

ZONING BOARD OF APPEALS
January 5, 1954

The meeting was called to order by the Chairman, Mr. Entress, and roll was called, with the following members present: Mr. Beeman, Mr. Murphy, Mr. Strassner, and Mr. Entress, Chairman. Also present were the Building Inspector, Mr. Lusk, and Mr. Wickins, the Town Attorney.

The first application was that of John Syracuse, Jr. of 2713 Chili Ave. for permit to operate a beauty salon at 2709 Chili Ave.

Mr. Syracuse's son appeared for him and said that the store was vacant right now. There is a block of three stores across from Pixley Rd. with one vacant. He said the man who is going to rent the store was present and would answer any questions.

Mr. Rocco Azzolina of 438 Hawley St., who is going to rent the store, appeared, and Mr. Wickins asked him if this would create any traffic problem. Mr. Azzolina said there would not be a great number of people as most business would be done by appointment, and there is plenty of parking space.

No one appeared at the public hearing to voice an opinion on this matter.

The next application was that of Walter F. Rightmire for a permit to construct an office and store building and 52-unit trailer park from a point on Paul Rd. corner of Beahan Rd. west 350 ft. thence north to a point 822 ft., thence east to a point 925 ft., thence south 400 ft., also a variance of front lot line setback for building to 50 ft.

Appearing for Mr. Rightmire was Robert E. O'Brien, Attorney, who spoke as follows:

The park that Mr. Rightmire is planning to construct will consist of locations for 52 trailers. It will be of the most modern design and the most modern type of layout for this particular use. Mr. Rightmire's plans are to permit only the latest model trailers to occupy the park, to restrict the use of the park to high type people and people who can afford to have fine trailers, and to people who have no families. He will not permit any children in the camp or any pets. The people who acquire families will not be allowed to remain. The property will be landscaped in a very desirable way, and the only building on the plot will be an office and store building. The roadways in the park will be black top. The entire plot will be laid out with water supply pipes with provision for attachment to each of the 52 trailers. It will also be laid out with fire protection pipes to be located at every second trailer, and there will be adequate septic tank arrangements for each of the trailers which will be in the park. The question sometimes comes up in regard to trailer parks as to the possibility of limiting the park to families without children. The question of children in a trailer park is a serious one since many people feel that trailers are perhaps not quite the right place to bring up children. Some people feel that trailer camps bring children into the area where they must be provided with schooling by the taxpaying residents of the area. Mr. Rightmire has thought that problem over very carefully, and his plan is not to accept any trailers in the park if there are children in the family. If children arrive after the couple have obtained their trailer side, he will notify them that they will have to leave. His plan is to provide no laundry facilities whatever, which is one of the essentials of a family with children. Mr. Rightmire plans to spend \$25,000 constructing this park, and it will be an important taxpaying unit in the town. He is a man of means who can afford, and intends to operate, a very high type trailer park. He will put up a nice park and maintain it as such. He is here tonight to answer any questions.

Mr. Wickins asked if he understood that the Zoning Board of Appeals could not put any restrictions on the park regarding children. If a permit were granted to operate the trailer park, he could sell it to somebody else that would not live up to that restriction.

Mr. O'Brien said Mr. Rightmire decided not to have laundries so that it would be necessary to apply to the Board for the necessary plumbing permits.

Mr. Wickins said the Trailer Ordinance requires a service building in a trailer park, with water maintained at a certain temperature. He would have to have a service building for the use of the occupants when they wanted it.

Mr. O'Brien said that the office and store building could comply with that, except for the laundry facilities. Mr. Wickins said he thought it meant to occupy a store, and Mr. Rightmire said this was a storage building

for the use of the people in the park. Mr. Wickins said he would have to comply with the trailer ordinance if the permit were granted.

Ruben Brodsky, Attorney, came forward to speak. He presented to the Board a petition saying he was representing that group of people whose names were signed opposing both applications for a trailer park. One application has been withdrawn. He is representing many of the people whose names are signed on the petition, objecting to trailer camps. He had acted for the people before on another application on the opposite corner from this one. That application was denied. The people he represents are home owners and taxpayers. He said an application to erect 52 homes would be subject to taxation and would bring revenue to the Town, which it sadly needs. He said he thought Mr. Rightmire had signed a petition in objection to a trailer park himself. Mr. Brodsky quoted from Article II of the Trailer Ordinance: "It is the purpose of this ordinance to promote the health, safety, morals and general welfare of the inhabitants of the Town of Chili, etc." If 52 additional trailers are brought into the Town, it is going to create a fire hazard, a police hazard, and a possible moral hazard. There is no guarantee that there won't be any children. This would create a heavy tax burden on the school district and on people who are paying good sized taxes on homes which were bought with good intentions. They would be paying more than a trailer camp owner for his entire lot. He said Brighton, Greece, Irondequoit do not have trailer camps, and if Brighton had trailer camps it would not be what it is today. Being immediately adjacent to Rochester, Chili can't afford trailers to come into the Town. If we allow trailers to come into Chili, it will soon become a gypsy area instead of a home-like area. To permit trailers will drive away home owners, not only present but prospective, and the town has to consider the future. The Board should deny this application and consider Article II that they have the right to grant a variance following the purpose of the ordinance to promote the health, safety, morals, etc. of the people who are here now, not those coming in. Mr. Brodsky said it is his sincere wish that the Board consider the standpoint of the taxpayers. A trailer camp can't be assessed, and should be chased out to maintain a good substantial citizenship.

Mr. Wickins asked how many signatures were on the petitions, and Mr. Brodsky said more than 100 who were opposed to both applications.

Mr. O'Brien said he would like to state in rebuttal in the first place that Mr. Rightmire did not sign the petition to which Mr. Brodsky referred. He thinks it should be kept in mind that under Mr. Rightmire's plan, the town will gain taxwise rather than lose. The park which he intends to build will certainly be assessed for considerably more than the vacant lot. This particular lot is located in a spot that is not adapted to residential building, particularly with the continued growth of the airport. He brought out the fact that in Ontario County, he believes in the town of Victor, they welcome trailer parks very much, not only because of the initial assessment, but also because they have adapted an ordinance which met the approval of park officials whereby they provide for a tax on the use of each trailer. Most of the trailers used to be in a shanty, today you have in a trailer a person who has the means and leisure to maintain a luxurious home in more than one part of the country, depending on jobs and whims. Mr. Rightmire intends to restrict the park to prevent children in, not because they would be undesirable, but because it is not the right place to bring up children. In Victor they find this simply isn't any problem.

Mr. Brodsky stated that until the State of New York permits taxation according to residences, he doesn't think the board should grant another trailer camp. The owner should be compelled to pay taxes on the basis of the income of the trailers, and there is no way of doing that unless it is voluntary. The taxes or assessments on the existing trailer camps do not vary much from the previous vacant lot or land. People want to get away from the cost of homes and live in trailers like typsies. The people in trailer camps might control the political aspect in a short time. In 52 trailers you might have 104 who might have the right to vote. The town should not grant trailer camp applications.

Mr. Charles Clarke of Bauman Rd. said he was apposed, but did not have his name on the petition.

Mr. Brodsky stated that with the laundromats and didy wash, the argument of no facilities for laundry in the park was useless.

Mr. O'Brien said that if Mr. Rightmire told someone to move, he would have to move. They are all on wheels.

Mr. Rightmire referred to the Jones Trailer Park on Scottsville Rd. which he said is very clean and neat. He said there are no cats, dogs, or children permitted in this park, and that is just one camp, and that a lot of the Board members had been by that camp. There is one next to the airport and one at the corner of Buffalo and Howard Rds. They live up to the rules. A permit is only issued from year to year.

Mr. Wickins said that under the trailer ordinance laundry facilities have to be furnished. Mr. Rightmire said that the Jones Trailer Camp does not have facilities for wash room or store room, and there are 50 trailers.

Mr. Howard Fitzsimons of 206 Chestnut Ridge Rd. voted in favor of granting this request.

Mr. Rightmore said he runs a business on Scottsville Rd. and has kicked out a lot of people who were disorderly, and keeps his place clean and neat. He said he appeared here at some time before New Year's for a permit for dancing, which some people did not do.

Mr. Brodsky stated the petition was not against Mr. Rightmire as an individual, but against trailer parks, and asked when this was going to stop, and how far it will go. There has got to be a limit. It is within the Board's discretion under Article II to deny this request. They haven't got the facilities for police protection or health inspection. There are enough inspectors now.

Mr. Rightmire said that each and every trailer is assessed for \$5.00.

Mr. Wickins said this was for the permit. There is nothing in respect to assessment on trailers until there is a State law.

Mr. Rightmire said that some trailers cost more than some homes. In a year or two there will be a great many trailers, and no one can stop them.

Mr. Brodsky stated that there must be a law passed for taxation for trailers. The people in the trailer camps should share the taxes with the townspeople. The residents can't send to Albany to fight for this. If something isn't done to tax these trailers, the town is going to be sorry 25 years from now.

Mr. Wickins stated that the Zoning Board grants a variance on the basis of one year. It is renewed if the trailer ordinance is lived up to.

DECISIONS OF THE BOARD:

John Syracuse, Jr. - The Board granted application for a permit to operate a beauty salon at 2709 Chili Ave. for a period of three (3) years.

Walter F. Rightmire - Application to construct an office and store building and 52-unit trailer park was denied.

NOTICE IS HEREBY GIVEN that there will be a public hearing of the Zoning Board of Appeals of the Town of Chili, to be held in the Chili Town Office at Chili Center on January 5, 1954, at 8 P. M. to consider the following applications:

1. Application of John Syracuse Jr. for permit to operate beauty salon at 2709 Chili Avenue.

2. Application of Walter F. Rightmire for permit to construct an office and store building and fifty-two unit trailer park from a point on Paul Road corner of Beahan Road west 350 feet; thence north to a point 822 feet; thence east to a point 925 feet; thence south 400 feet; also requests variance of front lot line setback for building to 50 feet.

All interested parties are requested to be present.

ZONING BOARD OF APPEALS
February 16, 1954

The meeting was called to order, and roll was called with the following members present: Mr. Murphy, Mr. Strassner, Mr. Entress, Mr. Beeman,

Application of Joseph H. Schuler for a variance to erect a pole and sign and an electric sign on gasoline service station premises at 1300 Scottsville Road, operated by American Oil Company.

Sidney J. Salzman, Attorney, appeared for Mr. Schuler and said that a letter from Francis H. Carroll, Director of Public Works, which was submitted to the Board along with plans, explains the request being made, and that he would like the letter made part of the record.

Mr. Entress read to the Board this letter as follows: "We have reviewed the two applications for a permit to erect an electric sign and a pole and sign in front of a building at 1300 Scottsville Rd., as submitted to you by Mr. C. Mendenhall of the American Oil Co., Box 712, Rochester 3, N.Y., undated. The plans for the pole and sign, dated Dec. 2, 1953, Drawing No. A-175, indicate the top of post, 21.5 ft. high, would be at elevation 550. According to the Chili Zoning Ordinance Airport District Regulation, the limiting elevation at the proposed site should be 538.0, so this would be non-conforming. The sketch plan for the electric sign indicates a top elevation of 551. According to the Chili Zoning Ordinance Airport District Regulation, the limiting elevation at the proposed location on the building should be 538.0, so this would be non-conforming." The letter is addressed to Mr. Ouweleen and sign Francis H. Carroll, Director of Public Works.

Mr. Entress asked how the pole and sign corresponded with the height of the building, and Mr. Salzman said it was higher than the building, with a difference of 4 ft. in height. Mr. Entress asked how high they were in relation to the power lines, and Mr. Schuler said they were about 10 ft. or 12 ft. lower than the power line right in front of the gas station. Mr. Schuler said the sign would be placed on the lot line and extend in, and would be in line with the power line about 40 ft. towards the city. The sign on the pole would be about 20 ft. further back on the top of the building.

Mr. Salzman said there would be no safety hazard involved, as it is off the Scottsville rd.

Mr. Switzer appeared and said he had no objection, as there was no safety factor involved.

DECISION OF THE BOARD:

Variance granted Joseph H. Schuler and the American Oil Co. to erect signs as per plans presented, provided height shall not exceed 551 ft. elevation.

NOTICE IS HEREBY GIVEN that there will be a public hearing of the Zoning Board of Appeals of the Town of Chili, to be held in the Chili Town Office at Chili Center on February 16, 1954, at 8 P.M. to consider the following applications:

1. Application of Joseph H. Schuler for a variance to erect a pole and sign and an electric sign on gasoline service station premises situate at 1300 Scottsville Road operated by American Oil Company.

All interested parties are requested to be present.

By order of the _____ the _____

ZONING BOARD OF APPEALS

March 2, 1954

The meeting was called to order by the Chairman, Mr. Entress, and roll was called with the following members present: Mr. Strassner, Mr. Entress. Also present was Mr. Lusk, Building Inspector.

The first application was that of John R. Beattie, 4043 Union St., Chili, to add a 24 ft. x 24 ft. addition to existing house, a variance of 4 ft. to the south side lot line.

Mr. Beattie appeared and presented a sketch of the proposed addition. He said he wanted to build on to the present house, making separate living quarters with a separate entrance. Mr. Lusk said that would make the existing house a double house. Mr. Beattie said he applied for a prefabricated house, but could not get a permit as they do not meet the building code.

Mr. Seldon Crow inquired what the ordinance said on distances from the side lot lines, and was told it was 10% of the width of the lot. Mr. Beattie has a frontage of 651 ft. as this property was never subdivided. Mr. Beattie said he didn't want to have to build on a separate lot and have to pay taxes on both places. The Board told him he could have two houses on his property and be assessed as one piece of property, because this is farm property. Mr. Beattie said he could construct this without a mortgage. Joe Entress gave him an estimate of \$1,589 for lumber. At the present time, he is paying \$55.00 a month for a house in Mumford, and if he can build this addition, it will eliminate that payment.

Mr. Entress told him that if was going to subdivide that property and take a lot off, he would have to get permission from whoever is holding the mortgage, but if he builds another house on the property, he will not effect the mortgage any. Mr. Entress also stated that 4 ft. was pretty close to the side lot line, and the Board suggested that Mr. Beattie change the dimensions of his addition, having the same square footage, but making it deeper instead of so wide. Mr. Beattie said the present house is set back approximately 100 ft. from the road. No one appeared in objection.

Mr. Entress said that as there were not enough members present to make a decision, the Board would reserve decision until two (2) weeks from tonight and send Mr. Beattie a notice of said decision.

The next application was that of Mrs. Peter Vellekoop Jr. of 700 Chestnut Ridge Rd. for permission to operate a kennel on her property.

Mrs. Vellekoop said she had obtained a permit last year to operate this kennel. About a year has elapsed since that time, and she would like another permit. Mr. Strassner asked if she had heard any objections down there, and Mrs. Vellekoop said no, and there weren't any the last time either. She has 5 acres of land, and at present only 4 dogs. No one appeared to voice an opinion on this application.

Mr. Entress said that the Board would make their decision two weeks from tonight, and send Mrs. Vellekoop a notice of their decision.

ZONING BOARD OF APPEALS
March 16, 1954

The meeting was called to order by the Chairman, and roll was called with the following members present: Mr. Pfenninger, Mr. Beeman, Mr. Strassner, and Chairman, Mr. Entress. Also present were Mr. Lusk, Building Inspector, and the Town Attorney, Mr. Wickins.

The first application was that of Franklin Sherwood for a variance to erect an advertising sign 12 ft. high by 25 ft. long, situate on Scottsville Rd. at the city dump.

Mr. Sherwood appeared and said he would like to erect a billboard sign on the city dump property. Mr. Wickins asked if he owned the property, and he answered that he leased it from Mrs. Russell, who owns it. Mr. Strassner said the ordinance required a 100 ft. setback from the road line. As the road is 66 ft. wide, this would put the sign 133 ft. from the center of the road. Mr. Sherwood said the sign would be at right angles from the road, facing south, of steel construction, and not illuminated. He said he would comply with all requirements of the ordinance.

No one appeared to voice an opinion on this matter.

The secretary read the minutes of the last meeting held on March 2, 1954, and the Board made the following decisions on the applications of Mr. Beattie and Mrs. Vellekoop, Jr., which had been held over:

DECISIONS OF THE BOARD:

Mr. Beattie - Variance granted to erect an addition to existing home not nearer than 8 ft. from the side lot line.

Mrs. Vellekoop, Jr. - Permit granted to operate a kennel on her property at 700 Chestnut Ridge Rd. for a period of one year from March 16, 1954.

Mr. Sherwood - Application to erect billboard sign on Scottsville Road at the city dump was denied.

ZONING BOARD OF APPEALS

April 6, 1954

The meeting was called to order by the Chairman, and roll was called with the following members present: Mr. Beeman, Mr. Strassner, and Chairman, Mr. Entress. Also present were Mr. Lusk, Building Inspector, and Mr. Wickins, Town Attorney.

The first application was that of Joseph Entress for a variance of 7 ft. to side lot line on lot 195 Sequoia Drive.

Mr. Thomas Sear of Wm. Lozier Co., Engineers, said he was appearing at the request of Mr. Entress. The lot in question is irregular in shape, wider in the front than in the rear. The house already constructed on the lot conforms to the front setback but is too close to the east line of the lot. The Town ordinance states 10% of the width of the lot at the building line, which requires about 8 ft. The house is actually constructed 7 ft. from the east line. The request is for a variance of 1 ft. A mistake was made was made by the engineer and was not discovered until the house was built. No one appeared to voice an opinion on this matter.

Application of Walter Latoski for a variance to operate a beauty parlor at 2029 Westside Dr. in E residential zone.

Mr. and Mrs. Latoski appeared. Mrs. Latoski wishes to operate a small beauty parlor in her home. She would be the only operator, and it would not be a big operation. There would be no signs. Everybody would be taken by appointment and there would be no parking problem. Request is only for permission to operate on the premises, and nothing would be changed. No one appeared to voice an opinion on this matter.

Application of Robert E. Wright to erect residence on lot #36 Creekview Dr., variance of 6 ft. to side lot lines.

Mr. Wright appeared and said he has an irregularly shaped lot and at the point of setback it is 75 ft. 3 in. wide instead of 80 ft. House is setback 60 ft.

There was some discussion by the Board as to whether it would be better to change the front lot line setback instead of the side lines, in view of the fact there were several other irregularly shaped lots next to this one. Mr. Wright was instructed to contact the engineer and get figures at the side line setback both front and rear for a 55 ft. setback. No one appeared to voice an opinion on this matter.

Application of Albert J. Fisher, 3040 Chili Ave., to erect addition to existing poultry house 5 ft. from side lot line.

Mr. Fisher appeared and said he was requesting to build an addition of 15 ft. x 35 ft. to his present poultry house. The Bell house next door is at least 100 ft. from the side lot line. He has property of about $4\frac{1}{2}$ acres with 1000 ft. to the rear of the property. His present house is about 75 ft. from the present poultry house. Mr. Fisher said he wants to add to the present poultry house to save the expense of a wall. Mr. Entress suggested that if Mr. Fisher would build 10 ft. from the side lot line instead of 5 ft. and build at an angle, a side line variance would not be necessary. Mr. Fisher withdrew his application and said he would work out something whereby he would not require a side line variance.

Application of Nicola DiPaola to erect residence on Chester Ave., variance of 45 ft. from front lot line and 45 ft. rear lot line setback.

