

ZONING BOARD OF APPEALS
January 4, 1955

219
~~227~~
223

The meeting was called to order, and roll was called, with the following members present: Mr. Pfenninger, Mr. Beeman, and Mr. Strassner, who is acting chairman in the absence of Mr. Entress. Also present were Ralph Wickins, Town Attorney, and George Lusk, Building Inspector.

Application of Ruby Pikuet for a variance to operate a beauty shop at 1020 Paul Rd. in E Residential Zone.

Ruby Pikuet stated that she wishes to operate a beauty shop in her home in a bedroom. She would be the only operator.

Mr. Strassner asked if there was any provision for off-street parking, and Miss Pikuet said she lives on the corner of Chestnut Ridge and Paul Rds. and the driveway is circular. There would probably be room for 10 or 15 cars, at least 10 cars. She said there wouldn't be that many cars at one time, because she will be the only operator.

Mr. Strassner then asked if there was anyone present to oppose this application or to speak in favor of it. No one appeared.

Mr. Strassner then asked Miss Pikuet if she would have an advertising sign, and if so she would have to have a permit from the Board. Miss Pikuet said she hadn't thought about it, but on consideration she would like a small sign. She said this could be placed on the house, and that 12 in. by 24 in. would be large enough. Probably on the entrance on the house. It would not be illuminated.

Mr. Wickins then informed Miss Pikuet that it has been the practice of the Board, if they grant permission for business purposes in a residential area, to do so only for a period of 1, 2, 3, or 4 years. At the end of that time, application may be made for renewal.

Mr. Strassner asked if there weren't a couple of other beauty shops on Paul Rd. and was informed there was just a barber shop.

Application of Calvin T. Hahn for a variance to erect a residence 51 ft. to rear lot line at 72 Wheatland-Chili Town Line Rd.

Mr. Hahn presented a map to the Board which he had drawn to scale. The lot is 150 ft. wide by 168 ft. deep, from the center of the road. He said there are 3 houses in a row, all set back about 40 ft. Mr. Hahn's father's house is on the west side of the lot and the lot on the east side is not built on as yet. He would like to put the leech beds in the front because the kitchen and bathroom will be in the front of the house. To do this, the house will have to be built back farther from the front lot line than the other houses.

Mr. Strassner told Mr. Hahn the well in back would have to be at least 100 ft. from any neighboring leech beds. Mr. Hahn said he had put in his Dad's leech beds himself, and he would put his well far enough away from them.

Mr. Wickins asked Mr. Hahn if this variance was granted, if he would have any objection to the Board's specifying where his well will be located, and Mr. Hahn replied none whatsoever.

Mr. Pfenninger asked if there wasn't an old barn in the back of the property and Mr. Hahn said it was taken down and would be buried when the house was built. It wouldn't be possible to put the leech beds in the back in this case.

Mr. Strassner said he would like Mr. Hahn to have his well in such a position that it would give the person on the east side the privilege of putting his leech beds in back if he wanted to, or his well. He said the well also has got to be 100 ft. away from his father's leech beds. Mr. Hahn said that could be done. He said his father had a septic tank and a couple of leech beds and they dead-ended into a ditch.

No one appeared.

Application of Charles Robinson for variance to maintain a dog kennel at 1173 Westside Dr.

Mr. Robinson said he has just a few dogs at the present time. The dogs will be female which he expects to breed. He would like four additional dogs and the breedings will be sold. Mr. Wickins asked if wanted to erect a building. Mr. Robinson said no, that he wouldn't dare let the dogs out. They are Toy Manchesters, a very small dog, and would be stolen or killed. He said they are no noisier than any other dog. There is a kennel next door, but no dogs at the present time. They keep one dog in there. Mr. Robinson has one house dog which is outside. The neighbors on one side are about 2300 ft. away. He lives right at the end of Coldwater Rd.

No one appeared to speak for or against this application.

Mr. Wickins asked how far away Mr. Jewell lives, and Mr. Robinson said about 65 ft. or 75 ft. Mr. Wickins then said that Mr. Robinson had the right to know that Mr. Jewell had written in voicing his objections to this application. Mr. Robinson said he was very glad to know this, and would put up a fence. Mr. Wickins said he wondered if Mr. Jewell understood just what the application was for, as the notice sent out to the neighbors merely stated that Mr. Robinson wanted a dog kennel. He wondered if Mr. Jewell understood that Mr. Robinson meant to keep the dogs inside.

Application of J. E. Beeson to erect two-family house at 37 Springbrook Dr. in commercial zone.

Mr. Beeson said he was sorry to bother the Board again. He had come before them once before, but there was a misunderstanding, so he has come again. He wants to build this house to provide security when he retires about 10 years from now. The income from the upstairs would help pay for the cost of building it. He had come over to the Town Hall before and made application for a permit to build, and the lady in the office said it was a multiple dwelling and he must have a variance. When the Town Clerk came in and said it was not a two-family dwelling. Mr. Beeson said he didn't want a two-family house, just a little apartment upstairs. Somebody sent him to Mr. Lusk, and it seemed like he understood him. Mr. Lusk said that what he wanted didn't require a variance. Mr. Beeson has no criticism of Mr. Lusk as he has been very nice to him and has helped him with his problems. Three weeks ago, he called Mr. Lusk and suggested that, as Mr. Lusk would be away the next two weekends, he would maybe rather come that weekend, even though the house was not through. Then Mr. Lusk told him he didn't have permission to build an apartment, but only to have roomers. Mr. Beeson hadn't understood it. Mr. Lusk was thinking roomers and Mr. Beeson was thinking apartment. Mr. Beeson got on the commercial site and upon two lots, so that there would be plenty of room for larger leech beds and septic tanks. The problem is that he has invested money on the supposition that he was having an apartment upstairs. Roomers are not too available, but he has numerous requests from students for a small apartment. If he took roomers, he would have to take three boys to match the income from the one apartment.

Mr. Wickins asked if there was a separate kitchen and bathroom, and Mr. Beeson said yes. Mr. Wickins stated that was why permission must be granted, as that constitutes a two-family house. Mr. Beeson said that Mr. Lusk said he wouldn't need a variance. Mr. Wickins said he does have the right to have a separate apartment, but a separate kitchen and bathroom create a separate living unit.

Mr. Beeson said he built on a double lot in a commercial zone. He went to see all the neighbors in the circle there and all were very nice about it.

Mr. Charles Murphy of 25 Springbrook Dr. said he is a next door neighbor and would like to ask a few questions. He said he looked at a map last night over here and one big lot is divided into 6 smaller lots and Mr. Beeson has bought two of these lots. He asked if the two lots are side by side and Mr. Beeson answered yes. Mr. Murphy said he bought his house in a residential zone and his lawyer told him he wouldn't have to worry about any beauty shops or anything like that in the neighborhood. The Board informed him there are certain allowed uses in commercial zones

Mr. Murphy feels that if this is allowed it will leave the way open for other double houses to follow. He understands there are a couple of double houses already built on College Dr., one occupied as such and one not. Mr. Strassner told Mr. Murphy that any violation of the ordinance comes before the Town Board. Mr. Murphy said Mr. Beeson is well represented. He said he wasn't at the previous meeting when Mr. Beeson came before the Board, but it is his understanding that at that time Mr. Beeson said he wanted to build a house. The house is now practically completed. Mr. Murphy said he built a garage last year and had it surveyed to find out the boundaries, and it seems to him that a man of Mr. Beeson's education wouldn't go ahead unless he knew the facts. Mr. Murphy can't see why Mr. Beeson's lots should be classified as commercial, and his lot next door be classified residential. It seems to him that some lots should be rezoned. Mr. Strassner said that rezoning goes before the Planning Board first and then the Town Board. This property is not only spoiling it for him, but for his neighbors.

Edward Gould then asked if the minutes from the previous meeting regarding this application could be read at this time. The secretary then read the minutes of this previous application dated July 13, 1954.

Mr. Lusk was asked when the permit was issued. Mr. Lusk said he issued a permit No. 199, on July 20, 1954, for a one and one-half story house.

Mr. Gould asked if there were any instructions in the zoning for anyone building a two-family dwelling to follow, and Mr. Wickins said there are no instructions except that each particular district has a list of uses allowed in that district, and people must apply to the Zoning Board for a variance to these uses.

Mr. Gould said he thought the law reads that before any construction, application for a two-family dwelling anywhere in the Town must be applied for. Mr. Wickins said you could take any one-story house and apply to convert it into a two-family dwelling, which is the same situation as Mr. Beeson's. He now wants to make his house into a two-family dwelling and must get a variance to do so.

Ruben Stoler of 4 Springbrook Dr. said that Mr. Beeson's problem was only a technicality of the zoning involved. Actually these properties are side by side and yet commercial on one side and residential on the other. It is easier to build a two-family dwelling in a commercial zone and more difficult in a residential zone. It is an unfortunate geographical situation that there should be commercial and residential properties so close. He appreciates the fact that it is not this Board's jurisdiction to determine residential and commercial zones, still there is a real problem there. Mr. Wickins pointed out that there has to be a line someplace between commercial and residential. Mr. Strassner asked if Mr. Stoler was in favor of or against this request. Mr. Stoler replied that he would object, because Mr. Beeson has had ample time to consider the problem, and if it is added income, there are many places very close to the college where a rental unit could be built. Mr. Markey had previously asked Mr. Beeson why he didn't want to build on the other side of Westside Dr. in the Town of Ogden, which is very close to the school, within walking distance at least. He would like to point out that it is not desirable to have a rental unit in the Springbrook Tract. Mr. Stoler said if Mr. Beeson's object is income, why not build in a place where there is no objection. It would be much simpler to build where there are no restrictions.

Joseph Westman of 36 Springbrook Dr. said that Mr. Beeson has built on commercial property on what was before nothing but an empty lot. He feels that these people would be good neighbors. He has no moral objection and no legal objection. He has seen the house and likes it.

Charles Loedel of 32 Springbrook Dr. said he would like to state that even tomorrow someone could go in there and build a big retail store employing six or more people, electrical shop, etc. without even coming before the Board, as these are allowed uses in commercial zone. These would be offensive not only to himself but everyone in the tract.

Richard Lehman of 38 Springbrook Dr. voted in favor of this request.

Ebey Young of 21 Springbrook Dr. voted in favor of this request.

Ora Sprague of 10 College Dr. voted in favor of this request.

Mr. Smith, president of the college, said there is a problem in that most of the colleges in the country are anticipating a large increase in the next 10 or 15 years. One special item of increase is young married

students, consequently there is a long list of applicants for apartments. They have a problem in trying to rent houses that are not available, and if available, rental is so high it must be small quarters. He is very much interested in this problem and feels it would be a distinct asset to have this apartment. He understands there is one house in this commercial area that has a number of apartments, next to the Methodist Church. Mr. Wickins asked if the college wasn't a large land-owner in that area, and Mr. Smith said yes. Mr. O'Brien has several apartments for rent. He made application and was granted permission.

Reverend Parmerteer said he lives on the corner of College and Springbrook Drs. in the parsonage of the Free Methodist Church. He has listened to Mr. Beeson and considered this request from every angle, and is very much in favor of making a concession to Mr. Beeson.

Chester Warbois said he is in favor of this request.

Mrs. Beeson asked to speak in answer to the question of why they built on this property. She said they were informed by businessmen in the Town they would not have any problem, and she insisted her husband build there. She said they will rent to two elderly ladies, and there will be only four people in the home.

Charles Murphy said with all due respect to Mr. Smith that the college was building a big athletic field costing over \$10,000. He asked why this wasn't put into homes to take care of the students. He still does not think this request should be granted.

Mr. Smith said the money for the athletic field was for that purpose only and couldn't be used for anything else.

Mr. Beeson then said he talked with Mr. Lusk because he didn't know enough himself about building. He had no idea that he would have to have permission. His whole process has been carried through with the utmost sincerity.

Mr. Gould asked if this would set a precedent in that particular area if permission is granted for a two-family house, and Mr. Wickins said no, each case has to be considered individually. No application either granted or denied sets a precedent.

Mr. Murphy said this house is built as a two-family house, and he can't understand a man going ahead this far without knowing permission must be obtained.

Mrs. Beeson said that anyone going through her cellar would have to go through her kitchen. There is no separate stairway.

No one else appeared on this application.

DECISIONS OF THE BOARD:

RUBY PIKUET was granted a variance to operate a beauty shop at 1020 Paul Rd. for a period of three years, limited to one operator. Permission is granted for an advertising sign not larger than 12 in. by 24 in., not illuminated, to be attached to the house. All members voted in the affirmative.

CALVIN T. MAHN was granted a variance to erect a residence 51 ft. to rear lot line at 72 Wheatland-Chili Town Line Rd. The well must be located within 50 ft. of the west side lot line. All members voted affirmative.

CHARLES ROBINSON was granted a variance to maintain dogs at 1173 Westside Dr., restricted to Toy Manchesters, not to exceed over four adult dogs, for a period of three years. Dogs must be maintained in buildings presently on the premises. All members voted in the affirmative.

J. E. BEESON granted a variance to erect a two-family house at 37 Springbrook Dr. in commercial zone. All members voting in affirmative.

June Yates, Secretary

January 18, 1955

Roll was called, and the following members were present: William Kelly and Cornelius Strassner who served as Acting Chairman in the absence of the Chairman. Also present were George Lusk, Building Inspector, and Ralph Wickins, Town Attorney.

Application of L. H. Francke, 1895 Westside Drive, for a variance to erect a two-family dwelling situate in a residential zone.

Mr. Francke said he has owned this piece of property with considerable frontage for about 8 years. He would like to erect a two-family single story ranch type dwelling at 1895 Westside Drive. Mr. Wickins asked how large the lot was, and Mr. Francke answered it was about 225 ft. deep with a frontage of better than 400 ft. Mr. Wickins then asked if he would utilize the whole lot, and Mr. Francke said there is already a house on the lot. He presented a blueprint showing the location of the proposed dwelling. He was asked if there would be just these two places. Mr. Francke said they have owned the property 8 years. At the time they bought it, they thought they would develop it later for their old age. They had four children when they moved. Since then things have changed considerably. In the meantime, they find the ground too much to keep up. He had a little trouble with his heart, and the Doctor said he couldn't do too much. They would like to change things around and build this building from the standpoint of income, and also as a means of keeping the grounds up. Mr. Francke was then asked the distance from his house to the proposed new building. He replied his house is on the west end and the distance in between will be approximately 200 ft. He said there has to be considerable distance in order to get to the garage which is under the present house. Mr. Lusk asked the size of the proposed building. Mr. Francke said each house would be approximately 1350 ft., with a total area of about 2600 ft. He said he had talked with the immediate neighbors, and they thought it would improve the value of the property around there.

Mr. Strassner then asked if anyone was present who would like to speak for or against this application. No one appeared.

