

PLANNING BOARD

January 15, 1959

The meeting was called to order, and roll was called with the following members present: Frederic Bean, Martin Brandt, Seldon Crow, and the Chairman, Winsor Ireland.

The Board studied map of westside Manor, Addition #3. This is a correction map of Lot R-301 Ivamae Drive made by Mr. Walker, Engineer. The property belongs to Oliver Perry. There was a minor change in the east lot line due to a mistake made by the surveyor.

Motion was made by Mr. Brandt that this map be approved, and motion was seconded and unanimously carried.

Joseph Swartz, 189 Burwell Rd., presented a map of Chili Center-Coldwater Rd. of proposed subdivision in part of Town Lot #93. Map consists of lots 1-22 on proposed street with turn-around. The first four lots facing Coldwater Rd. are marked "Exemption" as they already have houses, also lot between lot 20 and lot 21, which has a house on it.

Mr. Brandt asked if lots 10 and 14 on the turn-around would have sufficient rear area with a 60 ft. setback. Mr. Ireland said that by the time those houses are built, the sewers will be in. Also the average house is 25 ft. deep, which would allow sufficient area. Mr. Swartz said those houses would be tangent to the curve. Mr. Ireland said the lot sizes are big enough, with the possible exception of lot 10. He suggested Mr. Swartz change the lot line of lot 11 to make lot 10 wider in the back. Mr. Swartz agreed that would be a good idea.

The Board then discussed property which might be developed in the rear and means of access. Mr. Swartz replied there is an opening on Chestnut Ridge Rd., and also it is quite close to Paul Rd.

Mr. Brandt said if there are a series of these, some way should be arranged to get out. The Ogden Zoning Ordinance requires a cross-street every 1000 ft. They then studied the map in the master plan to see if any proposed streets would be near this area. There was a proposed street near this property, but as yet the master plan has not been adopted. Mr. Ireland said that as the street on the master plan is only proposed, the street on Mr. Swartz's map could be called that street.

Mr. Ireland then made the motion that the Board recommend to the Town Board that this proposed street on Mr. Swartz's map be assumed to coincide with the proposed road on the master plan, lying between Paul Rd. and Chestnut Ridge Rd., on the west side of Coldwater Rd. Mr. Brandt seconded the motion, and the Board voted unanimously in favor of this. Mr. Swartz said he had no objection to this. The subdivision won't be done for a couple of years. Mr. Ireland said he would have to have the turn-around at the back of the property, and would lose two sides of the turn-around. Those would be deeded over the property owner they were in front of. Mr. Swartz would have to get a variance on the houses on the turn-around to get them lined up with the rest of the houses. He told Mr. Swartz to bring in the first section of the map when it was drawn.

Mr. Ireland then stated that at present the County Health Dept. is requiring houses built in the new sewer district to have leech fields in the front or, if in the back, they have to lay cast iron sewer line from the back wall to the front wall, blocking it at both ends. They are in the process of working out some program as to what the builders must do between now and the time the sewers are installed. They may be required to run laterals from the house to the street and put in the street sewer, or post a bond guaranteeing construction of the sewer, or put up money in escrow. If laterals were put in, they might end up at a point where they wouldn't meet the trunk line. Nothing can go into the sewer except waste water from a fixture.

The Board then studied map of re-subdivision of lots R-6, AR-7, R-8, AR9, and AR-10, Chili Center tract, revised. Map shows Grenell Drive between Chili Ave. and Paul Rd. A small park was originally planned with the street running on each side and the park in the center. This was never done, and the land was deeded to the people living there. This map was made by the Monroe County Highway Dept. at the request of the Town of Chili.

This map was unanimously approved by the Board.

Mr. Ireland then spoke regarding new houses to be built before the sewer is completed. It is not yet official, but they will require a deposit from every developer of about \$15.00 per lot to pay for an engineer to review the plans. The developer will present his map to the town clerk and make his deposit and the engineer will review the map before it comes before the Planning Board. The engineer will charge the town on a per day basis for this work. He may use all of the \$15.00 or only part of it, and the remainder would be refunded. The town engineer will be Lozier's, who have done the work for the sewers and the water district. Furthermore, the developer is either going to have to put up a bond or put up money in escrow to guarantee completion of the sewer and the street. This applies to anything filed after Sept. 28, 1958, but they are not down to definite figures on this as yet.

There being no further business to come before the Board, Mr. Brandt made the motion that the meeting be adjourned. Motion was seconded and unanimously carried.

June Yates, Secretary

PLANNING BOARD

February 24, 1959

The meeting was called to order, and roll was called with the following members present: Martin Brandt, Frederic Bean, Seldon Crow, and the Chairman, Winsor Ireland.

Application of Earl Howarth for approval of Howarth Estates, Section 4, consisting of lots 6 and 15 to 21 inclusive.

Mr. Ireland said this is off Paul Rd., the last section of Janice Dr. It had been refused at the last meeting because of no public hearing. Mr. Ireland then quoted from a letter from Mr. Brown of the Monroe County Health Dept. stating that on subdivisions in the proposed sewer district, a house lateral from the rear of the house to the front of the property line must be shown on the plan. Also, if in the Gates, Chili, Ogden Water District, a 3/4 in. water service must be shown on the map.

Mr. Brandt asked the reason for the turn-around at the end of the road. Mr. Ireland replied the railroad is in the rear of the property, with only a small piece in between.

Mr. Brandt then presented a preliminary lot layout of Springbrook Extension Revised, being part of lands owned by Roberts Junior College. This consisted of lots 8 - 17 inclusive. Mr. Brandt said the college wants to reserve lots 14, 15, 16, 17 for faculty houses. Mr. Glidden wants to buy the remaining lots for a subdivision.

Mr. Ireland said Mr. Glidden would have to get the lots he buys approved and would have to get a percolation test if he builds before the sewers are in. For preliminary approval for lot size and street layout, Mr. Glidden could bring in an uncomplicated map and show the turn-around and proper lot sizes. The map should show only lots 1-13 which Mr. Glidden would buy.

The Board then discussed the Master Plan. Mr. Brandt asked what responsibility the town would have if Monroe County should be interested in developing the 400 acres shown on the Master Plan for a park. Mr. Ireland said if that piece was considered for a park, someone from the town should be appointed to the committee. Mr. Brandt said if a park was built in the town, the Planning Board ought to have something to say about it. Mr. Ireland replied he thought they would have the courtesy to consult them about it. The town can't afford to buy it and maintain it. There is no County park over in this area

DECISIONS OF THE BOARD:

The Board approved map of Howarth Estates, section 4, consisting of lots 6 and 15 to 21 inclusive, all members voting in the affirmative.

June Yates, Secretary

PLANNING BOARD

Public Hearing on the Master Plan
Chili Center Fire House
February 25, 1959

The meeting was called to order and the following members were present: Seldon Crow, Martin Brandt, Frederic ~~Bean~~, and the Chairman, Winsor Ireland. Also present were the town attorney, Ralph Wickins, Supervisor, Thomas Steckel, members of the Town Board, Samuel Kent, George Smith, Martin Wehle. Mr. Walkley, Planning Consultant for Wm. S. Lozier Co., Mr. Vernon Bishop, his assistant, and Mr. James Mannara were also present.

Mr. Ireland: Ladies and gentlemen, we are happy to see so many of our townspeople who are interested enough in the subject of the Master Plan to come to this meeting to find out what it is all about. Believe me, there is nothing more disconcerting than to advertise a public hearing in a large hall such as this and have no one show up.

Mr. Ireland, cont.: First, I would like to say a word about the Master Plan. It is not a law, it is not an ordinance, but, as the name implies, it is merely a plan for the orderly and logical development of the town of Chili for the immediate and foreseeable future. The Plan was not made by us, but by professional planners, none of whom live in the town of Chili. Thus they were able to view the job with an entirely impartial eye. Our present population is close to 10,000. Projected population figures tell us that in another 20 years it will be 30,000. I believe this fact alone should be enough to convince anyone that some sort of plan is necessary. Next, I would like to say a word about this meeting. The purpose of this meeting is to find out how you people feel about the proposed plan-what you like about it - what you don't like about it. The meeting is for questions and discussion. The Plan will not be adopted or rejected tonight. This meeting is merely for the purpose of getting the feeling of the townspeople to guide the town Board in making a final decision on the Plan.

Mr. Ireland then read the notice which was published in the paper as follows: Notice is hereby given that there will be a public hearing of the Planning Board of the town of Chili to be held at Chili Firehouse #1, 3231 Chili Ave., town of Chili, New York, on February 25, at 8:00 P.M. to consider a comprehensive master plan for the development of the entire area of the town of Chili, County of Monroe, New York. Notice is further given that said master plan and any and all modifications thereof are on file in the office of the Chili Planning Board and that certified copies of same are on file in the offices of the Town Highway Superintendent and the Town Clerk. All interested parties are requested to be present. by order of the Chairman of the Planning Board, Winsor Ireland.

Mr. Ireland: I assume you people have read the Master Plan or discussed it with someone so that you know something about it. It is too long to go through and read tonight. I am assuming you know something about it and have some questions.

Mr. Ireland then presented the members of the Planning Board, Mr. Walkley, and Mr. Bishop, whom he said would be glad to answer any questions they could. He then asked for questions.