Mr. DiPaola appeared and stated that because of the size of the lot, which is a double one 100 ft. wide by 120 ft. deep, he needed the variance in setback to construct his house. The Board referred to minutes of November 1953 in which several variances were granted on Chester Ave. to erect houses with 35 ft. front lot line setback. There was some discussion as to whether it might not be better for Mr. DiPaola to build in line with the other houses rather than further back. Mr. DiPaola was very agreeable to a 35 ft. front lot setback suggested by the Board.

DECISIONS OF THE BOARD:

Joseph Entress - Variance granted Joseph Entress for a variance of 7 ft. to side lot line on lot 195 Sequoia Dr.

Walter Latoski - Variance granted to operate a beauty parlor at 2029 Westside Dr. for a period of one year, limited to one operator, said operator to be Mrs. Latoski. There are to be no signs.

Robert E. Wright - The Board reserved decision on this application until the next meeting.

Albert J. Fisher - Variance granted to erect an addition to present poultry house at 3040 Chili Ave.

Nicola DiPaola - Variance granted to erect residence on Chester Ave. with setback of 35 ft. from front lot line and 55 ft. from rear lot line.

ZONING BOARD OF APPEALS
May 4, 1954

The meeting was called to order by the Chairman, Mr. Entress, and roll was called with the following members present: Mr. Pfenninger, Mr. Beeman, Mr. Entress. Also present was the building inspector, Mr. Lusk, and the town attorney, Mr. Wickins.

The first application was that of Cesare Falcone to use property on the corner of Chestnut Ridge and Fenton Rds. for retail sale of mill work, lumber, hardware, and other associated items, carpentry and the running of sufficient machinery to alter said stock and mill work in commercial zone.

Peter P. Ferrari, attorney, appeared, representing Mr. Falcone, the owner of the property in question. Mr. Ferrari said that Mr. Falcone now has a prospect to rent the property who intends to use the premises for mill work, the selling of windows, storm doors, and other business thereto. He wishes to run machinery to fit door and windows to the particular premises for which they are intended. It is necessary to run machinery in order to do this work.

Mr. Ferrari said it is a matter of record that the Supreme Court has already passed by order that this particular property is commercial and can be used as such. He quoted from the Zoning Ordinance some of the uses of commercial property. He stated that a mortuary, assembly hall, or plumbing and electrical shop can be put there and can be used for that purpose. He pointed out that this business would be much more desirable than plumbing, heating, and electrical shop. Mr. Ferrari said this would be an advantage to the community and to the people living around there. The particular use of the property would be for mill work, and wouldn't be detrimental, but much better than an electrical shop which would make a lot more noise. At this time, he asked the Board to give its consent to the application for the purpose as applied.

Mr. Wickins stated that under a commercial district, the applicant would not need a variance for a retail store, but only for the mill work. He asked what equipment or machinery would be installed for the mill work, and what it would consist of.

Mr. Ferrari answered they would need a power saw and a sander. He means a power saw to the extent that particular doors and window frames can be altered. Also a planer and a band saw, and a joiner.

Mr. Lusk said they would probably require about 7 different high speed tools.

At this time, Mr. Wickins stated that in May, 1950, an order was granted by the Supreme Court in effect re-zoning this particular piece of property. He was not Town Attorney at that time, and did not try the case. He was appointed in 1951. He said the order in his opinion is very poorly drawn. It is a general order than could be interpreted almost any way one wanted to interpret it. The Town Board anticipated in the future some question about this. It was his advice to the Town Board to consider this order as zoning this property commercial. That is his ruling on it. Mr. Wickins quoted from the order signed by Justice of Supreme Court, Earl S. Warren, and said that this order zoned the property commercial and not industrial, that was his ruling as Town Attorney. Mr. Wickins said further that the Appeal Board has to consider this application because the mill work as asked for by the applicant is not provided in the zoning ordinance. Mill work would be considered industrial, and there would have to be a variance in order for him to do it.

Mr. Kohlmeier of 12 Chestnut Ridge Rd. said he was opposed to this request because of the noise involved, and the fact that it would be detrimental to the value of surrounding property. He said he lives right on the corner.

Mr. Ray Johnson of 140 Fenton Rd. stated that he was opposed. He also said that no one on Fenton Rd. was notified of this meeting, only the people on Chestnut Ridge Rd.

Mr. Wickins stated that the Town notifies six people and also puts a notice in the newspaper so that everyone may see it.

Mr. Norman Spitz of Chestnut Ridge Rd. said he objected because of the noise. He lived near a place that did mill work at one time and didn't want a recurrence of that.

Mr. Howard Thomas of 139 Fenton Rd. stated he had the same objections as the others.

Mr. Guliano of 2975 Chili Ave. said he owns property across the road, and he objected.

Mr. Edgar Davies of 16 Chestnut Ridge Rd. was also opposed.

Mr. Ferrari spoke again at this time and said his client has tried to be amicable about this thing. As far as the order is concerned, they have

the right to do this thing. They want the proper feeling in the community, and with the Board. He is sure that the mill work they are going to do is much more desirable than plumbing and heating which is stated in the law. It is going to be nicer and not as noisy as any of these things set forth in the law. They are trying to utilize this property to help the community and themselves and to be amicable, and that is why they are before the Board. He can't see any objection to this business. He will do everything in his power to do what is just and right. Mr. Falcone bought the property and is paying taxes on it with no income from it, and no way to utilize the property unless it is rented for some income instead of leaving it standing. Mr. Ferrari wants to do everything amicably with the Board and with the adjoining neighbors in the community.

Mr. Spitz asked if the Supreme Court order meant that this property could only be used for such commercial use as it had been used for prior to 1947.

Mr. Wickins said he interpreted the order as just commercial use and the Town Board would back him up. The order should have been appealed and clarified, but this has to be done within 30 days after it has been passed.

Mr. Johnson said that Mr. Falcone had told him he was going to use this property for storage and that eventually he would tear down the building and put in a garden store. No one would object to that, but they do to the mill work.

Mr. Wickins said as a matter of clarification, the Zoning Board could restrict any work to altering or remodeling, to prevent its developing into manufacturing as opposed to altering and remodeling.

Mr. Ferrari stated there was not going to be any manufacturing. That is already done, the thing is to alter what has been manufactured. There will be some frame and wood and some aluminum, all in that particular category. They will alter them to fit into particular premises. The shop is for repair, not manufacturing.

Mr. Lusk asked how many men would be employed?

Mr. Ferrari answered that as far as he knew, two or three.

Mr. Guliano said that mill work and manufacturing makes the same amount of noise.

Mr. Ferrari answered that there would be the same problem with a plumbing or electrical shop; it might even be worse.

Mr. Guliano said he disagreed, and said there would be quite a few men employed.

Mr. Ferrari said there would be one or two men when they started, maybe more if it expanded. He leaves it up to the Board to make the decision. He is not here to take issue with the problem. Mr. Ferrari said the Supreme Court order said the thing already can be done, and Mr. Falcone had bought the property so that he could make use of it having some income, and it would pay for the taxes. They knew of the order when they bought the property. It is even in the deed drawn up by the attorney of the former owner that they could use it for the particular use for which they bought it. Mr. Falcone was under the impression that he could come in and start up work, and the man who wants to rent it wants to do mill work.

Mr. Johnson asked if anyone was present representing the Town when the order was passed, and Mr. Wickins answered that Attorney Morehouse represented the Town and opposed this order. Mr. Wickins said he can't appeal now as that has to be done within 30 days from the time it was granted.

Mr. Johnson said he didn't know about it until way past the 30 days.

Mr. Wickins stated that it is still going to be his advice to the Appeals Board and the Town Board that the order only makes that property commercial. Until such time as ordered otherwise, that is his decision.

The next application was that of David Ouweleen to build residence 37 ft. from the rear lot line on the corner of Stottle and Bowen Rds.

Mr. Ouweleen appeared and said he wished to build his house facing Stottle Rd. instead of Bowen Rd. as it fits the lot better that way. He will have plenty of room on the side for sewage. The lot is big enough for a leach field and well. The grade of the land, which raises in the back, makes this a better situation.

Application of Thomas Buttarazzi to erect garage 8 ft. from side lot line at 562 Paul Rd.

Mr. Buttarazzi stated that as his other houses over there are 8 ft. from the side lot line, he would like this one to be also. He wants to build a one-car garage 14 ft. wide 8 ft. from side lot line instead of 10 ft. as required by the new ordinance.

Mr. Slike appeared to ask what the request was about. When he understood, he had no objection.

Application of William Kuebler for side lot line variance of 10% of lot width for lots in the O. K. Subdivision.

Mr. Kuebler said that 25 houses now completed or under construction on this tract have the 10% side line restriction, and he would like the others to be the same. Also it would narrow the width between the houses. No one appeared to voice an opinion on this matter.

Application of Michael Kuz, 3312 Chili Ave. for variance to erect a chicken house 8 ft. by 10 ft. in R Residential zone.

Mr. Kuz said there was a chicken house when he moved in about one year ago, and he has 12 chickens now. The building is already there, he brought it when he moved in from Churchville. He got a permit to build his house, but not for the chicken coop out in back of the house. Mr. Kuz said it is about 10 ft. from the back lot line, and no one lives on the rear lot. He bought from Mr. Galisano.

Mr. Wickins asked if there was any reason for putting it so close to the back line. Mr. Kuz answered no reason except to keep it away from the house. He said he has some feed ~~xxx~~ left and would like to use it up and then put the chickens in the freezer. He could move the chicken coop if it is necessary. Mr. Galisano's property goes through to the Paul Rd.

Mr. Phrengle of 3316 Chili Ave. said this was a residential area and he didn't feel that it is in order to permit putting chicken coops in there. He said his dog killed one chicken, and his wife paid \$5.00 for it. Two of his dogs have been killed by rat poison and he feels this is a dangerous situation, as he has children who might also get poisoned.

There was some discussion between Mr. Kuz and Mr. Phrengle as to various events which have taken place regarding this situation.

Mr. Wickins said the Zoning Board of Appeals has jurisdiction over whether a poultry house can be maintained in an R Residential district.

Mr. Galisano said he was going to subdivide some surrounding land and that the chicken coop would probably be detrimental to the sale of this.

Mr. Wickins asked if Mr. Galisano and Mr. Phrengle would have any objections to a variance for 3 months time, and they both said no. Mr. Wickins said he would then have to close it down at the end of 3 months or else come before the Board again. The Board can put a limit on any variance granted. Mr. Kuz asked if he could use the building for garden tools, and Mr. Wickins said yes.

Application of Raymond S. Foos, 249 Paul Rd. for variance to operate a dog kennel in industrial zone.

Mr. Foos said he intends to breed thoroughbred beagles, and in the future he hopes to build a building to sell dog food and articles that go with dogs. He has 158 ft. frontage and 756 ft. in depth on the south side of Paul Rd. On the west is 50 ft. belonging to R. G. & E. Corp. and on the east is the B & O RR. Kennel is in an old bam about 125 ft. from the road. At the present time, he has 7 dogs.

No one appeared to voice an opinion on this matter.

Application of Lawrence P. Dowdell, 3965 Union St. for variance to operate picnic grounds 1000 ft. from front lot line.

Mr. Dowdell said he has a piece of property that was once used as a skeet shoot that would be ideal for picnics, clambakes, etc. There would be no buildings, just a few tables, and lavatories. There would be ample room for off-street parking. He has 118 acres, and it wouldn't even be visible from the road.

Mr. Entress said he should have brought some sort of sketch to show the Board so that they could get a picture of the area where he would like the picnic grounds. Mr. Wickins said the Board could not really act unless they know fairly clearly the area asked for and the dimensions of the area. The Board could reserve decision and Mr. Dowdell would not need another hearing unless there were objections. Mr. Wickins said that this variance would not change the classification of the property. Only the Town Board can do that. This variance would merely give permission for a picnic ground. It has been the practice of the Board to put a time limit on these variances.

Mr. Dallas Davis of Chili Ave. said he was opposed to the variance being granted. He said it is residential in that section and being developed for subdivision purposes.

Mr. Wickins said if it wasn't developed for a commercial enterprise, Mr. Dowdell could have his friends back there but he couldn't take money.

Mr. Davis said a good many people out there have purchased lots and he is opposed to this as ruining the effect of the zoning. He said no one would object to private parties, but would to a commercial enterprise.

Mr. Dowdell said that several of his friends had seen the spot and asked if they could rent it for parties, but that he hadn't made any plans to go into it on a large scale. Mr. Davis said he would like to go up there on Bowen Rd. and Union St. and see how the people feel and maybe get up a petition opposed to this request. Mr. Dowdell said that rather than have that happen and have any difficulty with the neighbors, he would withdraw his request. After some more discussion, Mr. Dowdell withdrew his request.

Application of Lawrence Gorham Jr., 616 Paul Rd. to erect house 45 ft from the front lot line and 6 ft. from west side lot line.

Mr. Gorham said when he first applied in November his house wasn't large enough and he had 10% of the width of the lot in mind. By building on top of the present house he can only get 45 ft. from the road. He said there is nothing but an open field on one side and the R.G. & E. on the other side. There is no basement in the present building, it is just a garage. His lot is 723 ft. long and 60.8 ft. wide. Mr. Entress asked how much of a job it would be to move back 15 ft. and Mr. Gorham said the cost would not be worth it. He intends to tear it down and make use of the lumber, as it is not too well built, having been built during the war. Mr. Peter Costanza said that he is planning to subdivide his property adjoining this and ^{not} would be opposed. Mr. Costanza said that he thought that Mr. Gorham should be allowed to live in his present quarters while building his house as long as he is going to tear it down later. Mr. Vanslyke said he has no personal objection to this request, but there are several places surrounding this property which are being held for subdivision, and he does not think a precedent should be set by allowing this request. He would like to maintain the 60 ft. setback on Paul Rd. Mr. Wickins stated that if Mr. Costanza wanted a 45 ft. setback on the tract he plans, he would have to come before the Board for each one, or for the tract as a whole. Mr. Vanslyke said this was a school meeting night and several people were not here who would have been. He is opposed to this request. There was more discussion as to moving the present building to obtain the required setback.

DECISIONS OF THE BOARD:

Robert E. Wright - The decision of the Board on this request held over from the last meeting was that Mr. Wright be granted a variance to erect a residence on lot #36 Creekview Drive not closer than 6 ft. from side lot line.

Cesare Falcone - Application denied.

David Ouweleen - Variance granted.

Thomas Buttarazzi - Variance granted.

William Kuebler - Variance granted on lots 108, 110, 111, 112, 113, 114, 115, 116,

Michael Kuz - Application denied. 117, 118, 120, 122

Raymond Foos - Variance granted for a period of 3 years.

Lawrence Dowdell - Application withdrawn.

Lawrence Gorham, Jr. - Application denied.

ZONING BOARD OF APPEALS

May 18, 1954

The meeting was called to order by the Chairman, and roll was called with the following members present: Mr. Murphy, Mr. Strassner, Mr. Beeman, Mr. Pfenninger, Mr. Entress, Chairman.

Also present were the Town Attorney, Mr. Wickins, and the Building Inspector, Mr. Lusk.

The first application was that of Leroy and Allen, Inc. to erect a dwelling at 907 Paul Rd., variance of 912 sq. ft. in E Residential zone.

Mr. Mitchell William, Attorney, appeared to represent LeRoy & Allen, Inc. He said the proposed house plan was for a 1-story 3-bedroom house of 912 sq. ft. He wanted to point out the position of the builders regarding this particular house and property. LeRoy & Allen entered into a contract with a veteran on December 15, 1953, to build this particular house. The veteran is Robert Miller of Clifton, N.Y. Their position is unique in view of the fact that the ordinance has recently been amended, requiring a larger house in an E residential district. This is now a very harsh rule on these builders, having signed this contract 6 months ago. It would be an economical hardship on the builders and on Mr. Miller. Mr. William's clients told him the veteran wanted to wait until spring and better weather before starting to build. The house will be a good-looking ranch-type and would not depreciate or impair the values of any other houses on that road, and would not establish a precedent for this Board or for the Town. This 3-bedroom ranch type house is a large success in the city; there are 15 or 20 houses on North Goodman St. in Irondequoit. The house would enhance the property along Paul Rd. Mr. William said the buyer wanted to wait until spring to build, and now they find themselves in this unique position.

MR. WICKINS asked if there were any other contracts similar to this in that locality and if they were going to build more houses down there.

MR. WILLIAM said this was the only contract. They plan to build more houses down there, but any other houses will meet with the zoning requirements. He said he would like to give the Board the general background of these builders. They are fairly young builders starting out on this tract. They have an option to buy lots on Paul Rd. and would like to develop a greater number of houses. They plan to go in and build houses which would comply with the restrictions. Mr. William said the builders were present and would be glad to answer any questions.

MR. ENTRESS asked if they had the commitment on the V.A.

MR. WILLIAM stated they had a copy of the contract written on December 15, 1953, and that he would leave this copy with the Board.

Mr. Frankel wanted to know if a foundation now on Paul Rd. was the one in question, and if a variance would have to be granted for any others if they wanted to build them smaller than requirements. He was told that the foundation on Paul Rd. now is the one in question, and that a variance would have to be granted for any others of a similar nature. When asked by Mr. Entress what his opinion was, he said he had no comment.

MR. WILLIAM said they do not intend to ask for another variance, as they intend to meet the requirements of the zoning ordinance.

Mr. Harder of 895 Paul Rd. said he objected on the basis of size as it does not meet the requirements of the ordinance. He had heard comments that these houses were rather small looking.

MR. STRASSNER asked when the foundation was put in. One of the builders said they had been remiss as they had not put in for a permit before putting in the foundation, and they were at fault. He said the house will not look small as it will have an attached garage, and will be 52 ft. in all across the front.

There were no other people present to voice an opinion on this matter.

Application of First Chili Presbyterian Church, Chili Avenue, to erect an addition to the rear of the church, variance of 10 ft. to the rear lot line.

Mr. A. E. Voke of 3183 Chili Rd., one of the trustees of the church, appeared to speak on the application. Mr. Voke said it was the desire of the church to build a hall in back of the church 30 ft. by 60 ft., with a small room in between, sort of a breezeway, connecting the church and the new hall. Downstairs there would be a large dining room and kitchen and upstairs 5 Sunday School rooms and a smaller meeting room. It is not very advisable to put the addition on the side of the church, and they have about 54 ft. from the church to the back lot line. This plan would take about 43 or 44 ft. of that and leave 10 ft. to the rear lot line. There would be plenty of room on the side for septic tanks and drains. The land surrounding the church is owned by the school district, and an addition would not harm the surroundings in any way, and it is something the church and the community need. There would still be plenty of room for parking space. They would eliminate the parking in the back and enlarge the parking space on the side.

MR. STRASSNER asked how far away the nearest building is.

MR. VOKE said there is an old farm house and barn to the east. It is all open from Chestnut Ridge Rd. clear up with the exception of this one old building. The school district has an option on property 200 or 300 ft. wide on both sides clear to the Chestnut Ridge Rd. When they plan to build a school, they will probably locate on this knoll to the east, several hundred feet away from the church. Mr. Voke said it would be a cement cellar wall and frame construction.

No one appeared to voice an opinion on this matter.

Application of Lawrence Gorham, 616 Paul Rd., to build a 2-car garage, variance of 6 ft. to east side lot line.

Mr. Gorham appeared and said he would like a side line setback on the east of 6 ft. for his garage. This is the side where the R. G. & E. is located.

MR. WICKINS asked what buildings were in the back and what he is going to do with his present building.

Mr. Gorham said there is an old barn in the back which is coming down. He is going to live in the present building. The garage will not be attached to the present building, there will be about 7 ft. between them. He is not going to build living quarters, but a 2-car garage.

