss this with him?

MR. O'TOOLE: He was the first one I talked to and he said go ahead.

MR. LYND: I only wondered because his house is set such that if he ever wanted to put an addition in, you would really be crowding each other.

MS. CHAPMAN: We are always concerned that there is room between houses for emergency vehicles and that is why we ask questions about the closeness of other homes.

MR. BURNETT: What type of siding do you have now?

MR. O'TOOLE: Asbestos with a finish on it. I will continue this on the new addition.

MR. BURNETT: How are you going to tie it in?

MR. O'TOOLE: One builder said you would take the wall out and over. Slice it about a foot and a half back.

NO ONE SPOKE IN FAVOR OF OR IN OPPOSITION TO THE APPLICATION.

APPLICATION NO. 2

Application of Granger Wilson Signs, 26 Saginaw Drive, Rochester, NY 14623 for variances to erect free-standing sign containing four colors (3 allowed) for variance to erect two directional signs 3'2" x 2' (1 square foot allowed) and for variance to allow three projecting signs (2 allowed) for corner lot for south, west, and east sides of building, respectively, at property located at 4405 Buffalo Road on southeast corner of Buffalo Road and Attridge Road in C-2 zone.

BUZ BLUMM: The free-standing sign is typical of all Pudgie's Pizza locations. We would be willing to reduce the height to 18 feet, which will comply with your ordinance. We will reduce the number of colors to 3, which would also comply.

MS. CHAPMAN: I see black and white and what other color?

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date *Sept 19, 1979*

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

GATES-CHILI NEWS

Issue Dated *Sept 19, 1979*

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 19*81*

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 25, 1979 at 7:30
p.m. to hear and consider the
following applications:

1. Application of Richard
O'Toole, 62 Ramblewood
Drive, North Chili, New York
14514 for variance to
construct addition to garage
to be 8' from south lot line
(10' required) at property
located at above address in
R-1-12 zone.

2. Application of Granger
Wilson Signs, 28 Saginaw
Drive, Rochester, New York
14623 for variances to erect
free-standing sign containing
four colors (3 allowed); for
variance to erect two
directional signs 3'2" x 2'11"

square foot each allowed);
and for variance to allow
three projecting signs (2
allowed for corner lot) for
south, west and east sides of
building respectively at
property located at 4405
Buffalo Road on southeast
corner of Buffalo Road and
Attridge Road in C-2 zone.

3. Application of John
Ideman, 33 Jacklyn Drive,
Rochester, New York 14624
for variance to erect
greenhouse addition to be 7'
from side lot line (10'
required) at property located
at above address in R-1-15
zone.

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

Janice Chapman,
Chairwoman
Chili Zoning Board
of Appeals

July Bd Meeting - 9-25-79
Zoning Book

MR. BLUMM: Yellow and orange. The background is black, or the letters are white with a black outline. I am not sure what color scheme we will arrive at, but we have no problem with reducing to 3 colors.

MS. CHAPMAN: What is the overall area of the sign?

MR. BLUMM: About 60 square feet. Actually, it is a little more than that. It is 5 by 8½ on the upper section and about 24 square feet on the bottom section.

MR. LYND: What is the purpose of the bottom section?

MR. BLUMM: To advertise specials and community type messages.

MR. DEGRAFF: Isn't the Puggies on West Henrietta Road a 2 color sign?

MR. BLUMM: I believe there are 3 colors. I don't believe the yellow is in it. We didn't build the sign on West Henrietta Road that is why I am not familiar with it. We feel the building is setback and down from the road. The sign on the building is not readily visible or identified. We feel a necessity to have the sign out front which can be seen from the intersection of Buffalo Road and Union Street.

MR. DEGRAFF: This would be internally lit?

MR. BLUMM: Yes. Florescent lights.

MR. LYND: Do you know how far back the building is set from the road?

MR. BLUMM: I believe it is 60 feet back from the property line. It looks like about 75 feet from the road.

MS. CHAPMAN: The parking layout is excellent.

MR. HILL: We did cut down the parking spaces and did some buffering. Even the neighbors are happy. One says it looks like a park. We are having difficulty with people knowing we are open. There is no indication from the road level. Coming up Union Street, people do not know what it is. They know there is a building there, but they don't know what it is. We have also had an interest rate increase lately, here. We are concerned because of the additional burden we need every advantage we can get to run this in a productive manner. We feel this is consistent with the rest of the buildings in the town.

MS. CHAPMAN: What about the pole? The electric is inground?

MR. BLUMM: Underground. The wires run inside the pole.

MS. CHAPMAN: What is the sign made of?

MR. BLUMM: Sheet metal frame. The faces are plastic of some sort and the lighting is florescent lighting.

MS. CHAPMAN: What are the hours of operation?

MR. HILL: From 11 a.m. to 12:30 p.m. On Friday and Saturday nights, we are open until 2 a.m. The sign would be from dark until we close.

MS. CHAPMAN: Will it be a timer?

MR. HILL: I can't answer that. I hope we can turn it off and on manually.

MR. BLUMM: A timer is very basic. We can install a switch with a manual override.

MR. HILL: The bottom part of the sign can go. I personally think it will be more attractive without it. We will just go with the basic sign to draw attention to us.

MS. CHAPMAN: This is a two face sign?

MR. BLUMM: Yes. You only see one side at a time.

MR. BURNETT: How are you set for vandalism?

MR. HILL: If we have vandalism, we will try to make the corrections as soon as we can. We will contact Buz's company and ask him to repair it.

MR. BLUMM: Our firm normally responds to calls within 48 hours.

MR. DEGRAFF: Is that a stock sign?

MR. BLUMM: We have patterns and alot of it is present.

MR. HILL: It would have to be made up again for the usage of the sign.

MR. BLUMM: If it is a vandalism area, we have a vandal resistant material and the problem of breakage will be very slight.

MR. HILL: Sometimes it takes a week or two to get the materials, but we will take care of it as soon as we can. I am in favor of a material that will withstand some punishment, and we will probably go that way. We have not specified that.

MR. BEAN: Seeing that you are going to eliminate the bottom portion of the sign, can you reduce the height of the sign at the same time?

MS. CHAPMAN: How tall is your building?

MR. HILL: It is about 16 to 18 feet high. If we lower it, it may be more conducive to people to take a shot at it, and maybe even break it.

MS. CHAPMAN: Do you have some particular height you are proposing?

MR. BEAN: There just seems to be a great distance from the ground to the sign.

MR. BLUMM: It could come down one or two feet and it would probably look better.

MR. HILL: I have no objections to that. How is 16 feet?

MS. CHAPMAN: That is much better.

MR. MILLER: Where do you plan to locate it from the road right of way?

MR. HILL: It looks like about 48 feet from the center line. It complies with the zoning.

MR. MILLER: Then 15 feet from the road right of way.

MR. HILL: We will be further back from the Rotary sign next door to us.

MS. CHAPMAN: Why do you feel it is necessary to have larger than allowed exit and entrance signs?

MR. BLUMM: What does the ordinance allow?

MS. CHAPMAN: One square foot.

MR. BLUMM: We feel that would allow very small letters, which we feel would be unreadable.

MS. CHAPMAN: We encourage people to just use an arrow sign.

MR. HILL: I have no problem with that. We are going to trim back some of the bushes and expand the blacktop a bit.

MS. CHAPMAN: Does that create any problems with the state D. O. T.?

MR. CONNOLLY: We have already checked into that and they are encouraging us to do it.

MR. LYND: Would these be two-sided signs, again?

MR. HILL: Yes. The arrow is illuminated from both sides.

MS. CHAPMAN: The overhanging signs are the three that are in place?

MR. BLUMM: Right now, they are against the wall.

MR. HILL: We do plan to extend them out. The same signs.

MS. CHAPMAN: How far out will they stick?

MR. BLUMM: Three feet.