Mr. Burgess, 436 Paul rd. asked why the proposed industrial site along Paul rd. was the best place for industry. Why not Ballantyne rd. or Scottsville rd. Mr. Walkley replied this borders the west Shore railroad and is a level stretch of land not very interesting for residential purposes. Also the B & O Railroad comes up through there. Also a highway has the purpose of taking industrial traffic away from Paul Rd. In their report, in every case of proposed industrial area, they have suggested a 200 ft. buffer strip wherever industry abuts residential. They have done everything possible near residential properties to protect them.

Mr. McNamara, 516 Paul Rd., asked what would be put in the 200 ft. buffer strip. Mr. Walkley said they suggested it be planted with trees and be undeveloped. Also that it be controlled by the industrial concern and maintained by them. Mr. McNamara then asked if that area wasn't pretty soggy. Mr. walkley replied part of it is, but all of the other industrial area east of the B & O tracks is pretty good.

Mr. Pabest, 13 Barry Lane: On page 28 of the Master Plan, there is something about trailer repair not less than 100 ft. from a residential district. On Page 29, it says when any portion of industry adjoins a residential area, there must be a 200 ft. buffer strip. This is double talk. The entire paragraph repeats and contradicts.

Mr. Walkley: At the top of page 29 where it says 100 ft., they recommended that be changed to 200 ft.

Mr. Pabest: it is still contradictory.

Mr. Walkley: if that were changed from 100 ft. to 200 ft., it would still be maintained as a buffer strip. Mr. Walkley then explained a mistake in punctuation on page 29.

Mr. Hoffman, Churchville: I have a tract in North Chili which should be commercial, 8 acres near Attridge Rd.

William Kelly, 23 Madera Dr.: In reference to outlying areas outside the water and sewer districts ~~being~~ requiring 200 ft. by 200 ft. lots, this is discriminatory and without proper foundation and basis. I would like to have someone explain this.

Mr. Walkley: Within the proposed sewer and water district there is ample and good land for development, even more than the town can possibly conceive of using within the next 20 years. The reason for suggesting this 200 ft. by 200 ft. requirement beyond the sewer and water district is to discourage spotty building throughout the town. This will confine the town's development within the area going to provide utilities. The town can keep the taxes down by keeping their services within that proposed area. If you do permit or encourage developers to come in and start subdivisions outside of the districts, you are going to get demands for fire protection, water, sewers, etc. All the town services will be increased by allowing developments to fringe over into areas not included in the water and sewer district.

Harvey Rose, Union St.: About 7 years ago, I bought 127 acres on Union St. just out of the sewer district. When petitions were circulated concerning the sewer district, I was approached on it. I signed the petition for the sewer district. If a builder is limited to that setup of 200 ft. by 200 ft. lots, I am behind the eight-ball. If that isn't discriminatory, there is no other answer. I feel if someone likes one area better than another, you shouldn't discourage building in that manner in the town.

Mr. Ireland: What petition was circulated?

Mr. Wickins: I think Mr. Rose is confused with the water district. A petition was circulated for the water district. This is probably what Mr. Rose is thinking about.

Mr. Rose said this might be true.

Mr. Ireland: If your property is immediately adjacent to the sewer district, an addition to the sewer district could be formed and get access to the side of the creek.

Mr. Rose: This is a borderline case. I don't want to be penalized just because I am on the other side of the creek. I bought that property for the purpose of subdividing.

Mr. Ireland: You will have to put in your own sewers anyway. Since you are right on the edge of the sewer district, it would be a simple matter to connect in across the creek. For another piece of land, this might not be so simple.

Mr. Rose: I am confused to this extent. Is the builder going to be able to use 200 ft. by 100 ft. lots?

Mr. Ireland: Yes.

D. D. Davis, 3760 Chili Ave., inquired as to development south of Black Creek and asked if the lots couldn't be narrower and deeper with restrictions as to wells and septic tanks.

Mr. Walkley: As I pointed out, you would get less taxes than with the 200 ft. lots. There is an alternative. If a developer wanted to have 200 ft. lots, he can build his house any place he wants to, when the sewer district went in, he could subdivide that lot.

Mr. Davis: He should be permitted to subdivide if he has sufficient land area, say 100 ft. by 300 ft.

Mr. Walkley: The disadvantage of that is that when the area becomes part of the sewer district, the developer will have a terrific job to take care of those deep lots. 300 ft. deep lots would not be looking toward the future.

Mr. Davis: That would be sufficient to meet State specifications.

Mr. Walkley: You have to meet that anyway where sewers are not provided. The intent really is to encourage building within the sewer and water districts, and discourage too much development beyond those districts.

Mr. Davis: A good many people have land south of there feel they are going to be discriminated against. I am one. The requirement is twice as much as in the sewer district.

Mr. Walkley: Whether or not the town will go along with this plan, I don't know. This is to confine development within the areas that can provide economically the services the town is going to be asked for. The town can guide development that way. If you allow people to build any place in the town, you are definitely going to run the taxes up. I know this isn't popular.

Mr. Davis: We got along so far without sewers. Sewers and water will raise the taxes considerably. Where we don't have them, that argument does not quite hold.

Mr. Walkley: These things do cost money. However, people moving out look for the same services as in the city and sometimes more. It isn't easy to say we will allow our town to go without sewers and water. You won't get industry.

Mr. Davis: I am in favor of this, but I don't think we should be discriminated against, if we meet the state specifications and have sufficient area for septic tanks.

Mr. Rose: I have in mind a corporation interested in locating possibly in this area (property on Union St.) which would build 1,000 to 1,500 houses. This corporation would build regardless of sewers. Supposing this condition arose: the corporation is willing to go ahead and put in septic tanks and meet specifications. Are you still going to make the size of the lots 200 ft. by 200 ft.?

Mr. Ireland: The Monroe County Health Dept. will not approve any subdivision of over 50 houses without public sewers. This is a sewer system such as we are installing at present, with sewer lines in the streets leading to a sewage disposal plant. Not a community system, and built by the town.

Mr. Rose: Do I understand right in my own case, if a corporation put in its own sewers and disposal plant under state regulations, that under the present law it couldn't be done?

Mr. Ireland: It could be done. The County has taken over from the State in this area. They will go along with a sewer system built by a developer, but it must be taken over by a town to operate when the developer moves out. In your case, on the edge of the sewer district, I am sure the county would insist on public sewers.

Mr. Kelly: Is there any indication of how long it will be before the proposed sewer system will be fully completed?

Mr. Steckel: The agency feels the disposal plant should be in operation early part of 1960. Any sewers laid in subdivisions or past a home will be able to connect up at that time. By the end of 1960, the entire system should be in operation.

Michael Truisci, 3270 Chili Ave.: Are these sewers going to be big enough to take care of big developments?

Mr. Ireland: They will be able to handle anything in the sewer district and on the immediate edge of the sewer district. They will not be able to handle all the rest of the town, not the whole south part of the town. The land in the south part of the town doesn't lay so it would drain this way. If that part should come into the sewer district, it would be necessary to build a disposal plant.

Mrs. McFee, 2690 Chili Ave.: Do any parks, etc., have to be placed on the places shown on the map?

Mr. Ireland: The whole thing is merely a recommended plan. These locations were thought best to serve the area. They could be moved.

Mr. Walkley: I agree with Mr. Ireland. We are trying to generally locate them as they would relate to the population served. We didn't locate any schools, just showed the new school on Beaver Rd. It is difficult to locate schools because of overlapping school districts. In view of the large population you will have by 1980, you should expect one major school in the town. We suggest the tract on Union St. This might be a secondary school.

Mr. Steckel: I would like to have one of you gentlemen use the map and point out as to the acreage set aside for industrial as compared to the present time.

Mr. Walkley then proceeded to point out the industrial areas on the Master Plan Land Use Map posted on the wall.

Mr. McNamara: Has any industry approached the town for locating and what type?

Mr. Ireland: There have been a few nibbles, but nothing really definite. I couldn't say as to the type as I haven't been approached personally. When the sewers and water are in operation, there will be plenty of chance for industry to come in.

Mr. Burgess: What would happen to the tax rate on residential homes that border on industrial areas? Would the tax rate stay the same or be lower?

Mr. Ireland: I don't know any reason why it should change. It shouldn't increase the value of a residential property to be next to an industrial.

Mr. Burgess: I was afraid of a decrease in value.

Mr. Walkley: It would not affect it in any way, I think.

Mr. Spahn, 300 Paul Rd.: When will the water district be established?

Mr. Ireland: It will be in operation within one year or a little more. You will be receiving water approximately one year from this summer.

Mr. Spahn: They have been digging up places that have sewers in now. Will they have to dig those places up again?

Mr. Ireland: Yes.

Mr. Spahn: Why not bring it together?

Mr. Ireland: You can't lay water pipe in the same place as sewer pipe.

Mr. Spahn: How far from it?

Mr. Ireland: Probably on the other side of the street.

Mr. Bishop: They will not necessarily be on the other side. The contractor can't do simultaneous work on these as the bookkeeping alone would be impossible. The water might possibly be on a shelf in the same trench as the sewer pipe. They will be separated by 3 ft. to 5 ft. Gas mains, water mains, sewers, all these things have to be worked out in relation to things other than their relation to each other and the street.

Al Voke, 3331 Chili Ave.: I question the spots laid out as industrial. If you want industry in the town, such as on Jefferson Rd., I can't see where you are planning too strongly for it. All industry seems around the railroads. They don't come up to frontage on the main roads only a little on Paul Rd. Look at the Jefferson Rd. setup. There is a lot of industry and they don't care about railroads. Industry is interested in main roads.