MR. WICKINS stated there has to be 8 ft. between a detached garage and a house.

Mr. Gorham said he did not want to cut down on his garage.

Mr. Wickins told him he should then ask for a variance of 5 ft. instead of 6 ft.

Mr. Gorham stated that he would change his application to read 5 ft. then, as he does not want to cut down on the size of his garage. The R. G. & E. building is next door. He said his lot is 60 ft. by 732 ft. deep. The house is 20 ft. x 24 ft., the barn is 35 ft. by 12 ft., and the garage is to be 20 ft. by 28 ft.

No one appeared to voice an opinion on this application.

Application of Ernest Holtz, 767 Marshall Rd., to build a garage, variance of 8 ft. to side lot line.

Mr. Holtz appeared and said he didn't understand why he was there. When he built his house, it was approved by the Town, and signed by the building inspector, with the driveway 10 ft. from the adjoining lot. The house was built in March of 1953.

Mr. Wickins explained that at that time the requirements were 10% of the width of the lot, but that the ordinance had since been amended to 10 ft. from the side lot line.

Mr. Holtz said he would like to comply with the rules and regulations, but that he would like to know where to put his garage. His lot is 80 ft. wide. He also understood he would have to stay 70 ft. from the rear lot line. He might possibly put his garage in back of the house, but under that ruling, he couldn't do that.

Mr. Wickins explained to Mr. Holtz that the 70 ft. requirement didn't apply to a garage, just to a dwelling. If he put his garage in back of the house, he wouldn't need a variance. He also told Mr. Holtz if he built a detached garage, it would have to be 8 ft. from the house.

Mr. Holtz said his house is 33 ft. from the side lot line. The garage will be 14 ft. or 16 ft. by 24 ft. There may be a breezeway in between. The driveway, which was put in by the builder, would be out of line with the garage if he builds it the required 10 ft. Mr. Holtz said the house was established before the new zoning went into effect, and he didn't see why he should be made to stay the required 10 ft.

Mr. Wickins stated that that was the purpose of the Zoning Board of Appeals to act on in cases of hardship, and Mr. Entress told him that

if the garage had been built at the same time as the house, he wouldn't have had to come before the Board.

Mr. Holtz said it was a waste of time, and that there were several others out there in the same position; and Mr. Entress explained that because of the new ordinance, he would have to get a variance.

Mr. Burke of 765 Marshall Rd. said he was in favor of it.

Mr. Burke of 769 Marshall Rd. said he was in favor of it, also.

Mr. Holtz said that as yet he hasn't decided whether to build the garage on the side or in the back.

No one else appeared to voice an opinion on this application.

Application of Robert T. Metzler to erect a residence on lot 59 Marshall Rd., variance of 40 ft. to front lot line and 69 ft. to rear lot line.

Mr. Metzler appeared and showed his plans to the Board. The size of the lot is 66 ft. 4 in. across the front, 67 ft. across the back, and 137 ft. deep. He stated the lot was surveyed in 1938 or 1940, and it is now too small for what is required by the ordinance. On the south side there is a house, and on the north side there are no houses. He said that he understood that his neighbor was back 36½ ft. Mr. Lusk said it was 40 ft. Mr. Metzler said that according to the size of the lot, if he went back 60 ft. there just wouldn't be room for the house. The house will be 32 ft. by 28 ft., a 1½-story dwelling. He had taken his plans to the Town Clerk this month, who told him a house of this type must have 800 sq. ft. on the ground floor. He said his house is 840 sq. ft. on the first floor, and has an expansion attic.

Mr. Wickins asked if the variance he was asking for would bring his house in front of the other houses on the street, and Mr. Metzler said no.

No one appeared to voice an opinion on this request.

Application of B & G Equipment Co., 1180 Scottsville Rd., to erect a metal storage building 2 ft. from the west side lot line.

Mr. G. H. Gillis appeared for the B & G Equipment Co, and said the zoning ordinance had been put through since they started their original building, which is over 100 ft. away. The Fire College property comes right up to the line. Mr. Gillis said they have part of this structure up there now.

Mr. Strassner asked if he had obtained a permit before starting the building, and Mr. Gillis said he did not know such a permit was required. They had not needed one when they built the original building, and he had assumed that still held. Mr. Gillis stated this will be a temporary steel frame building. The business has snow-balled, and he doesn't know what will be required in 2 or 3 years. The building will definitely someday be removed to the rear and used as a garage. There is an open shed on one side used for storage of the scaffolding. They have been in business such a short time, they don't know what they will need 2 years from now. Mr. Gillis said he had no intention of ignoring the law, but as they had applied 6 or 7 years ago and there were no requirements, they just went ahead and assumed that conditions still prevailed.

Dominic Napolitano, 1735 Scottsville Rd., for variance to use lots 7 & 8 on Morrison Ave. located in C residential zone, to park and store automobiles, and install lights.

Mr. Napolitano appeared and stated he runs the M & M Auto Sales on Scottsville Rd. He said he had bought two lots back of his auto sales. He owns lots Nos. 4, 5, 6, 7, 8.

Mr. Entress asked if he was going to use this property as a sales yard.

Mr. Napolitano said he just wanted to put some cars back there and clean up the place a little. Mr. Strassner asked if he was going to have auto wrecks, and Mr. Napolitano said it was not his business. They have a farm out on the Peck Rd. in Hilton for that purpose. The closest house to the property on Morrison Ave. is about 400 ft. away on the same side. There are 6 or 7 lots between his place and the first house. The lots are 50 ft. by 150 ft. Mr. Napolitano stated he had bought lots 7 & 8 to build a house on, and he just wants to use the property for parking until he gets a chance to build on it. He only has a sales room now on the front, and does not have enough room for parking, and he would like to put cars in the back that need working on. He would like to clean up the side of the present garage as it doesn't look too well right now. The closing of Scottsville Rd. last year put him out of business for a while and he suffered financially. He would also like to put in 4 or 5 lights on lots 7 & 8.

Mr. Entress asked how far back from Morrison Ave. he would park the cars, and Mr. Napolitano said at least 8 or 10 ft. from the road. No one appeared to voice an opinion on this application.

Mr. Mitchell William, Attorney for LeRoy and Allen, Inc., said he had talked with his client regarding his starting to build on Paul Rd. without a variance. He stated that just within the last two weeks his client learned of the new ordinance, and immediately stopped building completely out there.

DECISIONS OF THE BOARD:

LEROY & ALLEN, INC. - Variance granted to erect a dwelling at 907 Paul Rd. of 912 Sq. ft.

FIRST CHILI PRESBYTERIAN CHURCH - Variance granted to erect an addition to the rear of the church, 10 ft. to the rear lot line.

LAWRENCE GORHAM - Variance granted to build a 2-car garage at 616 Paul Rd. 5 ft. to the east side lot line.

ERNEST HOLTZ - Variance granted to build garage at 767 Marshall rd. 8 ft. to the side lot line.

ROBERT T. METZLER - Application granted to erect residence on lot 59 Marshall Rd. 40 ft. to front lot line, 69 ft. to rear lot line.

B & G EQUIPMENT CO. - Variance granted to erect metal storage building 2 ft. from west side lot line at 1180 Scottsville Rd.

DOMENIC NAPOLITANO - variance granted to use lots 7 & 8 Morrison Ave. to park and store automobiles and install lights. All automobiles and lights must be back 35 ft. from the front lot line on Morrison Ave. All lights must be out at midnight except one for the purpose of protection. This variance granted for a period of 2 years.

June Yates, Secretary

ZONING BOARD OF APPEALS
June 1, 1954

The meeting was called to order by the Chairman, and roll was called with the following members present: Mr. Pfenninger, Mr. Beeman, Mr. Strassner, Mr. Murphy, Mr. Entress, Chairman. Also present were the Town Attorney, Mr. Wickins, and the Building Inspector, Mr. Lusk.

The first application was that of Robert C. Foos, 2409 Westside Dr., for a variance to erect a garage and breezeway 7 ft. to the side lot line.

Mr. Foos appeared and presented a sketch to the Board, showing the location of house and proposed garage and breezeway. The lot is 70 ft. wide. He would like to build a breezeway 8 ft. by 12 ft. and a garage 16 ft. by 22 ft. Mr. Foos said the house was built before the new zoning, and when he applied for a permit to erect the garage and breezeway, he found that the zoning had been changed. The house is 32 ft. wide and 7 ft. from the other side lot line.

No one appeared to oppose this application. Lawrence Herendeen of 2415 Westside Dr., Eugene Kelly of 2417 Westside Dr., and William Shetler of 2411 Westside Dr., had no objection.

The next application was that of Charles Glidden, North Chili, for a variance to 45 ft. front lot line setback on lots 1-16 inclusive, located Berry Lane, North Chili Subdivision.

Mr. Glidden was not present at the meeting. Mr. Kenneth Spotts of 3248 Union St., North Chili, appeared and showed the Board a map of the subdivision. He said the wells were drilled on lots Nos. 7 and 10. He stated that Mr. Glidden hadn't really realized the setup when he made this application, and that it wasn't possible to set all the houses back only 45 ft., and that Mr. Glidden finally agreed with him. The map had been passed just recently by the Planning Board. The request for these setbacks is made because of the expense of the great amount of fill that will be required. The shape of the lots makes it impossible to set all those required at the 45 ft. setback. It would be better if lots Nos. 7-16 were set back 60 ft. Mr. Spotts is going to give Mr. Glidden some fill dirt.

Mr. Lusk said it would be better to step the other lots for when the road goes through and the turnaround is removed. There was quite a bit of discussion between Mr. Spotts and the members of the Board regarding the setback of lots Nos. 1-6. Mr. Spotts said he had reserved No. 6 for himself, but Mr. Glidden has all the rest. He asked the Board to do whatever they thought best regarding the 6 lots.

No one appeared to voice an opinion on this application.

Application of H. W. Benedict, 2797 Chili Ave., for variance of 10% of lot width to the side lot line on lots Nos. 68-72 inclusive, and lot #79, situated on Earl Dr.

Mr. Douglas Benedict appeared and said the lots in question were approved by the Board 3 or 4 years ago and had F.H.A. approval, etc.

Mr. Entress asked if he was developing the present tract now and Mr. Benedict said yes. Mr. Entress also asked the width of the lots, and Mr. Benedict replied that the average width of all of them was 75 ft. He said No. 79 was a corner lot, and that all the rest of the houses in the subdivision came under the ruling of the old ordinance.

No one appeared for or against this application.

Application of Webaco Oil Co., Inc. for the moving of a 2-story frame double dwelling, and also for the construction of a 1-story masonry service station, situated 1129 Scottsville Rd., variance of 70 ft. front lot line setback and 35 ft. rear lot line setback.

Mr. G. E. Lock of the Webaco Oil Co., Inc. and said they want to move the frame dwelling to 12 ft. from the side lot line, and erect a gas station where the present building is situated. The house would be used for dwelling purposes. Mr. Wickins found the plot plans in the office. The station would be 25 ft. from the new location of the house and would be masonry. The house would be back 70 ft. from the road. There would be approximately 35 ft. from the rear of the building to the garage now

on the property. Mr. Entress asked if there would be one island and two pumps, and Mr. Lock said yes, they would be 18 ft. from the road line, 48 ft. from the edge of the pavement. The fence now there does not follow the road line, but goes at an angle, swinging away from the road. Mr. Lock then asked if he would be out of order asking about a service station at the corner of Paul Rd. and Chili Ave., and Mr. Wickins said he would have to make a separate application concerning that.

Application of Hugh Webster, 300 Humphrey Rd., for variance to dismantle and junk cars.

Mr. Entress asked Mr. Webster where this was located, and Mr. Webster answered on the east side of Humphrey Rd. Mr. Webster said he has been junking cars there for quite some time, approximately 9 years, since about 1944 or 1945. He picked them up and junked them, and didn't know he had to have a permit. This is a part-time job for him, more or less of a hobby. He said they picked up one or two when they moved out here 16 years ago. There have been 2 or 3 cars around ever since.

Mr. Murphy asked if this was almost directly opposite Stryker Rd., and Mr. Webster said it was about 100 ft. south of the intersection.

Mr. Strassner asked how many cars were out there, and Mr. Webster replied there were about 30 there now. As soon as the price goes up, he intends to get rid of all of them. The price of junk has gone down, and he is waiting until it goes up again. Mr. Strassner asked him if he sold used parts, and he said yes.

Mr. F. C. Yawger of Stryker Rd. stated that his property on Humphrey Rd. runs approximately 2500 ft. past Webster's, and he is definitely against any junk car business opposite his property.

Mr. Webster said the cars were back about 300 ft. from the road. During the snow, he was unable to get some cars back there, but since the better weather, he had moved them all back.

Mr. George Stolz of Humphrey Rd. stated his property adjoins that of Mr. Webster. He is not in favor of that type of business in the neighborhood. Mr. Stolz said it is only in the past couple of years that there have been cars around the property. Prior to that there was junking of cars now and then. He stated that the zoning ordinance forbids it, in that locality.

Mr. Thomas DeMar stated that he has been working with Mr. Webster since about 1945 in part-time junking of cars.

Mr. Webster said the price went down and he couldn't afford to sell them; also it isn't just a question of selling. He is making money on the side to support his family. He has a regular job, too.

Mrs. Galusha of Humphrey Rd. said her husband is handicapped and unable to do carpentry work any longer. She said Mr. Webster's property once looked nice, but not any more, and would spoil the sale of homes around there. She had seen Mr. Stolz in the swamp trying to check on debris, and the place certainly looks terrible. There was a car there about a week ago putting out junk, tin cans, etc. and she took the license number to give to Mr. Stolz, but accidentally burned it. She is very much opposed to the application.

Mr. Webster stated the cars were back from the road at least 250 ft. now, and can't be seen from those houses.

Mr. Stolz said they can be seen from his house.

Mr. Yawger said it wasn't a question of seeing them, it was a question of junk on the property, and that it wasn't back 200 ft. from the road. It hurts the value of the surrounding property.

It was also the opinion of Mr. Stolz and Mrs. Galusha that it hurt the value of the surrounding property.

Mr. Webster said there was no smell, no fires or danger.

Application of Oliver G. Fox, 35 Chestnut Dr., for addition to house, variance of $6\frac{1}{2}$ ft. to side lot line.

Mr. Fox appeared and stated he wanted to build an addition on the living room. The lots run back at an angle, but the houses are built parallel to the road. This will be just an addition on the front of the house to fill out the square of the house. There will be no extension out beyond the house. As he made a mistake in measuring, he would like to change his request from $6\frac{1}{2}$ ft. to 6 ft. from the side lot line.

Oliver G. Fox (Cont.)

There are about 4 houses along there that are at quite an angle. The lots are 72½ ft. wide.

No one appeared to voice an opinion on this application.

Application of John Syracuse, 2713 Chili Ave., to erect a 1-story dwelling, variance of 720 sq. ft., also application for a variance to operate an asphalt plant 800 ft. from front lot line, situated south side of Paul Rd., in Industrial Zone.

Mr. Syracuse appeared. Regarding the application for the house, he stated he had the foundation in there a couple of years ago, and had a variance granted for a 100 ft. setback. At that time, he never finished it, but now has started to finish it. He said he told the carpenter to apply for a permit, but the carpenter did not do so, and that he hadn't known he was in violation of the square footage space, as the requirements had changed since that time. At that time, 720 sq. ft. would have been allowed. There will be living and office space, 90% living space, and garage space would be used as an office. The square footage in question concerns only the house itself.

Mr. Entress asked if he had submitted a set of plans to the Town, and he replied he had, also plot plan of the entire tract of land.

Mr. Reis of 235 Paul Rd. asked what was going to be connected with the house later on, and Mr. Wickins said this was just for a house for living quarters only. Mr. Syracuse would have to apply for a variance to use it for other than living.

There was no objection from the people present on this application.

Mr. Syracuse then stated that in reference to the application for an asphalt plant, he would like to withdraw that application at this time, as his attorney, Mr. Chamberlain, was unable to attend this evening. He would like to re-apply for the next hearing. The Board agreed.

Application of Louis A. Ackerman, 1280 Scottsville Rd., for variance to erect 2 signs, 4 by 8 ft., and 8 by 8 ft., located 2 ft. and 18 ft. from front lot line.

Mr. Ackerman appeared and explained that he would like this variance because no one coming up Scottsville Rd. can see his gift shop because it is obstructed by the gas station. Without considering the zoning laws, he put up a sign 52 ft. from the road, 8 ft. by 8 ft. The signs are in front of the gift shop, the big sign about 8 or 10 ft. from the pony rides in front, the small sign is on the fence of the pony ride.

There was some question as to the exact distance from the road these signs are located. Mr. Lusk stated the large sign is 52 ft. from the center of the road, the small sign is 68 ft. from the center of the road.

Mr. Ackerman said the top of the sign 8 ft. by 8 ft. is 8 ft. from the ground, the bottom of the sign about 1 ft. from the ground.

No one appeared to voice an opinion on this application.

DECISIONS OF THE BOARD:

ROBERT C. FOOS granted a variance to erect garage and breezeway 7 ft. to side lot line at 2409 westside Drive.

CHARLES GLIDDEN, granted variances on lots located Berry Lane, North Chili Subdivision, as follows: Lot No. 1, front line setback of 60 ft., Lot No. 2, front line setback of 45 ft., Lot Nos 3, front line setback of 50 ft., Lot Nos. 4, front line setback of 55 ft., Lots Nos. 5 & 6, front line setback of 40 ft.

H. W. BENEDICT, 2797 Chili Ave., variance granted of 10% of lot width to side lot line on lots 68-72 inclusive, and lot #79, situated Earl Dr.

WEBACO OIL CO., INC. - variance granted for the moving of a 2-story frame double dwelling and the construction of a 1-story masonry service station situated 1129 Scottsville Rd., variance of 70 ft. to front lot line, 25 ft. to rear lot line.

HUGH WEBSTER, 300 Humphrey Rd., - Variance denied to dismantle and junk cars, and all junk to be removed within 3 months.

OLIVER J. FOX, 35 Chestnut Dr., variance granted to build addition to home, 6 ft. to side lot line.

JOHN SYRACUSA, 2713 Chili Ave. - Variance granted to erect a 1-story dwelling on Paul Rd., 720 sq. ft.

LOUIS ACKERMAN - 1280 Scottsville Rd., - Variance granted to erect two signs on his property, size 4 ft. by 8 ft., and 8 ft. by 8 ft., located 52 ft. and 68 ft. from the center of the highway.

June 15, 1954

The meeting was called to order by the Chairman, and roll was called with the following members present: Mr. Murphy, Mr. Entress, Chairman. Also present was the Building Inspector, Mr. Lusk, and Attorney Mr. Wickins.

Application of John Syracuse for a variance to operate an asphalt plant 800 ft. from front lot line, situated on the south side of Paul Rd., located in an industrial district.

Mr. Syracuse was present at the meeting. Appearing for Mr. Syracuse was Arthur V. D. Chamberlain, Attorney, 300 Powers Bldg., Rochester, N.Y. Mr. Chamberlain spoke as follows regarding this application:

The application for a variance is made under the provisions of the Zoning Ordinance of the Town of Chili, under Section 60, which creates "A" districts. This property is located in an industrial district. Under Section 61, an asphalt manufacturing plant is listed as a prohibited use, subject to the other provisions of this act, which include provisions authorizing the court to make a variance. This property is located on Paul Rd., between Paul Rd., the Pennsylvania Railroad and the Rochester dump. Immediately to the east, towards Scottsville Rd., there is a large swamp area created by Little Black Creek. Mr. Syracuse's property is adjacent to that. Immediately on the west on the south side of Paul Rd., there is a presently operated and maintained dynamite dump. There is also the Rochester dump which is presently utilized by the city under arrangement with the town.