Mr. Lusk then asked if there was sand under there for drainage, and Mr. Francke replied it was sand with clay beneath and then rock.

Mr. Strassner then advised Mr. Francke that decision on this request would have to be reserved because it is not a complete Board tonight. He will be notified.

Application of R. Lloyd to erect a house at the corner of Ballantyne Rd. and Lester St., variance of 50 ft. to front lot line, 58 ft. to rear lot line.

Mr. Lloyd appeared and said this property was right by the railroad on the corner of Lester St. Mr. Strassner asked the size of the lot, and Mr. Lloyd said he thought it was about 177 ft. on Lester St. and 144 ft. on the side. Mr. Lusk said he would get the proper dimensions. Mr. Lloyd presented a plan for the house. Mr. Strassner advised Mr. Lloyd there was a natural waterway through there and it would have to be tiled. The waterway passes right through that corner lot and there is a big tile under Lester St. If this were plugged up, it would back water onto other peoples' property. He asked if Mr. Lloyd was going to build a cellar, and he said he was going down about 3 ft. Mr. Lloyd said the house would face on Ballantyne Rd. with a front setback of 50 ft., and a setback of 25 ft. on Lester St. The dimensions of the house are 31 ft. by 35.4 ft. Mr. Lusk then showed a sketch showing the dimensions of the lot. Mr. Strassner said regarding the 25 ft. setback on Lester St., the rest of the houses are back farther, about 35 ft. or 40 ft. Mr. Lusk said the closest house was 20 ft. back. Mr. Strassner said other houses will be built back farther on the street.

Mr. Strassner then asked if there was anyone present who wished to speak for against this application. No one appeared.

He then told Mr. Lloyd that decision would be reserved on this request as the Board was not complete. He also advised Mr. Lloyd to get in touch with Mr. Ireland in regard to taking care of the natural waterway across his property.

Application of Edna F. Cross for a variance to erect proposed gasoline station at the northwest corner of Buffalo Rd. and Westside Drive in D residential zone, 41 ft. to front south lot line, and 47 ft. to northlot line.

Richard Halsey, Attorney, appeared to represent Mrs. Cross, the present owner of the property, also Mr. McKinney, the proposed buyer. He stated they had previously laid before the Board their plans. These plans haven't changed. Mr. McKinney has the plans. He also had for the Board's inspection three photographs of the proposed gas station, showing the type of structure. The cost of the structure will be approximately \$25,000. Mr. Halsey said he had with him Mr. Spears, a licensed real estate broker, who has made an appraisal of the property. He would like the Board to hear his remarks.

Mr. Spears stated he has examined the property as to desirability for residential or commercial use. It is his opinion there is no possibility of its being used for residences due to contour, size and irregularity of the piece of property. Its only use could be for commercial property. If it is kept residential, it will cause a hardship on the present owner. Mr. Halsey asked Mr. Spears if he is familiar with the property in this area, and he replied he had worked as Zoning Manager for Alliance Realty for 6 or 7 years before forming his own business, and is familiar with this area. Mr. Halsey asked how long he has been licensed. Mr. Spears said he has been licensed about 6 or 7 years. He has been in sales work about 14 years. Mr. Wickins asked Mr. Spears if he has any interest in the sale of this property, and he replied no interest whatsoever.

Mr. Halsey then said he wished to present a petition signed by 25 property owners who are residents of the Town of Chili in favor of this application. They are all in Chili.

The Board looked over the petition, and Mr. Strassner asked if there was anyone present to speak on this application. Mr. Halsey said the petitioners make one request. They would like the objectors to state their address and whether or not they live in the Town of Chili. He would like the record to show this on any objections.

Samuel King of 4215 Buffalo Rd. said he lives across from this proposed gasoline station. He objects because most everyone knows what a gas station is or can be. He said Mr. McKinney won't operate this station himself, so how can he keep it clean if it changes hands once or half a dozen times. When he bought three years ago, he thought it was a residential section mainly. There are lots across the street which are residential, and people won't want to buy them with a gas station next to them. He would not like to see it go there. Mr. Wickins asked if Mr. King feels that the erection of a gas station would be detrimental to his property, and Mr. King replied yes.

Glen Griffin of 1 Miller Drive, North Chili, stated he has a home there, and when he built it most of the zoning was residential. There is just a small point that is commercial for the reason that it would not be suitable for a home. He would not like to see land changed from residential to commercial. Mr. Wickins informed Mr. Griffin that the property there is all residential. Mr. Griffin thought there had been a waiver signed that the tip of the property could be used as commercial. Mr. Wickins said that as far as the zoning law is concerned, it is all residential. He asked if Mr. Griffin felt this would be detrimental to his property, and Mr. Griffin replied that he certainly does.

Howard Steffer of 2216 Westside Drive said he has a beautiful home across from this gas station. He feels the value of his property would go down with a gas station in front of his house. He doesn't want to see it. He lives in the Town of Ogden.

Donald Lucas stated he lives in Ogden, directly across from this proposed gas station. He is convinced that a gas station there is going to lower the value of his property. Even though he lives in Ogden, he is able to see across the street, and that is all that separates him from the gas station. Also the school bus turns at that corner loaded with children and that would be detrimental. The school bus stops there, and where there is a gas station, there is bound to be traffic. He has small children and a gas station so near to him is going to create more or less of a hazard for the safety of his children. Mostly he opposes because the gas station will tend to cheapen his property.

J. M. Gallery of 2300 Westside Drive, lives down 1/2 mile from this property and is in objection to it. He said he lives in Ogden and intends to talk to his own Town Board voicing his objections. He doesn't figure on carrying any weight out here. He feels he ought to have a little something to say.

Mr. Kelly asked just what type of property is immediately behind this gas station. Mr. Halsey said there is a vacant land directly to the rear.

Mr. Wickins said this Board will listen to any objections by any people in the town of Ogden. The Board has the right to consider them. In answer to Mr. Gallery's consulting his own Town Board, that Board would have no control. Mr. Gallery said he didn't know if he had the right to object. Mr. Wickins assured him that he does have the right. Mr. Gallery stated he will still make objections to his own Town Board. Mr. Wickins said this Zoning Board is independent of the Town Board of the Town of Chili, and would certainly be independent of the Town Board of any other town.

Clarence Howe, Sr. of 2222 Westside Drive, Ogden, said he has the same objection, on the grounds of devaluation of his property. He built there knowing it was residential, and would like to have it stay that way. He asked how close the people live who had signed the petition, and Mr. Strassner said they hadn't had a chance to examine it. Mr. Howe said he feels they should have more to say than some people who live some distance from it.

Mr. Lucas said he was under the impression these lots are residential and so stipulated on deeds in the Town of Chili. Mr. Wickins said that has nothing to do with the Zoning Board. Mr. Lucas asked if there would have to be a waiver in regard to that if it is changed from residential to commercial. Mr. Wickins answered that he would have to consult his own attorney. If there are tract restrictions, it is up to him and the other residents to enforce them.

Mr. Strassner asked if anyone wished to speak in favor of this request. Mr. Halsey said the petitioners would like to have it noted that the owner of property immediately to the rear of lots 13 and 14 do not object. They are owned by the Garlock people.

Mr. Wickins said he was afraid Mr. Halsey would have to have something written unless he can say he is attorney and can speak for them. Mr. Halsey said he merely wanted it noted on the record that there was no objection voiced by them.

Mr. Kelly asked Mr. Spears if, in regard to his analysis of this property, and restricting its limitations, if feels that the use of this property as a garage is limited to this type of use.

Mr. Spears said if the property were divided into lots, there would only be room for about two houses. He went over the property in question on the map with Mr. Kelly.

Mr. Strassner then advised Mr. Halsey that decision would be reserved until a full Board was present.

Application of Elmo E. Kirby for a variance to erect a sign 3 ft. by 10 ft. at 4423 Buffalo Rd., 12 ft. from front lot line.

At the request of the applicant, this application was withdrawn.

June Yates, Secretary

ZONING BOARD OF APPEALS
February 1, 1955

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

The first application was that of B. M. Miner for a variance to permit a two-family apartment at 15 College Avenue in E Residential zone.

Mr. Miner said he has just a single house with two upper rooms finished, fixed either for apartments or light kitchenette. Needs no two-family apartment or double house, simply a single house. Mrs. Miner then read a letter to the Town Clerk from Mr. Miner stating the facts of this case. This letter is on file in the Town Clerk's office. This letter explained that Mr. and Mrs. Miner bought this home for their retirement and need the rental income to help pay for it. At present the two upstairs rooms are rented by a college student recently returned from Korea, and the rooms on the first floor are rented to a young attorney who understands it is only a temporary arrangement, as the Miners expect to occupy that themselves. Mrs. Miner said there are two rooms and bath upstairs. Mr. Wickins asked if there is a kitchen. Mrs. Miner said there is a very small kitchenette, with small apartment stove and refrigerator and sink and a few cupboards, for light housekeeping. There is a dormer on the rear of the house, the house has never been changed. A petition was presented to the Board listing the people in favor of this application.

Mr. Entress asked when this house was built, and Mrs. Miner said last year. Mr. Wickins then said Mrs. Miner had handed him the above-mentioned 6-page petition, which by a stretch of the imagination, he could say was in favor of this. He stated it is more a petition to change the zoning law, which this Board cannot do. Only the Town Board can do that. He said he will accept this as being in favor of granting Mr. Miner's application. He then read the petition as follows: "We, the undersigned citizens of North Chili, N.Y., wish to hereby register our disapproval of any zoning law effective in the area of Roberts Wesleyan College, North Chili, N.Y., that would forbid the arranging of light housekeeping apartments, or what is sometimes known as Income Bungalows, in our part of the Town of Chili, as we realize that these are badly needed to house young couples completing their education, and who, in many cases, later buy property and become good citizens of our fast growing community. We do not favor regular apartment houses in restricted areas." This petition will be on file in the Town Clerk's office. Mr. Wickins stated that he wanted to point out that the only question up tonight, and the only question that can be considered by this Board, is whether Mr. Miner shall have a variance to have a light-housekeeping apartment in his home. That is the only jurisdiction this Board has.

Mr. Wickins was asked by one of the people present to read the names on the petition, as he thought some of the people were from the Town of Ogden. Mr. Wickins said he had a right to examine it if he wanted to, but it is too lengthy to read, and Mr. Entress said the copies would be here for anybody to examine. He then asked if anyone present wished to speak in favor of this application.

Dr. Smith of Roberts Wesleyan College, said he would like to represent the college interest in this sort of a project. He said most everyone knows the situation as far as the college is concerned, and it is almost certain that within a few years the college registration will double. One problem is the problem of finding places for young married couples to live. They have been very much interested in any means by which these light-housekeeping apartments would be available. He thinks that every one of the young people who come into the community will be a credit to the community. Another side to this is the money. The Government has provided a housing program by which a college, if it fulfills the requirements, can secure funds for housing purposes for college people. If the college should have to resort to that, it would mean constructing some single buildings for such people, and if so, it would come under the tax exempt law. By avoiding that, it would mean that these properties that were increased in value by having these apartments, would be an asset tax-wise to the community. The college is interested in this and would rather have these facilities provided by the community. They are in favor of this application, and also in favor of the petition as it was stated, for a change in the zoning law.

Mr. Wickins said that would have to be taken up with the Town Board.

He asked if Dr. Smith feels that the allowance of this variance would affect property in that locality. Dr. Smith replied he didn't see how it could. It would increase rather than decrease the property.

Mr. Miner said he couldn't maintain a 7-room house unless he has some income after retirement. That is the purpose of this application.

Rev. Parmerteer said he realizes that he is not to speak on the issue of re-zoning. If so, there is much he could say. It was his fortune or misfortune to act as agent in the selling of this property in the Springbrook Subdivision. He sold many of those lots to individuals, and the balance to a contractor. He sold lots to friends, innocent of the classification, but they were sold. He thinks on the whole the people who have built houses in the Springbrook Subdivision are quite well satisfied, with a few exceptions. Some like the idea of just one little house with one story, some like being able to finish rooms off. Mr. Miner felt it was almost a must to have his house arranged to have a little income, as is most sincere. Looking into the future, Mr. Miner is able to see a little income. Rev. Parmerteer wouldn't like to see a lot of big apartments in the Springbrook Subdivision. There are about 40 homes there, and it is pretty well adjusted now, with a few exceptions. He hopes the Board will grant a variance to this man who has served humanity, as they will never regret it.

Mr. Entress then asked if anyone wished to speak in opposition.

James Kurvan of 54 Parkway Dr. said that before he purchased his place from Mr. Entress, he contacted builders in Irondequoit, Brighton, and Greece. He was looking for churches and schools, which they have in North Chili. Also zoning restrictions, which they also have. It is his understanding that the college wanted that property to protect certain interests. They asked to have it zoned class E and this was done. The purpose of this zoning was that they wanted a high class residential area in conjunction to the college. It now comes up there are variances being asked, not by individuals living in the tract, but by people who developed the tract. The results, if granted, would be having a transportation problem in the tract and there are children they are anxious to protect. They did not build on Chili Ave. for that reason. There would also be a problem of absentee ownership. There is one house there now with high weeds in front. There is also the problem of sanitation with two families. Also this variance would lower the real estate values, and it would be difficult to get F.H.A. loans. Mr. Curvan said the lot in question is 75 ft. by 204 ft. and asked if it shouldn't be increased for sanitary reasons. The main thing, he thinks, is that they would be setting a precedent by allowing even a house-keeping apartment upstairs. It would create a slum area. If the college is so interested in providing homes for these youngsters, certainly they can obtain and finance property and adequate homes on the campus without going elsewhere.

Ruben Stoller of 4 Springbrook Dr. said he would like to concur with Mr. Curvan. He understands there is a large piece of property partially under construction at Union St. and Westside Drive, that might be developed into a housing area for the people at the college. This allowing a variance to the zoning laws is a dangerous precedent. If it is allowed in this case, it would be a simple matter for anybody to apply for the same exception to the rule. If this were the case, it would only be a question of time when the light house-keeping units would be privileged in the tract and all of the congestion contingent, and property devaluation.

Robert Hunter of 36 Parkway said there were two things stated here we should look into. First the statement that one of the gentlemen made that one of the purposes of developing this tract was to get land for the college people. It has been brought out here that zoning made E means one-family dwellings. The fact is that approximately half of the people in Springbrook have no association with the college. They knew the college had owned the land and that is all. They bought the homes in good faith that they were one-family dwellings. Springbrook homes are probably in the lowest initial price bracket, and he is there because he couldn't afford a better home. Another thing to consider is what if they were transferred to go out of town, and what would then happen to their investment. He can't afford to lose \$1,000 or \$2,000 on his house. He moved into a protected area. He couldn't afford to buy 50 acres for protection. He was a married student himself in 1951. He was fortunate enough to get a G.I. loan and finish with \$90.00 a month. It was fortunate that his wife had a job so that he could finish his education. They lived in a housing development made up of former Army barracks, with 20 families in a unit. They couldn't have afforded to rent an apartment such as in Springbrook. Perhaps the students here are in better financial condition. Mr. Hunter doesn't feel that students in general are in a financial position to rent this sort of house. Granting this variance will

set a very dangerous precedent. Mr. Hunter sympathizes with the college, but Springbrook can't begin to supply the housing that will be demanded. He is very definitely opposed to this application.