Mr. Walkley: Most of this proposed industrial land is reasonably flat. We have actually suggested zoning 1,000 acres of usable land north of the

Mr. Walkley, cont.: B & O Railroad, not swamp. Ballantyne and Beaver Rds. in the future probably will be major highways. The State will widen Jefferson Rd. to a 4-lane highway. The industrial section by the western expressway will use access on Union St. There will be a double means of transportation. It is not necessary that industry be on the main highways. Other industry brings you down to Beaver Rd. without bordering on any residential areas. You will find these are going to prove very desirable to industry. You are going to find you have to have these areas zoned before industry comes in. They don't want to bother with a change of zoning before coming in.

Mr. Kelly: Under the existing ordinance, it is allowed in an industrial zone to construct up to four stories in height. In considering this plan, have you come up with any recommendation as to the height of industrial structures?

Mr. Ireland: If this is adopted, it will be necessary to amend the zoning ordinance to conform with some of the recommendations. The height of buildings may be changed.

Mr. Kelly: In connection with fire protections, Underwriter's requirements, etc., this would be an increased expense.

Mr. Ireland: An industry which is looking outside into the country is inclined to build one-story buildings if anything. There are a few in Henrietta which are possibly two stories. The one-story building seems to be what they prefer when they move out.

Mr. Voke: According to the setup, in an industrial area you want a buffer zone between that and residential. There is land up to the edge of the railroad zoned highly residential. I don't consider that residential. How about 500 ft. along the railroad as light industrial? Do you consider land along the railroad as highly residential?

Mr. Ireland: No.

Mr. Walkley: We don't consider it highly residential. A good subdivider would try to provide extra deep lots to provide a buffer. You don't think all land near the railroad is industrial do you? In the old days, it was thought that a heavily traveled street was commercial from one end to the other. Land along the railroad doesn't mean potential industry.

Justice Smith: You have designated east of the B & O by the Pennsylvania railroad north to Ballantyne Rd. as industrial; east of the Pennsylvania track to the Genesee River and north of Brook Rd. as industrial. Why industrial east of the Pennsylvania track to the Genesee River?

Mr. Walkley: Part of that is owned by the Rochester Gas & Electric Corp. who asked that that be zoned industrial.

Mr. Smith: Why is the section west of the B & O Railroad designated as residential between the West Shore track and the Brook Rd. rather than industrial?

Mr. Walkley: We thought 1,000 acres would be more than adequate for industrial means. There is no point in way over-zoning. That is a little low in there and would require some fill.

Mr. Smith: North of the Brook Rd. which you have designated as industrial would be desirable residential property, between the Pennsylvania railroad and the river north to Brook Rd. The R. G. & E. doesn't own east of the Pennsylvania track. I know the people who own the property.

Mr. Walkley: It doesn't mean much to me. It was put there because the owner asked that be extended down to Scottsville Rd.

Mr. Smith: Mr. Nakus wouldn't want his property zoned industrial.

Mr. Walkley: It could easily be corrected.

Mr. Probest: Some of the industrial areas shown will be sewer and water users which are not in the district. Will they still be able to handle that all right?

Mr. Bishop: They can handle all north of Black Creek except the area just under discussion. It is my understanding the R. G. & E. will put in a power plant. They will have no sewage. North of Black Creek, in an area shaded, can be served by the sewers. The West Shore railroad will have a main trunk just off the right-of-way through there, which is a low area north of the railroad embankment. Practically all of the streets north of that up to Chili Ave. can be drained to that. To answer your question, thought has been given to picking up all these areas with sewers.

Mr. Spahn: What is the reason for making Fisher Rd. and Paul Rd. industrial?

Mr. Walkley: That was one of the first areas pointed out as being in the mind of some of the town officials for industrial. It is served by the B & O Railroad.

Mr. Spahn: There are no roads shown.

Mr. Walkley: We haven't indicated other roads either. In the future, interior roads will have to be provided. We are trying to keep away from the houses on Paul Rd. There are no particular boundaries. The lines can be adjusted.

Mr. Ireland: I would like to point out one reason these industrial areas were selected is that they are large open areas with nothing built in them. Another factor was to try to split them up evenly among the school districts. On the school taxes, industrial areas are really going to help. (Mr. Ireland pointed out a map of the proposed highways posted on the side wall). On the map on the side wall, we have shown the proposed connecting roads within the existing roads. They are really proposed locations of roads for the future to connect up for the development of those areas. They can be changed one way or another. These are approximate locations and recommended as logical places for roads in the future.

Robert Looney, 3260 Chili Ave.: Is the adoption of this plan to be put up for public vote.

Mr. Ireland: The plan will be adopted by the ^{Board} Town. It is the purpose of this meeting to find out if the people like it so that it can be changed before being adopted.

Mr. Burgess: I am not happy about the industrial area on Paul Rd.

Mr. Spahn: I am not happy about the proposed industrial area north of Paul Rd. Prior to this, all property east of the railroad was industrial and west was residential. I voice an opinion against the industrial where it is proposed.

Also voting against this industrial area were Mr. Pudup and Mr. McNamara.

Mr. Syracuse, 2713 Chili Ave., pointed out that 13 acres on Paul Rd. which he sold to the County for industrial purposes was zoned residential on the Master Plan. Mr. Ireland said that piece is industrial. Mr. Bishop stated the Master Plan map is dated Sept. 27, 1958, and this is a change that happened since this map was made up. Mr. Ireland said this is already industrial and will stay that way.

Mr. McNamara: I live two doors away from this industrial area and am opposed to it.

Mr. Ireland: This is all proposed. Nothing has been done.

Mr. Musnick, 1365 Paul Rd.: Why is it industrial south of Paul Rd. to King Rd. and Union St.?

Mr. Walkley: This is not a desirable location for residential building. It is pretty small for that.

Mr. White, 689 Beahan Rd., asked about getting property rezoned to industrial. Mr. Ireland replied he can ask for his property to be rezoned at any time.

Mr. Smith: In regard to the property immediately across from the Scottsville airport, right to the end of the town. In order to build anything in there of an industrial nature, you couldn't comply with the airport zoning law on height.

Mr. Walkley: There are a lot of industrial uses in there now, and this was zoned to take in things already there.

Mr. Ireland: You could build things not higher than the airport hangars.

Mr. Kelly: Regarding the lots of 200 ft. frontage in this no-man's land, I voice objection on behalf of several people outside of this proposed sewer district: Mr. Hartung, Mr. Dowdell, Mr. Reagan. This is discrimination against the people who own land there. It is getting pretty rough. There is not any necessity or need with subdivision requirements. In looking at some of these other lot areas, in one zone they are 100 ft. by 200 ft., in another zone 95 ft. by 175 ft. This is within the developed area where there will be sewers and water. A subdivider will have to put lines in from the outskirts. There is no sewer or water problem. Why do they have to be this size? It is too excessive for the developer.

Mr. Davis: Could we have a hand vote of people who have property suitable for subdividing in this no-man's land?

Mr. Ireland: That would be for or against these 200 ft. square lots. I don't know that we would get a respective vote as we could only ask people outside the sewer district to vote on it. How many people live outside the sewer district? (There was a showing of about 16 hands). How many living outside the sewer district are opposed to the 200 ft. sq. lots?

Mr. Ireland took a count and 16 people voted against this. No one voted in favor.

Mr. Burgess then asked what part of the town was zoned industrial before this Plan, and Mr. Ireland pointed out the areas on the map.

Mr. Kelly: I would like an answer to the second part of my problem. Why are developers within the sewer and water district required to have 100 ft. by 200 ft. lots in one area and 95 ft. by 175 ft. lots in another area?

Mr. Ireland: There is no answer to it right now. You expressed your opinion as opposed. Our purpose is to find out if this proposed lot size is satisfactory or not. What lot size would you suggest?

Mr. Kelly: I assume you are trying to develop areas of medium density within the areas developed already to the farther west, but in the sewer district. A subdivider should be able to develop lots of 95 ft. by 175 ft. and 85 ft. by 150 ft. I am against 100 ft. by 200 ft. unless the subdivider wants to develop it that way. Someone who wanted a high-class home would get that lot. It should be left up to the Planning Board.

Mr. Davis asked about the minimum depth requirement. Mr. Ireland replied they have to have a 60 ft. front setback and 70 ft. back yard setback. The rest is taken up by the depth of the house. If the house is 30 ft. deep, with 60 ft. front setback and 70 ft. rear setback, that would be 160 ft.

Mr. Davis: That is where there are septic tanks and wells.

Mr. Ireland: Yes, but they are not adequate.

Mr. Davis: It is now proposed to raise the depth when we have sewers and water. I think if 175 ft. or 160 ft. is o.k. now, it would be sufficient in the sewer and water district. It doesn't make sense.

Mr. Maier; 15 Garden Dr.: In this footage for property, have you considered the class of residential home going to be built there? You will have to break the residential areas into zones, such as A B and C. How can you start to determine lot sizes until you determine what class residential area the property is in?

Mr. Ireland: E zone has a minimum width of 90 ft., D zone a minimum width of 80 ft., or the builder can make the lot bigger. If he is going to build a larger house, he is going to have a larger lot than 80 ft. wide. He couldn't build in a D zone.

Mr. Maier: You can't break this down to D and E areas. You have to determine which of these areas should be zoned and what class.

Mr. Ireland: We can break it down to D and E zones, but we can't go any further than that. We can't say what price house should be built.