MS. CHAPMAN: And they are up high?

MR. BLUMM: Yes. They are over 10 feet high.

MS. CHAPMAN: So they are not near any cars? Will you have any problems with high trucks or campers?

MR. BLUMM: No, I don't think it will be any problem at all.

MR. HILL: We are inviting all the Boards and Town Officers for a small party to come and see the inside of the building. That will be coming in a few days.

MR. LYND: Do you feel you really need the two pick up signs? Do you think they would really get lost going around behind the building?

MR. HILL: Since we have already paved for it, I hope we really need it.

MR. BURNETT: Are the hours of operation comparable to others?

MR. HILL: We will only be open to 1:30 - 2:30 a.m. by the time we clean up.

NO ONE SPOKE IN FAVOR OF, OR IN OPPOSITION TO, THE APPLICATION.

APPLICATION NO. 3

Application of John Ideman, 33 Jacklyn Drive, Rochester, NY 14624 for variance to erect greenhouse addition to be 7' from side lot line (10' required) at property located at above address in R-1-15 zone.

MR. IDEMAN: (passed out an atricle to the Board about year round solar rooms that he is planning to put in)

MS. CHAPMAN: Are you using it for plant growing?

MR. IDEMAN: Yes. If it gets as warm as they say it does, we may use it as a family room.

MS. CHAPMAN: Concrete slab underneath?

MR. IDEMAN: Yes.

MR. DEGRAFF: More or less, you are enclosing the porch with this?

MR. IDEMAN: Right.

MS. CHAPMAN: Did you have a variance for the garate. It is also only 7 feet from the side lot line.

MR. IDEMAN: I don't know. I was told they did when they originally built the house.

MR. CONNOLLY: How old is the house?

MR. IDEMAN: About 15 years old.

MR. BEAN: It lines up well with the house as it is.

MS. CHAPMAN: Mr. Miller, what do you advise us to do about the garage?

MR. MILLER: Have you got anything from the County on this?

MR. CONNOLLY: Yes.

MR. MILLER: You can vote in favor and have Bob give you a call. If nobody ever applied for a variance to set that garage back, let's have the applicant amend his application for the garage variance.

MS. CHAPMAN: Is that all right with you, Mr. Ideman?

MR. IDEMAN: Yes.

MR. MILLER: He also should have a 48 foot setback variance for the house.

MS. CHAPMAN: Is that OK?

MR. IDEMAN: Yes.

NO ONE SPOKE IN FAVOR OF, OR IN OPPOSITION TO THE APPLICATION.

OLD BUSINESS

APPLICATION of B & A Wallpaper for free-standing directory sign at 3225 Chili Ave., Roch., NY - 2 colors, 12' high on two poles in C-2 zone.

MS. CHAPMAN asked for a statement on the sign because she is not quite clear on the location of the sign.

MR. FITZPATRICK: We are more or less asking you what you would like to have there. Some one brought up a suggestion to cut this down to 4 feet and we will do that if you wish.

MR. MILLER: We also discussed reducing the height.

MS. CHAPMAN: He said he had reduced that.

MR. FITZPATRICK: 14 feet total height.

MR. MILLER: We discussed making those panels smaller. It will save you money, also. Each panel will be 1½ foot by 4 foot.

MS. CHAPMAN: You are still proposing using the same post?

MR. FITZPATRICK: If the Board goes along with it.

MR. DEGRAFF: The east side sign post is coming down?

MR. FITZPATRICK: Yes.

MR. BEAN: Are you the designer of the sign?

MR. FITZPATRICK: No sir. We have a man on Jay Street installing it.

MR. DEGRAFF: I would like to see two new poles there. The other pole is old and rusted.

MR. FITZPATRICK: Well, that is ok.

MS. CHAPMAN: This is to go on the east or west side?

MR. FITZPATRICK: Northwest corner, where the existing pole is.

MR. LYND: Will the pole be treated to prevent corrosion?

MR. FITZPATRICK: It will be painted above ground.

MR. BEAN: Will the sign look like that picture you have?

MR. FITZPATRICK: Yes.

The Board recessed at 9:08 p.m. and reconvened at 9:25 P.M.

DECISIONS:

APPLICATION NO. 1

Application of Richard O'Toole for variance to construct addition to garage to be 8' from south lot line (10' required) at property at 62 Ramblewood Drive in R-1-12.

UNANIMOUSLY APPROVED.

APPLICATION NO. 2

Application of Granger Wilson Signs, 26 Saginaw Dr., Roch., NY 14623 for variance for 3 color freestanding sign, 16 feet high and two directional signs and to allow three projecting signs (2 allowed) for south, west and east sides of building respectively, at property located at 4405 Buffalo Road on southeast corner of Buffalo Road and Attridge Road in C-2 zone.

DECISION RESERVED - pending Monroe County Planning Dept. comments.

APPLICATION NO. 3

Application of John Ideman, 33 Jacklyn Dr., Roch., NY 14624, for variance to erect greenhouse addition to be 7' from side lot line (10' required) at property located at above address in R-1-15 zone.

UNANIMOUSLY APPROVED subject to the following:

APPLICATION IS AMENDED to include side setback on garage variance for 7 feet and a 48 feet front setback variance of 48 feet, also.

APPLICATIONS - OLD BUSINESS

APPLICATION of Claude Hyatt, 118 Names Road, Roch., NY 14623, for variance to allow construction of garage to be 21 feet from Lester St. (100' required) and 14 feet from side lot line (50 feet required) and variance from Section 3.025 of the Zoning Ordinance at above address in RA-20 and FPO zones.

APPROVED with the following vote:

Ms. Chapman, aye; Mr. Burnett, no; Mr. Mallette, aye; Mr. Bean, aye; Ms. Whelpton, aye; Mr. Lynd, aye; Mr. DeGraff, aye - based on the Attorney's opinion that as it is not a change of use, no site plan approval is necessary. Also based on the fact that there is no substantial improvement to the property - no site plan approval is necessary.

APPLICATION of B & A Wallpaper & Paint Store, 3225 Chili Ave., Roch., NY 14624 for variance to erect freestanding directory sign, two colors, 12' high on two poles in C-2 zone.

UNANIMOUSLY APPROVED subject to the following terms and conditions:

1. Two new poles be used
2. The east end pole be removed within one week of erection of the new sign
3. No more than 3 colors
4. 19 inch by 4 foot wide panels
5. Overall height is to be no more than 15.5 feet to the top of the sign
6. The bottom of the sign will be no lower than 6 feet above the ground so as not to obstruct the view of behicles.

APPLICATION of Hubert Maracle, 104 Names Rd., Roch., NY 14623, for variance to erect storage addition to rear of house to be 36' from west side (50' required) 16 feet from east side (50 feet required) and 68 feet from front line (100 feet required) and for variance from Section 3.025 of the Zoning Ordinance in RA-20 and FPO zone.

UNANIMOUSLY APPROVED subject to the following statement by the attorney, that as there is no change of use, nor any substantial improvement to the property, no site plan approval is necessary.

dai

ZONING BOARD
OCTOBER 23, 1979

A duly constituted meeting of the Zoning Board of Appeals, Town of Chili, was held on October 23, 1979, at 7:30 P.M. in the Chili Administration Offices, 3235 Chili Avenue, Rochester, NY 14624. The meeting was called to order by the Chairwoman, Janice Chapman.

ROLL CALL: Janice Chapman, Shirley Whelpton, Vic Lynd, Jerry DeGraff, Leo Bean, Bob Burnett.

ALSO PRESENT: Daniel L. Miller, Dept. Town Atty.; Bob Connolly, Bldg. Inspector.

The Minutes of the meeting held on September 25, 1979, were amended and moved for acceptance by Mr. Burnett - seconded by Vic Lynd and UNANIMOUSLY APPROVED as amended.