Under Section 90, this Board is authorized to permit in any district such modifications of the requirements of these regulations as the board may deem necessary to secure appropriate development of a lot where adjacent to such lot on two or more sides, there are buildings that do not conform to these regulations. We come under that category because under Section 61, one of the prohibited uses is the manufacture of explosives, which was probably a non-conforming use at the time the ordinance was adopted. Nevertheless, it is a non-conforming use and is adjacent to this property.

This asphalt plant is proposed to be erected on the extreme rear of this piece of property if permission is granted. It will set back 800 ft. from the south side of Paul Rd. and over near the railroad right-of-way. This asphalt plant should be no novelty to this Board, because it is the same plant operated here on property in the Town of Chili near the Rochester Airport. That plant, after the enlargement of the airport and the sale of the airport to the County of Monroe, has been sold to Mr. Syracuse. It has been dismantled and is ready to be set up on this property when and if this Board grants the application.

The present use to which this property is being put is an auto bone-yard. The tenant there has been notified to vacate, and he is disposing of that property, so that what was an eye-sore will be entirely removed and that lease terminated, if we are permitted to make the use of this property for which this application is made. There are, so far as I have been advised, no noxious gases from the operation of this plant, and no dust commensurate with various industries, such as rock crushing plants, and there is nothing connected with the plant that will have any deleterious effect on the surrounding property. The plant itself will consist of these parts that have been purchased from the city. The only housing facilities to be erected in connection with it would be suitable and adequate to cover and protect the boiler used to operate the plant. This being an industrial area and located next to a dump, a dynamite dump, and a swamp, is not suitably located for much of any other purpose.

The Paul Rd., while it is used by pleasure vehicles, is largely used as a cut-off truck route. The property consists of a sizable piece, only a small portion of which will be occupied by the plant itself. The entire frontage on Paul Rd., part of which is now utilized by the car bone-yard, will be cleared, and the whole property will become much more sightly than at the present time.

At the outset, there will be at least six people employed at the plant itself, with the promise of greater employment. I realize that the Zoning Board does not take into consideration too much the tax benefit to the community in passing on these applications. Nevertheless, that is a factor which I think we are to consider. There will be, with the erection of this plant, an increased tax benefit to the town itself. There are no residential sections in the immediate vicinity, being surrounded as it is

by the dump, the dynamite dump, and the swamp.

(Mr. Chamberlain now presented a map to the Board). This is not a plan drawn to scale, but it shows the general layout of the situation and surrounding terrain, and the uses of the adjacent properties, which I should like to offer in evidence here and leave with the Board in connection with this application.

Mr. Wickins stated that if this Board should see fit to grant an application, they do as a rule, require sufficient off-street parking that might be used in conjunction with any commercial enterprise, and asked if the applicant would agree to this.

Mr. Chamberlain answered that there was no question of that. With the location of the plant 800 ft. back from the Paul Rd., there will be an adequate driveway to the plant. He conversed with Mr. Syracuse, and if this application is approved and a variance granted, he will provide adequate off-highway parking back in the vicinity of the plant itself.

Mr. Entress asked if he planned on keeping the parking area back 800 ft. from Paul Rd., back of the plant, and Mr. Syracuse said the parking won't be any nearer than 500 ft. or 600 ft. from Paul Rd. They will have to utilize the existing railroad track that is there for a spur, as raw materials, such as dolomite stone, will be delivered by rail. At no time will there be cars anywhere near the highway. He intends to clean up the property, fill it in and have it higher than the road. There would be an oil burner as heating facility, which would not cause any fumes or smoke.

Mr. John Syracuse, Jr. said he would like to state three instances of asphalt plants to show there was no danger involved: 1. Petrossi plant next door to the Texaco Co. 2. Atlantic Ave. and Culver Rd. bordering the railroad; across the road is a residential area. 3. Coppers plant borders the University of Rochester's new women's dormitory. He also stated that filling in the property in question would alleviate the flood problem caused by Little Black Creek in the spring.

Martin Reis of 235 Paul Rd. said he objects to this request. He said there would be dust and fumes and trucks going in and out all the time. He has lived on the dynamite farm for 10 years.

There was some discussion between Mr. Chamberlain and Mr. Reis as to the location of Mr. Reis in relation to proposed asphalt plant. Mr. Wickins said the Board knows where both properties are situated. Mr. Chamberlain said he has operated an oil burner himself for years and there are no fumes or smoke, unless an oil burner should go hay-wire and that would be a momentary thing.

Mr. Wickins inquired about the hours of operation, and if Mr. Syracuse would object to restrictions as to the hours of operation. Mr. Syracuse said the plant would operate from 8:00 A.M. to 4:30 P.M. and he would not object to restrictions. Mr. Murphy stated he would not want to confine the man to certain hours, as he might have a big order come in, and Mr. Syracuse said there would be no overtime unless they had to send out one more lot to finish a job. There will definitely not be a 24-hour operation.

Mr. Frank Breiner said he is building a home on Fisher Rd. and there had been a question in his mind as to whether this would be a deficit to his home. He stated he has checked into it since the last Board meeting, and finds no reason why this should be a hindrance. He feels that with the revenue by taxes and school taxes, this would be a good thing, provided it is run as it should be. He has no objection to this application.

Mr. Chamberlain added that this would be a seasonable operation, as they wouldn't lay asphalt in the winter.

No one else appeared to voice an opinion on this matter.

The Chairman, Mr. Entress, advised the applicant and his attorney that the Board would not be able to make a decision on this application at the present time, as there were not enough Board members present. The Board will hold a special meeting, and they will be notified of the decision.

Application of John L. Remington, 25 Jensen Dr., for variance to build breezeway and garage 8 ft. to side lot line.

Mr. Remington appeared and said he had moved into his home in August of 1953, during the old zoning ordinance, and planned on an 8 ft. breezeway with a 14 ft. garage. He thought as long as the house was built before the new zoning laws went through, maybe he could get a variance. A 6 ft. breezeway would be too small. The children couldn't play on it or they couldn't ~~xxxx~~ eat on it. The lot is 70 Ft. wide, the house is 32 ft. wide and 7 ft. 7 in. from the other side lot line. The side lot line setback of the garage would be about 8 ft. 3 in. He thinks the zoning laws are mostly for neighbors and a through-way for the fire department. On the side where the garage will be, there is one vacant lot that will be a street, which still belongs to Mr. Jensen. This lot is on the map layout as a street.

No one appeared to voice an opinion on this request.

The applicant was advised that, after a special meeting of the Board, he would be notified of their decision.

Application of Edward Wimer, 29 Jensen Dr., for variance to build a breezeway and garage 7 ft. to the side lot line.

Mr. Wimer presented plans to the Board and said his situation was the same as Mr. Remington's, with the same size house and lot. He would like a 10 ft. by 15 ft. breezeway, with a 14 ft. by 20 ft. garage.

Mr. Wickins asked if there was any particular reason for the 10 ft. breezeway instead of an 8 ft., and Mr. Wimer answered that he had planned on that. He has two children who would use it, and it would be used for eating and visitors in the summer time. He thought that would be an adequate size.

Mr. Entress asked if there was any way of placing these breezeways behind the house and moving the garages back. Mr. Wimer said he had an entrance on the front and on the side. He stated the home of his neighbor, Mr. Rogers, is 6.75 ft. from his side lot line, leaving about 14 ft. between the two of them.

Mr. Wickins asked Mr. Wimer if he would object to an 8 ft. breezeway instead of a 10 ft. one, and Mr. Wimer replied that 8 ft. wouldn't be adequate for their purpose. They find their kitchen at the present time quite crowded.

Mr. Entress asked if there was any way of making it narrower and going deeper. Mr. Wimer said he would have 2 ft. more if he went to the end of the house, but that he was planning later on building a patio.

No one appeared to speak on this application.

The applicant was advised that, after a special meeting of the Board, he would be notified of their decision.

Application of Lee Halperin for a variance to convert property located at 2652 Chili Ave. into a 2-family dwelling.

Mr. Halperin appeared and said he had purchased the Ryan farm on Chili Ave. several months ago, and the house is in rough shape. It has been 30 years without inside plumbing, and the buildings around it are also in sad repair. He intends cleaning up the whole area and making 2 apartments out of the farmhouse. He doesn't think it would hurt the surrounding area, and he intends to build houses on the property adjacent to it. He owns about 900 ft., 500 ft. east, and everything in back, and would like eventually to subdivide the existing frontage, not putting in any streets, but only building along the front. He has cleaned up the property and had the town clean out the culverts. Mr. Halperin stated he would not want to hurt the property because he has a sizable investment in it.

Mr. Entress asked if he planned on adding on to the building structure.

Mr. Halperin replied that he would utilize the rooms in there now to make the bathrooms and add nothing to the outside structure. It is a two-story farmhouse with 3 rooms and big halls upstairs, and 4 rooms and 2 porches downstairs. He has talked with the Town Clerk, but has not checked with the Building Inspector on the plans. He is not going to change the exterior and has no plans drawn up.

Mr. Entress said there should be some drawing to show the square footage, as the total would still have to meet the requirements of the building code. More living space is required for 2 families than for 1 family. The Board should know the living space allowed for each family.

Mr. Halperin stated he would make two one-bedroom apartments, and that he would get a plan out right away for the Board's consideration.

No one appeared to voice an opinion on this application.

The applicant was advised that, after a special meeting of the Board, he would be notified of their decision.

Application of Herbert L. Paige, Hynes Tract, Scottsville Rd., for a variance to erect a garage 26 ft. from the lot line.

Mr. Paige appeared and said he had bought this property last fall, and a private road is on his property. His lot is 60 ft. wide. This road runs from Scottsville Rd. to his yard and he has to maintain it himself. The road comes from Scottsville Rd. and may eventually go back to Scottsville Rd., as there is no other place for it to go. Mr. Paige would like to find out how far back from the edge of the road he should build his garage. The size of the garage would be 18 ft. by 30 ft. There is only a small cellar in the basement of the house which is pretty damp, and he would like to use the back end of the garage for storage, and stay in line with the house.

Mr. Entress said the ordinance requires 60 ft. setback if it was a regular road, but as this is a private road the requirements wouldn't be the same. Mr. Paige presented a plan to the Board.

Mr. Paige said he is limited for space on his lot. No one appeared to speak on this request. Mr. Paige was advised as the others had been.

Application of Clarence P. Ely, Scottsville Rd., build a porch 29 ft. from the rear lot line.

Mr. Ely appeared and presented plans to the Board. He said his house fronts on the river, and the rear of the house is 76 ft. back from the road. The river is the front of the lot and the porch would be built 29 ft. from the river. He can't build beyond that as some stakes have been put up back from the river.

Mr. Murphy said there were houses even back further than this man wants his porch.

Mr. Ely said his porch would be 9 ft. x 18 ft.

Mr. Herbert L. Paige stated that where Mr. Ely intends to build his porch will be at least 2 ft. back from his, and his sits on the line. He is in favor of this application.

No one else appeared.

The applicant was advised that, after a special meeting of the Board, he would be notified of their decision.

Application of webaco Oil Co. for addition to present service station at Paul and Chili Rds., size 12 ft. by 34 ft., plus 4 ft. by 40 ft. on the rear of the present building, a variance of 33 ft. to front lot line.

Mr. G. E. Lock appeared for the Webaco Oil Co. and presented plans of proposed addition. The addition of 12 ft. by 34 ft. will be across the full width of the existing building on the west side, and addition of 4 ft. will be all across the rear of the building. The 4 ft. addition is to be for an office and store room and for toilet facilities. The present office will be used for lubrication, and the existing bay will remain as is. They are 150 ft. from the rear lot line and 200 ft. from the other line. They will not extend any further than the present building. It will be a frame structure, the same as is there now.

No one appeared to voice an opinion on this application.

The applicant was advised that, after a special meeting of the Board, he would be notified of their decision.

Application of Rowland Pancoast, 104 Hubbard Dr, for addition to garage 8 ft. from side lot line.

Mr. Pancoast said he has an attached garage now, which he would like to extend 10 ft. to the side, bringing it 8 ft. to the side lot line. The present garage is 11 ft.

Mr. Entress stated that if he built an 8 ft. addition, he could stay within the restrictions, and asked if he could have a 19 ft. garage.

Mr. Pancoast answered that he couldn't get a door that width for the addition. The lot is 75 ft. wide, with 18 ft. on either side of the garage and house, at the present time.

No one appeared to speak on this matter.

The applicant was advised that, after a special meeting of the Board, he would be notified of their decision.

Application of Joseph G. Maxwell, 3750 Chili Ave., for a variance to build a breezeway and garage 7.4 ft. from the side lot line.

Mr. Maxwell said the lot is 75 ft. wide. When the house was started last May, the restriction then was 10% of the width of the lot, which would be 7.5 feet. It is now 20 ft. as this is a corner lot, on the corner of Creekview Dr. and Chili Ave., on the Davis tract. He presented a small sketch.

Joseph Maxwell (Cont.)

There is a vacant lot next on Creekview Dr., and old barns on the opposite side of the lot. There is about 19 ft. from the lot line to where the gravel begins on the road.

Mr. Wickins said that the 20 ft. setback was because of side easements on corner lots.

Mr. Entress said that if someone builds on the lot to the rear, they will have to stay back 60 ft., and the garage will be out in front of them.

Mr. Maxwell said there was no other practical place to build the garage except right there. There is a tile field out in back and a high knoll back of the house.

Mr. George Alkenbrecker of 3732 Chili Ave. appeared and stated that he is for the approval of this application. It will hide the barns of Mr. Davis and give this man more privacy, and a safe place for his children to play in the breezeway. This will add to the beauty of his land.

No one else appeared to speak on this application.

The applicant was advised that, after a special meeting of the Board, he would be notified of their decision.

ZONING BOARD OF APPEALS

June 22, 1954

This was a special meeting of the Zoning Board of Appeals, called for the purpose of making decisions on applications presented at the meeting of June 15, 1954.

Roll was called, and the following members were present: Mr. Beeman, Mr. Strassner, Mr. Pfenninger, and Mr. Entress, Chairman. Also present were the Building Inspector, Mr. Lusk, and the Town Attorney, Mr. Wickins. Mr. Murphy cast his votes at the previous meeting.

DECISIONS OF THE BOARD:

Mr. John Syracuse was granted a variance to operate an asphalt plant 800 ft. from front line, situated on the south side of Paul Rd., located in an industrial district, with the following provisions: All parking must be at least 500 ft. back from the Paul Rd.; there must be a 20,000 sq. ft. minimum parking area exclusive of the driveway adequately surfaced to support the weight of vehicles maintained thereon.

The following members voted yes on this decision: Mr. Murphy, Mr. Beeman, Mr. Strassner, Mr. Pfenninger, Mr. Entress.

Mr. John L. Remington, 25 Jensen Dr., was granted a variance to build a breezeway and garage 8 ft. to the side lot line of his property.

The following members voted yes on this decision: Mr. Murphy, Mr. Beeman, Mr. Strassner, Mr. Pfenninger, Mr. Entress.

Mr. Edward Wimer, 29 Jensen Dr., was granted a variance to build a breezeway and garage 7 ft. to the side lot line on his property.

The following members voted yes on this decision: Mr. Murphy, Mr. Beeman, Mr. Strassner, Mr. Pfenninger, Mr. Entress.

The decision on the request of Lee Halperin for a variance to convert property located at 2652 Chili Ave. into a 2-family dwelling was reserved until plans are submitted to the Board.

Mr. Herbert L. Paige, Hynes Tract, Scottsville Rd. was granted a variance to erect a garage on his property, size 18 ft. x 30 ft., said garage to be located 8 ft. from the house.

The following members voted yes on this decision: Mr. Murphy, Mr. Beeman, Mr. Strassner, Mr. Pfenninger, Mr. Entress.

DECISIONS OF THE BOARD(Cont.)

Clarence P. Ely, Scottsville Rd., was granted a variance to build a porch on his property 29 ft. from the front lot line.

The following members voted yes on this application: Mr. Murphy, Mr. Strassner, Mr. Beeman, Mr. Pfenninger, Mr. Entress.

Webaco Oil Co. was granted a variance to erect an addition to the present service station at Paul and Chili Rds., size 12 ft. x 34 ft., plus 4 ft. by 40 ft. on the rear of the present building, a variance of 33 ft. to the front lot line.

The following members voted yes on this decision: Mr. Murphy, Mr. Strassner, Mr. Beeman, Mr. Pfenninger, Mr. Entress.

Rowland Pancoast, 104 Hubbard Dr., was granted a variance to build an addition to his garage 8 ft. to the side lot line.

The following members voted yes on this decision: Mr. Murphy, Mr. Strassner, Mr. Beeman, Mr. Pfenninger, Mr. Entress.

Joseph G. Maxwell, 3750 Chili Ave., was granted a variance to build a breezeway and garage on his property 7.4 ft. to the side lot line.

The following members voted yes on this decision: Mr. Murphy, Mr. Strassner, Mr. Beeman, Mr. Pfenninger, Mr. Entress.

June Yates
Secretary

June 29, 1954

The meeting was called to order by the Chairman, and the roll was called, with the following members present: Mr. Strassner, Mr. Beeman, and the Chairman, Mr. Entress. Also present was Mr. Wickins, the Town Attorney.

The first application was that of Lee H. Harrington for a variance to erect a dwelling 16 ft. by 24 ft., situated in "A" Industrial Zone on Scottsville Rd.

Mr. Harrington appeared and stated this property is in back of the 4-Lane Restaurant between the river and the railroad tracks. There is a house trailer and an old city bus to get rid of. He has owned the property since May and it is 80 ft. by 100 ft. Mr. Entress asked if Mr. Harrington would be willing to move the building in farther so that he could add another room in case of future sale, and Mr. Harrington answered yes. He said he is 35 ft. from the railroad tracks, along which there is a 20 ft. right-of-way. No road goes down; there is a private road from Scottsville Rd. to his property. Mr. Entress said that as the front of the lot was the river, he would have to have a variance for rear lot line setback. Mr. Harrington said the whole lot was only 100 ft. deep; and Mr. Hale owns there and is going to build 4 houses. He said he has to come by there property to get to his. Two sketches were presented to the Board, one for a dwelling 16 ft. by 24 ft., another for one 30 ft. by 21 ft., with a 9 ft. addition to be built later. Mr. Harrington will build the house himself, and probably won't get to live in it before next year. There will be 18 in. of concrete to the bottom of the sill. There was some discussion as to where a well could be driven, and Mr. Wickins said that would be up to the Building Inspector.

No one appeared to voice an opinion on this matter.

Application of Vernon K. & Virginia H. Cooper for variance to use property at 239 Ballantyne Rd. for a full time boarding and breeding dog kennel.

Mr. Cooper appeared and said he has been looking for 4 years for a place to put up a dog kennel, and this is the best place he has found. The house sits back about 2400 ft. from Ballantyne Rd., with 2 barns on the property, one directly behind the house, and one on the side of the house. He would like to use the barns for kennels. One kennel will hold approximately 26 runs, or about 26-30 dogs. Perhaps next spring, they could add to the other barns. Mr. Cooper will invest about \$4500 in the first kennel, which will have all the modern facilities for proper dog care. Mr. Cooper said he owns 82 acres, the house about 2400 ft. from the railroad. The barns and house are set back about 2400 ft. from one side line, about 1000 ft. from the other side line, with about 50 acres behind the house. There are no houses around there. Mr. Cooper exhibited several letters affirming his capabilities for handling dogs. He said the kennels are kept free of odor by spraying with a solution of chlorate of lime at least twice a week in summer, once a week in winter. If the dogs start barking, there is a system of spraying water on them which quiets them. He has a doberman which keeps other dogs from the property.