Mr. Maier: In zoning an area, do you determine the house by so many square feet in Class A and so many square feet for Class B?

Mr. Ireland: In Class E the requirement is 1050 sq. ft. for a one-story house, on a 90 ft. lot. On the 80 ft. lot, Class D., the square foot requirement is less. This is in the Zoning Ordinance at present.

Mr. Rose: In the subdivision of farm property, I am thinking in particular of a piece of maybe 5 - 10 acres, with 400 ft. road frontage desirable for building houses, does the town under the zoning limit the subdivision of that property in the amount of lots? If someone has a small piece of property and could maybe sell four lots off this property, if you make it necessary for him to sell lots with 200 ft. frontage, that is a great hardship. He could once sell four lots instead of two. This limits the sale to a great extent. A good many people like to live outside the city limits, but are not anxious to take care of a 200 ft. lot. I am voicing objection in this way something not brought out which is worthy of consideration. As in the case of a widow with a small piece of land with the opportunity to develop it and live thereby, this might hurt individuals.

Mr. Ireland: We can't adopt something that is going to please every individual in the town. We are trying to find something for the overall good of the town that will inconvenience as few as possible. We do hope to please the majority and all these things will be considered.

Mr. Spahn: When will this be adopted?

Mr. Ireland: I don't know.

Mr. Spahn: Will there be another public hearing?

Mr. Wickins: Any change in the zoning law and any change in the official maps of the town would require a public hearing. If the town decided to adopt the Master Plan, there would be public hearings on the zoning ordinance and the zoning maps.

Mr. Kelly: If this plan is approved by the Planning Board, must it be ~~adopted~~ adopted at a regular meeting?

Mr. Wickins: The Town Board can make any changes it wishes to make. There has to be a public hearing for any change in the zoning law and the zoning maps. This section of the town law on the Master Plan is somewhat new and says the town can do anything on it. It doesn't require a public hearing to adopt it by the Town Board. As Town Attorney, I will advise the Town Board they do require public hearings on changes in the zoning ordinance and the zoning maps.

Mr. Halloway, 1250 Paul Rd.: I am not for or against. If this plan goes through, if someone would like a site within an industrial area to put up homes, could that area be changed as far as zoning to residential?

Mr. Wickins: The Town Board will have the right to consider any request for a change in zoning and act on it, whether the change be from industrial to commercial or residential, etc. Again this is a change in the zoning map.

Mr. Davis: Can a home be built in the industrial area?

Mr. Wickins: If the Plan is adopted, the answer is no.

Michael Truisi: Is there enough commercial area allowed? Most of the present commercial has buildings. If the population grows, where will the commercial go?

Mr. Walkley pointed out the various proposed commercial areas distributed throughout the town as shopping centers.

Mr. Walkley: I can't answer whether there is enough commercial area. If a developer should want to expand, the Planning Board would give it consideration. The proposed geographic distribution is reasonable.

Mr. Truisi: Doesn't a commercial section designate the center of the town?

Mr. Walkley: There are not too many in the suburban towns, though there are some exceptions. The commercial centers in the town are mainly for shopping facilities and are near residential sections, such as on Chili Ave. The town will never displace the city of Rochester. These commercial areas are for shopping centers for the convenience of the residents.

Mr. Truisi: I would recommend that the houses in the sewer district would require more centralized commercial section.

Mr. Walkley: It is better to distribute them so that all the traffic is not in one area. They are reached more conveniently than in the center of the town.

Mrs. Pagluccio, 2970 Chili Ave.: There is going to be a shopping center over on Fenton Rd. Why should there be a shopping center there where it is highly residential? Also, there is supposed to be no residential in the area shown on Chili Ave.

Mr. Walkley: According to the old zoning, it was residential. There are not putting in a shopping center.

Mr. Craig, Chili-Scottsville rd.: Have these farmers been contacted that own this property proposed for industry, shopping centers, etc.? What will stop a man who owns a farm you have marked for a park to start subdividing right away and make a subdivision? How are you going to be able to buy this land? Will there be a committee set aside to appraise it, or will it be put up to a big price?

Mr. Ireland: We are not going to buy the industrial area. It is up to the farmer to sell it for industry.

Mr. Craig: A person can't sell his property for residential if it is zoned industrial.

Mr. Walkley: If anyone objected to his land being zoned industrial, I don't think it would be zoned that way.

Mr. Craig: How about this park business?

Mr. Walkley: I don't have any answer. It is suggested in our report it might possibly be a County park, under the County Park System. There are a lot of possibilities for a park, and it is desirable to have such a park. I can't answer how it would be acquired.

Mr. Wickins: I am pretty sure the Town Board has no idea of buying it, it would be too expensive. However, if a certain area is designated and established for a park, it would give the town officials that much more lee-way to do business with the County and have a County Park.

Mr. Wehle: Does this mean this could not sell for anything but a park?

Mr. Ireland: No. It is just designated as a good place for a park.

Mr. Ireland then read the introduction from the Master plan as follows:

"The conversion of rural areas from unrestricted farm land to residential development, adjacent to a city, often creates acute problems. Highways that were designed for farm to town or farm to market use are called upon to handle too large volumes of traffic.

The building of homes started in a modest way soon becomes a major factor in the community.

Utilities are extended along highways from centers of population and home building developments along these highways, served by electricity, telephone, water, gas, and sewers.

With little thought given to the ultimate character of a town's development, all this influx of population and attending services creates a hodgepodge of residential, commercial, and industrial use of land, losing the pastoral atmosphere that attracted the first comers.

The purpose of this report is to develop a comprehensive pattern and controls to guide the future growth of the Town of Chili."

Mr. Ireland: That puts in a few words what we are trying to do. Are there any more questions?

Mr. McNamara: I would like to ask Mr. Wickins if he has any axe to grind, living on Fisher Rd. in a proposed industrial area.

Mr. Wickins: I didn't know that until tonight. I just saw the map tonight.

Mr. McNamara: How do you feel about it?

Mr. Wickins: I am afraid that I object. I have no intention of selling my home. In fact I have had opportunities to sell some of the land, but my wife objected. Mr. Breiner has a beautiful home next door to mine, and I don't think he intends to sell. Of course, one never knows what the future will bring. I had the Master Plan at home and never studied the map until I saw it here tonight. I object to it, and also object on Mr. Breiner's behalf.

Mr. McNamara: There are quite a few people in that section who would object to this industrial.

Mr. Truisi: What about the zoning of the residential property directly adjacent to these industrial areas?

Mr. Ireland: They would probably remain the same as they are, either D or E zones. The two zones of residential property are D and E. There is no reason to change them because they are next to industry. They will be isolated by a 200 ft. buffer strip. If anyone wants to continue, we will. Otherwise, we will now close this meeting. If anyone would prefer to speak privately to us, they are perfectly free to do so.

June Yates, Secretary

PLANNING BOARD

March 10, 1959

The meeting was called to order, and roll was called with the following members present: Frederic Bean, Seldon Crow, Martin Brandt, and the Chairman, Winsor Ireland.

Mr. Ireland said the purpose of the meeting was to talk over the Master Plan and to decide any recommendations to be made to the Town Board.

Mr. Brandt said he was in favor of a compromise as to size of lots south of the creek, but not in favor of lots less than 100 ft. wide in the sewer district. Mr. Ireland asked to what extent he felt the lot sizes should be changed south of the creek. Mr. Brandt replied probably 100 ft. by 200 ft. Mr. Ireland said what about a compromise below the creek on something like 125 ft. His interest is in preventing a developer from buying a big chunk and putting in 200 houses with septic tanks. There is no law on this. It is just a policy established by the Health Dept. to not approve anything of more than 50 lots without sewers. Mr. Brandt: What is the percolation over south of the creek?

Mr. Ireland: Almost every place is poor to non-existent.

Mr. Brandt: If the lots were 125 ft. wide south of the creek, what would happen 10 years from now if a sewage line was put through there, would they ask for a variance from the Zoning Board of Appeals to have the lots reduced to 62½ ft. for two lots?

Mr. Ireland: No. Anybody can afford 125 ft. frontage for sewers and water. If the lots were 200 ft. by 200 ft., they could be made to build on half of it or else sign an agreement they won't grumble when the sewer comes in. When the sewers came through, they could sell half of the lot. This might not be for 20 years.

Mr. Brandt: In 20 years, a house put on the other half of the lot would be of a style of 20 years later.

Mr. Ireland said furthermore, a man is stuck with this big lot for 10 or 20 years. There is a section in that part of town where no matter how big the lots were, they wouldn't get rid of sewage. Mr. Brandt asked how a person was permitted to build on lots such as this.

Mr. Ireland replied the Health Dept. has to take the word of the private engineer. He then spoke about percolation tests in Gates and Greece and explained how check tests were made.

Mr. Brandt: Do we have any responsibility as to percolation tests, etc.?

Mr. Ireland: Only in so far as we might make some subdivision regulations in the town. I can't see why there should be two different sized lots in the sewer district. We should have the same sized lots in the sewer district.

Mr. Crow asked what the big objection was to industrial zoning on Paul Rd., and Mr. Ireland replied the only objections were from the three fellows next to it, and it is almost out of their sight. They then studied the map of the Master Plan.

Mr. Brandt stated he would like to see established some cross streets that subdividers would have to go by, and Mr. Bean agreed, and these should be shown on the map, also the location of the sewers and fire facilities. Mr. Ireland said he feels they should not approve any more turn-arounds with lots all the way around them, as then it is impossible ever to extend the street.