APPLICATION NO. 1

Application of Wayland Homes, Inc., 40 Sunderland Trail, Rochester, New York, 14624, for variance to allow single family dwelling to be 7.5' from side lot line (8' required) at property located at 23 Loyalist Avenue in R-1-15 zone.

R. THOMAS WARD: The purpose of the application is for a variance for 6 inches on the north-west corner of the garage. It is only the back corner of the garage that is in question. The only thing I can say is the garage was already adjusted. It is normally a 24 foot garage. In planning, we did cut it down to 15.5 feet from the front. In the back, it is only 19.2 feet. We had it staked out and we knew it was going to be close. Unfortunately, the back 2 feet of the garage is too close to the lotline. The northern line is cut back into the lot and there is plenty of frontage on the lot. In the back, it reduces to 66 feet. That is where we ran into a problem.

MS. CHAPMAN: How far back from the road is this?

MR. WARD: 35 feet from the road right of way.

MS. CHAPMAN: Do you already have a variance in this subdivision for 8 foot side lot lines?

MR. WARD: This is a 281 zoning that is part of the Lexington Subdivision.

MS. CHAPMAN: We do have the County comments back so we can act tonight.

MR. MILLER: How close is the property that is nearest the garage?

MR. WARD: There is no building there.

MS. CHAPMAN: Will there be, and where will it be located?

MR. WARD: We hope there will be a home there. At the beginning of this section, Wayland Homes was the exclusive developer. Now, Toar is in there. We have not sold this lot yet, and don't know what type of house will go on it. I doubt we will be the ones to develop that lot.

MS. CHAPMAN: The two houses could be as close as 15 feet?

MR. WARD: Yes.

MR. MILLER: How many feet is the front edge of the garage away from the lot line?

MR. WARD: About 10 or 11 feet.

NO ONE SPOKE IN FAVOR OF, OR IN OPPOSITION TO, THE ABOVE APPLICATION.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date. *Oct. 17, 1979*

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

GATES-CHILI NEWS

Issue Dated *Oct. 7, 1979*

Geraldine C. Snyder
Notary

Patricia M. Smith
Patricia M. Smith
Publisher

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 1981

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 23, 1979 at 7:30 p.m. to hear and consider the following applications:

1. Application of Wayland Homes; Inc., 40 Sunderland Trail, Rochester, New York 14624 for variance to allow single family dwelling to be 7.5' from side lot line (8' required) at property located at 23 Loyalist Avenue in R-1-15 zone.

2. Application of Frank and Bernard Iacovangelo, 610 Wilder Building, Rochester, New York 14614 for variance to allow proposed undersized lot to be 3.14 acres (5 acres required) at property located 400' east of Chili Riga Town Line Road on Clifton Road in RA-5 zone.

3. Application of Perna Homes, Inc., 649 Paul Road, Rochester, New York 14624 for variance to allow proposed three lots to have front setbacks of 72' (100' required) and rear setbacks of 55' (90' required) at property located on south side of Paul Road, approximately 300' west of Chestnut Ridge Road in R-1-20 zone.

4. Application of Art Stock's Playpen North, 1509 Scottsville Road, Rochester, New York 14623 for variance to erect 8'9" x 12' freestanding illuminated sign at property located at above address in M-2 zone.

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

Janice Chapman,
Chairwoman
Chili Zoning Board of
Appeals

*Janice Del 10-23-79
Minutes Book*

APPLICATION NO. 2

Application of Frank & Bernard Iacovangelo, 610 Wilder Building, Rochester, New York, 14614, for variance to allow proposed undersized lot to be 3.14 acres (5 acres required) at property located 400' west of Chili Riga Town Line Road on Clifton Road in RA-5 zone.

DONALD AVERY, ENGINEER: Last time we were here, August 28, 1979, we had two lots at this location. We received a letter from the Zoning Board suggesting we consider one lot. We have done so. There will only be a variance needed for 3.14 acres in a 5 acre zone. We have more than the necessary frontage. It may be a leach field in the front. We have tested in the front and found some good percolations there.

MS. CHAPMAN: The house would be in the same spot?

MR. AVERY: It would be 100 feet back and would not need a rear setback variance. This is hilly and it will look rather nice to have the house setting back there. There are some trees in front. There is a field that is not being cultivated at the present time in the back. There is a small creek in there, also.

MS. CHAPMAN: You are 130 feet with the leach field away from the creek?

MR. AVERY: Yes.

MS. CHAPMAN: The further the better, considering the drainage problems we have had. What is the total acreage?

MR. AVERY: I can't remember. It is quite a bit.

MR. CONNOLLY: 53 acres.

MS. CHAPMAN: Could you give us some reasons why it could not be a 5 acre parcel?

MR. AVERY: This cuts off the lot line at the good point, so it won't jog out into the field that is being used now. It is the same 400 feet that the other two fellows have. (Mr. Avery submitted a copy of the tax map showing where the lot is.) Much of the back is going to go to one owner. It will be squared off in back.

MR. LYND: The proposed 3 bedroom house, what stage is that in?

MR. AVERY: It is just proposed. Someone may build something else there.

NO ONE SPOKE IN FAVOR OF, OR IN OPPOSITION, TO THIS APPLICATION.

MS. CHAPMAN: The comments are back from the County so we can vote tonight.

APPLICATION NO. 3

Application of Perna Homes, Inc., 840 Paul Road, Rochester, New York, 14624, for variance to allow proposed three lots to have front setbacks of 72' (100' required) and rear setbacks of 55' (90' required) at property located on south side of Paul Road approximately 800' west of Chestnut Ridge Road in R-1-20 zone.

MR. DONALD AVERY, ENGINEER: This is a proposed 3 lot subdivision, just west of where Jim Perna built his own home. There is 1 house west of it. There is a gap between the two houses, about 72 feet from the west property line. 125 foot frontages with 160 feet from the right of way. Paul Road requires a 100 foot setback, although most of the houses have a 60 foot setback. So, we are asking for a 72 foot setback and consequently, a rear setback because the depth of the lot is not enough. We have done some percolations here. I went to the Drainage Committee on this, too, and they saw no problems with the ditch for they didn't feel it would be any added water load to the area. It eventually drains to the railroad tracks.

MR. MILLER: Who owns the land in between?

MR. AVERY: Peraino. I think.

MR. MILLER: Did Mr. Perna buy this property from Peraino?

MR. AVERY: Yes.

MR. MILLER: Why can't Mr. Perna purchase a little deeper and set the house back 100 feet?

MR. AVERY: This is what the rest of them are in line. They are all 60.

MR. CONNOLLY: With the setbacks now, he is only left 33 feet for the house.

MR. AVERY: Maybe the owner would want to save this land for further development. I don't know what the plans are in this area, myself. The lot to the west is a bigger one.

MS. CHAPMAN: I can't see any particular hardship involved with these lots that would allow a justification for these variances.

MR. AVERY: I think it is because this is what has been offered. The line does line up with the rest of them. I think you would have to check with the owner of the land. That is what he is offering.

MR. CONNOLLY: The parcel is 29½ acres, total.

MS. CHAPMAN: I wish Mr. Perna were here so he could answer some questions about the purchase of this.

MR. AVERY submitted a map of the area.

MS. CHAPMAN: These are previously subdivided lots?

MR. AVERY: This was filed with the deed, but it is not a filed subdivision map. It is just a map showing how it could be divided.

MR. BURNETT: One of the things that bothers me is your deephole testing. There isn't very good drainage.

MR. AVERY: I don't think we could use test no. 2. The thousand gallon septic tank is the length of the lines. That makes a difference. We got more percolations to the east and moved the field closer. We don't have anything where the 3a is. We got better percolations to the east and did not find any mineral deposits or bedrock. We did actually test the soil. We had no water seepage, either.

MR. BURNETT: All of the water is going into the septic option?