Mr. Wickins pointed out to Mr. Cooper that if the Board grants a request of this kind, they usually specify a time limit of 3 to 5 years to make sure the business is run right, and there are no complaints from the neighbors.

Mr. Cooper stated he would much prefer to have 5 years, as he is investing \$4500 in this and it will take some time to make a going-concern of it and do everything that he wants to do. This will be advertised all over the U. S. and dogs will come from California and Washington to be shown in the east.

James Harper of Scottsville appeared and stated he was speaking for Mr. Curtice of Scottsville, and himself, as they are the only two neighbors around there. They feel this would be an ideal place for a kennel and do not think that it would bother anyone. They have no objections.

Application of Earl DePascale to use property at 1611 Scottsville Rd. to operate a used car lot, property situated in "D" residential zone.

Mr. Pascale appeared and said he has 27 acres of land between the railroad and the dump. He would like to operate a used car lot right next to the old garage, between the house and the railroad, back about 50 or 60 ft. from the road. From the front lot line there is about 15 or 20 ft. right-of-way. He does not plan to fill it in. There will be approximately 15 or 20 cars. He said there would probably be lights, with just one night light,

but he doesn't know as yet. There will be about 10 cars in front, the rest will be set back. There will be no wrecking, just used car sales. There is a garage there now which he is going to use as an office. The only repairs will be minor to cars they have for sale. The frontage along Scottsville Rd. is about 1/4 mile. No one appeared in regard to this application.

Application of Fred Jensen for variance on side line setback of 8 ft. on lots 6-11, inclusive, and side line setback of 7½ ft. on lots 12-16, inclusive, all lots on Kuebler Dr. and known as Jensen Meadows Subdivision.

Mr. Jensen appeared and presented a map to the Board, which they studied. Mr. Entress said the tract was o.k. in 1953, and in other words, Mr. Jensen is asking for a variance back to the old zoning on a tract that was laid out under the old zoning laws. He asked if that was all the lots. Mr. Jensen said there were just 2 more, but that he wouldn't need a variance on them because they are wider than these, which are 75 ft. No one appeared.

Application of Lyle Love, 1200 Paul Rd., Churchville, to operate on his property a target practice and range practice for training youth for Junior Hunter's Program.

Mrs. Love appeared for her husband, who was working. She described the location of the property and said they have 16 acres. This is a Hunters Safety Program and they would shoot at least 500 ft. away from any residence at least 300 ft. back of the house. Mrs. Love had no map or sketch to show the Board the dimensions of her property or where the range would be located. She said it would be used only several times during the year, mostly on Saturday morning, in hunting season. Mr. Wickins said he was very much in favor of this Program, but at the same time the Board has got to protect all citizens to make sure they do not grant something detrimental to adjoining property owners. The Board agreed they did not have enough information on this application, and advised Mrs. Love they would hold decision until submission of a sketch showing proposed operation, also statement of facts regarding this operation. Mrs. Love said her husband worked nights, and Mr. Entress said it was not necessary for her husband to be present. The Board would like to know the footage of the property, what type of rifle would be used, the type of range and where located.

DECISIONS OF THE BOARD:

- LEE HARRINGTON - Application denied, members voting as follows: Mr. Strassner - no, Mr. Beeman - no, Mr. Entress - no.
- VERNON K. COOPER - Variance granted for a period of 5 years, members voting as follows: Mr. Strassner - yes, Mr. Beeman - yes, Mr. Entress - yes.
- EARL DE PASCALE - Variance granted to operate a used car lot on property at 1611 Scottsville Rd. for a period of 2 years. All cars must be kept back 35 ft. from the front property line. Members voted as follows: Mr. Strassner - yes, Mr. Beeman - yes, Mr. Entress - yes.
- FRED JENSEN - Variance to side line setback on lots on Kuebler Dr. as follows: Side line setback of 8 ft. on lots Nos. 6-11, inclusive. Side line setback of 7½ ft. on lots Nos. 12-16, inclusive. Members voted as follows: Mr. Strassner - yes, Mr. Beeman - yes, Mr. Entress - yes.
- LYLE LOVE - Decision withheld on application to operate a target and range practice until submission of a sketch showing proposed operation, also statement of facts regarding this operation.
- LEE HALPERIN - Application to convert property located at 2652 Chili Avenue into a 2-family dwelling was denied. Members voted as follows: Mrs. Strassner - no, Mr. Beeman - no, Mr. Entress - no.

ZONING BOARD OF APPEALS

July 13, 1954

The meeting was called to order by the Chairman, Mr. Entress, and roll was called, with the following members present: Mr. Murphy, Mr. Beeman, Mr. Pfenninger, Mr. Strassner, Mr. Entress, Chairman. Also present was Mr. Lusk, Building Inspector.

Application of Billings R. Wilcox for a variance to erect a dwelling 9.2 ft. from west side lot line, and 9.2 ft. from east side lot line, on Lot #37, Creekview Subdivision.

Mr. Wilcox appeared and said his house will be on Creekview Drive. The width of the lot at the front is 80 ft., and the width at the rear is 80.4 ft. The house will be 61.8 ft. in width. He is asking for a variance of .8 ft. in side line width on each side of the house. Mr. Wilcox presented a plot plan for the Board's consideration.

No one appeared to voice an opinion on this matter.

Application of Lawrence Gorham, 616 Paul Rd., for a variance to occupy present house while building future house on same lot for a period of 18 months.

Mr. Gorham said he would like permission to live in his present house while he builds a new one.

Mr. Entress asked if he had a permit, and Mr. Gorham said no. Mr. Lusk stated that Mr. Gorham is living in one house, building a garage, and building another house. He can't issue a permit with 3 buildings on the lot. Mr. Entress asked if the plans were o.k., and Mr. Lusk said they were. Mr. Entress then asked Mr. Gorham if it would be all right with him if the Board should grant the variance, if they made a provision that the old house be torn down at the end of 18 months, and Mr. Gorham replied that it would be all right with him.

No one appeared to voice an opinion on this application.

Application of Rev. J. E. Beeson, 4334 Buffalo Rd., N. Chili, for a variance to erect a 2-family dwelling on lots 3 & 4 of Springbrook subdivision on Springbrook Dr.

Rev. Beeson submitted a plot plan to the Board. Mr. Entress asked if he had submitted plans to the Building Inspector, and Mr. Beeson replied that he had not yet, he had just talked with Mr. Lusk. Mr. Entress said the Board did want a plot plan, but that they would also like building plans, as they would have to meet the requirements of the Town for a 2-family dwelling. Rev. Beeson then presented building plans. He stated that he does not intend to put an apartment upstairs at the present time, as he probably won't have enough money. He wants to build the outside so that in the future he can finish it off upstairs. The foundation will be 24' x 35'. These lots are on a corner. There will be 76 ft. rear lot line setback. After some discussion as to the requirements of a 2-family dwelling, Rev. Beeson stated that he is a teacher and that some time in the future he felt he would like to rent rooms to a student or two.

Mr. Entress said that if it was the plan of Rev. Beeson to rent rooms instead of building a complete 2-family dwelling, he would not need a variance. Rev. Beeson said that there will not be two families living in the house, only perhaps a student or two with rooms upstairs. Mr. Entress stated that in that case, a variance would not be needed, and Rev. Beeson could withdraw his application. This was done.

No one appeared to speak on this matter.

Application of David M. Shearer, 1009 Genesee Valley Trust Bldg., for a variance to construct and use thereon a Roman Catholic Church and a school, property owned by Mary Sach, consisting of 8½ acres, fronting on north side of Chili Ave. from a point 765 ft. west to a point, thence 778.55 ft. north to a point, thence 300 ft. east, thence 618 ft. north to a point, on Chestnut Ridge Rd., thence 200 ft. east, thence 616 ft. south, thence 340 ft. east, thence 250 ft. south, property located in a Residential Zone.

Father Murphy appeared for the Church in the absence of David Shearher, the Attorney who filed the application, who was delayed until about 8:30. Father Murphy introduced to the Board Mr. Gibson, the architect for proposed buildings. He also presented a map of the proposed church and school. Father Murphy said they would like the variance so that they could buy the property with the intention of building there at some future date. The total property amounts to $10\frac{1}{2}$ acres, $8\frac{1}{2}$ acres with two lots on Chestnut Ridge Rd., each 100 ft. lots. The school would face Chestnut Ridge Rd. They would be back from the street sufficiently because the lots are 616 ft. deep, so that there should be no difficulty with the neighbors. The school would occupy a rise of ground between Chestnut Ridge Rd. and Chili Ave. with a driveway from each highway.

A resident at the Public Hearing asked if the zoning would be changed in that area if this variance was granted, and she was assured by the Board that this meant no change in zoning whatsoever. This would just be a variance to build in an E residential district, but would not change the zoning. Father Murphy pointed out that a church or a school can be permitted in a residential area, provided there is sufficient room for parking.

Mr. Entress asked if there would be sufficient off-street parking provided for the parishoners or off-street traffic. Father Murphy replied that there would be, and asked the architect regarding figures. Mr. Gibson replied that he hadn't figured it out as yet, but that would certainly be adequate parking space, for probably as many as 300 cars. Father Murphy pointed out that there were 17 lots and a street planned on the property when Sach thought of selling it, so there would be plenty of room. He said they would build a nice church with proper setting, so that it would enhance the community. The recreational area would be all in the center section. He presented a petition containing 500 names, all in favor of the granting of this variance. The name of the purchasing agent is St. Fechan's Church.

Mr. R. A. Simon's stated that the Church had a right to expand a little, and that this would not depreciate any property.

Mr. Bammond of 205 Chestnut Ridge Rd. said that he is in favor of it and feels that through the school they will lessen the requirements of public schools in the way of teachers and other facilities.

At this time Mr. Shearer, Attorney, appeared and said that he had filed application for the variance, filed survey showing the property, and filed architect's plot plan showing where buildings would be tentatively located on the property, and is asking for permission to use the property for the construction of a church and school as shown on the plot plan.

Dr. Joseph Sargent of 3653 Chili Ave. said that anything to build up area would certainly make Chili more attractive to people like himself. This should be a tremendous inducement to any other professional people.

Mr. Entress stated that he feels there should be a fence or something along the sides of the recreational area as a protection for the neighbors. He asked if such a stipulation would be agreeable. Father Murphy and Mr. Shearer said this would be perfectly agreeable.

No one made any objection to this application.

DECISIONS OF THE BOARD:

BILLINGS R. WILCOX was granted a variance to erect a dwelling 9.2 ft. from the west side lot line and 9.2 ft. from the east side lot line on Lot #37 Creeksview Drive, Creeksview Subdivision. Each member voted in the affirmative as follows: Mr. Murphy, Mr. Beeman, Mr. Pfenniger, Mr. Strassner, Mr. Entress.

LAWRENCE GORHAM was granted a variance to occupy present house at 616 Paul Rd. while building future house on same lot for a period of 18 months. The present house must be removed in 18 months. All members voted yes.

REV. J. E. BEESON - This application was withdrawn as a variance is not necessary.

DAVID H. SHEARER was granted a variance to construct and use thereon a Roman Catholic Church and a school, property owned by Mary Sach, consisting of $8\frac{1}{2}$ acres fronting on north side of Chili Ave. from a point 765 ft. west to a point, thence 778.55 north to a point, thence 300 ft. east, thence 618 ft. north to a point on Chestnut Ridge Rd., thence 200 ft. east, thence 616 ft. south, thence 340 ft. east, thence 250 ft. south. Property located in E Residential Zone. The Board made the stipulation that the play area side lines should be adequately fenced in. All members voted in the affirmative.

ZONING BOARD OF APPEALS

August 3, 1954

The Chairman called the meeting to order, and roll was called, with the following members present: Mr. Pfenninger, Mr. Beeman, Mr. Strassner, Mr. Murphy, and the Chairman, Mr. Entress. Also present were the Town Attorney, Mr. Wickins, and the Building Inspector, Mr. Lusk.

The first application was that of Earle R. Howarth for a variance to erect a residence at 18 Yolanda Dr., 864 sq. ft. in a "D" residential zone.

Mr. Arthur E. Rosenberg, Attorney, appeared on behalf of Mr. Howarth. Mr. Rosenberg said that Mr. Howarth had started this house of 864 sq. ft. on the lot, not realizing that the changed ordinance had application. A map was presented to the Board. Mr. Howarth said that the foundation wall is up.

Mr. Wickins asked if the subdivision was started before zoning, and Mr. Howarth replied that it was started about 2 years ago, and that he didn't know the change in zoning applied to this tract. He said that he was issued a permit on July 27, 1954, and then was asked to return the permit. Mr. Howarth stated that he has another lot just like this, and that they are both sold and he has a contract for the houses. He said the house was actually 904 sq. ft., with 36 ft. on the kitchen. This is a one-story house, similar to the other houses constructed in that tract, only this one is smaller. The other ones are 955 to 1040 sq. ft. Mr. Howarth said this is a contract job with the house that the people wanted. There is also a contract job on lot #11, and he asked if this application could include lot #11. Mr. Wickins said that couldn't be done because it would have to be published and notices sent out to the neighboring people.

Mr. Entress asked if this house was started before the permit was issued, and Mr. Howarth replied yes, that they thought there were complying with regulations. Mr. Lusk notified him that the house was not meeting the requirements, and Mr. Ouweleen, Town Clerk, asked him to bring back the permit. Other houses meet the requirements of the new zoning ordinance.

Mr. Strassner asked if Mr. Howarth had started to build before getting the permit, and Mr. Howarth said he didn't think the ordinance pertained to this particular tract because the tract was in existence before. The lots are all 90 ft. Mr. Rosenberg said that Mr. Howarth was notified by telephone that the permit was there, and Mr. Howarth said he got the permit all right. The house is 864 sq. ft. plus 4 ft. and the width of the addition, making it 904 sq. ft.

Mr. Wickins asked if Mr. Howarth would like to re-word the application for a variance from 864 sq. ft. to 904 sq. ft., as that was what the house would now be.

Mr. Howarth stated that he would amend the application to ask for a variance of 904 sq. ft. instead of 864 sq. ft. as stated in the original application.

Mr. Entress asked about the otherhouse Mr. Howarth plans to build like this one, and he said it would be exactly the same, but he hasn't built that one yet. Mr. Wickins said he couldn't ask for it tonight because the proper notices have not been sent out and it hasn't been published. He said that would have to be another application.

Mr. William Trimmer of 22 Yolanda Dr. appeared and stated that he had no objection to this application if it is the regular ranch-type house. No one else appeared to voice an opinion on this application.

Application of School District No. 11, 1000 Coldwater Rd., for variance to use land for school purposes situate in E residential zone beginning in the east line of the present school land at a point 50 ft. southerly along said east line; thence easterly 271.17 ft. to a point, thence southerly 318.68 ft. to a point; thence westerly 263.25 ft. to a point; thence 345.31 ft. north to a point, property of A. J. Catteau, also land known as lots 57-166 inclusive of Ranchmar Subdivision.

Mr. Halsey, Attorney of E & B Bldg. appeared to represent the applicant. He said the voters of the school district have approved of this property. Map was presented to the Board showing said property, lots 57-61 and lot 169 through lot 166, also property shown on the map as H. A. Catteau, at the present time residential. They are asking a variance so that this

property may be acquired for school purposes only.

Mr. Wickins asked if there wouldn't be a playground. Mr. Halsey stated that they were hoping to put an addition on the school, but it was voted down. However, there may be further vote called on that. He said that will probably be used for recreational purposes. Mr. Wickins then asked if he would object if the Board put restrictions on the grounds, such as fences, etc., to protect the surrounding property owners, and Mr. Halsey replied that that would be reasonable.

No one appeared on this application.

Application of Ralph Swick for a variance to erect a dwelling on lot #117, District E, Pultney tract, 10 ft. to rear lot line and 54 ft. to front lot line.

Mr. Swick appeared and said he property is back of the 4-Lane Restaurant on Scottsville Rd. He has been trying to sell the property, but he can't sell it unless he can get a building permit. The lot is 80 ft. by 100 ft. The railroad is on the back and the river is on the front. He had this particular lot up before, and he can't get any more depth because of the railroad. Mr. Wickins informed Mr. Swick that the requirement in Chili was 950 sq. ft. Mr. Swick said he proposes a 1080 sq. ft. one-story building and would like a variance as to front and rear set back. He has a driveway and the house will face the river. He has a right-of-way, but no frontage on a public road. An old trailer on the property will be done away with if he can get this building. The rear lot line will be the Pennsylvania RR. There is no building on either side, and a power line comes through. The State had to provide a right-of-way through there.

No one appeared on this application.

Application of Newton H. O'Brien for a variance to build an attached garage 4 ft. to side lot line at 15 Orchard St.

Mr. O'Brien appeared and presented map. He has 18 ft. distance from the end of the house to the side lot line. He understands the requirement is 10 ft. from the side lot line, which would leave only 8 ft. for his garage.

Mr. Entréss asked how close the adjoining house was on that side, and Mr. O'Brien replied that it is rather close to the side line, but it is way back. The front of that house would be about in line with the front of his garage. There are 3 houses on the street back like that. Mr. Entréss asked if he could put the garage anywhere else, and Mr. O'Brien said he preferred to have it up there to save a long driveway. The lot is 140 ft. by 66 ft.

Mr. Entréss said that having his garage so close to the lot line would obstruct the view and create a fire hazard.

Charles Spotts of 17 Orchard St. appeared and stated he lived in the house next door. He had a map which he showed the Board. He said the distance between his house and the lot line was 3 ft., which would make the distance between the house and the proposed garage 7 ft. Mr. Spotts said when the houses were built, the lot lines weren't accurate, and a few years ago some of the property owners bought property from each other and straightened them out as they should be. This brought his house closer to the lot line than it should be. Mr. Spotts said he didn't like to oppose this application, but that the garage would block off the view from his picture window in his living room.

There was some discussion between the Board and Mr. O'Brien as to places where he could build the garage without being so close to the lot line. Mr. O'Brien said that he could see the importance of its being a fire hazard.

Mr. Wickins said that if Mr. O'Brien wasn't just sure where he wanted the garage in changing its position, he could come back with some more plans 2 weeks from tonight, and the Board could hold decision on it until that time. He told Mr. O'Brien to try to work it out, and the Board can act on whatever plans he brings back. Mr. O'Brien agreed to this.

No one else appeared on this matter.

Application of the Lake Beverage Corp. for a variance to erect a sign 7 ft. by 6 ft. on the side of barn owned by Peter Costanza on the corner of Archer and Paul Rds., 10 ft. to side lot line.

Mr. Howard Green appeared to represent the Lake Beverage Corp. This barn is right on the corner. Mr. Green said there is a sign on the barn now and this would practically cover the present sign. The sign would be 7 ft. by 6 ft., and he showed a picture saying it would be the same metal sign, except for the size, and would be right on the barn.

(Cont.)

Mr. Wickins asked Mr. Lusk if he knew how close the barn was to the right-of-way, and Mr. Lusk replied that it was right on the right-of-way, right on the line on both roads and should be torn down. Mr. Wickins said the barn is a hazard as far as sight easement is concerned, and Mr. Lusk said the sign would add more to the hazard.