Leon Sprague of 21 Parkway is opposed to this request.

Charles Murphy of 25 Parkway said he was here a couple of weeks ago with Mr. Beeson, whose property is classified commercial. This property is not commercial. He ~~says~~ feels that everybody for this application seems to be from the college. Probably most of the people on the petition are college people. He and the others are people living there, neighbors. People who move in will come in contact with them. Mr. Murphy said that if the Board will count heads, they will find most of the people from Springbrook and Parkway are opposed to this. He is opposed.

Carl Hanson of 3 Springbrook - opposed.

Mrs. Robert Hunter of 36 Parkway - opposed.

James A. Barnard of 10 Springbrook - opposed.

Tom Gardener of 6 Springbrook - opposed.

Douglas Nelms of 11 Springbrook - opposed.

Joe Williams of 17 Springbrook - opposed.

Ray Egro of 15 Springbrook - opposed.

Mrs. Betty Stoller of 4 Springbrook - opposed.

Connie Wojcikowski of 18 Springbrook - opposed.

Victoria Murphy of 25 Springbrook - opposed.

Alice Clement of 23 Parkway - opposed. Mrs. Clement said they have an investment in their property, not only financially, but for their children's health and welfare, and are definitely opposed.

Frank Wojcikowski of 18 Springbrook - opposed.

Harry Chamberlain of 19 College Dr. stated that he appreciates a meeting such as this where Americans can speak pro and con. Concerning the petition, he would like the committee to weigh the names who own residences and own property only. He bought his house by telephone from out of town, and he understood it was strictly a single family development, and these words were spoken: "No apartments." He supposes it is up to the Town where zoned to define apartment or kitchenette. He wouldn't know how much equipment makes a kitchenette. There are two families in this house under consideration. One can stand in his yard and count 6 or 7 places that have trouble with waste disposal. This request will create a health condition. If this kind of housing is needed, then that kind of an area should be set up, and not spoil this one established. Not in favor of this application.

Mrs. Leon Sprague of 21 Parkway - opposed.

Richard Sternberg of College Dr. - opposed.

Mr. Miner said his house is a one-piece house. No one would ever imagine that more than one family was living in it. He doesn't feel there is any danger from the sewage. The value is increasing there all the time. No one need be concerned about that. Values are going up instead of down. He is in favor of apartment homes or income-bearing homes that help to pay for them.

Mr. Wickins said he would like to clarify some doubt by saying that the zoning law does not prohibit two families living in a single house, only when there are two separate living units that it becomes a two-family house problem.

Mrs. Sprague asked what was a separate unit, and what about the fire hazard in the upstairs. Mr. Wickins said a separate unit does not have to have a separate entrance, and they have a fire marshal who handles fire hazards.

Mr. Entress said an apartment has a separate entrance. Mr. Miner's house is considered a single dwelling with an apartment on the second floor.

Mr. Strassner stated that on page 3 of the zoning law, the definition of FAMILY is: Any number of individuals living together as a single house-keeping unit, and preparing their food as one family.

Mr. Stoller said the ordinance reads that 4,000 ft. of land is required above the minimum size lot for each apartment. Mr. Entress corrected him and said it is required for each apartment in excess of one. Mr. Stoller asked if the regulations define apartment as opposed to tenant, and Mr. Entress answered that you can have a roomer who would be a tenant, but an apartment has separate facilities and separate living units.

Lawrence Fink of 16 College Dr. said one gentleman stated that if 6 people lived in his house, he would have sewage trouble. Mr. Fink said Mr. Miner has 5 people with two babies. He said that by permitting these houses, we are helping the tax problem. He owns two lots. He lived at 4313 Buffalo Rd. with four children and another adult. The leech field was very small, but there was no trouble. Mr. Miner's leech bed should be big enough. Mr. Fink said someone mentioned long grass across the street from him. He said

that is the poorest house in the tract, but it has been sold three or four times in the past year.

James Barnard said the house next to Mr. Miner at one time had six cars in the driveway and nothing could be done about it. Mr. Miner has a two-car garage, and the young people are of the highest caliber. Many of them are buying property in the locality. Four have in the last year. They are good tax-paying citizens.

Mr. Murphy said this variance will be just a wedge for other people.

Mr. Hunter said in regard to the fact that if the college builds its own houses, it will not be taxable property, he is in favor of it if it will help the students. This request will be setting a precedent for people trying to make Springbrook a students' dormitory. The fact remains that a good half of the people in this area have no connection with the school or of putting in apartments.

Mr. Miner said he bought this for a home to live in, as they are now at retirement age. If they can't live there and bring in their families and their children, they are out already.

Mrs. Sprague said they also bought thinking of retirement, and she doesn't want to spoil the looks of the tract. Mr. Sprague asked if Mr. Miner wasn't told he couldn't build this at the time of building, and Mr. Wickins replied that Mr. Lusk would have to answer that. If the plans as submitted showed a two-family house, a permit isn't issued until he appears before the Zoning Board of Appeals. This is only when a separate dwelling is created.

Mrs. Clement said this is a violation of the zoning. Mr. Miner built his house against the zoning laws. Before putting money in the house, he should have been sure. Mr. Miner should have bought a four-room house. There is a vacant lot next to the Clements' with the same question coming up. There are two or three others trying to do the same thing. Her concern is for the health and safety of the children.

Mr. Curvan said Mr. Miner mentioned the fact that is quite a problem to keep up his home. Since he has been there he has added a double garage, finished off an apartment upstairs, and has talked about living there himself, but at the present time it is rented out to two families in violation of the zoning law. Certain penalties can be enforced. Mr. Curvan wanted to know why Mr. Miner didn't move into the lower part of his ~~in~~ house instead of renting it out.

Mr. Strassner asked Mr. Miner if he built the house with the intention of having an apartment upstairs, and Mr. Miner said he arranged for it because of his contact with the college. Yes, he did have that idea. It is a chance for the Town to do something for the college.

Mr. Strassner asked if college students were living in the house. Mr. Miner answered there is a family living below temporarily, and a college student, a boy from Korea, living upstairs.

Mr. Entress informed Mr. Miner that he will be notified of the action of the Board. Letter from Calvin Swift of 16 Springbrook Dr. in objection.

Application of Ronald F. Dunlap, 3160 Chili Ave., for a variance to erect a 12 ft. by 8 ft. sign 34 ft. from the front lot line.

Mr. Dunlap presented a map to the Board showing the property, and said he wants the sign to advertise his business. The Board asked if the sign would be lighted. Mr. Dunlap said yes, with floodlights. Mr. Entress said he had driven through there this afternoon and looked at the property. Mr. Dunlap said he put the sign back far enough so that it wouldn't block traffic, 34 ft. from the front lot line. Mr. Wickins said that if this variance were granted, it would be for a period of time, perhaps two or three years. Mr. Entress asked if Mr. Dunlap would have any objection to a restriction as to when the lights would be turned off. Mr. Dunlap answered that if it could be lit until about 10:00 P.M. it was all right with him. He doesn't want to antagonize the neighbors, as they will be his customers. He has a 15-year lease, with three five-year options. No one appeared on this request.

DECISIONS OF THE BOARD:

Ronald F. Dunlap granted a variance to erect a 12 ft. by 8 ft. sign at 3160 Chili Ave. for a period of two years, with the restriction that the lights be out by 12:00. All members voted in the affirmative.

B. M. MINER was denied variance for two-family apartment at 15 College Ave. All members voting no on this application.

L. H. FRANCKE was granted a variance to erect a two-family dwelling situate at 1895 Westside Drive. All members voted in the affirmative.

H. L. LLOYD was granted a variance to erect a house at the corner of Lester St. and Ballantyne Rd. 50 ft. to front lot line, 58 ft. to rear lot line. All members voted in the affirmative.

EDNA F. CROSS was granted variance to erect gasoline station at northwest corner Buffalo Rd. & Westside Dr. 41 ft. to front south lot line, 47 ft. to north lot line, as per plans presented. Members voted: Strassner - no, Entress - yes, Pfenninger - yes, Kelly - yes.

ZONING BOARD OF APPEALS
February 15, 1955

The meeting was called to order, and roll was called, with the following members present: Mr. Pfenninger, William Kelly, Cornelius Strassner, Acting Chairman. Also present was the Town Attorney, Ralph Wickins.

Application of George M. Reynolds to erect dwelling 768 sq. ft. on lots Nos. 21 and 22 Harold Ave.

Mr. Reynolds did not appear on this application.

Application of Ronald Murray for variance to use premises at 1721 Scottsville Rd. for used car lot, 27 ft. from front lot line.

Mr. Murray stated that he owns this lot, which is located next to Ballantyne Motors. The lot is 50 ft. wide by 150 ft. deep.

Mr. Strassner asked if there is a building on the property, and Mr. Murray answered his house and garage. Mr. Strassner asked if there is a brick building on the property where they used to tear down cars. Mr. Murray said that was next door at Hodges. He said he was advised by the State that he should get a license if he is going to sell over six cars a year. He has 33 ft. to the road line, that is to the regular lot line. He said there wouldn't be over two cars there at a time. Mr. Murray said he has to have the used car lot in order to get his license to sell over six cars. He is connected with wholesale cars out in LeRoy.

Mr. Wickins asked if this request was granted, if it would be any hardship if he was restricted to one car parked in front of his place, and Mr. Murray said that he might need two cars at the most. Mr. Wickins then asked how far from the lot line he would park cars. Mr. Murray said he could put the cars any place. Mr. Wickins then advised Mr. Murray that the Board has the right to put a restriction on parking. They could put a restriction of no parking of cars closer than 15 ft. to the lot line, which would leave 18 ft. to park cars. Mr. Murray said the lot isn't big enough to make a big business of this. This isn't his business, but it involves his business. He runs a collision shop in the city. There will be no car wrecking, and he would have no old cars or anything like that. They will be late model cars.

Mr. Strassner and Mr. Wickins asked if Mr. Murray wanted a sign and how big. They advised that if he wanted a sign, he must apply for it. Mr. Murray answered that he would like a sign and 24 in. by 12 in. would be big enough. He already has one made about that big on the porch and would like to leave it there. Mr. Wickins said Mr. Murray was already violating the zoning ordinance by having the sign without permission, and Mr. Murray stated he didn't know that. He was asked if the sign would be illuminated and he answered no.

Mr. Strassner asked if anyone wished to speak in disfavor of this request, and no one appeared. He then asked if anyone wished to speak in favor of this request, and Mrs. Ronald Murray said she is in favor.

Mr. Strassner then advised Mr. Murray that he would be notified of the Board's decision.

Application of T. T. Vogel, Agent, for Rochester Drive-In Theater, Inc. for permit to enlarge screen tower and concession building at 1200 Scottsville Rd.

Mr. Vogel said the present screen tower is unsafe. It is a wooden structure which has been weakened by the wind and the weather. They are putting a steel addition to it. This addition will be the same height as the present tower, just an extension on each side. They are putting two red lights on each corner of the new tower. The addition to the concession building will not be any higher than the present concession building.

Mr. Strassner asked if anyone was in disfavor of this request. No one appeared. He then asked if anyone was in favor, and Mildred Lamoureux of Arnett Blvd., Manager of the Drive-In Theater said she is in favor.

Application of Elmo E. Kirby for a variance to erect sign 3 ft. by 10 ft. at 4423 Buffalo Rd., 12 ft. from front lot line.

Mr. Wickins asked Mr. Kirby if he owns the property on which this sign is now located, and Mr. Kirby said he is just renting for the purpose of the sign. Mr. Wickins asked how long the sign has been up. Mr. Kirby said

that Mr. Sheflin came to him and said he represented the Flower City Sign Co. Mr. Sheflin told Mr. Kirby he could pay him so much a month for the sign, or else pay for the sign outright and pay the owner of the property rent every year. Mr. Kirby said it was a good deal cheaper to buy the sign. He paid \$160 for the sign, and it will only fit that corner. He understood that everything was all right, but the Town called him up and asked him about the sign. Mr. Kirby said he just signed the contract for the sign. He owns the sign and pays rent for the property. The sign advertises his motel business on route 104. The Flower City Sign Co. built this sign, and told Mr. Kirby they would find a spot for it, and they put it on this property. Two days or so later, the town called and said the sign was violating the ordinance.

Mr. Wickins stated that when the sign was being put there, an inspector told them to stop, and they didn't do it.

Mr. Kirby said all he did was pay for the sign. He has found out since that Mr. Sheflin isn't even with the Flower City Sign Co. and hasn't a telephone. He is asking for a permit for at least a year in order to get back what he has put in the sign. The sign is on the Markel property, on Route 33, about 1/4 mile west of Union St. and Buffalo Rd. It helps the traveler and the Kirbys too. There are two or three signs right near there now.

Mrs. Kirby then said that that is the situation, and they were quite surprised when the Town called them. The sign is in Scotch light which made it expensive. They own Kirby's Motel on route 104, Spencerport, N.Y. She said they were absolutely innocent of the whole thing in the first place, and now they don't know where Mr. Sheflin is. The Sign Co. said he did work for them a couple of weeks. They are willing to set the sign back or lower it. Mrs. Kirby said they are experimenting with signs along the Pennsylvania Turnpike, and have found out there are less accidents, as the signs break the monotony of the driving and tend to keep the drivers more wakeful. If this works out, it will go along all the throughways.

Mr. Strassner advised the applicant he would be notified of the decision of the Board. No one appeared on this application.

The Board advised the Secretary to write a letter to the Town Board recommending that the sign on Scottsville Rd. that reads "Zoning Laws in Effect" be moved back about 200 ft. for better visibility. The sign can't be seen very well, and there have been numerous complaints.

DECISIONS OF THE BOARD:

George M. Reynolds - Variance denied as applicant did not appear.

Ronald Murray - The Board reserved decision on this application.

T. T. Vogel, Rochester Drive-in Theater was granted a variance to enlarge screen tower and concession building at 1200 Scottsville Rd. as per application presented. Members voting as follows: Mr. Kelly, yes - Mr. Strassner, yes - Mr. Pfenninger, yes.

Elmo E. Kirby - The Board reserved decision on this application.

June Yates, Secretary

ZONING BOARD OF APPEALS
March 1, 1955

The meeting was called to order, and roll was called with the following members present: William Kelly, Bernard Entress, Chairman. Also present was the Town Attorney, Ralph Wickins.