MR. AVERY: No. Roof run off will be splashblocks or swail. They cannot go directly into the highway drainage system. These are just notes. All of this will be taken care of at a later date. You don't put any of that water into the fields at all. Even with good soils.

MR. BURNETT: Any wells in the area?

MS. CHAPMAN: No. How far does the sewer system come in this area?

MR. DEGRAFF: I think it stops at our tract.

MS. CHAPMAN: What are the other 3 lots in the area? Are they similarly located with the leach fields in front?

MR. AVERY: They were in the back.

MS. CHAPMAN: Did you make any percolation tests to the rear of the houses?

MR. AVERY: Yes. They were not good. We did find enough good ones to put a field in here. The drainage being to the back of the property, the run off cannot go directly into the ditch of the highway, but it can be discharged and eventually go to the highway. The drains will go in here, but it isn't going to add that much more to what is there now. There might be a possibility of taking some deep holes in the back. I don't know what is back there.

NO ONE SPOKE IN FAVOR OF, OR IN OPPOSITION, TO THIS APPLICATION.

APPLICATION NO. 4

Application of Art Stock's Playpen North, 1509 Scottsville Road, Rochester, NY 14623, for variance to erect 8'9" x 12' freestanding illuminated sign at property located at above address in M-2 zone.

SID WOOLGAR: I am not familiar with the application. Mr. Stock wanted to be here himself tonight, but was delayed. This is an existing pole. He wants to put the lighting in because they have problems seeing the sign. The importance is the names of the bands playing.

MS. CHAPMAN: That is what the A. B. C. D. is at the bottom?

MR. WOOLGAR: Yes. To name the bands. It will be entirely lit.

MS. CHAPMAN: There is an existing spotlight there?

MR. WOOLGAR: I checked with the electrician, and he put the lights in for the existing sign. When Mr. Stock arrived, we found out this was going on.

MS. CHAPMAN: A 2-sided sign?

MR. WOOLGAR: Yes.

MS. CHAPMAN: The original sign fits in between the uprights and there is a variance already on the property. Your proposal is to make the sign wider and shorter?

MR. WOOLGAR: Mr. Stock said there was a mistake on the measure, which was given on the drawing.

MR. LYND: It doesn't correspond to what you have there?

MS. CHAPMAN: We also have a letter from Mr. Barton, the sign man, saying the free-standing sign will be 48 feet from Scottsville Road. There will be a sign on each side of the pole. The poles are 14 feet, 10 inches tall. The sign itself is 8'9" by 12' wide, which looks like what we have on our drawing here.

MR. WOOLGAR: It is possible Mr. Barton looked into this. He was suddenly taken to the hospital, and we are trying to pick up the pieces.

MS. CHAPMAN: I would like to see it stay within the boundaries of the framework that is there. We would be interested in knowing in more detail what the colors will be. This did have to go to the County, and we have not received their comments back and cannot vote anyway. We have to be in receipt of those, first.

MR. WOOLGAR: If he could attend the next meeting . . .

MR. MILLER: I don't see why we can't carry this over to next month.

MS. CHAPMAN: We need a bit more information. The color, existing size, ect. The next meeting will be the 4th Tuesday at 7:30 P.M. We will send a letter to Mr. Stock stating the further needs.

NO ONE SPOKE IN FAVOR OF, OR IN OPPOSITION TO THE APPLICATION.

MS. CHAPMAN: Mr. Perna, as long as you are here now, could you discuss your application with us. Mr. Burnett had alot of questions on where the water was going to.

MR. PERNAY: This land belonged to Mr. Peraino. The wife was left with these 3 lots. I bought the other 3 lots from someone else. I had to come in with the same variances. We bought these lots for the same home.

MS. CHAPMAN: Were these already subdivided lots?

MR. PERNA: Yes. Vaplands owns the rest of it. They are going to build in the back when the sewer comes in. I couldn't get any more land to go with the lots. It is a completely different owner.

MR. MILLER: This is all the land the lady owns?

MR. PERNA: The only reason I bought it was the lady is ill and she needs the money. Our understanding is that these are in further back than the existing houses. I will put the same class of house in there that I have got now. I really think they will be nice. I have the little bit more back yard because my house is on a 60 foot setback.

MR. BURNETT: Maybe you can answer my questions on the cellars discharging to the rear. The roof run off is going to be pointed to the rear? Also, how are you going to put a leach field in the area?

MR. PERNA: We took perc tests, and the County approved it. They all have to perc in the same amount of minutes. They do perc.

MR. BURNETT: You have no leach field in the back, and that is where all your drainage is going.

MR. PERNA: My backyard is a complete drop off. These are gradual drops. These are only 3 houses. The run off will not be more than if there is bare land. It will go to the back into the drainage swails. Three houses are not going to effect this land.

MR. BEAN: Is there an entrance to the property behind your houses?

MR. PERNA: No. They can't have more than 3 bedrooms due to the County requirements because of the leach fields, either.

MR. LYND: The proposed width of your houses is what?

MR. PERNA: The depth is 33 feet. That is as far as I can go.

INFORMAL APPLICATION

MR. HEILMAN: I was before the Planning Board a few weeks ago. I represent a corporation that owns lots in the Ballantyne area. They are on the south side of the road. It is between the railroads. This is probably one of the higher areas in that whole section. We are looking for a warehouse area for the type of businesses like Empire Electric. There would be 100 feet at each end and meet the requirements for the buffers. We would like to have a berm, parking area for the front part, and the back would be the warehouse area. The back area would be for parking trucks and a couple would load and unload there. One story high. The land at present cannot be used for much else. Probably not for 30 to 40 years will anyone put in that money. We could add some tax to the Ballantyne area that could certainly use it without being at all detrimental to the community. It would run into one million dollars. The people are, consequently, not going to let this go to ruin. But, you can't guarantee those things.

MR. BURNETT: You are 518 and dipping down in the back?

MR. HEILMAN: Yes, but not in the front where we will have the buildings.

MR. BURNETT: You had better check to see if you are in the flood plain.

MR. HEILMAN: We are in the flood plain overlay. The Planning Board's recommendation was for permits rather than rezoning of the area.

MR. MILLER: If we gave you a use variance and the rest of the restrictions were somewhat limited, we could restrict the use to what they are proposing only. You will be restricted to warehousing and general stores, only. Can you live with that?

MR. HEILMAN: Yes. That is fine. We are not looking for a plaza.

MR. BEAN: How long do you believe it would take to go from stage 1 to 6?

MR. HEILMAN: You would start with stage 2 to 4 and then add on as you need it. Probably 2 or 3 years. It would be all inside. We do have water and sewer in here. There will be slab and no basement.

MS. CHAPMAN: What effect would this have on the Federal Flood Insurance? Would the County be the last word on the flood business?

MR. HEILMAN: I don't envision this as easy. There are so many checks on it.

MR. DEGRAFF: I think it would be an improvement for the area.

MS. CHAPMAN: I do, too.

The CONCEPT WAS APPROVED - MR. BURNETT & MR. LYND had some reservations.

INFORMAL APPLICATION NO. 2

MR. WASCO, 595 STOTTLE ROAD, passed Morgan Road, for permission for addition.

MR. WASCO: I need 100 feet, and I was told now I need 133 feet from the right of way of the road. I want to build this addition straight across, not any closer to the road.

MS. CHAPMAN: There is no variance on the house?

MR. CONNOLLY: No, but it is a pre-existing, non-conforming house.

MR. MILLER: Since the ordinance has gone through, we require 100 foot setbacks. It is my feeling that he needs a variance. He is here to see if you have any major objections.

MR. BEAN: How large is the addition?

MR. WASCO: 42' x 26'. The 42' runs along the road.

MR. BEAN: Is that a family room?

MR. WASCO: Library, family room and bathroom. I wanted it to match the present house. It would jog back and not look nice, if I don't do it this way.

MR. CONNOLLY: I just want him to sign a waiver here before he goes.