It was then the decision of the Planning Board to recommend the adoption of the Master Plan to the Town Board, with the following exceptions: That lots within the sewer district be 90 ft. wide by 175 ft. deep; that lots outside the sewer district be 100 ft. wide by 200 ft. deep. All members voted in the affirmative.

Mr. Ireland then presented a letter from George Garnham, 805 Marshall Rd., with criticism regarding the meeting on the Master Plan on Feb. 25. This letter will be on file in the Town Clerk's office, together with a copy of the reply.

June Yates, Secretary

TOWN BOARD, ZONING BOARD OF APPEALS, AND PLANNING BOARD

April 8, 1959

Town Board members present: Martin Wehle, Charles Schott, George Smith, Thomas Steckel.

Zoning Board of Appeals members present: Bernard Entress, Charles Pfenninger, Cornelius Strassner, Frank Babel.

Planning Board members present: Frederic Bean, Martin Brandt, John Walls, Seldon Crow, Winsor Ireland.

Also present were the Town Attorney, Ralph Wickins, and the Building Superintendent, George Lusk.

Mr. Wickins: This is a joint meeting of the Planning Board, the Zoning Board of Appeals, and the Town Board. Concerning the Master Plan, all of us think a good job was done, also we are one of the first towns to do anything like that. To put the Master Plan into effect, we must re-vamp the map and change the zoning ordinance to conform. The law says to adopt a Master Plan, all the Town Board has to do is to adopt a resolution. However, the zoning law and map do not conform to this. In order to expedite the adoption of the Master Plan, we would like to get the thinking of the Town Board, the Planning Board, and the Zoning Board of Appeals as to what changes are necessary. The first thing we will take up is the zoning map, as that will be the simplest thing to resolve. At the public hearing on the Master Plan, there was strong opposition to an industrial section around my home, the Fisher Rd. section. Also in the North Chili section, Nick Pascarell and Mr. Hoffman felt their property should be zoned commercial. John Syracuse on Paul Rd. felt his property right across from the site of the proposed sewage plant should be zoned industrial. Is it the consensus of opinion that the John Syracuse property on Paul Rd. should be made industrial?

There was a very short discussion on this and all boards agreed.

Mr. Wickins: It is the consensus of all boards present that the John Syracuse property on Paul Rd. be changed on the Master Plan to industrial.

In that same territory, north of Paul Rd. and west of Fisher Rd., there is an area that is designated on the map as being industrial, where my own home is. There is strong feeling in my neighborhood against that. I realize that some time in the future it is possible that some industry might want to buy the Colangelo farm. The Town Board could then change it.

Mr. Ireland: I would like to explain how the planners arrived at the conclusion to make that area industrial. They tried to split up the industrial zones so that each school district would get an equal share of industrial property. If that is taken out, some other place should be designated as industrial so that the Gates-Chili School District would have some industry. Industry is needed in each school district to help the school taxes.

There was some discussion as to the fact that the only area industrial in Gates in the Gates-Chili School District was Russell's farm, which will be changed to residential.

Mr. Wickins: I suggest we leave the area west of the railroad as industrial, and change it to residential east of the railroad, which takes in all the homes. We have to have a public hearing on the map. If people still object, they could express it at that time. This was agreed.

The board then discussed the property of Nick Pascarell on Buffalo Rd., almost opposite Ramblewood Dr., in North Chili, also in the same territory, the property of Mr. Hoffman, who both want their property zoned commercial.

The chairman of the Planning Board and the chairman of the Zoning Board both felt the Nick Pascarell property should be zoned commercial.

There was discussion as to the exact location of the property and study of the map.

The boards then all agreed that the property of Nick Pascarell on Buffalo Rd. on which the present store is located should be zoned commercial.

The boards then considered the Hoffman property. Mr. Brandt said this property runs from Attridge Rd. along Buffalo Rd. nearly over to Hubbard Dr.

After some discussions, there were no objections to having this property zoned commercial on the Master Plan.

Mr. Wickins: Does anyone know of any further problems of other properties that should be changed on the proposed Master Plan?

Mr. Wehle then said that Mr. Wusnick has spoken at the public hearing regarding his property. Mr. Ireland said it wasn't quite clear just what he did want. Mr. Steckel then went to get the minutes of the public hearing to see what Mr. Wusnick had stated.

Mr. Brandt: It is commercial from Orchard St. on east. I don't see why it shouldn't be commercial west of Orchard St.

Mr. Ireland: It is residential just on the southwest corner of Orchard St. and Buffalo Rd., but commercial right up to that.

It was the conclusion of the boards that this section on the southwest corner of Orchard St. and Buffalo Rd. should be changed to commercial on the Master Plan.

Mr. Wickins: After the Wusnick property is decided, it will be necessary to take these recommendations back to Lozier's to make a new map along these lines, and then have a public hearing on the changes. The Town Board will have a public hearing, and then adopt the map.

Mr. Wickins: Now we come to the changes in the zoning law. The big thing to discuss is lot sizes. The Master Plan recommended 100 ft. by 200 ft. lots within the sewer district and water district and 200 ft. by 200 ft. lots outside. At the public hearing, there was considerable objection to that. I personally object, and the Zoning Board is against it.

Mr. Craw: The County says there is no such thing as a 3-rod road, they are all 4-rod roads. What about a setback if they take another 8 ft. off the road?

Mr. Wickins: That won't make any difference as the setback goes from the property line.

There was then quite some discussion as to how the County could change 3-rod roads into 4-rod roads. Mr. Wickins said if the question ever came up that they wanted to use that extra rod, they would have to pay for it.

Mr. Steckel then showed the minutes from the public hearing which showed that Mr. Wusnick had only questioned as to why his property was zoned commercial, and was told why. Mr. Wickins said there would have to be a public hearing anyway, and any objections could come up at that time.

Mr. Wickins: In regard to change of zoning as to size of lots, first I would like to have Mr. Entress tell you the thinking of the Zoning Board.

Mr. Entress: I think the Town Board has got our recommendation as far as lot sizes are concerned. I have another idea which I have only talked over with one board member. We came up with the idea of rather putting square footage on a lot within the sewer district in Class D and E, and have a minimum of 90 ft. width, but instead of having 175 ft. or 200 ft. deep, have a minimum of square footage for the lot. We still get a lot of requests for variances where there is plenty of square footage, but the lot is odd-shaped, and they can't make the depth or side line. When the sewers are in, we won't need a 70 ft. rear setback any more.

Mr. Ireland: What was your idea on the square footage?

Mr. Entress: 15,000 sq. ft. This would be equivalent to 100 ft. by 150 ft. or 90 ft. by 170 ft., about 1/3 of an acre. It would be my recommendation to have a minimum of 15,000 sq. ft., 90 ft. wide at the building line, 60 ft. setback, 10 ft. side line setback, eliminating the rear setback.

Mr. Strassner: Suppose two people would like to build back to back? If there is a 10 ft. side line setback, there ought to be a 10 ft. rear line setback. Also, what about corner lots.

Mr. Entress: They would be the same as now, with a 20 ft. side setback.

It was the conclusion of the boards the following changes should be made on lot sizes within the sewer and water district: Minimum of 15,000 sq. ft., 90 ft. wide at the building line, 10 ft. rear line setback.

Mr. Wickins: The next to be considered is the size of lots outside the sewer and water district. It is proposed on the Master Plan they should be 200 ft. by 200 ft. There are many objections to that.

Mr. Entress: The Zoning Board recommended 90 ft. by 200 ft., and not go to square footage there, as they have septic tanks, etc.

Mr. Ireland: I would like to say a few words about what I think is the Planners' reasoning in this proposal of 200 ft. by 200 ft. when we get the

sewer district operating, we want to keep the heavy concentration of people and the large subdivisions in the sewer district. The proposed large lots outside the sewer district prevent a builder from building a subdivision down there and just repeating headaches the town has had with septic tanks. The soil down there is not nearly as good as up here.

Mr. Strassner: I object on the grounds there is no reason for holding up any part of the town from building. People should be able to move in wherever they want.

Mr. Ireland stated that if anybody wants to form an extension to the sewer district and come in, that is o. k.

There was discussion as to the size of the lots outside the sewer district, and then as to the exact location of areas designated as flood areas on the Master Plan. Mr. Ireland said the County Health Dept. will not approve any subdivision over 50 lots without public sewers.

Mr. Ireland: I didn't get a chance to say the recommendation of the Planning Board on this. The Planning Board talked it over at considerable length many times, and came to the conclusion that since we paid a Planning Co. \$5,000, they ought to know something about what they were doing and had good reason. The Planning Board felt they would prefer to have 200 ft. lots outside the sewer district. This was before the public hearing. After the public hearing, at the next meeting, we agreed to compromise down to 125 ft. in width. That isn't hurting anyone, but prohibits a large tract.

Mr. Wickins: After everyone's having had a chance to speak, this seems to be a disagreement between lots 90 ft. by 100 ft. and 100 by 200 ft. I would like to call for a vote on this.

Those in favor of lots 100 ft. by 200 ft. - 6

Those in favor of lots 90 ft. by 200 ft. - 7

Mr. Wickins then said he would turn the decision over to Mr. Steckel, as the vote was so close.

Mr. Steckel: I feel majority rules in all cases, and majority rules here tonight.

The boards decided that lots outside the sewer and water district be 90 ft. by 200 ft.