Application of Charles S. Glidden for variance to build 2-family attic conversion unit style homes situate on Berry Lane, Spotts Tract and Reddick Acres Tract, both located in North Chili in E residential zone.

Mr. Entress informed the people present that a majority of the Board was not present. The hearing will proceed, but the Board will have to reserve decision until a third party is present. Mr. Wickins said that minutes will be taken of this hearing. At the next meeting, all the members read the minutes and go and inspect the property if they so wish, and the decision is then made by the Zoning Board. All statements are taken down, and the Secretary types them up.

Mr. Glidden came forward and read the following letter:

"The Zoning Regulations of the Town of Chili call for one-family dwellings in the residential areas. The definition of "family" has been given as any number of individuals living together as a single housekeeping unit, and preparing their food as one family. This, therefore, does not in any way limit the number of persons who may live in one house and consequently does not give any protection to the water or sewage systems. Due to the need of more living quarters for married college students and other individuals desirous of living in North Chili, I am requesting a variance from this regulation. I should like to be permitted to build conversion attic style homes which could have a one-bedroom kitchenette apartment on the second floor in place of the two bedrooms which would normally be put in upstairs. This request pertains to the Berry Lane (Spotts) tract and the Reddick Acres tract. I will still be building and selling these homes as one-family dwellings since most people either do their own finishing work on the second floor or wait until they are financially able to have this work done after they have moved in. This request then is for the benefit of any purchasers who, not needing this space for their own family, may wish to make it into more private living quarters for parents, college students, or others. From a survey of dwellings in our locality which now have these small one-bedroom apartments in operation, there are fewer people per house than in the majority of dwellings housing only "one family". Many of these families have 2 to 6 children making a total of 4 to 8 people per house and consequently a great deal of water being used throughout the entire day.

In the houses with these apartments, the downstairs section has only two bedrooms and so limits the family to 2 to 4 persons. Several of the apartments are being used for widows or parents who want to live near their children, but still wish to cook and eat privately. Others are being used by two adults who are both working or attending college. Thus there are only 4 to 6 persons per house and much less water being used at all times.

The entire house, including the sanitation system, is built according to State and County health requirements, and FHA and VA specifications.

Attached are pictures of homes like those described above."

Mr. Wickins asked Mr. Glidden to explain the space in the so-called expansion attic or apartment created therein, how many rooms, size of the rooms, etc. Mr. Glidden answered that the space is 36 ft. by 24 ft., with shed dormer. If used as a one-family house, there would be two bedrooms and a large storage space. One bedroom would be 12 ft. by 14 ft. or 16 ft., other bedroom would be 14 ft. by 16 ft. or 18 ft. If used as an apartment, there would be one bedroom, kitchenette, and bath. A small kitchenette would be made from the large bedroom.

Mr. Entress said that roughly there was 18 ft. by 36 ft. floor area on the second floor, approximately 648 sq. ft. livable area. He asked how many lots were on Berry Lane. Mr. Glidden said there are over 4 or 5 in there. Mr. Wickins asked how many in all. Mr. Glidden said there are 15 lots. Some lots are larger and would be used for ranch-type houses. Mr. Entress asked how many lots are on Reddick Acres tract, and Mr. Glidden said there would be approximately 70 to 80 houses on that tract. This hasn't been laid out or approved by the Planning Board. Seven holes are already started. Mr. Glidden looked at them today and four of them do not have any water, the other three have about two feet of water. The average size of the lots is 90 ft. by 160 ft. Mr. Entress asked if there are homes now constructed on Berry Lane, and Mr. Glidden said yes. Three of them are sold,

two of them are not sold.

Letters received and names of people in favor of this application were presented and will be on file in the Town Clerk's office.

Mr. Entress then asked if anyone present wished to speak on favor of this application.

Dr. Smith of Roberts Wesleyan College, said this would be a repetition of what he said a few weeks ago. It is true that the problem confronting the college is one that is recognized, that within the next few years the total college registration will increase and will at least double in 10 or 15 years. They have already found it difficult to find adequate places for married couples for residence. They do have a temporary barracks on the campus, and it is temporary. It will not be long before they will need additional quarters for married couples. In addition to that, if the registration increases as rapidly as anticipated, they will have to find places for single men. It is his understanding that nothing would hinder any of these houses from having two bedrooms upstairs, and at least four fellows could room in them if rented. On the other hand, most of the couples are newly married, or have only one child. Therefore, facilities would be less used than by four adults. If the college is to have growth, it has to have an area such as has just been described. This college is favorable to granting Mr. Glidden this variance in the zoning ordinance. This property is close to the college and fulfills a need the college feels necessary in that territory.

Jesse Worbois of 67 Orchard St., North Chili, said he is in favor of this application because one thing needed in North Chili is housing for young married folks. It would be a profitable investment for some of these houses to be put up. Mr. Wickins asked if he thought it would be worth while and add to the tax need of the Town of Chili, and Mr. Worbois answered yes, and he will do anything to help promote it.

Mr. Entress asked if anyone else wished to speak.

Patrick Fasano, 3133 Union St., said he is a fairly recent newcomer to the Town of Chili and doesn't know many folks, but likes the Town. The Town needs a lot more young folks. He has some young acquaintances who would have been unable to get their own home unless it had a small apartment where the rent income could be used to help pay off the mortgage. The re-sale value will be good, also. Another point is that many young couples that would stay in an upstairs apartment sooner or later will need homes of their own. He is very much in favor of this request.

Bennett Kreckman of 4357 Buffalo Rd. stated that he is very much interested in the growth of North Chili, both from a business stand point and an interest in having young people in their community. The young people have a hard time getting their own homes established, meeting the down payments, and the monthly payments. Mr. Kreckman feels it is a fine thing to keep young people in the town by given them a chance to build homes and have income apartments to help carry them. As far as the sewage and water situation, there probably wouldn't be as many people living in an apartment-type house as in a regular one-family house. Some folks who object to this already have more people in their homes than there would be in this new type of apartment. This type would not be a hindrance in any way, and he would be very pleased to have them.

Virginia McGill of 3230 Westside Drive said she would like to state one point on this. Her mother just died, and her father is a young man and owns a 6-room house in Rochester, which is too large for him to maintain. He would be very much interested in moving to North Chili provided he could buy one of these apartment-type houses, in which he could live with a brother, and look after the property and have a garden. Mrs. Dunsieith, who lives across from this project, but in Ogden, is living in an apartment of this type, sharing expenses with her daughter and son-in-law and two children, but still living privately. A house of this type affords privacy to individuals, but still the expense is not too great. There would be fewer people in the house. A house with four bedrooms would mean more children or relatives living in the house. As far as the sewage system is concerned, no more water is going down the drain with an apartment-type house, than with a regular type. Mrs. McGill has a house of this type, perhaps the second one to be put in. They have only two children, so consequently they get along without the upstairs. Two adults rent the upstairs.

The following people gave their names to go on record as being in favor of this application:

Clyde Kreckman, 3129 Union St., North Chili
 Horace Whitaker, 3143 Union St., North Chili
 Lawrence Fink, 16 College Drive, North Chili
 Leland Roushey, 3 Orchard St., North Chili
 Floyd Totman, 3281 South Union St., North Chili
 Mrs. Totman, 3281 South Union St., North Chili
 Myrtle Blowers, Berry Lane, North Chili
 Simon McGill, 2230 Westside Drive

Elworth Seinz, 3013 Union St., North Chili
Newton O'Brien, 15 Orchard St., North Chili
Roy Hamblin, 3117 Union St., North Chili
Virginia Hamblin, 3117 Union St., North Chili
Eugene Priez, 2344 Westside Drive, North Chili
David Morrow, 3101 Union St., North Chili
Mrs. Charles Glidden, 4358 Buffalo Rd.

Mr. Entress asked if anyone present wished to speak in objection to this request.

Robert Hunter of 36 Parkway said he didn't oppose the proposition up before the Board, but he would like to ask a question. It would seem to him that what is being asked for is re-zoning.

Mr. Wickins said this request is for a variance, not for re-zoning. The Town Board handles re-zoning, which would be a request for a change of classification, such as from Class E residential to commercial, or from Commercial to Industrial, etc. There is nothing in the zoning law that allows a house of this type to be built, so such an application must come before the Zoning Board of Appeals. A good reason for that is the fact that the Zoning Board has the right to put any restrictions they deem necessary on a variance that is granted. It is hard to anticipate what restrictions might be necessary, so the Zoning Board has the right to decide.

Mr. Hunter said he was interested in this thing and would like to know if someone came in from outside who would be interested in buying a house, would information that a variance such as this had been granted be available to him.

Mr. Wickins stated that any action taken by the Town Board, Planning Board, Zoning Board of Appeals, or any Town officials, is a matter of record in the office. Anyone who wishes may examine the records. It is up to the people when they purchase to hire an attorney and look after their own interests.

Mr. Glidden then said that every time he sells a place, he will tell the purchaser about the variance, if it is granted.

Mr. Wickins said this could be re-zoned by the Town Board, but Mr. Glidden doesn't want it re-zoned, as he doesn't want to allow anything but homes. If it were made commercial property, it would allow stores, shops, etc., to be built. Individual cases have been granted before, but this has never been asked for as a whole tract. Mrs. Sprague asked if this would be kept in the tract, and Mr. Wickins answered it would be confined to the tract, if granted. Each case is considered individually.

Mrs. Sprague said she doesn't object to that type of house, but she wouldn't want them near her.

Mr. Glidden said that not over 25% of the houses would be of the apartment-type. Of the 5 or 6 on Berry Lane, only three could be made into apartments. Mr. Entress asked how many houses there would be on the Reddick Tract, and Mr. Glidden said he has a possibility of 70 or 80, whatever the market calls for. He said he might sell 1/2 or 1/3 of this type, and will build them as the people ask for them.

Dr. Smith said that Mr. Glidden stands to lose the most if he can't sell his homes. He will be the ultimate loser.

Charles Murphy of 25 Springbrook didn't object, but said Mr. Glidden should confine all these homes over there instead of on College Drive. He was informed that these homes will be only on Berry Lane and the Reddick Tract.

John Mattern of 74 Hubbard Dr. questioned the power of the Board to grant a variance in a large tract. He feels it should come under re-zoning.

Mr. Wickins said that as Town Attorney, he has reached the conclusion and made the ruling that the Zoning Board has the right to do so, and this isn't a matter of re-zoning.

Mrs. Sprague asked why the Town doesn't have a zoning where the double houses can be built. Mr. Wickins said the zoning law was considered very carefully and thoroughly. They felt that there might be necessity for certain requirements, such as off-street parking, or larger lots, etc. It is impossible to provide this in the zoning laws and anticipate all that might come about. It is better to leave it to the zoning board, and when application is made, that they have the right in granting the application, to put whatever restrictions or conditions that they feel justified in doing.

Mr. Mattern said he would like to go on record as opposing this request. If this is granted in E residential, there is no reason why it can't be given to the tract he lives in, or other people surrounding this tract.

Mr. Wickins then said you never can take away the power of the Zoning Board of Appeals. They are granted by the laws of the State of New York, made up by legislature and are defined right in the law. This Board isn't created by the Town Board, or the city, or any Town Board. The Board considers each application, and list the people voicing an opinion, and then make decision. Any decision on this application would not hinder someone else from making application on Mr. Mattern's tract in the future.

Mrs. Totman said these are good looking houses and would improve the Town of Chili, not only in taxes, but in many other ways. She doesn't think it would take away from anyone's property to have a home like these next door.

Mr. Mattern said that as far as taxes were concerned, the tax returns from a two-family house would not come up to what they would be for two individual houses.

Mr. Wickins then said that this Board has nothing to do with taxes. It is created by the State of New York and are a law unto themselves.

Mr. McGill said this type of home is fine for young people who have to buy a home of their own, or for parents or widows or widowers who are not able to carry a home by themselves.

Mr. Mattern then said that the taxes from one house of this type would not go up to what the taxes would be on two individual homes. The situation indicates that the college itself should take some means of providing housing without entering the individual home market. They should Federal housing or barracks to accommodate the students, or perhaps some nice housing unit built by Federal or State aid.

Dr. Smith said the college is not asking folks to take their people in. People have been asking him about renting.

The following people asked to be recorded as being in objection to this request:

- Mrs. John Mattern of 74 Hubbard Drive
- Donald Dart, 23 College Drive

The meeting was then adjourned. Decision will be made on this request at the next meeting.

June Yates, Secretary

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258

ZONING BOARD OF APPEALS

260-A

March 5, 1955

This is a special meeting called for the purpose of making decisions on past applications. Roll was called and the following members were present: Warren Beeman, Charles Pfenninger, William Kelly, Bernard Entress. Also present was George Lusk, the Building Inspector.

DECISIONS OF THE BOARD:

RONALD F. MURRAY. Decision was reserved on this application to use premises at 1721 Scottsville Rd. for a used car lot until applicant submits a plot plan showing location of house and garage on the property, and the distance of the house from the pavement.

ELMO KIRBY was denied a variance to erect a sign 3 ft. by 10 ft. on property at 4423 Buffalo Road. Members voted as follows: Mr. Kelly - no, Mr. Pfenninger - no; Mr. Beeman - no, Mr. Entress - no.

CHARLES GLIDDEN granted a variance to build two-family attic conversion style homes on Berry Lane and Reddick Acres Tract, subject to the approval of the Planning Board, the Town Board, the Monroe County Sanitation Department, and the Town of Chili Building Department. Members voted as follows: Mr. Beeman - yes; Mr. Pfenninger - yes; Mr. Kelly - yes, Mr. Entress - yes.

The Zoning Board of Appeals instructed the Secretary to send the following letter to the Planning Board:

At a meeting on March 5, 1955, the Zoning Board of Appeals granted a variance to Charles Glidden to construct two-family attic conversion style homes. It is recommended by the Zoning Board of Appeals that the granting of this variance was made subject to the approval of our various county and town administrative boards and inspectors.

In conjunction with the granting of this variance, it is also recommended that the Planning Board adopt some method in conjunction with the approval of subdivision maps so that anyone examining these maps might know that approval has been given for the use of these houses as two-family dwellings.

The Zoning Board of Appeals also instructed the Secretary to send a copy of decisions made by them to the Town Clerk to be referred to at the Town Board meetings.

June Yates, Secretary

ZONING BOARD OF APPEALS
March 15, 1955

The meeting was called to order, and roll was called with the following members present: Warren Beeman, William Kelly, Bernard Entress, Chairman. Also present was the Building Inspector, George Lusk, and the Town Attorney, Ralph Wickins.

Application of Raymond Stuart for a variance to operate day camp for Arnett Branch of YMCA during summer vacation; camp to be located on south side of Black Creek about 3/10 of a mile west of the highway bridge crossing creek on Bucksbee Corners Road on Route 33A.