MR. MILLER: I honestly feel he needs the setback variance.

MS. CHAPMAN: He has already applied for the November agenda.

APPROVED by the following vote: Ms. Chapman, aye; Ms. Whelpton, aye; Mr. Lynd, aye; Mr. DeGraff, no; Leo Bean, aye; Bob Burnett, no.

DECISIONS:

APPLICATION NO. 1

Application of Wayland Homes, Inc. for variance to allow single family dwelling to be 7.5' from side lot line (8' required) at property located at 23 Loyalist Avenue in R-1-15 zone.

UNANIMOUSLY APPROVED.

APPLICATION NO. 2

Application of Frank & Bernard Iacovangelo, 610 Wilder Bldg., for variance to allow proposed undersized lot to be 3.14 acres (5 acres required) at property located 400' west of Chili Riga TL Road on Clifton Road in RA-5.

UNANIMOUSLY APPROVED.

APPLICATION NO. 3

Application of Perna Homes, Inc., for variance to allow proposed 3 lots to have front setbacks of 72' (100' required) and rear setbacks of 55' (90' required) at property located on south side of Paul Road, approximately 800' west of Chestnut Ridge Road in R-1-20 zone.

APPROVED by the following vote:

Ms. Chapman, aye; Ms. Whelpton, aye; Mr. Lynd, aye; Mr. DeGraff, aye; Mr. Bean, aye; Mr. Burnett, no.

APPLICATION NO. 4

Application of Art Stock's Playpen, North, 1509 Scottsville Road for variance for freestanding, illuminated sign at M-2 zone.

DECISION RESERVED - pending Monroe County Planning Dept. comments and a return to present further information at the next Zoning Board meeting.

UNANIMOUS VOTE: The December meeting of the Chili Zoning Board is to be held on December 18, 1979, at 7:30 P.M.

Meeting adjourned at 10:00 P.M.

dai

ZONING BOARD
NOVEMBER 27, 1979

A duly constituted Meeting of the Zoning Board of Appeals, Town of Chili, was held on November 27, 1979, at 7:30 P.M. in the Chili Administration Offices, 3235 Chili Avenue, Rochester, NY, 14624. The Meeting was called to order by the Chairwoman, Janice Chapman.

ROLL CALL: Janice Chapman, John Mallette, Shirley Whelpton, Bob Burnett, Gerald DeGraff

ALSO PRESENT: Daniel L. Miller, Dept. Town Atty.; Robert Connolly, Bldg. Inspector

APPLICATION NO. 1

Application of William Kaiser, Jr., 1033 Chili Coldwater Road, Rochester, NY 14624, for variance to allow one horse to be kept on one acre parcel of land in residential zone at property located at above address in R-1-15 zone.

ADJOURNED TO December, 1979, meeting without prejudice.

NOTE: MRS. KAISER was present and wants the variance. MR. KAISER contacted MS. CHAPMAN by phone, and MR. MILLER through his attorney, to state he did not want the variance. MR. MILLER advised MRS. KAISER to discuss this with her husband and come back in December, 1979, if a decision is reached.

APPLICATION NO. 2

Application of Stephen Wasko, 595 Stottle Road, Scottsville, NY 14546, for variance to allow 32' x 26' addition to single family home to be 80' from front lot line (100' required) at property located at above address in RA-20 zone.

MS. CHAPMAN: Is the existing home 80 feet from the front setback?

MR. WASKO: Yes it is. I think it is really 88 feet, so I need 12 feet to make it even. This is so I can match the existing house. It is presently as on the plans as to the way I want to do it.

MS. CHAPMAN: You are planning to have the same sort of siding?

MR. WASKO: Yes. It will be cedar shingle, the same as the house.

MR. BURNETT: What is the size of the present building?

MR. WASKO: I am not sure. Roughly, this addition is about one third of the existing house. One third more.

MS. CHAPMAN: Any other questions? In other words, the house is two thirds of the total, addition included?

MR. WASKO: The addition is approximately 32 foot, but the house is wider than the addition will be.

MR. BURNETT: You are showing an exit door on the addition. Is there a similar door from the house, itself.

MR. WASKO: The door will be placed so it will be near the driveway to the Barn.

NO ONE SPOKE IN FAVOR OF, OR IN OPPOSITION TO THE ABOVE APPLICATION.

APPLICATION NO. 3

Application of Franklin J. Chamberlain, 41 Bellmawr Drive, Rochester, NY for variance to allow proposed lot to have 300' frontage (500' required) at property located at 118 Stottle Road, approximately 2600' north of Bowen Road in RA-10 and FPO zone.

BOB DEROO, 55 STOTTLE ROAD: This requires 10 acres with a 500' frontage required. 300 feet is all that is available to Mr. Chamberlain. He has an excess of 10 acres. The variance is for width only. The structure fits on the property, and is not within the floodplain overlay. It is a 73 foot front setback, which I feel gives the applicant an adequate living space yet still retains the rural zoning of the area. We realize that we will have to obtain a site plan approval. We felt we should come to you first so we didn't get caught with the site plan approval and then not get the variance.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date... *Nov. 21, 1979.*

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

GATES-CHILI NEWS

Issue Dated. *Nov. 21, 1979*

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 19 81

Patricia M. Smith
Patricia M. Smith
Publisher

Legal Notice

Pursuant to Section 267 of Town Law, a public hearing will be held by the Chili Zoning Board of Appeals at the Chili Town Office, 3235 Chili Avenue, Rochester, New York 14624 on November 27, 1979 at 7:30 p.m. to hear and consider the following applications:

1. Application of William Kaiser Jr., 1033 Chili Coldwater Road, Rochester, New York 14624 for variance to allow one horse to be kept on one acre parcel of land in residential zone at property located at above address in R-1-15 zone.

2. Application of Stephen Wasko, 595 Stottle Road, Scottsville, New York 14546 for variance to allow 32' x 26' addition to single family home to be 80' from front lot line (100' required) at property located at above address in RA-20 zone.

3. Application of Franklin J. Chamberlain, 41 Bellmawr Drive, Rochester, New York 14624 for variance to allow proposed lot to have 300' frontage (500' required) at property located at 118 Stottle Road approximately 2600' north of Bowen Road in RA-10 and FPO zone.

4. Application of William Lutgen, 14 Wadsworth Drive, Churchville, New York 14428 for variance to allow freestanding garage to be 10' from front lot line (15' required), 5' from side of house (10' required) and 10' from south side of lot (10' required) at above address in RA-5 zone.

5. Application of John & Rosemary Rowe, 108 Riverside Drive, Rochester, New York 14623 for variance to allow freestanding illuminated sign and for variance to allow dumpster for restaurant at property located at 2771 Scottsville Road in RA-20 zone.

6. Application of Lester P. Freer, 62 Delta Terrace, Rochester, New York 14617 for variance to allow caretaker apartment within single family dwelling to be

constructed at property located at 100 Humphrey Road at corner of Brook Road in RA-10 and FPO zone.

7. Application of James O'Shea, 37 San Mateo Road, Rochester, New York 14624 for variance to allow wood shed to be 8' from rear (10' required) and 9' from side (10' required) at property located at above address in R-1-12 zone.

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

Janice Chapman,
Chairwoman
Chili Zoning Board of Appeals

Minutes Book

MS. CHAPMAN: Are there not additional 300' lots in the area adjacent to you?

MR. DEROO: Yes. Mr. Johnroe has been before you recently and has approval. The only other parcel is to the north and is presently in the process of being developed.

MS. CHAPMAN: Lot Number 8 is currently on the Planning Board agenda for preliminary re-subdivision approval and that piece also. It looks as though this area will all be broken down into smaller lots than the original zoning.

MR. DEROO: It is not smaller in size, only width.

MS. CHAPMAN: You have proposed leach fields. Have percolations been taken?