Mr. Entress: I suggest, in regard to development outside the sewer district, that a developer of 15 or more houses, or whatever number should be wanted, should be required to put in a central disposal plant. This would not discriminate against an individual person.

Mr. Ireland: I am in favor of it. Why don't we say what the County Health Dept. requires as a subdivision, which is over 4 lots. When they would have to put in at least 50 houses to make it feasible. This disposal system would be installed by the developer, then a sewer district is formed, and he provides a treatment plant to accommodate the sewers in that tract.

There was discussion concerning the number of lots that could be developed before requiring a disposal system.

Mr. Wickins: This is a new idea. Let's drop that and let the boards think it over.

Everyone agreed with this.

Mr. Wickins: I think there is not going to be any objection, in drafting this zoning law, to consider that provision, passed by some town just recently, that all old subdivision maps be ruled out-dated. The Zoning Board is 100% back of that. However, a date would have to be set.

It was the decision of the boards that any subdivision maps dated before the zoning ordinance, 1947, be considered out-dated.

Mr. Wickins: The next thing is the size of houses. 1050 sq. ft. is now required in B zone, 1-story, and 950 sq. ft. is required in D zone, 1-story. Should there be an B and D zone? The size of lots will not be different as to zone. The Master Plan says nothing about house sizes.

Mr. Ireland: This is only my feeling. The Planning Board hasn't discussed this. I feel we should have some smaller size house as long as we are keeping the lot size the same. I would prefer to keep what we have. There is not much of it.

Mr. Entress: In Class B, I think our 1050 sq. ft. should be a minimum. I will stick with 950 sq. ft. in Class D.

Mr. Lusk: I think it should be raised, 1000 sq. ft. in Class D and 1100 sq. ft. in Class B. The houses are too small. Most of the houses are having additions put on now. The average good builder in the town will build an 1100 - 1200 sq. ft. house.

Mr. Ireland: I have no violent objection to raising it, if Mr. Lusk feels it would be better. Either way is all right with me.

Mr. Entress: I go along with the present square footage.

There was discussion as to the size of the houses, and as to whether it should be required that the upstairs be finished off in a 1½-story house.

Mr. Wickins: We should come to some conclusion. It is a question of whether to stick to the present 950 sq. ft. and 1050 sq. ft., or to increase it to 1000 and 1100 sq. ft. We will take a vote on this.

Those in favor of keeping the present district of 950 sq. ft. and the present B. district of 1050 sq. ft.: 11 voted in favor of this, making it a majority vote, and carried.

Mr. Wickins: Is there anything else in the Master Plan that effects the zoning? The recommended buffer zone of 200 ft. in an industrial area will have to go into the zoning law. This buffer zone would be maintained by the industry, as it will be on their property. Does anyone object to this?

It was the conclusion of the boards to adopt the 200 ft. buffer zone in an industrial area.

It was pointed out there is a mistake in the Master Plan at the top of page 29, stating no trailer repair less than 100 ft. from a residential district. This should be changed to 200 ft., to maintain the buffer strip between residential and industrial.

The next thing under discussion were the things allowed in an industrial zone.

Mr. Bean recommended that the making of film should not be excluded, as it is in the Master Plan.

All the boards agreed to this recommendation that the making of film should not be excluded.

Mr. Wickins: The next thing to be considered is that no houses be allowed in an industrial section. Industry has worked on that for many years, and it is more and more being included in zoning laws.

After discussion on this subject, Mr. Wickins asked if anyone had any objections. No one objected.

It was the conclusion of the boards not to allow houses in an industrial area.

Mr. Wickins then asked if there was anything else that should be considered in the zoning law. Mr. Bean asked if they shouldn't make some sort of layout of proposed streets.

Mr. Wickins: This is a Planning Board problem. In the future, when a subdivision map is brought in, they should not approve any map without having it reviewed by Lozier's as to drainage and streets and Mr. Lusk as to streets. The town has a sum of money for the use of the Planning Board for engineering services.

Mr. Ireland: Are these proposed connecting streets on the map going to be on the new zoning map? One thing the planners recommended where proposed streets intersected existing streets, is that they should be surveyed and minumented so when a builder comes in for a subdivision we can co-ordinate his tract along with the proposed street.

Mr. Wickins: I don't think these proposed streets should be on the new zoning map. As far as the planners' recommendation, I think the Town Board would agree we haven't got enough money to do that all over town. There has been and is money in the budget to be used for engineering services. It should be turned over to Lozier's and let them do it.

Mr. Wickins then mentioned that over the past 3 or 4 years since the present zoning law, Mr. Lusk, Mr. Steckel, Mr. Ouweleen, the Zoning Board, and maybe the Planning Board, had thought of things they would like to add or detract from the present zoning law.

Mr. Steckel: You should have given me notice. I couldn't give a worth while answer tonight.

Mr. Wickins: Anybody else?

Mr. Bean: Where can you take refuse in the town?

Mr. Wickins: No place. As far as the Town Board or the town attorney is concerned, you never will be able to. There are periodic pickups in the town.

Mr. Smith: Could you explain to me why you are not extending the industrial zone right up to Coldwater Rd. and Westside Dr?

Mr. Ireland: That would make too much.

Mr. Wickins: My suggestion would be, with the approval of the Town Board, that the Town Board appoint Mr. Ireland, Mr. Entress, and whoever else they think to re-draft the zoning law. This can be done right now, without waiting for the next Town Board meeting.

Mr. Ireland: I recommend one member from each board, plus Mr. Lusk.

Mr. Smith: I recommend Mr. Bean.

Mr. Wehle recommended Charles Schott as a member of the Town Board.

Mr. Wickins suggested Mr. Entress as chairman, if agreeable to the Town Board.

The Town Board then agreed to these recommendations for a committee to re-draft the zoning law: Mr. Ireland, Mr. Bean, Mr. Schott, Mr. Lusk, and as chairman, Mr. Entress.

Mr. Steckel then thanked all the members of the boards for their help and co-operation in the past.

There being no further business, the meeting was adjourned.

June Yates, Secretary

PLANNING BOARD

April 21, 1959

The meeting was called to order, and roll was called with the following members present: John walls, Frederic Bean, Seldon Crow, Martin Brandt, and the Chairman, Winsor Ireland. Also present was the Building Inspector, George Lusk.

Mr. Ireland introduced the following gentlemen: Mr. Houck and Mr. Uffelman, real estate brokers, and Mr. Skelly, builder.

They presented a proposed subdivision map of the Weber property. This is a tract off Chili Avenue on the Scott's farm. Mr. Skelly said he had bought a 60 ft. strip from Mrs. Scott for a road entering off Chili Ave. The first four lots drain into Chili Ave. (two on each side of the 60 ft. strip), the rest would be taken care of naturally.

Mr. Skelly asked if it would be feasible to put in a road from Chili Ave. with a turn-off to Earl Drive with only four lots on it. He would put in about 1087 ft. of road to pick up the four lots if the town will accept dedication on it. Probably by the time the four lots were built on, the others would be ready to work on.

Mr. Lusk said they would accept it as long as it is completed from Chili Ave. He would have to file a subdivision map for the town to take the road over. Mr. Ireland said this could be done without State and County approval if not over four lots. Mr. Lusk asked if there isn't a house already on the property, and said that is considered part of the property. They have always gone along with four plus the one that is on the property, but technically that is wrong. However, he said the town would accept the road and take the dedication without the map.

Mr. Skelly asked if it would be all right to eliminate a road to the east on the proposed map so as to provide larger lots for people who had inquired about them.

Mr. Ireland and Mr. Lusk agreed that there should be an opening to the Ford property to the east, but it would not have to be in that particular location. There was some discussion as to where the road could be located to provide larger lots, and also as to the turn-arounds shown on the map. It was the suggestion of the board that the turn-around at the end of the road running north and south from Chili Ave. could be eliminated.

Mr. Skelly said he had been getting some calls for a two-family dwelling of the split-level type to be used for in-law purposes, and inquired about this in an E residential area.

Mr. Ireland then quoted from the Zoning Ordinance stating special application must be made to, and a special permit granted by, the Zoning Board of Appeals, subject to the following provisions: (a) That an adequate and sufficient off-street parking space is provided on the premises; (b) that 4,000 sq. ft. of land be required above the minimum size lot for each addition apartment in excess of one. He then advised Mr. Skelly to apply to the Zoning Board of Appeals. He said the 4,000 sq. ft. requirement was strictly for sewage disposal, and would probably be deleted or altered somewhat.

Mr. Skelly said he intends to install septic tanks and build a lateral into the basement and cap it over.

Mr. Houck stated this is a preliminary map. They thought their maps would be complete at this meeting, but the engineer didn't get them out. They hope to be able to attend the next regular meeting on May 12, if they get the completed map from the engineer.

There being no further business to come before the Board, the meeting was adjourned.

June Yates, Secretary

PLANNING BOARD

May 12, 1959

The meeting was called to order, and roll was called with the following members present: Seldon Crow, Frederic Bean, and the Chairman, Winsor Ireland.

Arthur Wusnick, 1365 Paul Rd., and showed the Board on the Master Plan where some of his property was proposed industrial. He requested that the land bounded by Union St. on the west, West Shore railroad on the north, and the new western Throughway connection on the south be zoned residential.

Mr. Ireland said this hasn't actually been zoned industrial anyway, and they could delete this as industrial in their recommendations.

Mr. Ireland then stated Roberts College requested to be included in the sewer district. It is so zoned on the map, and the Board will include this in their recommendations.