Don Mitchell stated that the State, Town, and County, spends considerable sums of money trying to get the public to pay attention to needed traffic signs. Other signs distract the motorists' attention from highway signs. He spoke further along this line and said he is opposed to any more signs unless they have something to do with a local industry, or a sign designating a place of business, whereby a hardship would be created on a local business man.

No one else appeared in this matter.

Application of Lake Beverage Corp. to erect a sign 7 ft. by 6 ft. on property owned by Anna L. Crowley, 1891 Scottsville Rd., 50 ft. from front lot line.

Mr. Howard Green appeared on this application also, and stated this would be the same metal sign on a wooden frame.

Don Mitchell appeared and said he opposed as on the same basis as on the previous application. He said the Crowley property is up against Scottsville Rd., where there is a curve on which have been severe accidents. He feels there should be no distractions other than the designated highway signs for the purpose of right-of-way, etc. Advertising signs do not add anything to the countryside, but they do sometimes distract motorists.

Application of Gordon Markey for a variance to erect a two-family dwelling situate on lot 24 Parkway Springbrook Addition, North Chili.

Mr. Markey presented plans to the Board. The house is 26 ft. by 40 ft. on the first floor, with full dormers ~~windows~~ front and back on the second floor, which is 20 ft. by 40 ft. There will be 2 bedrooms, living room of 20 ft. by 13.71/4 ft., kitchen space, with a layout similar to Ranchmar. His proposal is to rent it out to students or people attached to the college. This is an E residential zone. 1040 sq. ft. on first floor, 800 sq. ft. on second floor.

Mr. Wickins said he had enough floor space, but the reason for the application was because a 2-family dwelling is not allowed in E residential zone. He asked if there were any other 2-family dwellings around there, and Mr. Markey replied that there were proposals he thought, but it was not for him to say whether there was anybody living in them.

Huben Stoler of 4 Springbrook Dr. said that he opposed this application. He said it would create some congestion there and he understands that it is a pre-fabricated house, which is quite different from the conventional type now there. He also thinks it would establish a precedent, as some day Parkway St. might be extended into Union and there would be lots of housing possibilities. Mr. Wickins asked if he knew of any 2-family dwellings in that location, and Mr. Stoler said there was a structure more than 2 stories but he hasn't seen 2 families living in it, and there were 2 of them that could house 2 families, but he doesn't know if they are or will be 2 families. He said some were having rooms finished off on the second floor, and Mr. Wickins said that there must be separate living quarters for a house to be a 2-family dwelling.

Mr. Markey stated that if this is granted by the will of the majority in the area, he can bring 5 or 6 people very happy to have the structure erected. He asked Mr. Stoler to elaborate on this business of disturbance and congestion, as he wouldn't know what he means.

Mr. Stoler said where there were more people there would be more disturbance, with perhaps children. He knows that at the present time Mr. Markey intends to rent to young couples, but later perhaps people may move out and rental requirements may not be the same as he intends. He may not have control over it as at the present time. Sometime in the future, Mr. Markey may have to sell and to persons less responsible than himself. He is sure Mr. Markey intends to stay there, but no one can be sure. As far as people who could approve of this, Mr. Stoler knows that some people have written in and voiced disapproval, and also some people who didn't have courage to come and voice disapproval.

At this point, the Board read several letters from people who disapproved this application, and offered them to Mr. Markey to read. Letters from L. Sprague, Paul Clement, James Curvin, all opposed to this 2-family dwelling. Letters on file.

Mr. Markey went on to say he thinks they have respect for the people in the tract right now. He is trying to build a community based on good will. He pointed out the number of pre-fabricated homes in the city of Rochester. He said it takes time for precedent to develop.

Mr. Stoler then stated that he would argue no further, that enough had been said on both sides. He said he has nothing against pre-fabricated homes personally, but that this type of home affects the property valuation of all the people in the community. Mr. Markey said that pre-fabricated or not, the house still had to pass the specifications of the Town of Chili, as well as the City of Rochester, and Mr. Stoler said that was another matter entirely, as he is thinking in terms of effecting the valuation of the surrounding property. Mr. Stoler asked the Board if more consideration was given to the opinion of those neighbors who were closest, and Mr. Entress answered that the Board gave consideration to the opinion of any resident of the Town of Chili, and Mr. Wickins added that more weight was given to the closest neighbors.

Mr. Markey asked what was the penalty or law regarding someone who has violated the zoning ordinance. Mr. Entress said he would read from the back of the Zoning Ordinance as follows:

SECTION 92 - PENALTIES - Any person, firm, company, or corporation owning, controlling or managing any building, structure, or premises where in or whereon there shall be placed or there exists anything in violation of any of the provisions of this ordinance, and any person, firm, company or corporation who shall assist in the commission of any violation of this ordinance or any conditions imposed by the Zoning Board of Appeals; or who shall build, contrary to the plans or specifications submitted to the authorized officer and by him certified as complying with this ordinance; and any person, firm, company or corporation who shall omit, neglect or refuse to do any act required by this ordinance shall be guilty of a misdemeanor and subject to a fine of not less than \$50.00 or more than \$500.00 or to imprisonment for a period of not less than one day, or more than six months, or both such fine and imprisonment, or by a penalty of \$2,500.00 to be recovered by the Town of Chili in a civil action. Every such person firm, company or corporation shall be deemed guilty of a separate offense for each day such violation, disobedience, omission, neglect or refusal shall continue. In case of any violation or threatened violation of any of the provisions of this ordinance, or conditions imposed by the Zoning Board of Appeals, in addition to other remedies herein provided, the Town Board may institute any appropriate action or proceeding to prevent such unlawful erection, structural alteration, reconstruction, moving and/or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure or land, ~~and~~ or to prevent any illegal act, conduct, business or use in or about such premises.

Mr. Markey said it was not his desire to do what isn't right. Mr. Wickins stated that this is the highest residential district, and nothing is allowed except one-family residential dwellings.

Application of Charles E. Loedel, 32 Springbrook Dr., North Chili, for a variance to erect a separate apartment on the second floor over the garage and breezeway.

Mr. Loedel presented a map to the Board, which was a floor plan of the garage area and breezeway. The garage and breezeway are being now constructed with the understanding that he get approval for the apartment before he started it. The garage and breezeway are 30 ft. by 22 ft. The upstairs will cut off about 5 ft. of the front; there are 2 dormers. There will be two separate apartments, one over the top of the garage and breezeway. Mr. Wickins said that this would constitute a 2-family dwelling, not an apartment.

Mr. Stoler stated that he would object to this on the same basis as that of the application of Mr. Markey.

Mr. Loedel asked if there would be anything to prohibit putting it up if the immediate family lived in it, as he had planned it for his mother. Mr. Wickins said he couldn't make it a separate dwelling anyway, without a variance.

Mr. Stoler said that in a case of hardship as this might be, he the objection he had just made.

The Board suggested that Mr. Loedel might finish it off into rooms and his mother could live there without making the house a 2-family house. If the kitchen were eliminated and there were just sleeping quarters and living quarters, it would not be a 2-family house.

(Cont.)

Application of John H. Stemples for a variance to erect a residence on Lot 6 Chestnut Dr. 35 ft. to front lot line.

Mr. Stemples said that he requested this variance to conform with the other houses on the street.

Mr. Entress there were variances granted in the Chestnut Heights Subdivision of 40 ft., and that Mr. Stemples had made a mistake in his figuring. Mr. Entress has figured it this evening, and the setback required to come in line with the other houses is 40 ft. Chestnut Drive from Chili Avenue to the middle of lot 6 is a 50 ft. road, from there on it is a 60 ft. road. Mr. Stemples said his only interest is in conforming with the rest of the street, and he wanted the same setback as the other houses.

There was more discussion concerning the measurements, on the basis of which Mr. Stemples said he would amend his application to request a 40 ft. setback. No one appeared on this application.

Application of Chili Fire Protection District for a variance to erect a fire house at Union St., North Chili, 35 ft. to front lot line and 40 ft. to the rear lot line.

George E. Schmitz presented sketch showing proposed building. He said if they build farther back there wouldn't be room enough in the rear for leech beds. Union St. is $49\frac{1}{2}$ ft. wide. Mr. Schmitz stated they would like to build 35 ft. from front lot line and within 10 ft. from side lot line. If they are permitted to build proposed structure, the present building will be taken down and the space will be used for the firemen's cars. There is 100 ft. frontage and there will be 50 ft. by 150 ft. for parking.

Mr. Wickins said the Board is always interested in traffic problems and the fire house is busy. If a variance was granted to 35 ft. and everybody parked in front, it would be bad. Mr. Schmitz answered that there are rules and regulations and they are very strict about parking in front of the doors. According to the present plans, there couldn't be parking in front of the building because of doors on either side. The building will be 40 ft. by 60 ft. They would like to have room in back instead of the front because in the future if they wanted to make it larger, they would have the space. As soon as they can occupy the new building, the old one will come down.

Mr. Entress asked if they would object to restrictions on parking in front of the building or on the lot, and Mr. Schmitz said it would probably be a good thing as it would help the fire house too. This is structurally a fire house and not a setup like #1. The Board pointed out that one can't guarantee anything 20 years from now and that eventually there might be a clubhouse. Mr. Schmitz said that according to plans, no small door was planned for entrance in the front of the building. There is one on either side and one in the back, so that parking in front of the building would mean walking around the building to get into it.

Mr. Entress asked if there would be any hardship to restricting the parking to 35 ft. from the front lot line, and Mr. Schmitz said he thought that was a lot of footage. Mr. Entress said it might be more than is necessary, but it was just a thought. Mr. Schmitz said they kept the building close to south lot line to give them more parking space, and that he would agree to any reasonable restrictions.

No one appeared to voice an opinion on this application.

Application of Thomas F. Dunne for a variance to erect a residence on lot 55 A situate on Ballantyne Rd. 50 ft. to front lot line.

Mr. Dunne appeared and stated that he would like the 50 ft. setback to keep in line with the other houses on the street, and that otherwise he would be back of them. The lot is 155 ft. deep and 72.3 ft. wide. The original deed calls for a 50 ft. setback. 50 ft. on Ballantyne Rd., and 25 ft. on Names Rd.

No one appeared on this application.

DECISIONS OF THE BOARD:

EARLE R. HOWARTH was granted a variance to erect a residence at 18 Yolanda Dr. of 904 sq. ft.

SCHOOL DISTRICT #11 was granted variance to use land for school purposes as requested with the stipulation that any play area having adjoining property owners must be adequately fenced.

DECISIONS OF THE BOARD (CONT.)

RALPH SWICK was granted a variance to erect dwelling on lot 117, District & Pultney Tract 10 ft. to rear lot line and 54 ft. to front lot line.

NEWTON H. O'BRIEN - Decision was reserved on this application until the next meeting of the Zoning Board of Appeals.

LAKE BEVERAGE CORP. - Application was denied. All members voting in affirmative.

LAKE BEVERAGE CORP. - Application was denied. All members voting in the affirmative.

GORDON MARKEY - Variance to erect 2-family dwelling on lot 24 Parkway Springbrook Addition, North Chili, was denied. All members voted in the affirmative.

CHARLES LOEDEL - Variance to erect separate apartment on second floor over garage and breezeway at 32 Springbrook Dr. was denied. All members voted in the affirmative.

JOHN H. STEMPLES was granted a variance to erect a residence on lot 6 Chestnut Drive 40 ft. to front lot line.

CHILI FIRE PROTECTION DISTRICT was granted a variance to erect a fire house at Union St., North Chili, 35 ft. to front lot line and 40 ft. to rear lot line. There is to be no parking in front of the building, and adequate parking space off-street on lot restricted to 20 ft. from front lot line.

THOMAS F. DUNNE was granted a variance to erect a residence on lot 55 Ballantyne Rd. 50 ft. to front lot line.

June Yates, Secretary

ZONING BOARD OF APPEALS

August 17, 1964

The meeting was called to order by the Chairman, and roll was called with the following members present: Mr. Strassner, Mr. Beeman, and the Chairman, Mr. Entress. Also present were the Town Attorney, Mr. Wickins, and the Building Inspector, Mr. Lusk.

The first application was that of James P. Nichols, 34 Jemison Rd., to erect a dwelling on lots 7 and 8 on Chester Ave., requesting a variance of 40 ft. setback from front lot line and 45 6/10 ft. from rear lot line. Sketch was presented on this application.

Mr. Nichols appeared and stated his request was because the lots weren't deep enough, but quite wide. They are 150 ft. wide and 120 ft. deep. He said most all of the other houses were 35 ft. from the front lot line. Mr. Nichols said that the water district will probably be in before the house is completed and it will not be necessary to pipe water. In the event that it is not, there is plenty of room to put in a well the required distance from the septic tank at any angle. These lots are in back of Jemison Rd. and face on Chester Avenue.

No one appeared to voice an opinion on this application.

Application of Louis L. Krenzer of 745 Ballantyne Rd. requesting a variance to move a house on lot situated on Ballantyne Rd. 40 ft. from front lot line.

Mr. Krenzer presented a small sketch and said that this is a tenant house which he wishes to move. There is quite a slope in the hill and if it were moved back 60 ft. it would be down in the valley. It is next to the Benjamin farm. His own house is about 16 ft. from the road, and this house would be in back of his house.

Mr. Wickins said that he knows the location and it is a very peculiar setup as the land drops off very abruptly away from the road.

Mr. Krenzer said that if the house were 60 ft. back from the road, the road would be as high as the second story of the house.

No one appeared on this application.

Application of Henry Schumacher, 170 Hoover Dr., requesting a variance to erect a dwelling on lot 3 Westside Drive 45 from the front lot line.

As Mr. Schumacher is on vacation, Mr. William Kolb of 65 Hobart St. appeared to speak for him. He is one of the contractors going to build the house. The lot is 90 ft. by 225 ft. The Board studied a plot plan.

Mr. Kolb said that a 45 ft. setback would put this house behind one house and in line with the others. The property is east of Pixley Rd., between Pixley Rd. and Chili Ave.

Mr. Fogarty, the neighbor on one side, said that his house is 35 ft. from the front lot line and is about 12 years old.

Mr. Edwards, the neighbor on the other side, said his house is 45 ft. from the front lot line. He is in ~~an~~ favor of this application, and would not like to see the house go back 60 ft. as it would put it way behind his house.

Mr. Fogarty also said that he is in favor of this application.

Mr. Entress asked if the house had been started, and Mr. Kolb said the cellar wall is up. The hole has been dug about a month.

Mr. Wickins asked why he didn't appear before the Zoning Board before he started building, and Mr. Kolb said that they found out later about the new zoning law. Mr. Wickins said that zoning had been in effect since 1947.

No one else appeared regarding this application.

Application of Dominic Lipa, 528 Paul Rd., requesting a variance to erect a breezeway and garage to present dwelling at 528 Paul Rd., 9 ft. from the east side lot line.

Mr. Lipa appeared and presented sketch to the Board, stating that this is lot #2 of the Buttarazzi Tract. The lot is 80 ft. by 200 ft. He said that when the house was built, he had planned on 10% of the lot

width to erect the garage and breezeway, but the new zoning ordinance requires 10 ft. to the side lot line. The breezeway will be 10 ft. by 14 ft. and the garage will be 14 ft. by 23 ft.

Mr. Entress inquired how far away was the building on the lot immediately adjacent to him, and Mr. Lippa answered that it was a little over 10 ft. from his side lot line.

Mr. Lusk stated that he had been over there, and the building next door is 10 ft. from the side lot line.

No one appeared on this application.

DECISIONS OF THE BOARD:

JAMES P. NICHOLS - Granted a variance to erect a dwelling on lots 7,8,9 on Chester Ave. 40 ft. from front lot line and 45 6/10 ft. from the rear lot line.

LOUIS L. KRENZER - Variance granted to move a house on lot at 745 Ballantyne Rd. 40 ft. from front lot line.

HENRY SCHUMACHER - Granted a variance to erect a dwelling on lot 3 Westside Drive 45 ft. from front lot line.

DOMINIC LIPPA - Variance granted to erect a breezeway and garage to present dwelling at 528 Paul Rd. 9 ft. from east side lot line.

At this time, Mr. Newton O'Brien appeared regarding his application of the previous meeting to build an attached garage 4 ft. to the side lot line at 15 Orchard St.

Mr. O'Brien said that the distance between his house and that of his neighbor, Mr. Spotts, is 24 ft. The front porch of Mr. Spotts' comes at the back line of Mr. O'Brien's house.

Mr. O'Brien drew a sketch of his house and an addition of 15 ft. which he has on it, and then discussed with the Board the distance his proposed garage should be from the lot line. He requested a distance of 4 ft. for side line setback, but the Board and Mr. Wickins felt that this distance was a little close and presented a fire hazard. Mr. O'Brien said that he could understand that, and changed his request to 6 ft. from the side lot line, making a distance between his house and that of Mr. Spotts 12 ft.

NEWTON O'BRIEN - Granted a variance to build an attached garage 6 ft. to the side lot line at 15 Orchard St.

ZONING BOARD OF APPEALS

September 7, 1954

Roll was called by the Acting Chairman, Cornelius Strassner, and the following members were present: Mr. Pfenninger, Mr. Beeman, and Acting Chairman, Mr. Strassner. Also present were the Building Inspector, George Lusk, and the Town Attorney, Ralph Wickins.

The first application was that of Scottside Realty Corp. to erect an amusement center at 1174 Scottsville Rd. 50 ft. from the front lot line; also to erect sign size 10 ft. by 12 ft. to be located 15 ft. from the front lot line.

Sidney Salzman, Attorney, of the Powers Bldg., appeared to represent the Scottside Realty Corp. He said that he tried to get a finished plan for tonight's meeting, but was unable to contact the architect. However, he did present a plot plan indicating the general shape of the land involved and the place where the building is to be. The building is to be set back 50 ft. from the Scottsville Rd. and will be no more than 13 ft. or 14 ft. in height.

Mr. Strassner said that an amusement center necessitates parking.

Mr. Salzman said that there would be adequate parking in the front, along the side of the building, and in the rear of the building.

Mr. Wickins inquired about surfacing the area with gravel or some such thing, and Mr. Salzman said that that would be done. Mr. Wickins said that he is not a voting member of the Board, but that in the past the Board has sometimes required that some of these places on Scottsville Rd. have some kind of barricade erected along the front so that cars have to go back of the fence. He asked if there would be any objection to such a restriction, and Mr. Salzman answered there would be no objection, they would go along with any such requirement. He stated that this property is between the B & G and the railroad.

Mr. Strassner then inquired about the proposed sign, and Mr. Salzman said they would like it to be 15 ft. from the lot line on the south.

Mr. Wickins asked if this would be about 30 ft. or 35 ft. from the pavement, and Mr. Salzman said yes. Mr. Salzman also stated this would be an illuminated sign, 12 ft. high, probably not more than 2 ft. off the ground, advertising the amusement park.

Mr. Wickins said that any action taken by the Board on this application is subject to the approval of Francis Carroll because of the Airport Zoning.

Mr. Strassner asked if there was anyone to voice an opinion on this matter, and no one appeared.

Application of Harry Pikuet, 460 Chestnut Ridge Rd., for variance in setback of 45 ft. to front lot line on lots 66 to 90 inclusive, and lots 144 and 108 of the Chestnut Heights Subdivision, Section 3 A.