MR. DEROO: No. I have done preliminary tests, and they are not the best. In the state law, a fill system being placed on that particular lot is required. Should we get the variance, we will go for site plan approval, and do all the necessary tests. There is the nice hump in the middle of the area, which is exactly where the house will be sited.

MR. BURNETT: I am curious about lot 8 and 9?

MR. DEROO: Lot 8 and 9 are owned by the same person. 530 is the 100 year flood elevation, and I have shown the line per the Chili Zoning Map. The flood plain overlay will follow the topography of the land and will be less in size when you actually do a topo survey.

NO ONE SPOKE IN FAVOR OF OR IN OPPOSITION TO THE ABOVE APPLICATION.

APPLICATION NO. 4

Application of William Lutgen, 14 Wadsworth Drive, Churchville, NY 14428, for variance to allow freestanding garage to be 60' from front lot line (100' required), 5' from existing house (10' required) and 8' from south side lot line, (10' required) at above address in RA-5 zone.

MS. CHAPMAN: I was a bit concerned about the status of the vacant property to the south of you. Do you own that property?

MR. LUTGEN: No, I bought the house from Mr. David Lord, and there is nothing in writing, but I was told I would have first option to buy that property. I tried to buy it, but he is holding it for an investment. I will have first shot at buying it when he is ready to sell.

MS. CHAPMAN: Is your present house also 60 feet from the lot line?

MR. LUTGEN: Yes. The porch in the front is. The garage will sit back. The reason for the variance request is because on that side of the house, there is a kitchen and bathroom, and it would be limited--impossible to attach the garage at that point. I spoke to my neighbor across the street and also to another neighbor on the northside of the house. They both trusted my judgement and assured me they had no objections.

MS. CHAPMAN: What sort of construction?

MR. LUTGEN: This is a log-cabin-type area. Older decor. My house is shingled with red asphalt roof, and I intend to have the garage match the house with shingled outside.

MS. CHAPMAN: The circles on the sketch map are existing trees or shrubs?

MR. LUTGEN: Yes. Those are on to 60 foot Pine trees with 5 foot diameters. I really, therefore, can't move the garage back further. I feel those 14 trees must stay.

MR. BURNETT: You will not be able to fit a conventional auto in there.

MR. LUTGEN: Yes you can. I also want some storage room in the garage with my smaller car.

MR. BURNETT: But you have a free-standing garage now. Why can't you just put that adjacent to the house?

MR. LUTGEN: That would interfere with the trees that are back there.

MR. BURNETT: You would only lose one tree.

MR. LUTGEN: I don't want to lose any trees. That is the beauty of the area.

NO ONE SPOKE IN FAVOR OF, OR IN OPPOSITION TO, THE APPLICATION.

APPLICATION NO. 5

Application of John & Rosemary Rowe, 108 Riverside Drive, Rochester, NY 14623, for variance to allow freestanding illuminated sign and for variance to allow dumpster for restaurant at property located at 2771 Scottsville Road in RA-20 zone.

MS. CHAPMAN: Do you see this sign causing any problem with access to the parking lot?

MR. ROWE: No, there is plenty of room.

MR. CONNOLLY: I believe this sign is in the shape right now.

MS. CHAPMAN: This will be two-sided?

MR. ROWE: One on each side of the pole and internally illuminated.

MR. DEGRAFF: Two colors?

MR. ROWE: Right. It will be black and white.

MS. CHAPMAN: You are asking for a small sign on the side?

MRS. ROWE: That will have moveable letters. It will have lights and is there now.

MS. CHAPMAN: Mrs. Whelpton, Lexon is a good material?

MS. WHELPTON: Yes, it is.

MR. ROWE: It is the best you can buy.

MR. BURNETT: I understand that you are going to have to inter-change the lettering in the small sign?

MR. ROWE: I have got a kit, and I will have to get a ladder and will change the letters myself.

MR. BURNETT: You can't be using Lexon on that one.

MS. ROWE: The background is. The letters may not be.

MR. BURNETT: Are the letters you put on magnetized?

MS. ROWE: They slide in.

MR. ROWE: It will be dual faced, also.

MS. CHAPMAN: We have had a letter from the Planning Board indicating their conditions on this application for reopening the restaurant and preliminary site plan approval. They indicated the entire parking lot was to be graveled; there will be one access only the driveway on Scottsville Road; a letter of credit will be required for the landscaping; and a buffer zone along the north side of the property. Will the dumpster be on the gravel?

MR. ROWE: It is, yes.

MS. CHAPMAN: It is to be enclosed with a chain link fence? 5 feet high?

MS. ROWE: Yes.

MR. BURNETT: For the special sign, didn't we have an applicant in which also wanted this? In September? Is this an application that will be subject to criticism from previous applications?

MS. CHAPMAN: No because Pudgies withdrew their application for the smaller sign. They offered to eliminate that part of the sign.

MR. BURNETT: You will turn these signs off at the close of business?

MS. ROWE: Yes.

MS. CHAPMAN: Will it be on a timer?

MR. ROWE: No. There is an electric switch inside. We could probably arrange for that.

MS. ROWE: If we forget, my son lives right next door, and he would notice it and turn it off.

NO ONE SPOKE IN FAVOR OF, OR IN OPPOSITION TO THE APPLICATION.

APPLICATION NO. 6

Application of Lester P. Freer, 62 Delta Terrace, Rochester, NY, 14617 for varinace to allow caretaker apartment within single family dwelling to be constructed at property located at 100 Humphrey Road at corner of Brook Road in RA-10 and FPO.

MR. FREER: My main purpose in requesting this is that it is a condition of my purchase offer. I breed Golden Retrievers and will be away a number of weekends with the dogs for training and competitions. I have 8 dogs of my own. I need someone on the property to watch over things. If I should marry or die or sell the property, it can easily be reconverted back to a single family home. All I am going to do is close off and lock one door.

MS. CHAPMAN: What about the kitchen facilities?

MR. FREER: It will be a built in kitchen that can easily be removed..

MS. CHAPMAN: Do you currently employ someone in that capacity?

MR. FREER: No I don't. I am in Irondequoit, and I am only allowed 3 dogs. I was looking for floodland with a pond to aid in training my dogs. There is actually a spring out in that area.

MS. CHAPMAN: You are proposing to purchase the whole parcel?

MR. FREER: Yes, the whole 95 to 100 or so acres. I would like an approval with the idea of a single family dwelling that can be reconverted easily. The final design of the home might change a little bit in shape, but not in size.

MS. CHAPMAN: Where do you propose to house the dogs?

MR. FREER: In the back, approximately 100 to 150 feet from the house. There are not long periods of training for it is not good for the dogs, but I do want them close enough so I can get out there. Because of the lot on the corner, I had planned to put the kennel at least 400 to 500 feet from there. Generally away from all living area. I would want to put in some sort of clearing for year round, permanent buildings for them. I have seen some solar homes for dogs. These animals can stay outside all day. My animals are outside in small barrels now so that their body heat will keep the barrels warm. These are not show dogs but field dogs.

MR. BURNETT: You are going to use septic tanks?

MR. FREER: Yes.

MR. BURNETT: How far back are you going to have your leach field?

MR. FREER: I am not sure. That is going to depend on the Health Dept. and that. We are planning on burming the earth up to protect from the northwest winds. The burm will continue around the front where it decreases in the front to let the sun it.

MR. BURNETT: This is a single family dwelling occupied by two separate people. This is like a mother-in-law apartment.

MR. MILLER: We will request him to file a copy of the variance that would run to his occupancy and house. It is a limited variance not to the dwelling but to him, personally. Is there a conditional use permit needed for the kennels?

MR. CONNOLLY: No. It is an RA-10.

MR. BURNETT: Are you intending to fence your property line? Are these dogs going to run loose?