Albert E. Gilbert, Attorney, of 1001 Wilder Bldg., stated that he is not here as an attorney, but as a member of the Committee of Management of the Arnett YMCA. He said they ran day camps last year on the property of Mr. Stuart, who is here tonight. About the middle of the camping last year, they found out they should have applied for a variance to the Zoning Board. They decided to do so this year ahead of time, so that the YMCA can lay plans for the camp. There are several men from the Arnett Branch of YMCA here who can answer questions. This camp would run between July 1 and August 29, 1955. There would be 18 days that the boys would be out here from 9:00 A.M. to 4:00 P.M. There is constant supervision. There would be two nights during that period that the boys would sleep out overnight. There would be two other nights that the parents are invited out and have camp fires that evening. Of the 18 days, there would be four nights they would be there past 4:00 P.M. The program would be swimming, athletics, nature study and overnight camping. There would be a cooking tent, a tool tent, a hospital type tent. There would be six pyramid tents on the property. The boys would not be those who tend to get into trouble. They would be between the ages of 8 years and 12 years old. They have had boys from the Town of Chili. Present are the Secretary of the YMCA and the gentleman in charge of boy supervision who will run the day camp to answer any questions.

Mr. Wickins asked if they would be using automobiles and if there is provision for off-street parking. Mr. Gilbert said that last year they could drive down to the camp site. There is a bus that carries the boys, and it is always well off the road before discharging them. Because of the danger to the boys, they always get completely off the road.

Mr. Entress asked how far back from the road they would be camping, and Arthur Gardner, secretary, answered about 3/10 of a mile, about 200 yards. They cannot see cars from there.

Mr. Wickins asked how close they would be to any house, and Mr. Gardner said the closest house is that of Mr. Rose, about 300 yards away from the furthest end of the camp site, on the hikes they come no closer than 100 yards. Mr. Wickins asked if there had been any complaint from Mr. Rose, and Mr. Gardner answered no.

Mr. Entress asked if the boys are supervised at all times, and Mr. Gardner said that last year there were three high school teachers plus himself and U. of R. students. There is always supervision.

Mr. Entress asked how many boys there would be. Mr. Gardner said they could accommodate 60 boys. Last year there were 57. There would be between 50 and 60 boys. Mr. Gilbert stated they are just asking for permission to use this property for this coming 1955 period, for this one year. There is no permanent camp and they are not asking for that at this time. There would be just 18 days between July 1 and August 29, not every day. There is no Saturday or Sunday camping at all. He asked Mr. Stuart if he is in agreement with this application, and Mr. Stuart replied that he is.

Mr. Entress asked if anyone present wished to speak in favor of this application, and no one appeared. He then asked if anyone wished to speak against this application, and no one appeared. He then advised the applicant he would be notified by mail of the decision. Mr. Gilbert asked that Mr. Strong of the Arnett YMCA be notified of the decision.

Application of Arthur Brook, 92 Hubbard Drive, for variance to use basement to repair and grind lawn mowers.

Mr. Brook explained that this request is for an extra means of livelihood after retiring as the Old Age Security Plan does not provide enough money.

Mr. Wickins asked if this would necessitate any remodeling. Mr. Brook said not unless he put in an outside cellarway, which he might do anyway as at the present time it is necessary to go through the kitchen to get down cellar.

Mr. Wickins then asked what machinery would be required, and Mr. Brook answered just a lawn mower grinder, run by an electric motor. The noise wouldn't be heard outside the cellar. Mr. Wickins asked if this would be restricted to himself, and Mr. Brook said yes.

Mr. Kelly asked how long Mr. Brook has resided there. Mr. Brooks said since June 27, 1954, when he moved up from Gates. Mr. Wickins then asked if there is sufficient room in the driveway for cars to park. Mr. Brook said there is about 15 ft. or 18 ft. between the edge of the driveway and the lot line, with a hedge between his lot and the lot next door. The mowers that come in for repairs can be stored down cellar. This won't be a big business as he doesn't want to tie himself down to work seven days a week. There would be work during the summer months, but not during the winter.

Mr. Beeman asked if he wants a sign, and Mr. Brook said he would like a sign, but it is a residential section and he wouldn't antagonize the neighbors for anything.

Mr. Entress then asked if anyone wished to speak in favor of this request, and no one appeared. He then asked if anyone wished to speak in opposition to this request.

Raymor Betz of 88 Hubbard Dr. stated that he is a next door neighbor. He agrees with some things about old age and extra income, but there is another angle, in regard to the zoning and restrictions. If everyone had a hobby for income later on, there would be a good many shops. Mr. Brook said he knows quite a few people around who have dark rooms in their cellars for a hobby. Mr. Betz said in this case, with people coming in and delivering lawn mowers and calling for them, there would be an increase in traffic, sometimes at night, when people are trying to sleep, which is a little unreasonable. A home is not made for a shop. Mr. Brook said he owns this property and anyone can drive in the yard. He doesn't intend to have a regular business, just a little something that will bring in a few extra dollars. He said Mr. Betz will need it too someday, and he should do to the other fellow as he would like to be done to. Mr. Betz the proper place for a business is in a zoned area. A business in the home in the cellar or garage is not very nice to have.

No one else appeared in opposition to this application.

Application of Howard Reynolds to erect and remodel addition to existing store building at 25 Chestnut Ridge Rd; building to be located 3 ft. from west side lot line, 8 ft. from east side lot line, and 40 ft. from rear lot line.

Mr. Reynolds presented a plan to the Board and said he has been there for 15 years and this is a growing town. The store is now too small.

Mr. Wickins inquired about off-street parking. Mr. Reynolds replied there is 75 ft. on the front and a lot next door that they use for parking. There is 300 ft. across the front on Chestnut Ridge Rd. and he owns the adjoining lot which can be used for parking. The front part is black top. Mr. Wickins asked how close the store will be to the house next door. Mr. Reynolds said about 15 or 18 ft. There is an L-shaped area between the house and the store which he would like to cover over. There will be concrete walls, and frame on the back and front. The same size windows as are there now, 4 ft. by 8 ft., and a little larger door. This will be in line with the house next door, and he has talked to this man, who has no objection.

Mr. Kelly asked if there would be any substantial change in design. Mr. Reynolds replied it will be the same shape moved out 8 ft. wider, and window frames and door will be the same. He is adding 8 ft. 8 in. by 64 ft. He is not increasing the lavatory facilities, and there will be no extra plumbing. He will hire about the same amount of people, but they can't move around there now. He needs more room. There is only one checkout counter in front for the people to get in and out. He just wants to open up the front end for people to get in and out of the store, and eliminate the crowded condition.

Mr. Entress said the overall dimensions of the store and house combined are about 40 ft. by 64 ft., making a total area of 2560 sq. ft.

Mr. Reynolds said he lives there himself. He has talked with his next door neighbor, Mr. Boychuck, and it is o.k. with him. Mr. Entress said that Mr. Boychuck had been notified by mail of this meeting.

Mr. Entress asked if anyone wished to say anything in favor of this application.

Fred Lautner stated that he has worked for Mr. Reynolds for over a year. He said they have got to have more room in the store. The store is overcrowded, and one checkout can't take care of all the people. This will cause people to go somewhere else with their business, and it is not right to send it out of Chili.

Peter Costanza of 650 Paul Rd. said Mr. Reynolds has been here 15 years and is entitled to this request as he needs it. A good store is needed in Chili, as the population is growing, and the present store is far too crowded. He feels that if Mr. Reynolds couldn't get the other store he requested, he shouldn't be deprived of this one.

Several people then studied the plan of the proposed addition. Mrs. Guiliano of 2975 Chili Ave. said that when they first moved in, this was a little store. He has had an addition and there should be a limit. This thing can go on forever. In another couple of years, he might try again. Right now Mr. Reynolds is using a couple of lots for parking area, which is a devaluation of property. If he wants to make a living over there, then he should cooperate with the neighbors. He needs an incinerator. There are boxes and bones, etc. He can do business in a residential neighborhood, and still make that business look like something.

Mr. Wickins asked if the main objection is the way the property is maintained at the present time. Mr. Guiliano said he would say let it stay as it is. Mrs. Guiliano said her kitchen window faces the back yard and people throw garbage out the back door of the store. After two or three days it is burned, and there is smoke all over the neighborhood. There are always dogs from all over the neighborhood over there after bones. When they built there, it was an E residential section.

Mrs. Zingg of 2980 Chili Ave. stated that her objection is that this is really a benefit to Mr. Reynolds only, as he is the one who will have the income. There is never any objection to the inside of the store except that it is crowded. The neighbors get in there and chat and have a social hour while they wait. Mrs. Zingg objects because this is a commercial enterprise in a residential section. So far, everyone has gone along with Mr. Reynolds to have a business in a residential section, but now he wants to expand. Dogs with bones come right through her yard all the time. All the dogs go over the section two or three times a day and keep it cleaned out.

Mr. Reynolds said that Genesee Tallow Co. has picked up meat scraps and bones for the last six weeks. There is a gulley on the side of the house in which they burn papers. He figures on building an incinerator to take care of that hazard. The boxes have to go somewhere and there is not room in the store. At the present time, they are burning them in the gully. There is no garbage. The gulley has just been a hole next to the store, but drainage is being provided now, so that the lot can be filled in and they can have an incinerator.

Mr. Wickins asked what receptacles are there for scraps, garbage, etc. Mr. Reynolds said the vegetables are in metal cans and the meat is inside. Mr. Wickins said there could be a sort of shed over them. Mr. Entress asked what was in the area between the house and the cooler, and Mr. Reynolds replied at the present time there are bottles. Mr. Entress asked what he intends to use that area for, and Mr. Reynolds said to go into the store area. Mr. Wickins asked where he would put the bottles then, and he said in the basement.

Mrs. Pagliuco asked what is by the side door. Mr. Reynolds replied there is an old picnic table. Also when vegetables come in, it is so crowded inside that something has to go outside. There were two or three boxes at one time.

Mr. Kelly asked if Mr. Reynolds thinks this increase in size would assist his operation. Mr. Reynolds said it would correct all the problems he has right now.

Mrs. Zingg asked how about a year from now. There is no assurance that they won't be up here again for building on the side or on the back.

Mrs. Guiliano said it shouldn't be allowed to put an addition on any business in a residential area.

Mr. Wickins stated that the Zoning Board of Appeals purpose is to grant variances. Mr. Reynolds had to have a hearing before another addition was put up. It is the very purpose of the Zoning Board of Appeals to grant hardship cases. The Board probably denies more than 50% of the cases that come before it. It is very seldom that any particular place is zoned commercial. That is spot zoning, and is not considered good practice.

An applicant has to come before the Town Board to request a change of zoning.

Mr. Reynolds said he definitely needs more space in his building at the present time.

Mrs. Pagliuco said when they got a permit to build, they were informed this was a strictly residential area. They moved out here because of her husband's health, and this is worse than the city.

Mr. Wickins stated the old cider mill is on commercial property. It was taken into Court, and that is the Court decision on it. It was zoned by the courts, not by the Zoning Board of Appeals.

Wilbur Fox of 2880 Chili Ave. said that an application for a big shopping center on Chili Ave. was thrown out because it would be too close to another one. This seems a good distance away from other stores. Progress has to grow. Also, there is a hazard in coming in the front of the store. In case of a fire in the back of the store, people couldn't get out.

Mr. Reynolds said that if there was a fire in the back, people couldn't get out of the front. There will be a fire door. Mr. Reynolds showed the Board on the map where the fire door would be. There will be no increase in the number of exits, but the narrow door will be enlarged.

A petition signed by people in opposition to this application was presented to the Board by Mrs. Pagliuco.

Mr. Entress advised the applicant he will be notified by mail of the decision of the Board.

DECISIONS OF THE BOARD:

HOWARD REYNOLDS - Decision reserved until the next meeting, and Mr. Lusk and Mr. Ireland are requested to inspect the premises and to report to the Board.

RAYMOND STUART - Granted a variance to operate a day camp during the months of July and August 1955, as per application presented. Members voted as follows: Mr. Kelly - yes; Mr. Beeman - yes; Mr. Entress - yes.

ARTHUR BROOK - Variance granted for a period of three years for the grinding and repairing of lawn mowers in the basement of his property. Said business to be operated only by the present owner of the premises. All members voted in the affirmative.

RONALD F. MURRAY - was denied a variance to operate a used car lot at 1721 Scottsville Rd. Members voted as follows: Mr. Kelly - no; Mr. Beeman - no; Mr. Entress - no.

June Yates, Secretary

ZONING BOARD OF APPEALS

April 5, 1955

The meeting was called to order, and roll was called with the following members present: Mr. Kelly, Warren Beeman, Charles Pfenninger, Bernard Entress, Chairman. Also present were Ralph Wickins, Town Attorney, and George Lusk, Building Inspector.

Application of Mrs. Peter Vellekoop, Jr. for variance to operate a dog kennel at 700 Chestnut Ridge Road.

Mrs. Vellekoop stated she has been the past few years for a permit, and the situation has not changed in any way. There are at present three dogs, which are Collies.

Mr. Entress asked if anyone wished to speak on this application, and no one appeared.

Application of Dauntton D. Scott for variance to operate present store at 2675 Chili Avenue as a delicatessen store.

Mr. Scott said he plans on selling his florist shop which he has operated for six or seven years. Mr. Entress asked the size of the plot that the present store is on, and Mr. Scott replied it is 82 ft. by 140 ft. according to the sketch.

Mr. Entress said the building there shows to be 20 ft. by 40 ft. and asked Mr. Scott if he planned on altering the building in any way. Mr. Scott said no, that it will just be used as a delicatessen, with such things as milk, ice cream, etc. only. Mr. Entress then asked how much off-street parking area is available. Mr. Scott stated on the east side there is close to about 40 ft., and about 52 ft. in the front. He is planning on black top. all around the building so there would be no dust in the summertime. He would be able to park anywhere from 26 to 30 cars, but the average would not be over 7 or 8 cars. Mr. Entress asked if there are bathroom facilities and Mr. Scott replied yes. Mr. Entress said that he couldn't blacktop the entire area because it would cover his sewage system. Mr. Scott stated that the sewage system runs in the back of the building. He would blacktop on either side and in the front to the street, but the back would be left.

Mr. Wickins asked if there is sufficient space to take care of waste, such as boxes, and Mr. Scott replied the lot runs back 140 ft. and there is space allocated for that. Mr. Entress then stated the Board has had complaints on stores on occasion of piling boxes and debris outside, and the Zoning Board is coming to the conclusion that they will require sufficient space within a building to take care of these. Mr. Scott said the shop work room that was used for make-up could be used for what few things there would be. The Board asked the size of that area at the present time. Mr. Scott replied it is about 18 ft. by close to 9 ft. That would be for storage as well as upstairs.

Mr. Entress then asked what the building setbacks are. Mr. Scott replied the building from the west line would be around 18 ft. to 20 ft. and quite a bit more from the east line (about 40 - 42 ft. according to the sketch) and about 60 ft. from the pavement.