Mr. Pikuet appeared and present a map of the subdivision to the Board. He said the first section of the Chestnut Heights Subdivision had a setback of 40 ft. to the front lot line, and he is asking for a 45 ft. setback on this section. There are no houses in there now. He doesn't have State approval as yet, as the grading is not all done. He would like this setback because of the corner lots, and because there are a lot of trees in there,

Mr. Wickins said that this map had been gone over by the Planning Board for lot sizes, etc.

No one appeared on this application.

Application of Roberts Wesleyan ~~Col~~ College, North Chili, for a variance to erect a sign size 6 ft. by 12 ft. setback 12 ft. to front lot line, fronting on Buffalo Rd.

Dr. Merlin G. Smith of the College appeared and said the sign is already erected on the front campus. There is a knoll and at the edge of the roadway the land comes up about 4 ft. high, and they went back from that as close as they could to a grove back there. When they realized they had erected the sign without permission, they went to the neighbors, and no one opposed. He presented to the Board a letter from a neighbor voicing approval of the sign, signed by D. Hutchings, 4323 Buffalo Rd.

No one appeared on this application.

Mr. Beeman told Dr. Smith that if in the future they would make application ahead of time, that would be the thing to do. It seems to

happen often over there. Dr. Smith said that Don Dailey, who knew about it, is no longer with the College, and that he thought that the man who put the sign up should have known about it.

Application of Parkminster Church situated corner of Chili Ave. and Pixley Rd. for variance to erect a sign size 3 ft. by 4 ft. setback 30 ft. from the front lot line.

A representative of the Church appeared and presented two picture to the Board as an example of what they propose to erect. It would be a permanent sign with the name of the church.

Mr. Strassner asked if the sign was to be illuminated, and representative said he didn't know, but he doubted it. The Board said they like to know about illumination as sometimes neighbors object to illuminated signs unless hours are restricted on it. The representative said they would like to go closer to the road than 30 ft. if possible so that people in cars could see the sign.

Mr. Wickins suggested that the application be amended to read 5 ft. instead of 4 ft., as they could always make the sign smaller, but they could not make it bigger after the Board had passed on the size.

The representative asked for permission to use the phone, and did so. He then amended the application to requested a sign 5 ft. by 4 ft.

No one appeared to object to this application. John Syracuse and son inquired about the illumination, but stated they did not object to the sign. They merely wanted to know what it was to be. The representative said the sign will not be illuminated as they don't want to run a cable. They might want to paint it with luminous paint. The Syracuse's, who live directly across from the Church, said they had no objection.

Application of Marjorie McLaughlin, 21 Yolanda Dr., for variance to erect an addition to house and garage 8 ft. to north side lot line.

Mr. McLaughlin, brother of the applicant, appeared and presented sketch to the Board. The lot is 80 ft. wide, and they are asking for a variance of 2 ft. House was built before the new zoning ordinance was adopted. The neighbor on the north side is 9 ft. from the side lot line.

No one appeared on this application.

Application of Andrew Crescuillo, 14 Yolanda Dr., for variance to erect a breezeway and garage 7 ft. to north side lot line.

Mr. Crescuillo presented map to the Board, and said he would like a 14 ft. garage, and a 10 ft. breezeway. There is a new house not finished on the north side which is 15 ft. from the lot line. The garage of the new house will be on the other side.

No one appeared on this application.

Application of Irvin Kazmierczak, 1420 Scottsville Rd., for variance to erect a sign 5 ft. by 6 ft. setback 15 ft. from front lot line.

Mr. Kazmierczak said this is a temporary sign, 8 in. off the ground, announcing the name of the band for dancing. This is the 4-Lane Restaurant. The sign has been up about 1½ months, and will be used just while there is a band playing.

Mr. Wickins asked how long he would want the sign, 6 months or a year, and Mr. Kazmierczak said he didn't know, but that 6 months should be all right. He said the sign was so low and only off the street about 20 ft. and would not shine in anybody's eyes. He said that Griffin has all kinds of lights.

Mr. Strassner said that everyone has to abide by the law, regardless of who they are. Mr. Kazmierczak said that the band now playing there put up their own sign. He has a big sign advertising the 4-Lane Restaurant, and there is space on that sign that says "Dancing Friday and Saturday Nights". Mr. Strassner asked if there was room on the big sign for the name of the band, and Mr. Kazmierczak said he guesses so. No one appeared to voice an opinion on this application.

Application of Donald H. Taft, 15 Yolanda Dr., to erect a breezeway and garage 8 ft. to north side lot line.

Mr. Taft presented sketch to the Board. The lot is 80 ft. wide, and he is asking for a 2 ft. variance. The adjoining house is 10 ft. from the side lot line.

No one appeared to speak on this application.

Application of John Syracuse, for a variance to erect a truck terminal on lot #132 Paul Rd., situated in Industrial Zone.

Mr. Syracuse presented plans to the Board showing land and also proposed building. This is on the south side of Paul Rd. along the side of the railroad. He owns about 40 acres of land, and has 1250 ft. frontage and about 3000 ft. along the railroad. There is ample room for a truck terminal. He does own property across the road. He will comply with the restriction of a 100 ft. setback on the terminal building. The office will be 100 ft. wide by 40 ft. deep and will be hooked onto the truck terminal, which will be 60 ft. wide and 301 ft. deep. There will be 25 doors on each side of the building.

Mr. Wickins asked if he was going to gravel to the front of it so that the trucks can park there. He asked if Mr. Syracuse would object to a requirement that he erect a barricade so that trucks can't park on Paul Rd., they will have to get off the road.

Mr. Syracuse said they will have to make an entrance so that there will be ample room for the trucks to cut in. He would have one entrance and one exit, as they can't come in and out of the same driveway. There would be confusion or accidents. Mr. Syracuse also stated that unless he can pick up enough tenants, he will not go ahead with this, as it is quite an investment. One tenant wants 10 doors, and he would want to get at least one half of the terminal spoken for, but he cannot get the tenants without first having the approval of the Board to go ahead on the construction.

Mr. Wickins said that when Mr. Syracuse applied for an asphalt plant, the statement was made that the junk yard was going to get out of there.

Mr. Syracuse said that the asphalt plant was put up in a hurry, and he knows the junk looks like the devil from the road. The lease of the junk man, Mr. Jones, is up on the 12th of September, and it will be definitely cleaned up by that time. Mr. Jones has asked Mr. Syracuse if he would be able to put junk way in the rear of the lot, about 1500 ft. from the road, where it wouldn't be seen by anyone, and Mr. Syracuse hasn't given him an answer yet.

Mr. Wickins said that the office and some town officials had been getting criticism because the junk has not been cleaned up, and if another variance is granted, there will be more criticism.

Mr. Syracuse said he would go on record as stating that the junk would be out of there by the 12th of this month. Mr. Jones has bought a place in Niga which he could use in the event that he can't use the rear of the property on Paul Rd.

Mr. Wickins said he would like to ask Mr. Syracuse, to clear the Town Officials and the Zoning Board, what he would say if the Board decided to grant this variance on the condition that no junking operations can be carried on on the property except a minimum of 1,050 ft. back from the Paul Rd.

Mr. Syracuse said this would be o.k. No junk cars or any wrecking could be seen from Paul Rd. at all behind the Andrews farm. There are 2 fields, each with a hedge fence.

Mr. Wickins said the Zoning Board has the right to put any restrictions on variances granted. They have the right to restrict junking if they give this variance. They can refuse any more variances until the junking is cleaned up. Mr. Wickins wants Mr. Syracuse's statement that no junking operations will be carried on on his property on the Paul Rd. except possibly there may be some carried on 1,050 ft. from the Paul Rd. on the lot in the rear of the property. Mr. Syracuse said that may go on record.

No one appeared on this application.

Application of Earl Howarth, Yolanda Dr., for variance to erect a frame house 904 sq. ft. in D residential zone, situated on lot 11 Yolanda Dr.

Arthur Rosenberg, Attorney, appeared for and with Mr. Howarth.

He said Mr. Howarth cannot plead any hardship in this case as construction has not started. This is a custom job he would like to build on that lot if granted permission.

Mr. Strassner said the Board granted a variance on lot #6 when Mr. Howarth pleaded ignorance of the zoning ordinance.

Mr. Rosenberg said that house was under construction. There is no hardship here. The excavation is dug, but it could be made suitable for a larger house.

The Board asked Mr. Howarth if he had talked with the proposed buyer as to increase in size, and Mr. Howarth said he had not tried it because it would be difficult because of the bank, etc. If the contract price is increased, they are not capable of building.

No one appeared on this application.

DECISIONS OF THE BOARD:

SCOTTSSIDE REALTY CORP. - Variance granted Scottside Realty Corp. to erect an amusement center at 1174 Scottsville Rd. 50 ft. from front lot line; also to erect sign size 10 ft. by 12 ft. located 15 ft. from front lot line.

HARRY PIQUET - Granted variance in setback of 45 ft. to front lot line on lots 66 to 90 inclusive, and lots 144 and 108 of Chestnut Heights Subdivision, Section 3 A.

ROBERTS WESLEYAN COLLEGE - Granted variance to erect sign size 6 ft. by 12 ft. setback 12 ft. to front lot line on Buffalo Rd.

PARKMINSTER CHURCH - Granted variance to erect sign 5 ft. by 4 ft. setback 30 ft. from front lot line - not to be illuminated.

MARJORIE MC LAUGHLIN - Variance granted to erect addition to house and garage 8 ft. to north side lot line. Following members voting yes - Mr. Strassner, Mr. Beeman, Mr. Pfenninger.

ANDREW CRESCUILLO - Granted variance to erect breezeway and garage 7 ft. to north side lot line 14 Yolanda Dr. Members voting yes: Mr. Pfenninger, Mr. Beeman, Mr. Strassner.

IRVIN KAZMIERCZAK - Granted to erect sign at 1420 Scottsville Rd. 5 ft. by 6 ft. setback 15 ft. from front lot line for a period of 6 months. Members voting yes: Mr. Pfenninger, Mr. Beeman, Mr. Strassner.

DONALD H. TAFT - Granted variance to erect breezeway and garage 8 ft. to north side lot line 15 Yolanda Dr. Members voting yes: Mr. Pfenninger, Mr. Beeman, Mr. Strassner.

JOHN SYRACUSA - Variance to erect freight terminal granted, subject to the following restrictions: A barricade must be erected along the front of the property on Paul Rd., and an entrance and exit provided not more than 50 ft. wide. Further restriction that wrecking of cars and all junk operations must cease on the property on or after December 1, 1954, except that wrecking of cars shall be allowed on the property not nearer than 1,050 ft. from the Paul Rd. Members voting yes: Mr. Pfenninger, Mr. Beeman, Mr. Strassner.

EARL HOWARTH - Variance granted to erect frame house 904 sq. ft. in D residential zone situated on lot #11 Yolanda Dr. Members voting yes: Mr. Pfenninger, Mr. Beeman, Mr. Strassner.

June Yates
Secretary

ZONING BOARD OF APPEALS

October 5, 1954

The meeting was called to order and roll was called, with the following members present: Mr. Murphy, Mr. Beeman, Mr. Strassner, and Chairman, Mr. Entress. Also present were the Building Inspector, Mr. Lusk, and the Town Attorney, Mr. Wickins.

The first application was that of Charles S. Glidden for a variance to erect a residence on lot No. 1, situate on Berry Lane, North Chili, 10 ft. to rear lot line.

Mr. Glidden appeared and presented a map to the Board. After seeing the map, the Board said that the variance required was a side lot line variance, instead of a rear lot line variance.

Mr. Glidden also amended his application to ask for a variance of 8 ft. to the side lot line on lots Nos. 1-16 inclusive, as these are all 80 ft. lots. The map was approved on March 1, 1954, which was before the new zoning ordinance went into effect. The old requirement was 10% of the lot width. No one appeared on this application.

Application of Charles S. Glidden for a variance on lots Nos. 3 and 4 situate on Berry Lane, North Chili, 45 ft. from the front lot line.

The same subdivision map was presented to the Board, and Mr. Glidden said that he planned on doing away with the curve and straightening out the road shown on the map. After studying the map, the Board and Mr. Wickins suggested to Mr. Glidden that it would be better to leave the map as is and not ask for the variances on lots Nos. 3 and 4. There was some discussion, and it was the decision of Mr. Glidden to withdraw his application.

No one appeared to voice an opinion on this application.

June Yates
Secretary

DECISIONS OF THE BOARD:

CHARLES S. GLIDDEN was granted a variance to erect houses 8 ft. from the side lot line on lots Nos. 1-16, inclusive, situate on Berry Lane, North Chili Subdivision.

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ZONING BOARD OF APPEALS
October 20, 1954

In the absence of Mr. Entress, Chairman of the Zoning Board, the meeting was called to order by Cornelius Strassner, serving as Acting Chairman. The roll was called, with the following members present: Charles Pfenninger, William C. Kelly, Cornelius Strassner. Also present were the Building Inspector, George Lusk, and the Town Attorney, Ralph Wickins.

Application of Stanley Wysocarski for a variance to build a breezeway and garage 5 ft. from the east side lot line at 536 Paul Rd.

Mr. Wysocarski appeared and presented a sketch of the proposed structure. The lot is 80 ft. wide by 200 ft. deep. He would like an 8 ft. breezeway and a 12 ft. garage, which would be 5 ft. from the side line.

Mr. Strassner asked how far the house next door was from the lot line, and Mr. Wysocarski said he wasn't sure, but he thought about 15 ft. Not less than 10 ft. Mr. Strassner said they would have to know just about how far away the house next door was located before they could make a decision. There were no neighbors present, and Mr. Wysocarski said that he hadn't spoken to any of them, as he had just moved out there. Mr. Strassner asked Mr. Lusk if he knew the distance of the neighboring house to the lot line, and Mr. Lusk replied that he wasn't sure, but he thought it was 10 ft.

Mr. Strassner then informed Mr. Wysocarski that he felt the Board should reserve decision on this application until the applicant could ascertain the distance in question. Mr. Wysocarski said it would not inconvenience him as he probably wouldn't build until spring anyway. Mr. Strassner said the applicant could leave the information at the office and would not have to appear again. He will be notified when the Board makes decision.

No one appeared to speak on this application.

Application of Elwood Hamell for a variance to erect an addition to dwelling at 57 Ballantyne Rd. 50 ft. from front lot line.

Mr. Hamell appeared and said he would like the address changed from 57 Ballantyne Rd. to 59 Ballantyne Rd. as there were several numbers the same out there. He presented a sketch showing proposed addition to be 50 ft. from the surveyor's stake, which is the property line. All of the other houses near him, except the old DeVries house, are on the 50 ft. line. When he built his house in 1940, the tract restrictions called for 50 ft. setback, but he went back 62 ft. at that time, planning on this 12 ft. addition. Since then the Zoning Ordinance was passed.

No one appeared on this application.

Application of Glen C. DeBack for variance in E Residential Zone to operate a barber shop at 25 College Dr. by Lloys J. Mautzingo, prospective buyer.

Mr. Glen DeBack said there was a mistake in the notice. The property in question is at 2191 West Side Drive, instead of 25 College Drive. He has talked to all the people so that they know about it. It was then ascertained by the Board that notices had been sent to the correct addresses so that the application was legal. This lot is on the corner of Buffalo Rd. and West Side Drive. The lot is 70 ft. by 200 ft. They want to take a 12 ft. by 12 ft. room and put a barber chair in it. Mr. Mautzingo's father is elderly and would like to have a small business in his home, and will buy this property if it is allowed. Mr. Strassner and Mr. Wickins asked about parking facilities, and he said they planned to widen the driveway for diagonal parking, and there would not be more than 6 or 7 cars at one time. The Board suggested restrictions concerning the number of chairs and the parking, and Mr. Mautzingo said his father would be perfectly willing to have restrictions put on. They would have a small sign not illuminated. The Board informed him that a variance would be required for a sign larger than 12 in. by 24 in. Mr. Mautzingo said that would be large enough. His father is going to move here from Binghamton.

No one voiced an opinion on this application.

Application of Mary Daggs, 4 Douglas Dr., for 4 ft. side line variance on south side to erect a garage.

Mary Daggs appeared and said the lot is 50 ft. by 130 ft., and the house is about in the middle of the lot, about 10 ft. from one side line and about 6 ft. from the other side line. The garage would be erected in the rear of the property, 8 ft. from rear lot line. There is a picture window at the back of the house, and she would like to build as far away from it as possible, also to eliminate a turn in the driveway. The neighboring house is the same distance back as her house, and that garage is nearer the house, so there would be no buildings near this garage. The garage would be 12 ft. by 20 ft.

Mr. Wickins explained that the reason for this restriction was to eliminate fire hazards.

No one appeared.

DECISIONS OF THE BOARD:

STANLEY WYSOCARSKI - Decision was reserved on this application.

ALWOOD HAMELL granted a variance to erect an addition to his dwelling at 59 Ballantyne Rd. 50 ft. from the front lot line. Members voting yes as follows: William Kelly, Charles Pfenninger, Cornelius Strassner

GLEN DE BACK granted variance to operate a barber shop at 2191 West Side Dr. for a period of three (3) years with the following restrictions: One chair only; parking provided for at least 5 cars in the rear of the property; no barber pole; one sign not to be illuminated. Members voting yes: William Kelly, Charles Pfenninger, Cornelius Strassner.

MARY DAGGS granted variance to erect a garage 4 ft. from south side lot line at 4 Douglas Dr. Members voting yes: William Kelly, Charles Pfenninger, Cornelius Strassner.

Decision had been reserved on the following application since the meeting of June 29, 1954:

LYLE LOVE was granted a variance to operate a target and range practice for training youths for Junior Hunters Program, said range to be constructed under the supervision and with the approval of the Building Inspector and the Chief of Police of the Town of Chili.

June Yates, Secretary

November 9, 1954

The meeting was called to order by Warren Beeman, serving as Acting Chairman in the absence of the regular Chairman. Roll was called, and the following members were present: William Kelly, Warren Beeman.

It was explained to the people attending the meeting that because of illness, there was not a quorum of the Board present at the meeting, but that the application would be heard and decision would be made at a later date.

Application of Howard J. Reynolds to construct a commercial building at 25 Chestnut Ridge Road in E Residential Zone.

Mr. Reynolds appeared and presented a map to the Board showing the land involved and where the proposed building would be. He said his business is growing and he is working under a handicap as he needs more store. He has always taken care of Chili and he will build a store to satisfy the community. The land in question is a hollow shell there now that has a lot of water and is a mosquito trap. He will landscape the property and have a building that would satisfy the neighborhood and do the Town good. Some folks have to go to the city to larger stores to meet their needs, which is sending people out of the Town who could do business in Chili. This property is the lot next to 25 Chestnut Ridge Rd. and the building would be 60 ft. by 100 ft. Most folks are familiar with the store. He said they need the store and more room for parking. He left the rest up to the people. Mr. Reynolds would build a complete new building. The present building is not adequate, and there is no way to expand it. He is going to use the existing building for his residence.

Mr. Kelly asked if there was any traffic congestion at the present time, and Mr. Reynolds answered that he should have seen it twenty minutes ago, Cars couldn't get in or out. When he came out here, there were no people out here. The community needs the store.

Mr. Kelly asked what proposals were made in regard to the parking problems. Mr. Reynolds said that the area will be blacked off on Chestnut Ridge Rd. and Chili Avenue. Cars would be able to turn around and go out both avenues in a direct line. They now have to back out into the road. He will get an architect to plan the proposed setup, but he didn't want to pay for one until he gets approval to go ahead. Mr. Reynolds said there would be an entrance on Chili Ave. so that the people coming in from Chili Center would be able to get back on Chili Ave. much easier than they do now. Now there is not a break from Coldwater Rd. all the way in to Chestnut Ridge Rd. This way there will be a turn into both avenues.