Mr. Wright, 689 Beahan rd., said he has five acres next to the railroad track which he would like to get zoned commercial. The proposed new road will be about 3 1/2 ft. to 4 1/2 ft. above the foundation of his house. He said this is not a riding stable.

Mr. Ireland asked what had prompted him to request this property be zoned commercial. Mr. Wright replied he is raising race horses. Also his wife wants a green house, and he is hoping to go into the plumbing business.

Mr. Ireland said they would have to look at the official zoning map, which was now inaccessible, to see just what the property is zoned at present before the Board could make a recommendation.

The Planning Board made the following recommendations:

That the land bounded by Union St. on the west, West Shore railroad on the north, and the new western Throughway connection on the south ~~be~~ remain residential instead of being zoned industrial as recommended by the Master Plan.

That Roberts Wesleyan College be included in the sewer district.

Recommendation was postponed on the property of Mr. Wright, 689 Beahan rd.

June Yates, Secretary

PLANNING BOARD

June 9, 1959

The meeting was called to order, and roll was called with the following members present: Martin Brandt, Frederic Bean, Seldon Craw, and the Chairman, Winsor Ireland.

Mr. Brandt inquired about when the Town Board would take any action regarding the property given to the town by the Roberts Wesleyan College for a park. There are five lots which could be sold if it was known the location of the proposed street. Mr. Ireland advised him to attend the next Town Board meeting.

Mr. Ireland then said that Mr. Wusnick had been in last month regarding the proposed change of his property on Union St. from residential to commercial in the Master Plan. Mr. Ireland talked with Mr. Wickins the next day, who said the recommendations of the joint meeting hadn't been written up, so that this property could just be crossed off and left as it is now, residential.

Mr. Ireland stated the property of Mr. Wright at 689 Beahan Rd. is not now commercial, but residential. A riding stable is not a commercial but an agricultural use. He would advise Mr. Wright if he wants his property changed to commercial, he would have to ask for a hearing before the Planning Board, who would then make recommendation to the Town Board.

There being no further business to come before the board, the meeting was adjourned.

June Yates, Secretary

PLANNING BOARD

July 14, 1959

The meeting was called to order, and roll was called with the following members present: Seldon Crow, Martin Brandt, and the Chairman, Winsor Ireland.

Charles Glidden appeared, and he and Mr. Brandt presented preliminary sketches of Continuation of Springbrook Subdivision, showing Parkway Extension, and consisting of lots Nos. 1-19. This is a change from the originally proposed plan and gives Mr. Glidden access to his land down near Stein's. The Board studied the sketches, and Mr. Ireland said that two-turn-arounds would be needed.

Mr. Ireland also said they would have to show the water lines and sewers on the map. This is in the sewer district, but the proposed roads are not in existence, so this would have to be an addition to the sewer district. The property south of the Stein farm is ^{not} in the sewer district, but is in the water district. Mr. Ireland said if they would get a map in to him, he would get this in for the next meeting. The meeting is held the second Tuesday of each month, and the map is required one week before the meeting.

Application of D. D. Davis for approval of Creekview Extension amended, being part of the Fred N. Davis farm, consisting of lots 75, 76, 77, 78, 79, K-80, K-96, and 97.

Mr. Davis presented maps and said he had made the turn-around at the end of Creekview Drive 120 ft. instead of the required 100 ft. This property is immediately south of the new New York State Expressway. He said he has 8 lots left out of 53 because of the throughway, which will be 400 ft. wide.

There was then some discussion as to whether or not another lot could be created at the end of Creekview Dr., out of lot B-80, which is over one acre. Mr. Davis asked if Mr. Ireland would recommend that he do that, and Mr. Ireland replied no, he would rather see the lots bigger. He said Mr. Davis would have to go back to the engineer for information about sewage disposal facilities, etc. He will have to show the sewer and water lines on the map. Mr. Davis asked if they could put septic tanks in now, and Mr. Ireland replied yes, but he would have to put in sewer lines too. The developer has to put the sewer lines in and add to the price of the lots. Mr. Davis said in that case, maybe they ought to put in that extra lot. Mr. Ireland suggested Mr. Davis might make some arrangement with the sewer district to run the sewers down the street rather than have an easement across the lots, and said Mr. Davis should see Don Russell, Superintendent of the Sewer District. Mr. Ireland then said that perhaps, in this case, Mr. Davis might get a variance for an 85 ft. lot, as the lot widens out in the back, making two lots out of K-80. A developer has to post around \$1200 per lot in the sewer district. In a subdivision off a main road, if a developer pays for the sewer in the street, adding to the cost of the house, he is released from payment of the bond issue, but not released from the rental charge. Where Mr. Davis might grant them permission to put the sewer down the street, he didn't know what arrangement they might make.

Mr. Davis asked if they couldn't draw an imaginary line for another lot and get this settled this evening, and he could submit a new map within a week. Mr. Ireland replied that is something his engineer will have to do, and asked if Mr. Davis couldn't make some of the other lots a little narrower, such as 75. Mr. Davis said two lots are sold, 75 and 97, and 75 is sold and built on. Mr. Ireland asked how he could with no approval, and Mr. Davis said they just go ahead and build. Mr. Brandt asked if he had a building permit, and Mr. Davis said yes.

Mr. Ireland stated no more building permits are going to be issued except on approved subdivisions, approved in the County Clerk's Office, and the map filed. Mr. Davis said they were stopped on this subdivision. The State called Mr. Lusk and requested that he stop them.

Mr. Ireland said the Planning Board cannot give approval on 9 lots, because there are not 9 lots on the map. Mr. Davis will have to get the map re-drawn, but he won't have to advertise it again. Note will be made that he is going to revise the map and add another lot.

The Board then studied map of Charles Glidden of the Fellows Subdivision, Section 1, consisting of lots 2, 3, 4, 5.

Mr. Ireland said that his department of Monroe County requires an approval from the local Planning Board before they approve a map.

The Planning Board tentatively approved this map. It will have to be advertised for Public Hearing for final approval.

June Yates, Secretary

PLANNING BOARD

August 11, 1959

The meeting was called to order, and roll was called with the following members present: Frederic Bean, Selden Crawl, and the Chairman, Winsor Ireland.

Application of J. Francis Skelly for approval of Robin Hodd Acres Addition #1, including lots 5 - 15 and 34 -44; addition #2, lots A, B, C, D & E & F, situate in Town Lots 4 and 11, Township 2, range 1.

Mr. Skelly appeared and presented map. Also present was Mr. Houck, Real Estate Agent. These lots are on Daunton Drive, south of Chili Ave., showing road connecting with the Benedict Tract. Mr. Skelly also presented a blue-print showing proposed plans of the tract in the future. Houses are started on lots 1, 2, 3, and 4. Mrs. Scott retains Lot A.

Mr. Ireland said they would want a drainage district formed. This is done by the attorney, who draws up a paper and says this is a drainage district, so that any time in the future work can be done on the property by the Town. Mr. Ireland said if there was any question to call the Town Attorney, Ralph Wickins. This is being done from now on on any subdivision that extend back from a main road. Mr. Ireland stated they would also require that existing sewer lines and contours be shown on the map.

Mr. Skelly said they are using a well for each two houses on lots 1 and 2 and 3 and 4. Mr. Ireland replied the engineer should show where the wells are located to show the footage to the leech beds, and also make a note that one well will serve two houses on said lots. He should also add to that note this is a temporary measure until the public water supply is available. Mr. Skelly said they are installing water mains, etc., so that they will just have to hook in when water is available.

Mr. Ireland asked what provision they are making for sewer connections. Mr. Skelly replied they are tapping as they go along, leading right up to the houses, and staying one block above the cellar floor. This is required by the Monroe County Sewer Commission. The water level is very good on wells drilled so far.

The Planning Board granted tentative approval on maps presented by Mr. Skelly, final approval pending the approval of the Monroe County Health Department.

There being no further business to come before the Board, the meeting was adjourned.

June Yates, Secretary

PLANNING BOARD

September 8, 1959

The meeting was called to order, and roll was called with the following members present: Seldon Crow, Frederic Bean, and the Chairman, Winsor Ireland.

Application of Charles Glidden for approval of Fellows Subdivision, being part of Town Lot 188, township 2, range 1, including lots 2, 3, 4, and 5, situate on the east side of Chestnut Ridge Rd.

The Board studied the map which showed the lots, a drawing of a typical leech field for 3-bedroom house, and a map showing the general location.

Mr. Ireland said Mr. Glidden already had one lot developed, so that he had to have a subdivision map for these four more lots. There is no sewer proposed through that part of Chestnut Ridge Rd., but the water will be going through there. The lots are 90 ft. by 233 ft., which are ample size. This is in a residential zone, and the houses would have to meet the zoning requirement as to size.

After some discussion, it was the decision of the Planning Board to approve this map.

Mr. Ireland then informed the Planning Board that it had been appointed a committee to draft a swimming pool ordinance, and that notices had been sent out accordingly. Also a member of this committee is Cornelius Strassner, Chairman of the Zoning Board of Appeals.

There being no further business to come before the Board, the meeting was unanimously adjourned.