Mr. Wickins then stated that he is just Town Attorney and not a member of the Board, and he asked any questions that might clarify any application. He does know that in the past on occasion the Board has required that a fence be placed in front to keep the cars from parking in such a manner as to interfere with the traffic. It doesn't have to be a high fence, just something to keep the cars from the road. Mr. Scott said he would have no objection to this.

Lowell Lane of 2694 Chili Avenue asked if Mr. Scott is going to run this himself and if it is going to be strictly a delicatessen with milk and ice cream. He wouldn't want beer signs all over the place. Mr. Scott said there will be no beverages except pop and the people who will run it are against it themselves.

Mr. Morgan of 2687 Chili Ave. said he would like to point out that at the end of Pixley Road there is a little delicatessen already and not more than 8/10 of a mile in the other direction is Moffett's Dairy and Ryan's grocery store. He doesn't see the need for any other commercial enterprise of that nature. He would be willing to take Mr. Scott's guarantee that things would be all right, but Mr. Scott is not going to run it and someone else is something else again. He is opposed to this at this time. Mr. Wickins informed the people that the Zoning Board has the right to put restrictions on variances granted.

Mr. Morgan said he may have it wrong, but it is his understanding that when Mr. Scott applied for permission for a florist shop he asked to sell flowers that he grew himself, but most of his trade is flowers bought elsewhere. There are enough delicatessens and grocery stores to take care of all the requirements. He is only three doors from the proposed store and five doors from the store on the other side.

Mrs. Scott, next door to the property, stated she is Mr. Scott's mother. She knows this would be very handy for her as she is a little bit crippled. Naturally she is in favor of this application.

Clifton Snider of 2669 Chili Ave. stated that he is not against this application, and can't see any objection. He is building right next door and it won't create any loss in the value of the property. Mr. Morgan said Mr. Snider is Mr. Scott's brother-in-law, and Mr. Snider replied that he still would have to live there.

Mr. Scott said he has been in that particular neighborhood for seven years, and he is selling because the neighborhood isn't a flower-conscious group of people, and he can't continue to make an average living. He intends to eventually carry on this work. The next best thing to be there would be this store, and he knows the people who would run it and they have a very good background. It would be simply a delicatessen with no beer or liquor. These people have another store in Greece.

Mr. Wickins asked the name of the purchaser and the name of his present store. Mr. Scott said the man's name is Capezzuto, but he doesn't know the name of the store. It is on Dewey Avenue near the North Gate Plaza. He has run a business before and it is a high-class place. This would be an asset to the neighborhood.

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

Application of Joseph Schuler for variance to erect bowling hall at 1300 Scottsville Rd., variance of 6.5 ft. in height of building, located in Industrial Zone.

Thomas McDermott, Attorney, appeared for Mr. Schuler. Mr. Schuler is asking for this variance in connection with the proposed building of a bowling hall known as Olympic Park. Submitted were detailed plans by an architect. In view of the regulations as to height in the airport district, a variance in height is needed of 6.5 ft. This is going to be a well laid out structure and no small thing. It is going to be a good substantial building that will be an asset to the general area. Mr. McDermott has been advised by Mr. Schuler that the height of this building and the extra height needed will not be greater than any existing monuments such as trees, poles, wires. Mr. Wickins asked if provision has been made for sufficient off-street parking. Mr. McDermott said they can park 1000 cars. Mr. Wickins asked if Mr. Schuler would put some sort of barricade between there and the road, and he replied yes. The applicant was asked if he had gone into the question of leech fields, and he said no. Mr. Wickins stated he has heard that bowling halls require more extensive leech fields. Mr. Entress asked if he intends to have a beer license and he replied yes. Mr. Entress suggested that all due care and caution be used. Mr. Schuler said he has a lot of land that can be used for that purpose and will put in whatever is required. Mr. Wickins stated that he might be required beyond what the state requirements are, as they are not quite steep enough. Mr. Schuler said he will comply with any rules. This property backs up to the Pennsylvania RR and there will be 32 alleys going in there. He presented a plot plan. He has 15 acres exclusive of the park itself.

Mr. Entress asked if there are any open drainage ditches in the back of the property, and Mr. Schuler said no, nothing that leads off the property. Mr. Entress said he was figuring if a filter plant would be required, drainage is necessary. Mr. Schuler said the old Erie Canal back up to the property, and he wouldn't want to drain into there. If it comes down to it and he has to, he can tie into the present sewer the gas station is on. That is a 20 in. storm sewer which runs from the airport and the trailer park is tied into it. He would have to get permission from the County, as it is a County sewer now, but he doesn't think he would need it. He will comply with any specifications. Mr. Wickins asked if he would want a sign, but Mr. Schuler said he will apply for that later as he doesn't know what he wants yet. This building will be all on one floor. Mr. Entress showed Mr. Schuler a letter from Francis Carroll, Monroe County Director of Public Works, stating that this building is actually 24.11 ft. from the grade level, instead of 18 ft. The blueprints also show 24 ft. 11 in. To be on the safe side, Mr. Schuler could apply for the extra amount, which would make the variance 13 1/2 ft. Mr. Schuler said the merry-go-round is 28 ft., guide pole are 28 ft., some are 32 ft., and the power line in front of the place is 30 ft. Mr. McDermott said they would right now change their request to read 13 1/2 ft. instead of 6.5 ft.

Mr. Entress asked if anyone wished to speak on the application, and no one objected. F. Breiner said that he is in favor of any commercial property that might help our town.

Application of Thomas Buttarazzi for variance in Sandy Mount Manor Tract lots Nos. 7-14 inclusive front lot line setback of 45 ft., 8 ft. to side lot line, variance on lot #7 28 ft. front front lot line setback and 28 ft. from rear lot line.

Mr. Entress asked if there are any maps on Sandy Mount Manor, and Mr. Lusk replied they are all locked up on that, and none had been turned over to him. Mr. Buttarazzi said he had given the maps to Mr. Ouweleen who said he had given one to Mr. Lusk. The Board then requested Mr. Buttarazzi to go home and get a map of the property so that the Board could study same. In the meantime, the following people spoke in objection to this request unless their present situation was remedied:

Grant Pulaski of 534 Paul Rd. said they can't get water off their land now. He doesn't feel Mr. Buttarazzi should have permission to build more houses when the land is so bad and the houses he has put up are in such a bad situation. Mr. Wickins said that particular part of it is a State proposition and has nothing to do with the Town. Mr. Pulaski said the land was no good from the start, and no one would like septic tank water in his back yard. The children can't play and it can't even be used for a picnic, all spring, up until the latter part of June. It depends on the weather. When the wind comes from the west, they must be able to smell it on Scottsville Rd., and it is very unsanitary. He thinks Mr. Ireland will go along with that. Mr. Wickins said the State passed it, otherwise the Planning Board could not have granted him a building permit. One of the requirements of the Town that it must have State sanitary approval. Mr. Pulaski stated that if Mr. Buttarazzi can overcome the conditions that now are there, he wouldn't want to hold a man back from building. If he can clear up this seepage of septic tanks, Mr. Pulaski will be the first one to go along with him to build. No objection otherwise.

Louella Shearing of 562 Paul Rd. said the land is just a lot of clay and won't absorb moisture. If new yards back up to theirs, it will be even worse than it is now.

Mrs. Grant Johnson of 538 Paul Rd. said the situation is so bad that even in the winter mosquitoes get up into the house. No one else appeared.

Harold L. Potter of 2165 westside Dr. applied for a variance to operate a radio and television repair service in the basement of his home.

Mr. Potter said this will not be a full time business at the present, but will probably work into it later on. There will be no employees or no outside buildings, just in his own home. There is just his driveway for off-street parking, which is about 60 ft. or 70 ft. long with a garage at the end of it. It is a 1½ car garage. Mr. Entress asked how close were the nearest neighbors on either side, and Mr. Potter replied around 20 ft. or 25 ft. This is in the Kuebler Tract. Mr. Wickins asked if there would be any noise connected with this, and Mr. Potter said no. There wouldn't be anybody coming in and out, as people don't carry their television sets around. He just wants permission to bring them in and repair them and take them out. Mr. Kelly asked if he would require a sign. Mr. Potter said not at present, but perhaps later on.

Mr. Entress asked if anyone wished to speak in objection to or in favor of this application. No one appeared.

Mr. Charles Scates of 542 Paul Rd. then came forward to speak on the application of Mr. Buttarazzi. His condition is about the same as the others. His leech is coming up and running over the other lots, and it is the same thing all the way through. This is an awful problem. If everybody starts putting out signs, it won't do the town any good.

Mr. Wickins said they can't stop Mr. Buttarazzi from building if he complies with the ordinance as long as he has State sanitation approval. The Board has no control over what the State says.

Mr. Buttarazzi then returned with a map of Sandy Mount Manor. The Board studied the map and informed Mr. Buttarazzi that the front of the lots are determined by the assessment roll. This means that lot No. 7 should have a variance of 45 ft. from Adele Circle. According to the diagram, the State has upped the leeching requirements. There are a total of 68 lots.

The Board advised Mr. Buttarazzi that he would be much better off to put in a central sewer plant. It would be much cheaper in the long run.

DECISIONS OF THE BOARD:

MRS. PETER VELLEKOOP, JR. was granted a variance to operate a dog kennel at 700 Chestnut Ridge for a period of two years. All members voted in the affirmative.

DAUNTON D. SCOTT - Decision was reserved on this application.

JOSEPH SCHULER was granted a variance to operate a bowling hall at 1300 Scottsville Rd. as per plans presented, subject to the following: Any requirements which may be made by Mr. Ireland as to sewage disposal; also Erecting a barricade between the parking area and the lot line, and no more than four exits and entrances combined to be allowed, and said exits and entrances not to be more than 50 ft. in width. All members voted in the affirmative.

HAROLD L. POTTER was granted a variance to operate a radio and television repair service in the basement of his home for a period of two years. This is restricted to one operator, to be Harold L. Potter. All members voted in the affirmative.

THOMAS BUTTARAZZI was granted a variance to erect houses on Sandy Mount Manor as follows: Lots Nos. 7-14 inclusive, setback of 45 ft. from the front lot line; lots Nos. 8-14 inclusive, setback of 8 ft. from the side lot line; lot No. 7 setback 30 ft. from Sandy Mountain Lane and 45 ft. from Adele Circle. All members voted in the affirmative.

Following decision held over from the previous meeting:

Howard Reynolds was granted a variance to erect and remodel addition to existing building at 25 Chestnut Ridge Rd.; building to be located 3 ft. from west side lot line, 8 ft. from east side lot line, and 40 ft. from rear lot line, subject to the following:

An incinerator plant must be built and the debris cleaned up and inspected by Mr. Lusk before a permit is issued. Plans for remodeling of the store must meet approval and any conditions imposed by Mr. Lusk, the building inspector. A barricade must be placed between the highway and the property, with one entrance and one exit, not to exceed 20 ft. in width, and parking space must be provided for a minimum of 20 cars. This variance is granted for a period of three years. All members voted in the affirmative.

June Yates, Secretary

ZONING BOARD OF APPEALS
April 19, 1955

The meeting was called to order, and roll was called with the following members present: Cornelius Strassner, William Kelly, and Bernard Entress, Chairman. Also present was Ralph Wickins, Town Attorney, and George Lusk, Building Inspector.

Application of Ray E. Johnson and Zelda W. Johnson, his wife, for variance to construct a gasoline service station on premises being a parcel fronting approximately 300 ft. on the north side of Chili Rd. and being approximately 130 ft. in depth, being bounded on the east and north by property of applicant and on the west by the Cider Mill property, "so called."

Daniel Kennedy, attorney, of 31 Exchange St., appeared for Mr. and Mrs. Johnson. This is an application by Mr. and Mrs. Johnson of 140 Fenton Rd. for approval of the construction of a gas station on Chili Avenue in this Town. The application is pertaining to the section of the zoning ordinance which permits this Board to grant a variance in those situations which concerns a hardship. It can be shown that the public interest will not be damaged. In this case, the property on Chili Avenue is some feet away from the corner of Fenton Rd. On the corner is presently a cider mill building which is subject to no zoning restrictions. Under the circumstances, that property can be used for any purpose. This makes it unlikely for any residential purposes. It is the property that adjoins this that is involved in the request this evening. The gas station to be constructed will be built by the Esso Standard Oil Co., and their stations have been in this locality in Monroe County for several years. He presented a picture of an Esso station which is typical of the type of architecture used. The Johnsons have entered into a contract of sale. They will sell this property to the Esso company provided this application is granted. In this immediate neighborhood, the nearest Esso type station is that operated by Weaver on Chili Avenue, east of here. By reason of survey made prior to this application, it was found that there is no substantial objection from the people in the neighborhood. He filed with the Board petitions signed by 29 householders indicating they have no objection to this application. There are 49 individually. He also presented blueprints that will be used in the erection of this station, covering every detail of the construction. There is need for a gas station in that neighborhood. This station will be on that intersection of Chestnut Ridge Road and Chili Avenue. It will have the feature of giving a little more light at that intersection during the early hours of the evening. There is a representative of Esso Co. here who will try to answer any questions about construction and the mode of operation.

Mr. Wickins asked if it was contemplated to have a sign, and the reply was yes. Mr. Wickins said he thought they ought to amend the application at this hearing and request a variance to erect a sign. Mr. Kennedy stated the applicant does hereby amend the application to include permission to erect a suitable sign on this site as shown in the picture. He said the sign is described in detail on the blueprints, which will be left with the Board. It will be a sign hanging on a pole that has an extending arm, bearing the words "ESSO" in red letters on a white background. It will be in the front of the station near the entrance, and be lit by a floodlight pointed at the sign and will be lit from 7:00 to 11:30 P.M.

W. L. Goddard, General Salesman for Esso, said the pumps will be 18 ft. from the right-of-way. Mr. Wickins asked if it is necessary to be that close, and he replied it meets State regulations. Mr. Wickins asked if it necessary. Mr. Goddard replied he feels they should be out as far as they can, but they could go back further. All stations are out 18 ft. from the property line with their pumps, including Weaver's. The lot is 150 ft. deep, the building is 30 ft. by 41 ft. or 43 ft. There are two islands proposed

Mr. Entress said it is 12½ ft. from the edge of the pavement to the lot line, the islands would be 30½ ft. from the edge of the pavement. The lot is actually 130 ft. deep by 180 ft. wide. Mr. Strassner asked if they would leave the undeveloped part to just grow up. Mr. Goddard replied it will be the station operator's responsibility to see that it is well kept.

Mr. Wickins inquired if there would be nothing but the sale of gasoline and petroleum products, or if there would be repair work. Mr. Goddard said there will be only light repair work, such as lubrication and spark plugs. 287

Mr. Entress asked if anyone wished to speak in favor of this application. No one appeared. He then asked if anyone wished to speak in opposition.