Mr. Beeman then asked if there was anyone present who objected to this application.

William Lorenze of 18 Chestnut Ridge Rd. asked if it was right that this property was in Class E Residential district, and was assured that it was. He stated that he would like to go on record as saying that he doesn't think it should be built there. His home is across the street. He said that he has invested a lot of money in his home, and this would detract from the value of it. There are trucks there now all day long, grocery trucks, beer trucks, etc. The sanitation and health condition would have to be changed.

Mr. Kelly asked Mr. Lorenz if he would have any objection to the building if a satisfactory sanitation plan was presented, and Mr. Lorenz replied yes, because it is a residential district. He has made an investment there and will live there the rest of his life.

Joseph Manelli, Attorney, appeared and stated he was representing Mr. Guiliano of 2975 Chili Ave. He said he was not here to create trouble between the neighbors. Mr. Reynolds' store was there before zoning went into effect. Now Mr. Reynolds proposes this 60 ft. by 100 ft. building, which will be quite a large building, which will change the entire picture of the neighborhood there. Being an E residential section, he thinks that nothing should be done to alter this at all. Mr. Manelli presented a petition signed by several neighbors who object to this building going up, all from the residential area. They would be effected by the traffic if a parking situation was made to fit Mr. Reynolds' new store. One objection of these people was that there would be a large increase in traffic. Another is that it would make the neighborhood commercial and affect the value of all surrounding property. Also it would increase the traffic hazard. Being E Residential property, there should be no commercial building within that area at all.

At this point, Mr. Strassner arrived.

Mr. Reynolds then stated there would be no hard feelings whether this thing went through or not. He asked how the Town of Chili is going to grow. He said he has worked night and day building up his business, and he feels entitled to this request, rather than let someone new come into the Town and take this business away from him. It isn't fair to him.

Mr. Lorenze asked Mr. Reynolds if it wasn't true that all his new business came from Ranchmar, and Mr. Reynolds replied that some of it did, but that people come in from Clifton, Union St., and North Chili. He said the Town is growing and building a new church and a new school. Mr. Reynolds said he came here 15 years ago and looked the place over and chose the present site because it is a good one. He said the people were starved out here in Chili Center. Mr. Lorenz said that conditions have changed in the last 5 years, and Mr. Reynolds said there were two sides to the story. Mr. Lorenz Stated that parking across the street would create another hazard on the corner, as cars come over the hill at speeds of 40 and 45 miles an hour. Mr. Reynolds answered that you can't stop cars from traveling up Chestnut Ridge Rd.

Gerald Kohlmaier of 12 Chestnut Ridge Rd. stated he was just as much Harry Reynolds as against any other project. He doesn't want to stand in the way of progress, but he doesn't want to sacrifice his property for the sake of some one putting up a store.

Anthony Campagna of 1979 Chili Avenue said that the people had built in a residential section, and the store was already there. Now Mr. Reynolds wants to change the property to commercial.

Mr. Strassner replied that Mr. Campagna must realize that this Board is set up to act on changes or the application of someone to change. Everyone has the right to ask for a variance, that everyone has the right to ask for something he wants. This is not a question of changing the zoning, but a request for a variance to erect a store.

Mr. Campagna stated that putting up a store in that corner would change the aspect of the whole section. Once you put up a store 60 ft. by 100 ft. on a corner like that, you have almost a shopping center. He feels that Mr. Reynolds should look for a more convenient spot than this one. Mr. Reynolds has a store business there now which he could make a little larger and confine to his property. The surrounding homes are worth anywhere from \$20,000 up. This request is not fair to the property owners. Down the line on the Brooks Ave. and Chili Ave. corner in Gates, quite a few people turned down a shopping center project to protect the value of their homes. Those people opposing this situation on Chili Ave. and Chestnut Ridge Rd. don't think it should be any more commercial than it is. Mr. Campagna goes along with the present store, and feels that it could be remodeled and made larger.

The following people gave their names to go on record as being in favor of the proposed variance:

Herman Engfer of 11 Chestnut Ridge Rd.

Mr. Ingen of 62 Chestnut Ridge Rd.

Donald Taft of 15 Yolanda Dr.

C. Hincer of 32 Chestnut Ridge Rd.

J. Widner of Chili-Scottsville Rd.

Frank Atwood of 719 Westside Drive.

Mr. Lorenz then stated that he felt that this request affected the people in the immediate district the most, and he feels that their vote should carry more weight with the Board.

Raymond Rook of 2974 Chili Ave. stated that he lives right in back of Mr. Reynolds. He was one of the first ones in back of the store, and there is only 75 ft. of ground between his house and the property of Mr. Reynolds. He said he has spent his life's savings in there, and if a new store is built behind him he is going to get boxes, garbage cans and rats. He would have to sell out or get out. He and Mr. Reynolds have known each other four years, and he was the first man on that side of the road. Mr. Rook then came forward to study the map of the property.

Mr. Reynolds said that he would grade off the land in back. He doesn't want to hurt anyone in the Town, and if people want to buy a piece of land off the back, it would be available.

Mr. Kelly then asked Mr. Reynolds to state once again exactly what he desired in the way of a variance from the Board, and Mr. Reynolds replied that he wants to put a building on this piece of land and have a parking area. He doesn't want any enemies.

Mr. Rook said he would like to see Mr. Reynolds progress, but he has his life's savings in his own property.

George Zingg of 2980 Chili Ave. said that with reference to the other businesses in the neighborhood such as Hincer's and the florist, all their businesses are conducted in buildings that look like homes, nothing like the condition there is with a store. He appreciates the store and has used it, but it isn't the same condition even now as when it was opened as a candy store.

Mr. Campagna said he would like a piece of paper for a petition and²⁰⁷ have the people present who hadn't spoken against the application be able to sign it and leave it with the Board.

Mr. Rook then stated that he lives back of the store. He said that if he lived 3 or 4 blocks from the store where he could ride a bicycle and park in the back dooryard, what would he care about anyone else. It is the people who live right there who are affected. He is for Mr. Reynolds 100%.

Mr. Reynolds said stores are needed in this community. Mr. Rook said supposing he wants to branch out like an octopus, and Mr. Reynolds answered that he has the room and parking space to build a store. Mr. Rook then said to Mr. Reynolds that he and Mr. Reynolds were the closest friends of anybody there. Mr. Reynolds said that nobody else wanted to buy the land in the back, and he bought it from Mr. Engfer and is now the owner. If he can't use it to build a store, he will just let it stand idle, because he doesn't want to put any money into it.

At this time Mr. Manelli referred to the request of Mr. Campagna, and asked if further names could be added to the petition which had been presented to the Board.

Mr. Kelly answered that he didn't think that further signatures on the petition at this time would be in the proper order. The Board agreed. He further added that the meeting was still open and that any person could take the floor, give his name, and state any objections. Those who have already registered approval or otherwise are already recorded.

Sidney Rose of 28 Chestnut Ridge Rd. asked if it were made commercial on that corner, would it be made commercial farther west too. He lives just one house west of this property.

The Board advised Mr. Rose that this request was not to make the property commercial and would not affect the zoning at all. The request is just for a variance in the zoning law to allow Mr. Reynolds to put that building in an E Residential Zone.

Mr. Rose then asked what was proposed to be done about the water situation, and Mr. Reynolds said the property would be tiled off to Chili Ave. to allow the natural flow of water. There was more discussion of the water situation, and the Board remarked that this situation was not concerned with the particular variance requested here, although consideration of it was involved.

Mr. Reynolds then stated that the water situation under discussion would be eliminated, and he is going to make a big improvement to the corner. There is not enough room to cut lots from this property, and not enough ground to do anything with. There would be only one lot available for use of that whole piece of property.

The following people then gave their names and addresses to go on record as opposing this application:

Gerald Kohlmaier of 12 Chestnut Ridge Rd.

Edgar Davies of 16 Chestnut Ridge Rd.

Mrs. William Lorenz of 18 Chestnut Ridge Rd.

Mr. and Mrs. Roettger of 24 Chestnut Ridge Rd.

Herman Resch of 22 Chestnut Ridge Rd.

The meeting was then adjourned.

It was the Board's decision to postpone acting on this application until such time as a full Board will be available for consideration of the problems involved.

June Yates, Secretary

ZONING BOARD OF APPEALS

November 23, 1954

The meeting was called to order and roll was called, with the following members present: Warren Beeman. Also present was Ralph Wickins, Town Attorney.

The first application was that of Joseph Shero, Jr. for a variance to erect two homes on lots R-6 and R-7 Grenell Drive, 51 ft. from the front lot line.

The Town Attorney informed the people that there was not a quorum of the Board present. He said this would not prevent them from having a hearing, but it would prevent them from giving a decision until the quorum was present. Minutes will be taken and will be examined by other members of the Board and a decision will be made as soon as there is a quorum present to act on it. Mr. Wickins said that the members of the Zoning Board of Appeals serve without pay.

Mr. Holderle of 24 Grenell Dr. said this was not a fair way of doing it. There wouldn't be a chance of getting the opinion of the other Board members. He is a property owner in the vicinity of Grenell Drive.

Mr. Wickins stated that this is the usual procedure of the other Towns and of the City of Rochester in circumstances of this kind. It is sometimes difficult to get a group of men together that receive no pay and meet here twice a month. One member has had an operation and is in the hospital. Another member has a meeting until 10:00 P.M. Another member has a meeting until around 9:30 P.M. There might possibly be a quorum at a later date tonight to go over these minutes. Any applicant has a right to withdraw his application at this time, and apply again.

Mr. Holderle said that he was not making an application, that he was just interested in the proposition that would be presented.

Mr. Wickins said that it was his position as Town Attorney to rule on this occasion, and that as the meeting had been properly advertised it could be held, and decision reserved. Decision will not be granted until a quorum can consider the minutes of this hearing, which will be any statements you make or anybody else. The Secretary is taking down the words everyone is saying.

At this point, Joseph Shero, Jr. appeared and presented a plan to the Board, showing re-subdivided lots R-6 and R-7 on Grenell Drive. With him appeared Thomas Barrett, builder. Mr. Shero said they were following the same pattern of the houses there at present. They all have a 51 ft. front setback. They are just asking to keep in line with the other houses.

Mr. Wickins studied the map and said that lot R-7 is 195 ft. deep on the south side and 229.5 ft. deep on the north side, 75 ft. in width in the back, and 91.83 ft. in width in the front. Lot R-6 is 195 ft. on the north line, 116.43 on the south line, 75 ft. in width in the back, and 133 ft. in width on the curve in front. They are asking for a 51 ft. setback from the closest point on the arc in the front. The houses immediately adjacent on the north and south have a 51 ft. front line setback.

Mrs. Kolb said that when they built those houses, they had a variance.

Mr. Wickins asked if these were the only two lots not built on, and Mr. Holderle said there was one more lot which was of an odd shape.

There was some discussion among the people present as to drainage, and Mr. Wickins informed them that this was subject to State inspection and had to pass or the houses couldn't be built.

Mr. Barrett, the builder, said the houses would be 1050 sq. ft., and sell for \$16,500 with garage.

The following people voted on this application:

Mrs. Kolb, 20 Grenell Drive, no objection

Verne E. Johns, 21 Grenell Drive, no objection

Mr. Holderle, 24 Grenell Drive, no objection.

Application of Philip Sheflin to erect an advertising sign 3 ft. by 10 ft. on property at 4423 Buffalo Rd., in E Residential Zone, 12 ft. from the front lot line.

Variance was denied on this application because the applicant failed to appear in regard to his application.

DECISIONS OF THE BOARD:

Joseph Shero, Jr. - Variance granted to erect two homes on lots R-6 and R-7 on Grenell Drive, 51 ft. from the front lot line. Members voting yes on this decision were William Kelly, Cornelius Strassner, Warren Beeman.

At this time, decision was made on application of November 9, 1954, by Howard J. Reynolds. Mr. Reynolds was denied a variance to construct a commercial building at 25 Chestnut Ridge Rd. in E Residential Zone. Members voted as follows ; William Kelly - no, Cornelius Strassner - no, Warren Beeman - no.

June Yates, Secretary

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ZONING BOARD OF APPEALS
December 14, 1954

222-C

The meeting was called to order, and roll was called, with the following members present: Mr. Warren Beeman, William Kelly, and Cornelius Strassner. Mr. Strassner served as Acting Chairman in the absence of the Chairman. Also present was Ralph Wickins, Town Attorney.

The first application was that of Edna F. Cross for a variance to erect proposed gasoline filling station at the northwest corner of Buffalo Rd. and Westside Drive in D residential zone, 40 ft. to rear lot line, 41 ft. to front south lot line, 47 ft. to north lot line.

Richard Halsey, Attorney, appeared to represent Leo McKinney of the Town of Ogden, who wishes to erect a gasoline filling station on the corner of Buffalo Rd. and Westside Drive. Mr. Halsey said this would be no small proposition, as Mr. McKinney would pay about \$25,000 for the purchase price of the lot and the erection of the station. This will not be a garage. It will be of standard type construction, with porcelain finish and red trim. It is proposed to have three pumps located on the property. Mr. Halsey presented to the Board a plan showing the layout for construction of the station, and stated that anyone present at the meeting was welcome to come forward to look at it. Mr. Halsey said it was proposed to have a setback of about 40 ft. from the rear lot line, 41 ft. setback on the Buffalo Rd., and 47 ft. setback on Westside Drive.

Mr. Strassner asked if anyone present wished to make any objection to this application.

Donald Lucas of 1314 Westside Drive, presented a petition signed by folks adjoining that lot who are not in favor of this application. He said that his lot is directly north of this, and he feels that it would tend to cheapen his property, and he does not want to look at a gas station. If he were to sell his property, he feels that it would cut the valuation of it. Mr. Lucas said the school bus has to turn there along that route, and a gas station would make more traffic. The corner should be clear.

Mr. Wickins asked if the sum of his objections were to commercializing the property in the neighborhood, obstructing the corner, and that it would tend to make his property less valuable, and Mr. Lucas answered yes. Mr. Wickins then asked Mr. Halsey how far the pumps were located from the right-of-way, and Mr. Halsey answered about 20 ft. Mr. Wickins asked if they couldn't be set farther back, as the Board in the past has questioned allowing pumps to be too close to the road right-of-way because it puts cars out on the road. Mr. Halsey said that he assumed that they could be set farther back, and that his client would be willing to go along with the Board with any suggestion in that respect.

Samuel King of 4215 Buffalo Rd., said that he objects because he firmly believes it will tend to cheapen his property. He said that all filling stations always have somebody going in for repairs.

As there were no more objections, Mr. Strassner then asked if there was anyone there in favor of this request. No one appeared.

Mr. Halsey was advised that he has the right to look at the petition, and also to answer the question about repairs. Mr. Halsey said this is intended primarily as a filling station. He assumes there will be some repair of cars, as two bays are proposed, but it is not a full-fledged garage. In regard to the petition, Mr. Halsey stated that he noticed that a good many of the addresses were along Westside Drive, and that perhaps these people were not residents of the Town of Chili, as he was informed that the Town Line goes down westside Drive. A good many signatures may well be people in Ogden, who would not have the right to vote on this request. Mr. Halsey then said that in regard to the question of devaluation of property, it is his understanding that one of the adjoining lots is already commercial, and this would seem to indicate that sooner or later the other lot will be made commercial. Some commercial proposition is going to move in there. The garage will not be an eye-sore because Mr. McKinney proposes to fence it and keep it in good condition, and have a very attractive building. The commercial lot Mr. Halsey mentioned is either Lot 13 or Lot 14. There is no commercial enterprise on it at present.

Mr. Wickins said the Board would have to look at the zoning Map.

Mr. Lucas asked if there was any reason why, because they live on one side of the street in Ogden, and the other side is Chili, that this proposal would not cheapen their property.

Mr. Wickins replied that the zoning law is for the benefit of the people of the Town of Chili, but the Board has the right to listen to other objections and the reasons for them. Mr. Lucas said that he would imagine that Towns adjoining one another would give some consideration in that respect, and Mr. Wickins said that the Towns work pretty close together. Mr. Lucas said he had never seen a gas station that had old tires alongside of it. He said these people might not own the property forever, and then what would happen.

Mr. Halsey stated that Mr. McKinney is a farmer of the Town of Ogden, who would like this gas station not as a speculation, but as an investment to make a profit over a period of years. There will be no sudden change of ownership.

No one else appeared to speak on this matter.

Application of Charles Hinton for a variance to operate a beauty parlor located at 2744 Chili Ave. in E residential zone, to be operated by prospective buyer, Mrs. John Menzie.

Mrs. John Menzie appeared and said she is asking for a permit to operate a beauty shop on a part-time basis, to be operated in the basement of the home. At the present time, she is employed at Kodak Park and is a night student at a beauty culture school in Rochester. She will graduate from the school in another year, and it would be another two years before she could afford to refinish the basement and furnish it with equipment. Then she intends to keep her job. Mrs. Menzie wants this as a part-time provision in the event that someday she would like to leave her job and have an income on a small basis. She would not want a sign or advertising in any way. There would be just one operator, herself. She is planning to purchase this home, but it would be approximately 4 years before she could begin to fix up the basement. She would have no objection to the Board's restricting this to one operator. Mr. Wickins explained that a permit was granted for a limited time in a case like this.

Mr. Strassner asked about parking facilities, and Mrs. Menzie said there was room for two cars and three if one was put in the garage. She stated that there wouldn't be any more cars than that, as that was all the business that one operator could handle.

Byron Cushman of 3 Wyncrest Drive stated that he had received a notice of this meeting. He thinks the Board would have to grant an easement or something in the present zoning, and this would be a precedent. This is a small compact, residential street, with only 12 houses. He would like to help out the lady, but he feels that the people surrounding would suffer in their real estate values. This would also be in violation of his original tract deed, but he doesn't know whether this deed is superseded by the zoning. Mr. Cushman said the beauty parlor would be subject to State regulations, and that parking would be a problem on the street. There is no possibility of parking on Chili, and Wyncrest Dr. is narrow. One other point is that there is a limited water supply on the street, with only one well. It would be an added drain on an already inadequate water supply. Mr. Wickins asked if this house was on the corner of Chili Avenue and Wyncrest, and Mr. Cushman said yes, and the driveway is on Wyncrest. He is opposed to this application.

Mrs. Byron Cushman said she thinks the lady should consider before she attempts this business. The hair dressers code requires toilet facilities and a second entrance. Furthermore, there would have to be a certain amount of water pressure. In the summer there is not enough pressure in that particular house to flush the toilet. In October, the water was condemned for four weeks, and the people were required to boil all their drinking water.

Mrs. Hinton then said that if the water was so impure, she was not so notified, and Mrs. Cushman replied that she had told Mrs. Hinton about the water after she received the notice.

Mr. Strassner then said that the water situation might be something for the lady to consider, but it has no bearing on the application before the Zoning Board. He then asked if there was anyone in favor of this request.

Mrs. Robert Green, 2778 Chili Ave., said she is the real estate agent representing Mrs. Menzie and that she knows too much about the situation in that vicinity, and has no objection whatsoever. This is not because of selling the property to Mrs. Menzie.

No one else appeared regarding this application.

Application of Webaco Oil Co. for variance to move existing dwelling at 1129 Scottsville Rd. 40 ft. from front lot line, and for variance to erect a gasoline filling station at 1129 Scottsville Rd. 40 ft. from front lot line.

Mr. G. E. Lock appeared to represent Webaco Oil Co.