MR. FREER: I have one pet and the bitch I use for breeding is worth \$3,000. I would not sell my dogs for less than \$3,000. They are not going to run free. They will be kenneled at all times. They will have an exercise yard and a run, which will be 5 feet wide and 20 feet long. Each dog will have an individual run. When they are let out to exercise, they will be in another enclosed area, probably 100 to 200 feet. Also, they are not going to be running or chasing deer. I am going to need alot of area for the training I do.

NO ONE SPOKE IN FAVOR OF OR IN OPPOSITION TO THE APPLICATION.

APPLICATION NO. 7

Application of James O'Shea, 37 San Mateo Road, Rochester, NY 14624 for variance to allow woodshed to be 8' from rear (10' required) and 9' from side (10' required) at property located at above address in R-1-12 zone.

MR. O'SHEA: I already put up the frame for the shed and wasn't aware that I needed a variance for the shed. I took utility poles and tied them together and have it roofed although there are no sides on it. I already have \$2,500 into roofing on it. I just bought the house this spring. There was a shed and pool there so all the time previously there has been something there. I just built right where they were. Now, I am at a standstill.

MR. CONNOLLY: I put a stop work order on this because I had a complaint. It would be a hardship to move this at the time. Jim has been very cooperative.

MS. CHAPMAN: You are proposing to enclose it when you get the variance?

MR. O'SHEA: Yes. I would like to paint it green to match my house with a black roof. I will not make it an eyesore. I have my snowmobile in it, a 7 foot snow plow, my storm windoes. I have no garage on my house so I need storage area. I have planned to get another snowmobile that I will put in there.

MR. DEGRAFF: This one is bigger than the one there before?

MR. O'SHEA: Yes. It is a foot and a half bigger.

MR. BURNETT: Was the shed on a concrete pad?

MR. O'SHEA: No, it wasn't. If I had known I wouldn't have put it there.

IN FAVOR OF THE APPLICATION:

MR. MARANDA, 39 SAN MATEO ROAD: Mr. O'Shea approached me when he wanted to put it up. He has improved the property a great deal, and I think leaving the shed where it is is o.k.

GEORGE LOGAN, 35 SAN MATEO ROAD: Anything he has done since he came there has been an improvement. When he asked me if I had any objections, I was not giving him a permit and I don't think he took it that way.

PAUL W. MILLER, SAN MATEO ROAD: I have no objections. The structure is a compliment to the neighborhood.

NO ONE SPOKE IN OPPOSITION TO THE APPLICATION.

OLD BUSINESS:

APPLICATION of Art Stock's Playpen, North, 1509 Scottsville Road, Rochester, NY 14623, for variance to erect freestanding, illuminated sign at property located at above address in M-2 zone.

BUZ BLUMM - GRANGER-WILSON SIGNS, 26 SAGINAW DRIVE: I have a new drawing here that is nothing like the old one. This is 8' by 3'6". Part of the problem with the last application is the sign overlapped the verticle structures. We have decreased the size substantially. The sign fits within the existing structure and is 28 square feet. The sign will be double faced, illuminated with a cedar face, very similar to the one we did for Pizza Hut across the street. The letters are cut out. The lights are inside. The only visible light will be through the letters and not the entire back-

ground of the sign. It is a box we make and encase it in one inch cedar. We then back it with plexiglass with flourescent tubes behind that.

MS. CHAPMAN: It is a good looking sign and is as nearly indestructible as you can get. Tell us about the changeable letter business?

MR. BLUMM: Initially, they had a changeable letter within the sign. We decided to put that changeable portion on the building. I checked through the Town ordinance and feel the sign is legal the way it is shown there.

MS. CHAPMAN: This is on the end of the building, facing the road?

MR. BLUMM: Yes. It faces Scottsville Road and will be single faced.

MR. STOCK: This sign is on the gable end of the building.

MS. CHAPMAN: Is there additional signage over the entrance doors?

MR. STOCK: No. The only sign is the one on the ground and building.

MR. MALLETTE: Is that going to be similar to the theater sign?

MR. BLUMM: Yes.

MR. CONNOLLY: The Playpen has been very cooperative in everything I have asked them. They had a bad situation when they came in. I definitely think it is going to be a credit to the Town of Chili. He has invested a lot of money there I tell you that.

MR. BURNETT: That bus with the sign on it out front did not set to well with me. It should not serve as an advertisement to circumvent a sign that is there.

MR. BLUMM: There is a reason for the sign being under 100 square feet. It is because it structurally fits right into the building. We build nothing but good signs that you might have noticed from your past experience.

MS. CHAPMAN: We notices.

MR. DEGRAFF: It is a very good looking sign.

MS. CHAPMAN: As we said, it is as near to indestructible as you can get.

NO ONE SPOKE IN FAVOR OF OR IN OPPOSITION TO THE ABOVE APPLICATION.

D E C I S I O N S

APPLICATION NO. 1

Application of William Kaiser - postponed to 12-79 meeting.

APPLICATION NO. 2

Application of Stephen Wasko, 595 Stottle Road, Scottsville, NY 14546, for variance to allow 32' x 26' addition to single family home to be 80' from front lot line (100' required) at property located at above address in RA- 20 zone.

UNANIMOUSLY APPROVED.

APPLICATION NO. 3

Application of Franklin J. Chamberlain, 41 Bellmawr Drive, Rochester, NY 14624, for variance to allow proposed lot to have 300' frontage (500' required) at property located at 118 Stottle Road, approximately 2600' north of Bowen Road in RA-10 and FPO zones.

UNANIMOUSLY APPROVED.

APPLICATION NO. 4

Application of William Lutgen, 14 Wadsworth Drive, Churchville, NY 14428, for variance to allow freestanding garage to be 60' from front lot line (100' required) 5' from existing house (10' required) and 8' from south side lot line, (10' required) at above address in RA-5 zone.

UNANIMOUSLY APPROVED.

APPLICATION NO. 5

Application of John & Rosemary Rowe, 108 Riverside Drive, Rochester, NY 14623 for variance to allow freestanding, illuminated sign and for variance to allow dumpster for restaurant at property located at 2771 Scottsville Road in RA-20 zone.

UNANIMOUSLY APPROVED.

APPLICATION NO. 6

Application of Lester P. Freer, 62 Delta Terrace, Rochester, NY 14617, for variance to allow caretaker apartment within single family dwelling to be constructed at property located at 100 Humphrey Road at corner of Brook Road in RA-10 zone and FPO zone.

UNANIMOUSLY APPROVED for a LIMITED VARIANCE, which runs with the applicant and NOT with the land - to Mr. Freer as long as he owns and resides in the property.

APPLICATION NO. 7

Application of James O'Shea, 37 San Mateo Road, Rochester, NY 14624, for variance to allow woodshed to be 8' from rear (10' required) and 9' from side (10' required) at property located at above address in R-1-12 zone.

UNANIMOUSLY APPROVED.

OLD BUSINESS - APPLICATION OF Art Stock's Playpen, North, 1509 Scottsville Road, Rochester, New York 14623, for variance to erect freestanding illuminated sign at property located at above address in M-2 zone.

UNANIMOUSLY APPROVED for the free-standing sign.

Note - the Zoning Board Meeting for December, 1979, will be held on Tuesday, December 18.

MR. BURNETT moved a motion to address only those applications on the agenda and no others on an evening. DENIED for lack of second.

Meeting adjourned at 10:00 P.M.

dai

ZONING BOARD
DECEMBER 18, 1979

A Meeting of the Zoning Board of Appeals, Town of Chili, was held on December 18, 1979, at 7:30 P.M. in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York, 14624. The Meeting was called to order by the Chairwoman, Janice Chapman.

ROLL CALL: Janice Chapman, Robert Burnett; John Mallette, Shirley Whelpton, Leo Bean, Vic Lynd, Robert Newman

ALSO PRESENT: Daniel L. Miller, Deputy Town Attorney.

The Minutes of the meeting held on October, 1979, and November, 1979, were moved for acceptance, as submitted, by Bob Burnett. UNANIMOUSLY APPROVED.