Neil Guiliano of 2975 Chili Ave. asked if this application is granted, who is going to stop someone from opening up something else. Mr. Wickins replied that this wouldn't change the zoning, and anyone else would have to come before the Board. Mr. Guiliano said he has a little over 10 acres. He has a little business and a truck in the city, and rented space to keep it. He wants to keep everything as it is. He has a lot of money invested in his home and is opposed to this, and wouldn't want to see it in a residential section.

W. S. Henry of 2911 Chestnut Ridge Rd. said a lot of light would be good from the traffic standpoint.

Vincent Pagliucco of 2970 Chili Ave. said he lives in E residential section and that is a bad corner. Cars don't always stop at the stop sign. The situation will be very bad for cars coming in both directions. He is opposed because this would create a traffic hazard. He asked how far from the intersection of Chestnut Ridge Rd. and Chili Ave. does this property start, as there is a bus loop in there now. Mr. Kennedy presented a sketch would indicate about 50 ft. from the intersection. Property does not include the bus loop.

Cesar Falcone of 26 Backus St. said the bus loop is on his property. He is about 264 ft. from the Fenton Rd. and Chestnut Ridge Rd.

No one appeared to speak on this application.

Application of Oliver Perry, Union St., for variance lots 200 to 223 inclusive located Westside Manor Subdivision on proposed street to 86.8 ft. lot width, situate in E residential zone.

Mr. Perry presented a map to the Board showing the property involved. The Board studied the map. Mr. Perry said this was originally set up with 80 ft. lots according to the old ordinance. Mr. Perry then explained the situation to the Board, pointing out the lots in question on the map presented. He has more land to develop, but this is all he is interested in this year.

Mr. Wickins informed Mr. Perry that if the Board granted this request, the houses will still have to conform to regulations of E residential zone. He asked as far as variances are concerned, will there be repetition of this request when the next street is developed. Mr. Perry replied that if the zoning setup is the same, he will probably ask for one. It might be two to five years from now.

Edgar Gould of 91 Hubbard Dr. said when the ordinance was revised requiring 90 ft. lots instead of 80 ft. lots, that requirement was a minimum and lots should not be smaller. If each lot was added to, it would make them even better. When consideration was given to the width of the lots, he happened to be on the committee, and they didn't want to make it too tough. Rush and other towns require lots of much larger width. He asked the Board to take under consideration that a subdivider shouldn't come under the minimum requirement.

Eldon Previte of 95 Hubbard Dr. said he is opposed to this request.

No one else appeared on this application.

Application of Jordan Milne, 340 Ballantyne Rd. for variance to operate a private dump located in E residential zone.

Mr. Milne said he hauls stuff off the Public Market and Loblaws. Scottsville Road won't take his stuff, some goes over to the incinerator. There is some stuff that they won't take. He decided to apply for a private dump. The property will take about 12,000 to 15,000 loads. The nearest home is 3/4 mile away, except his own home. It would bother no one. A lot of stuff is burned up every day. It will be maintained by himself. His brother-in-law has a bull dozer and will keep the stuff covered up.

Mr. Entress asked the type of material involved, and Mr. Milne replied boxes, newspapers, and some garbage. They won't take it on Scottsville Rd. Mr. Entress inquired about the terrain. Mr. Milne said it will take 12,000 to 15,000 loads and there is plenty of water available all through the summer. There would be no fire hazard. The land is muck, which is

being stripped to the clay underneath. He is filling in where the muck was. There are no homes nearby. He is the only one on the north side of Ballantyne Rd.

Mr. Entress asked if anyone wished to speak in favor of this request. No one appeared. He then asked if anyone wished to speak in opposition.

Joseph Madison of 68 Ballantyne Rd. is opposed to this because they have been trying to get Ballantyne Rd. cleaned up. He thinks it is enough of a mess there right now without any more.

Lee Bright of 403 Ballantyne Rd. said he lives less than 1/4 mile away. What is to prevent water from shooting garbage into his yard. He is not in favor of this.

Earl Case, Attorney, said he is not a property owner in that vicinity, but represents three property owners that front this property. Charles Larcher and James Harper are both adjacent property owners, and east of Larcher's is 151 acres. They are on both sides of this property and very much opposed to making this a dump. On the other side opposite Mr. Milne's property there is a presently filled dump with boxes piled up. If Mr. Milne's property was used in this way, it would spoil the surrounding property, if he is given a license for a private dump. Back in the excavation there is water and a stream which flows down through and cows drink out of it. This would be a health menace. About three months ago a subdivision map was made of the Larcher property between Ballantyne Rd. and Black Creek. He asked that this map, which was shown to the Board, be marked in evidence. This was done, map being marked as "Exhibit A". The map shows 27 lots, two to the acre. The plan is to go ahead and have the map approved and the lots sold. They might sell for \$500 each, \$1,000 an acre. Hemlock water is coming this summer right to Harpers present farm, a short distance to the east. Only an extension would be needed to bring the water into the subdivision across the railroad, and it could then be extended. There are over 400 acres of valuable land that would be condemned for subdivision if this permit was granted. They couldn't get anybody to make loans on lots close to an authorized dump. Mr. Case said this application should be denied. If there is any question about this situation, he would ask the Board to sit adjourned, and he would bring real estate experts to testify that this would spoil this property.

Mr. Cooper of 239 Ballantyne Rd. said Mr. Milne's daughter is his baby sitter. He said Henrietta is filling up fast, and he thinks Chili is going to be next. With water coming in, Ballantyne could be one of the places. There have been a lot of fires at the Scottsville dump, and they can be pretty wicked. The people on the other side of the river are up in arms about the fires over there. Mr. Cooper is definitely opposed to this dump on any section of Ballantyne Rd.

Mr. Milne said his property used to be cultivated, but not now. Can't be cultivated any more. All he asks is a permit for this private dump. Why should he take the water from four miles up above him. He can't plant a garden. If he doesn't get this permit, there will be something done. He can't plant, so he is having the muck taken out and stripping the land to the clay. He can set up a pump. He will not call on the Chili Fire Dept. to fight his fires. He will take care of that himself. His property was ruined and he can do nothing with it.

Mr. Case stated that this proposed dump would condemn all of that property, a matter of about \$400,000.

Mr. Milne said that Madison Jr. high school is built over a dump. The land was reclaimed and filled in. If earth is put over a dump, you would never know a dump is there.

DECISIONS OF THE BOARD:

Oliver Perry was denied a variance on lots 200 to 223 inclusive located Westside Manor Subdivision on proposed street to 86.8 ft. lot width.

All members voted in the negative.

JORDAN MILNE was denied a variance to operate a private dump at 340 Ballantyne Rd. All members voted in the negative.

RAY E. AND ZELDA W. JOHNSON granted a variance to construct a gasoline service station on premises being a parcel fronting approximately 300 ft. on the north side of Chili Rd. and being approximately 130 ft. in depth, being bounded on the east and north by property of applicant and on the west by the Cider Mill property, so called. Pumps must be situated a minimum of 30 ft. from front property line and a minimum of 60 ft. from the side property line. Variance granted to erect a sign as per blueprints presented. All members voted in the affirmative.

DECISIONS OF THE BOARD:

Decision was made at this time on the application of Daunton Scott from the previous meeting.

DAUNTON SCOTT was denied a variance to operate his present store at 2675 Chili Avenue as a delicatessen store. Members voted as follows: Cornelius Strassner - no; William Kelly - no; Bernard Entress - no; Charles Pfenninger previously registered as voting no.

June Yates, Secretary

May 3, 1955

The meeting was called to order by the Chairman, and roll was called, with the following members present: William Kelly, and Bernard Entress, Chairman:

Application of Wilbur B. Miller, 3766 Union St., for variance to erect house 64 ft. to rear lot line.

Mr. Miller presented a sketch. The lot in question is 30 ft. wide by 160 ft. deep. Mr. Miller's house will be 30 ft. deep instead of 28 ft. as the other houses are. - He would like to put the house back even with the other houses on the street, which are set back 66 ft. from the front lot line.

Mr. Entress asked about the lots on either side of this property, and Mr. Miller replied there is a house on one side, and the other side is a lot to be sold.

Mr. Entress asked if anyone wished to speak on this application, and no one appeared.

Mr. Entress then informed Mr. Miller that as soon as the Board met with a quorum, decision would be made on his application, and he would be notified by mail.

Application of William R. Decker, 215 Chestnut Ridge Rd., for variance to erect attached garage 5 ft. to east side lot line.

Mr. Decker presented a sketch. He said he wants to build an attached garage, taking in the side door. There is 9 ft. between the side lot line and the house next door, making 14 ft. between the buildings. The lot is 60 ft. wide, and fronts on the north. The garage would be 15 ft. wide by 26 ft. deep.

Mr. Entress asked if anyone wished to speak on this application, and no one appeared.

Mr. Decker said he has only 8 ft. on the west side and 20 ft. on east side. The lots in the tract are 60 ft. wide, but they vary in depth. There is a vacant lot on the other side of him.

Mr. Entress stated that Mr. Decker would be notified as soon as possible after a decision could be made.

Application of Charles S. Mannix, 225 Chestnut Ridge Rd., for variance to erect garage 3 ft. to east side lot line.

Mr. Mannix presented a sketch. He stated there are leech beds in the back, and he would like to put the garage 20 ft. back from the house. The house next door is even with his and about 7 or 8 ft. from the lot line. This would be a two-car garage with one back door and a grade door, of wood construction. The neighbor would have a garage on the left, the same as Mr. Miller.

Mr. Entress asked if anyone had anything to say on this application.

Raymond S. Fisher of 230 Chestnut Ridge Rd., stated he is a neighbor and is in favor of granting this request. It won't lower the value of any of the surrounding property, and moving the garage in 10 ft. would put half of it in back of the house and be an inconvenience in putting in a driveway.

Mr. Entress informed Mr. Mannix that he would be notified as soon as possible.

Application of Howard Eggleston, 79 Wheatland Center Rd., for variance to erect breezeway and garage 5 ft. to north side lot line.

A sketch was presented to the Board. The garage would be 14 ft. by 24 ft. and the breezeway 12 ft. by 13 ft. Mrs. Eggleston said her father lives next door, and there is a big lawn between them. Mr. Entress asked how much yard was between the property line and the house, and Mrs. Eggleston said about 45 ft. or 40 ft. It is not large enough to subdivide.

No one appeared to speak on the application.

Mr. Entress informed Mrs. Eggleston she would be notified of the decision of the Board as soon as possible.

Application of Ronald S. Dunlap, 3160 Chili Ave., for variance to leave sign at present location 10 ft. from front lot line.

Mr. Dunlap presented a map. He said Mr. Lusk had measured, and the sign is now 10 ft. from the front lot line. Mr. Kelly said Mr. Dunlap made application on Feb. 1, 1955, for variance to erect the same type of sign 34 ft. from the front lot line. Mr. Dunlap replied that this is the sign in question, but is 10 ft. closer to the front lot line than it should be. Somebody complained about it being too close to the road. Mr. Dunlap said he didn't want to make the neighbors mad. Until Mr. Lusk came up, he never even went down and checked it.

Mr. Kelly asked if there is any reason why the sign couldn't be moved the additional 10 ft. or whatever may be necessary, and Mr. Dunlap replied no reason except the labor of tearing it up and re-wiring it.

Mr. Entress said if a variance was granted, other would come along and want the same variance. Anything now too close to the road was before zoning went into effect.

Mr. Kelly asked if this would in any way diminish the present advertising value of the sign. Mr. Dunlap replied that if the sign was moved back, it would come in line with the church on one side and trees on the other, and any value would be from Paul Rd.

Mr. Entress stated this apparent deviation from the previous variance granted by this Board is a matter of principle at this time. As soon as the Board convenes again, they will discuss it and give it every possible consideration, and Mr. Dunlap will be notified of their decision. The sign may remain at its present location until decision is made.

DECISIONS OF THE BOARD:

Vote was obtained from Mr. Strassner, and the following decisions were made:

WILBER B. MILLER was granted a variance to erect a house 64 ft. to the rear lot line at 3768 Union St. Members voted as follows: William Kelly - yes; Cornelius Strassner - yes; Bernard Entress - yes.

WILLIAM RDECKER was granted a variance to erect an attached garage 5 ft. to east side lot line at 215 Chestnut Ridge Rd. Members voted as follows: William Kelly - yes; Cornelius Strassner - yes; Bernard Entress - yes.

CHARLES F. MANNIX was granted a variance to erect a garage 3 ft. to the east side lot line at 225 Chestnut Ridge Rd., members voting as follows: William Kelly - yes; Cornelius Strassner - yes; Bernard Entress - yes.

HOWARD W. EGGLESTON was granted a variance to erect a breezeway and garage 5 ft. to the north side lot line at 79 Wheatland Center Rd.; members voting as follows: William Kelly - yes; Cornelius Strassner - yes; Bernard Entress - yes.

RONALD S. DUNLAP was granted a variance to leave sign at present location 10 ft. from the front lot line, for a period of three (3) months. Members voted as follows: William Kelly - yes; Cornelius Strassner - yes; Bernard Entress - yes.

June Yates, Secretary

ZONING BOARD OF APPEALS
May 17, 1955

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

Application of Marshall Rogers for variance to erect gasoline station 35 ft. from front lot line, 10 ft. to rear lot line, located 3215 Chili Avenue, in B commercial zone.

Harry Goldman, Atty., of 720 Union Trust Bldg, appeared to represent Mr. Marshall Rogers.

A plan was presented to the Board, and Mr. Goldman said this is an application on the part of a townsman, Mr. Rogers, for permission to install and operate a gasoline station on the property described in the legal notice. Mr. Rogers entered into a contract with the Sun Oil Co. for operation. The property is zoned commercial at the present time. He said the Board is familiar with the type of operation of the Sun Oil Co.; they are nationally well-known. The station will be a credit to the town and will give the town taxable property which will inure to the benefit of the townspeople. Mr. Goldman said the Board could refer to the plan for any specific questions, and he also had a copy. He would like the Board's favorable consideration of this application.

Mr. Wickins asked if the island of the pumps in the plan are located 15 ft. from the edge of the pavement and Mr. Goldman answered yes. Mr. Wickins then asked how far the island would be from the front lot line. Mr. Goldman then referred the question to Mr. Tidings, a representative of Sun Oil Co.

Mr. Tidings stated the island is located 15 ft. from the front property line, and that Mr. Wallers and Mr. Kraft of the State Highway Dept. reviewed this plan and gave their opinions that a 15 ft. setback would be satisfactory to them, as they only required a 10 ft. setback from their right of way. If they widen the highway, and there is no plan at the present time, they wouldn't widen it to 66 ft. If widened to 66 ft. they would have to come in and obtain more property on both sides of the road. If the road is widened, station would be approximately 25 ft. away from the highway. They would be 36 ft. from the edge of the pavement at the present time.