APPLICATION No. 1

Application of Marchioni General Contractor, Inc., 120 Chili-Scottsville Road, Churchville, New York, 14428, for variance to expand pre-existing, non-conforming use and for variance from Section 3.025 of the Zoning Ordinance (Site Plan Approval) and for variance to allow front setback of 84' (100' required) for 20' x 24' addition to present warehouse building at property located at 21 Fricker Avenue, approximately 280' south of Ballantyne Road in RA-20 and FPO zones.

MR. MARCHIONI: I would like to add a 20' x 24' building to the rear of the existing building. The addition will be right in the back of the building and the other building is behind the setback, also. But, it is pre-existing. It will be for storage of materials and tools and things pertaining to general contracting. The purpose of the addition is for storage of equipment to protect it from vandalism. It would not be a section to do business out of everyday. We go there to pick up the materials and proceed to the job. After we finish the job, we bring the equipment back here until the next project.

MS. CHAPMAN: Your property is past Monroe Tree Surgeon?

MR. MARCHIONI: As you pass Monroe Tree Surgeon, you pass three houses in a row. It is right after those houses. There is a street and there is the building.

MS. CHAPMAN: What sort of construction will this be?

MR. MARCHIONI: Exactly the same as the original. We do mason construction, and this would be just for storage of the same type of equipment we presently have there. Some of it is scattered and against the building. It is out, and we would like to put everything inside.

MS. CHAPMAN: What is the status of the street? I gather this was laid out but they never have been put in? It is not a dedicated road?

MR. MARCHIONI: The way I understand it is in 1939 or 40, the whole area was called River View Gardens Estates. It was submitted to the County for approval. These were sold to individual people. The remaining parcel is up for uses. The back of the parcel is owned by R G & E. I purchased this when it was industrial property.

MS. CHAPMAN: How long have you owned the property?

MR. MARCHIONI: My company owns it. It is about 8 years or more.

MR. LYND: How old is the building?

MR. MARCHIONI: The building originally was wood, then one Halloween, about 3 years ago, it was burned down. I reapplied for a building permit and used the same foundations and rebuilt the building out of masonry.

MS. CHAPMAN: What you are adding will also be masonry?

MR. MARCHIONI: I would like to make it in white steel.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date *December 13, 1979*

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

GATES-CHILI NEWS

Issue Date *December 13, 1979*

Geraldine C. Snyder
Notary

Patricia M. Smith
Patricia M. Smith
Publisher

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 1981

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 18, 1979 at 7:30
p.m. to hear and consider the
following application:

Application of
Marchioni General
Contractor, Inc., 120 Chili-
Scottsville Road,
Churchville, New York 14428
for variance to expand pre-
existing, non-conforming use
and for variance from
Section 3.025 of Zoning
Ordinance (Site Plan
Approval), and for variance
to allow front setback of 84'
(100' required), for 20' x 24'
addition to present
warehouse building at
property located at 21
Tricker Avenue,
approximately 280' south of
Ballantyne Road in RA-20
and FPO zone.

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

Janice M. Chapman,
Chairwoman
Chili Zoning Board
of Appeals



*Janice M. Chapman
Chairwoman
Chili Zoning Board
of Appeals
Dec 19 79*

MR. LYND: Are you aware of the requirements for a building in the flood zone, anchors and that?

MR. MARCHIONI: Yes. Any plans will have to be approved by the Building Department.

MS. CHAPMAN: How much traffic will there be in and out of this driveway? You are on rather of a curve there.

MR. MARCHIONI: You have to be careful. I would say some days we might go there in the morning and leave after one hour, 1 or 2 men and come back at night with 1 truck and 1 or 2 men. Sometimes we may not go there for days. It is that type of operation. We are not selling anything so there are no people coming in.

MS. CHAPMAN: Do you plow it yourself?

MR. MARCHIONI: Yes. We have snowplows.

MR. MALLETTE: You have a detail of a wood, frame and you want an approval for steel instead?

MR. MARCHIONI: Yes. The 284 is with vertical steel members and steel roofing. Either roof interlay or metal. There are no openings into this building except from the original building, with one access door in case we get trapped in there. a three-foot, metal door.

MS. CHAPMAN: You are not planning to house heavy construction equipment there?

MR. MARCHIONI: No. The only thing we have right now is a small backhoe.

MR. BURNETT: The fact that you are going to store combustible materials in there, have you thought of a sprinkler system?

MR. MARCHIONI: No.

MR. BURNETT: You have had a fire in there once before.

MR. MARCHIONI: The building itself, and most of the tools are steel,

MR. LYND: Any paints of paint thinners?

MR. MARCHIONI: If we would, we usually put them in a metal enclosed locker. Paint we can't keep there in winter time. It is too cold.

MS. CHAPMAN: Do you have any plans for heating the building?

MR. MARCHIONI: No. We have an old, metal stove there just to warm our hands in the winter.

MR. LYND: No basement, either?

MR. MARCHIONI: No.

MS. CHAPMAN: This has to go to the County, and they have indicated we should judge this as a local matter.

NO ONE SPOKE IN FAVOR OF THE APPLICATION.

IN OPPOSITION:

DAVE SHORTINO 185 BALLANTYNE ROAD: The building he has up right now, I can plainly see from my window. The further back he goes, the more I can see. My neighbors all signed this petition (which he presented to the Board) stating the undersigned were opposed to the variance for their properties will lose value. I would also think it poses a hardship to wildlife in the area. He commented there is no machinery in there. Everytime I get up, I see that bulldozer coming out of there all the time. So is his big truck. He has had alot more traffic coming in and out of there. I feel this could really hurt my property value. I am in the worst spot of all.

MS. CHAPMAN: How long have you lived there?

MR. SHORTINO 6 to 7 years. It was the old wooden building when I was there, and he rents to kids and they are the ones who burned it down before.

MR. LYND: To the rear of your lot line, how much distance is there?

MR. Shortino I own one half the lot further than I would have. I don't know off hand. I was talking to the neighbors, and Mrs. Rota told me that the gentlemen before me, too, tried to stop expansion there before.

MR. LYND: Do you think any type of landscaping would help the situation?

MR. Shortino I have solid pines the full length of my yard, and you can still see the building easily.

MS. CHAPMAN: I have here a letter from Mr. Peter Biola stating he is disabled and can't attend the meeting, and he is not in favor of any building there. He lives on Branch Street in Rochester. I have no idea what his interest is in this.

MR. MARCHIONI: The County owns that property on either side of me. I don't know him.

MS. CHAPMAN: I also have a letter from Peter Pagano, 6855 North Slocum Road, Ontario, New York, and he also could not be present, but he is in favor of the application. I don't know what his interest in this is, either.

MR. MARCHIONI: I personally don't believe I am creating any traffic there. I have just got one small backhoe, a truck, and a pick up, and those are mostly the vehicles in there. I am working during the day, so I am not there. I don't believe I am creating any noise. After 8 or 7 a.m. or 4 to 5 p.m. If I do create any traffic, maybe I could remedy some of it.

MR. Shortino He is renting the building to other people, and their trucks are coming in and out of there all the time.

MR. MARCHIONI: I am not renting any part of this. I could put the machines in the back of the building to hide them.

DECISIONS

APPLICATION NO. 1

UNANIMOUSLY APPROVED subject to the following:

1. The Site Plan Approval is NOT WAIVED. The applicant must come in to the Planning Board of the Town.
2. The equipment must be parked to the rear (south) of the building.

OLD BUSINESS:

APPLICATION OF WILLIAM KAISER, JR., 1033 Chili-Coldwater Road, Rochester to allow one horse to be kept on one acre parcel of land in residential property located in R-1-15 zone at above address.

UNANIMOUSLY DENIED without prejudice for the applicant does not want to pursue the application at this time.

dai