Mr. Wickins if it would be possible to locate these islands further back if the Board thought it necessary, would it be a hardship. Mr. Tidings said that with this type of station, it would alter their plans entirely. Mr. Wickins stated there is room to do it, and Mr. Tidings agreed.

Mr. Goldman said there is room on the property, but it would mean re-locating the building itself, which would be a substantial hardship. He said it might become necessary in the future if the highway was widened. Mr. Entress said the building would be in by then, and Mr. Goldman replied that it could be moved. Mr. Tidings stated that if the State would want to come in and widen the highway, it would take part of their property, and they would have to go along with the state.

Mr. Wickins replied that this Board in the past hasn't necessarily always agreed with the state, and made further requirements of their own. He asked if the Board did decide to grant this and required a further setback if there is sufficient land to do it, and Mr. Tidings answered that there is sufficient land and asked what Mr. Entress about what he has in mind.

Mr. Wickins said he doesn't know, but he does know that in previous cases, they have required it.

Mr. Tidings stated he wants to be reasonable, but this plan is set up and they would like very much to maintain it as is. Too much of variation from the present plan would mean violation to the whole method of operation.

Mr. Entress inquired suppose the islands were moved back 15 ft., a total of 30 ft. from the property line, how would it alter this building? Mr. Tidings replied that the purpose of this building is a head-on-shot, from the visibility angle. If islands were moved back 30 ft., they would have to push the building back another 15 ft. and visibility would be affected from the house on the west side of the property. Mr. Entress asked if they couldn't move the islands back and to the right a little, and Mr. Tidings answered there would be the problem there of cars backing out of the lubatorium room in a small space. They want to keep the islands away from the entrance of any service station. He asked if there is any reason why it should be a necessity to move the islands back.

Mr. Wickins replied that it is mainly from a traffic angle. The Zoning Board has seen islands located too close to the highway, and one car pulls in and another car behind it, and the second car is out on the highway. They want plenty of room for all cars on the property, even in the rush hour.

Mr. Tidings said that going into an island is one-way traffic. The cars would be lined up length-wise, not width wise.

Mr. Strassner said cars would be sticking out into the road waiting to go in. They have to think of the safety angle.

Mr. Tidings asked if the frontage wouldn't govern getting off the highway, and Mr. Entress replied they have to look into the future.

Mr. Goldman said perhaps they could compromise, and it might be helpful to bring the islands back another 5 ft.

Mr. Entress asked what is on the adjoining property to the east, and Mr. Tidings answered a vacant lot. (Someone in the audience said this is Mr. Truisti's lot, 100 ft. by 200 ft., on the same angle).

Mr. Entress then asked about the property to the west, and Mr. Tidings replied there is going to be an 87 ft. vacant property at the present time before coming to the house next door to that. This parcel is actually 262 ft., but they will develop 175 ft., and leave 87 ft. vacant, on the west side of which is a house, owned by Mr. Cromes.

Mr. Wickins suggested that if the applicant desires to erect any kind of sign that he amend the application and ask for it at this time, otherwise he will have to have another hearing. Mr. Tidings said the plans call for a sign on the west end of the property. Mr. Wickins asked that he describe the sign and where it is located. Mr. Tidings replied it will be a lighted hanger-type sign which stays within the property, and extends to the point of the property. The base and pole is inside the property, the sign hangs to the edge of the property line. It would be lighted from 7:00 to 11:30. Mr. Goldman then amended the application to also request a variance to erect said sign.

Mr. Entress then asked if anyone present opposed this application.

Beverly Palmer of 3197 Chili Ave. opposed the application.

Bernard Cromey of 3221 Chili Ave. objected to the application.

Mr. Entress asked if anyone was in favor of it.

Marshall Rogers said he is in favor of it.

Mr. Entress then advised that the applicant would be notified by mail of the decision of the Board.

Application of Charles S. Glidden for a variance to erect 10 to 27 unit apartment house located at 3285 Union St., 33 ft. to front lot line, 30 ft. to rear lot line, in E residential zone.

Mr. Glidden said this will be like a motel with bedroom, living room, and bath, just for small families.

Mr. Entress said he didn't understand the application. Mr. Glidden has one plot of ground 225 ft. by 491 ft. and wants a variance to erect on that lot 10 to 27 unit apartments.

Lloyd Geiger of 9 Springbrook Dr., who has planned and designed these apartment units, stated they will begin building with 8 units only. This may be on the east-west link of the throughway, and if so it would be an ideal thing. It is intended here to relieve the housing problem of Roberts Wesleyan students, who, like himself, have had to buy \$10,000 to \$11,000 homes. Instead of having a trailer section and barracks, this would relieve the situation. He has drawn plot plans for the Town of Ogden, but this is ideal, as it is near the business section; etc. Mr. Geiger stated that in the notice it read this is E residential zone, but that it is commercial.

Mr. Lusk checked in the office and stated that the property in question is in a commercial zone.

Mr. Entress asked where this property is located, and Mr. Geiger said the lot line is 40 ft. this side of Blower's residence, on the south side of Buffalo Rd. in the swamp area on the west side. They could not afford to re-claim this land unless they could build a motel type building. This would be built and designed to alleviate the present situation in the college. The planning is such that it can be used as a motel also. Mr. Geiger has more than one set of plans, and said if the Board does not like this type, he could build a back to back unit. Each individual would be 18 ft. by 24 ft. Concerning the sewage problem, he looked into the construction of a 4500 gallon septic tank to take care of 27 units on both sides, and could install that. It will take \$25,000 to fill in the entire area, as it is a low-lying area. The plans show a pond in the center of each of the 27 units, which are horse-shoe shaped. There may be 2 units taken out of each 27 units for a heating plant and laundry. There would be automatic washers and driers in one room, and take the laundry water through a trap and into a filter bed. He would haul sand from Avon. This is the only way this land could be utilized at the present time. The sand filter would be a \$3,000 to \$4,000 project.

Mr. Strassner asked if these would be houses, and Mr. Geiger replied that with a 90 ft. lot, only two houses could be put in there successfully. A person couldn't afford the cost of sewage and fill for one house, and cellars can't be put in there. He plans to clean up this swamp area and make it beneficial to the community.

Mr. Entress asked what elevation he planned on building in relation to the crown of the road, and Mr. Glidden answered answered 16 in. above the road. They would start building on the north corner in a horseshoe shape. They will have a good permanent structure that will never break down. They would be insulated frame structure with shingle facing and a chip roof. According to First Federal, it is the best looking thing in the area. Mr. Geiger is thinking entirely of alleviating the situation at the college, and knowing the conditions of barracks himself, this is much more feasible. Mr. Geiger then used the plan presented to the Board of front elevation and floor plan to explain the construction of the units. The ultimate cost of first unit would be \$130,000. This project will remove one of the three eyesores in North Chili.

Mr. Strassner then asked about the parking situation if each person or couple owned a car. Mr. Geiger replied that only about half of the students have cars, but there is 180 ft. on each side, plus frontage in the motel. He said all he is asking for now is 8 units. There are 25 couples being married this spring, and another 25 couples who would be in college if they had facilities. Mr. Geiger had presented a plan showing the two 27 units, a total of 54 units, for future proposal. He would like to have 8 units go up by this fall. The reason for asking for the 33 ft. variance in setback is to keep in line with Blower's house. He wouldn't want to put a \$120,000 project in back of this house. There could be parking area put in there, if he can get permission to divert the creek making a pond and produce a natural flow of water across it through a culvert. With a natural flow of water, the water of the sand filter will dump back of the property into the creek. He said this flow of water would run 12 months of the year. The total horseshoe calls for 27 units, including 1 to 4 taken out for recreation and laundry and heating facilities. The pond area in the center would be 60 ft. wide by 150 ft. long. There may be two heating plants, one on each corner, or maybe one plant for the whole thing. Hot water is best.

Mr. Entress asked if anyone opposed this application.

Mrs. Guy of 25 Pleasantview Dr. stated that this would be right at the back of their house, and they will look at it from their picture window. It would be 30 ft. from their back lot line, but she is not sure how far from their house. Their house is built on part of that swamp which was filled in.

George Heuy of 3302 Union St. said he lives directly across from this proposed construction. This would make the property structurally commercial and encourage transients if Built as a motel. He has talked with Mr. Carter who is unable to be here tonight, and Mr. Adams, and they are both opposed.

Mr. Predley of Hubbard Dr. is also opposed to this as it would encourage transients. Also, if the property is filled to a level of 16 in. above the road bed, what would happen to the surface water that would accumulate? There is also the question of offstreet parking. Almost 50% of the students all have cars. He also knows there is a large amount of sulphur there, and the pond planned would not support fish because of this sulphur. Also right across the street from this is a fire house. At the present time, it is very small, but it is planned to construct a larger one of 40 ft. by 60'. In an emergency, which does occur often, there is a large amount of traffic speeding down in there to take apparatus to a fire. There would be children around this area, and no means of protecting them. These are several things which should be considered by the Board before granting this application.

James Curvan of 54 Parkway Dr. said he would like to commend this Board, the Building Inspector, and all the people who planned a zoning setup in the town. He has talked with conservationists and doesn't see how the septic tank and sand filter bed can take care of transient population and college students. If there are 25 students going to be married, there will be children next year. This will also be setting a precedent. He was here once before on the problem of apartments. There will start to be motels here and there which will be a detriment to the people who are taxpayers and want a nice neat community.

Mr. Wickins informed Mr. Curvan that this is commercial property and would allow a commercial enterprise on it.

Mr. Curvan said that if so there are limitations in the code as to off-street parking and also other limitations set up in the building code.

Robert Hunter of 36 Parkway stated that he agrees with the other men and is opposed to this request. His main objection is putting something that is a commercial development between two strictly residential areas. Another thing is that the size of the area involved does not meet the code as set up and the sewage problem would be serious. He also questioned the arrangement

of dumping water into the stream and doesn't think that can be done.

it is a question of where the stream goes and what it is used for.

Mr. Entress stated that Mr. Glidden would have to get and meet State requirements as far as the sand filter bed is concerned. The State would specify and regulate the outlay and make sure it would take care of all units. It also would come under the Multiple Housing Law which is regulated by the State.

Mr. Geiger then stated that then the situation came up before about apartment houses, the people came to him to sign a petition, but he would not take sides. Mr. Glidden has commercial property. If the Board feels there are too many units, he invites them to go over there and plan otherwise. The ponds would cost about \$5,000 just to beautify and add to the community. They are trying to help out the students who are giving their lives to serving God. He is thinking in terms of making facilities available for students.

Mr. Curvan then said there would be a transient problem as there would be all kinds of people coming to those places, and the community is not interested in that sort of thing. He has an objection to the filter bed. The college has just spent \$35,000 to get out of their problem, and it is much higher over there than on this property.

Ruben Stoler of 45 Springbrook objects because that spot of commercial zone is too close to residential areas and would create too much congestion and crowded conditions and all the ills that go with them.

Charles Murphy of 25 Springbrooks objected.

Mrs. James Barnard of 10 Springbrook objected for same reasons as given.

Andrew Yacklamen of 2383 Westside Drive asked what the cost of renting a unit would be, as it would seem he would have to receive revenue from the motel business to pay for it. Mr. Geiger replied the rent on a unit will be \$50 to \$55, with a 10% reduction to any college students.

Thomas Au of 28 Springbrook is opposed.

William Sprague of 21 Parkway is opposed.

Carl Hanson of 3 Springbrook is opposed.

Mrs. Robert Hunter of 36 Parkway is opposed.

Betty Stoler of 4 Springbrook is opposed.

Mrs. William Sprague of 21 Parkway is opposed.

Mr. Entress then asked if anyone was in favor of this request.

David Alexander of 4365 Buffalo Rd. said his property adjoins this project and he is not opposed to it, but considers the will of the people present. He is not opposed, but will go along with the pleasure of the Board.

Mr. Entress notified the applicant he would be notified by mail.

Application of Henry L. Radtke for variance to move dwelling 8 ft. from front lot line at 1651 Scottsville Rd.

Mr. Radtke said that when the State widened Scottsville Rd., they told him they were not going to move over as far as they did, also that they weren't going to make it as high as they did. His house should be moved back if it is feasible. There is a 20 ft. fill behind the house, but he can't put a foundation on that, as it will take years to settle. He may not even move the house back this year, but wants to find out if he can get permission. Mr. Radtke thinks he can move the house back 8 ft. further from the road than it now is, and perhaps more. If he had known what he knows now, the State would have taken the whole thing. Mr. Radtke just wants permission to move his house back at least 8 ft. when he can get at it, perhaps this year.

No one appeared to voice an opinion on this application.

Application of Henry Benedict, 2797 Chili Ave., to erect a sign 8 ft. by 12 ft., 15 ft. to front lot line, south side of Gary Drive located in D residential zone.

Mr. Benedict did not appear on this application, nor did anyone appear to represent him.

Application of George Phaff, 1311 Scottsville Rd., for variance to convert single family dwelling into two family apartment house located in B residential zone.

Mr. Phaff stated that this is a two-family house, up and down, and he would like permission to put on an outside stairway. He presented a sketch to the Board. The upstairs apartment consists of two bedrooms, one 8 ft. by 13 ft., one 9 ft. by 12 ft. 6 in.; living room 11 ft. by 6 ft.; kitchen and bathroom. He would like to close the existing inside stairway and construct an outside stairway, as he would like to rent out the upstairs.

This property is right across from Joseph Schuler, and right next to Waggs Welders. Mr. Phaff is going to build a garage, but wants to wait until he can put up a cinder block one.

Mr. Entress asked Mr. Lusk if there is any inspection by the fire marshal on double houses, and Mr. Lusk replied no. Mr. Entress asked Mr. Phaff if the application was granted if he would object to their putting in a restriction requiring whatever the Building Inspector recommends for safety, and Mr. Phaff replied no.

No one appeared to speak on this application.

DECISIONS OF THE BOARD:

MARSHALL ROGERS granted a variance to erect a gasoline station on property at 3215 Chili Ave., with the following restrictions:

1. Front of the pump islands to be a minimum of 30 ft. from the front property line.
 2. No portion of any sign or light shall be closer than 10 ft. from the front property line, and shall be installed under the direction of the Building Inspector.
 3. Building to be at least 10 ft. from the side lot line.
- All members voted in the affirmative.

HENRY RADTKE was granted a variance to move dwelling at 1651 Scottsville Rd. not less than 8 ft. from the front lot line.

GEORGE PHAFF was granted a variance to convert single family dwelling into two-family apartment at 1311 Scottsville Rd., All members voted in the affirmative.

CHARLES S. GLIDDEN was denied a variance to erect 8 unit apartment house located at 3285 Union St. All members voted in the negative.

Application of HENRY BENEDICT was denied, as he did not appear at the meeting.

June Yates, Secretary