June Yates, Secretary

Town of Chili Planning Board Meeting

October 13, 1959

A Planning Board Meeting was held at the Chili Town Offices 3235 Chili Avenue, Rochester 24, N.Y. on October 13, 1959 at 8:15 P.M., with the following members present:

Mr. Winsor Ireland, Chairman
 Mr. Frederic Bean
 Mr. Seldon Crow
 Mr. Martin Brandt

Also present:

Mr. Cornelius Strassner, Chairman Zoning Board
 Mr. Routier

Mr. Routier appeared before the Planning Board to find out how many lots of his property at Chili Avenue and Scottsville Road, he could sell, lots 200' x 300'.

Mr. Ireland informed him he could sell four without any approval. More than four lots would be a subdivision and he would have to have a map made out and it would have to go through County Health Dept. He was told he could leave 60 feet for roadway in case he wanted to sell more.

Mr. Routier inquired if he sold part for a farm at the south end of the property, 200 or 300 feet front, 200 would be about 7 acres and 300 feet would be about 10 acres and 1/2, could he do that?

He was told he could sell part like that if he wanted.

That would not be considered a lot, it would be one parcel and he could sell off four parcels of land regardless of size, whether 100 x 200 or 200 x 400. It would still be one parcel, and he could sell off four parcels. If he sold one large parcel as a farm, he could still sell three more.

Mr. Routier observed he would like to sell to the best of his advantage. The way he understood it now, he could sell 330 feet and the party would have a farm by himself. Then would he be entitled to sell three lots from that farm?

Mr. Ireland informed him the party could if he wanted. He could sell four pieces too.

Mr. Routier: That is what I cannot figure. I am selling him a small farm. Just the same as if I sell half of my farm, then that man could sell four pieces off his farm.

Mr. Ireland. Yes, after he buys it that is his. He can do as he wants. If he wants to cut it up and sell four, he can.

Mr. Routier then inquired about distance back from the road they would have to build.

He was told sixty feet back from edge of road. Then followed a discussion about the widening of the road which is supposed to take place. It is planned to make it a four rod road. It was decided in view of the widening of the road, it perhaps would be better to make homes 68 feet from road.

Mr. Routier wanted also to find out where, when selling land, he should tell them they should put Septic Tanks and leech beds. Inasmuch as the drainage is very good toward back it would be best to stipulate the septic tank and leech beds be put in back, even though there was no set rule, but he could put it in the deeds when selling they should be placed in the back. They should be placed 100 feet away from own well or neighbor's well. If it sloped off toward back, should be in back. Mr. Routier also wanted the State office to advise him on

drainage, and was informed the State Office no longer has office here, it has been taken over by County Health Office. When Mr. Routier asked whom he should see about it, Mr. Ireland informed him, "Me". Mr. Routier was told the Town has regulation on Septic Tanks and leech fields and when they give building permits will give them set of instructions. When it is subdivision of five lots or more then it has to be passed by County Health Department, but in this case, individual lots would go by Town regulation and they will find out about them when getting building permit.

Final decision: Mr. Routier could sell four lots without approval, or four parcels of land, regardless of size of each parcel, the buildings should be 60 feet from road line (it could be specified that houses be built 68 feet from road line in view of the road to be widened at some later date) and if he wanted septic tanks and leech beds in back of lot, could so specify when selling parcel. Front of house should be 12 inches above crown of road.

There being no further business to come before the Planning Board, the meeting was concluded.

Patricia D. Slack
Recorder of Minutes

PLANNING BOARD

November 10, 1959

The meeting was called to order, and roll was called with the following members present: John Walls, Seldon Crow, Frederic Bean, and the Chairman, Winsor Ireland.

Preliminary sketch map of Parkway Extension and Stein Farm was presented by Charles Glidden.

DECISION: In general, layout is satisfactory. More Street openings should be left on the east side and west side. Must have a more accurate and complete map with more dimensions.

Map of Resubdivision of Lots 5 & 8 North Chili Subdivision into lots R-5 and R-8, resulting in increased size of both lots. Presented by Charles Glidden.

DECISION: Approved.

Map of King Rd. Subdivision presented by Charles Glidden, consisting of 8 roadfront lots on south side of King Rd. on part of the Stein Farm.

DECISION: Preliminary approval as to lot size and layout, providing developer forms a drainage district.

Map of parcel of property at 16 Chestnut Dr. presented by Leo Heiler, 16 Chestnut Dr. Parcel fronts 81.80 ft. on Chestnut Dr., is 122 ft. wide across the back line and is approximately 850 ft. deep. Parcel has 2 existing dwellings on the rear portion. Mr. Heiler wishes to subdivide the parcel into one roadfront lot, and one parcel for each of the existing dwellings, providing an easement for a right-of-way through the roadfront lot to the rear two parcels.

DECISION: Advised Mr. Heiler to have a survey and map made showing the subdivision of the parcel along with location of the existing dwellings, and the proposed easement for right-of-way, and present it at a later meeting of the Planning Board.

June Yates, Secretary

PLANNING BOARD

December 8, 1959

The meeting was called to order, and roll was called with the following members present: Seldon Crow, Frederic Bean, John Wallis, and the Acting Chairman, Martin Brandt.

Application of All Power Machine and Mfg. Co. of 1287 Clinton Ave. North, for a change of zone from E residential to industrial on parcel of property described as follows: Beginning at a point at the southeast corner of Weidner and Beahan Roads running east 235 ft.; then southeast along the south boundary of the right-of-way of the Niagara, Lockport, and Ontario Power Co. 500 ft.; then south 496.35 ft.; then west 619 ft. to the east boundary of Beahan Rd.; then north along said boundary 798 ft. to the point of beginning.

Wayne Harris, attorney, 226 Powers Bldg., appeared to represent the applicant and presented a map showing location of the property, and a rough sketch of the proposed building. Mr. Harris said the building is shown facing Weidner Rd. with the parking area being along the power line side. This is a concrete block building, and will be shrubbed like the buildings on Jefferson Rd. Mr. Harris said Mr. Jessom, Vice President, and Chauncey Lum, President, of All Power Machine and Mfg. Co. were present and would answer any questions. They have a purchase offer on the property. Their business is the operation and manufacture of pumps, a light manufacturing operation.

Mr. Lum: This is not a noisy factory. It is an assembly plant. We buy castings from Buffalo, Medina, etc., machine them, and assemble the pumps. It is a very small business with no foundry work, and no grinding except for small repairs in the plant. Where we are now, there are neighbors on one side of us, in back of us, and one adjoining us. There have never been any objections. The building will set back according to the rules of the town. We had planned on a 50 ft. setback, but if the requirement is 100 ft., then that is what it will be. It will look a lot better than a garage or a commercial building like a store. There will be nothing sitting around, it is kept neat. Motors are bought from General Electric & Westinghouse, etc., and steel is bought from Revere Copper and other warehouses. It is not a noisy or a dirty plant.

Mr. Brandt asked if anyone wished to speak on this application.

Roy Miller, 310 Weidner Rd.: I am the nearest neighbor. All this seems to have fallen on my shoulders. My property is almost directly across the road. I have gone around to the neighbors and gotten the consensus of opinion. Mine is one of the original residences, and other people came along and built homes, and then the area was zoned residential, which was the right thing. Other people came along after that, and there were 5 new homes built with the understanding that the area was residential. If the zoning means anything, it should protect these people, myself included. People like Mrs. Spronz feel pretty badly about the proposed change. I have written this petition signed by quite a few people, some of whom are here. I would like to read it. (Mr. Miller read the petition as follows:)

We, the undersigned land owners near the junction of Beahan and Weidner Road, therefore wish to enter a petition against the proposed change in zoning of the nine acres of land southeast of the old Beahan Rd. and Weidner Rd. from Residential to Industrial:

- 1: Because the original zoning laws of the Town of Chili designated the area in the vicinity of Beahan and Weidner Roads to be residential.
- 2: Because nothing has happened in this area to change the desirability of this designation.
- 3: Because five attractive houses have been built - three on Weidner and two on Beahan Road since that time.
- 4: Because the owners of homes in this area are desirous of maintaining this as a desirable residential section.
- 5: Because the area has very good prospects of developing residentially - the land is high, well drained and close to the city.
- 6: Because there is no industry of any kind in this area.

(Mr. Miller - You can look in any direction, and you won't see a chimney. You don't find areas as open as that.)

7: Because there is plenty of acreage available in areas designated as Industrial. (Mr. Miller - Until those areas are filled, we don't think the residential section should be infringed upon. The zoning laws were established to protect the people, and we should be able to depend upon them.)

8: Because the entrance of industry into the area means the final envelopment of the area by industry.

9: Because we feel that the zoning laws were established to protect people in just such a position as we find ourselves now. If there is integrity in them then we should be able to depend upon them to protect us now.

This petition was signed by 10 residents, and will be on file in the Town Clerk's office.

Arthur Barrett: I just bought the Hendershot farm a year ago with the understanding the area was residential. I am opposed to any kind of manufacturing in that territory.

Mrs. Jerry Spronz, 345 Weidner Rd.: In allowing this, what would be gained by the residents of Weidner and Beahan Rds.? Would the valuation of the surrounding residential property go down?

Mr. Harris: It has been our experience in similar situations that it is just the reverse, it makes the surrounding property more valuable. Along Jefferson Rd., the property values have gone up because industry has come in. You are thinking of the old way industry came in, with chimneys sticking up, etc., and the looks were detrimental. There is no reason for that. You have the Town Board to set up standards. I think this proposed operation will help support your tax situation. It is just so far a home owner can go in this respect, and industry is the only other source to help out. I can't speak for the owner of this property, but it is my understanding they feel this is the best and most practical way to use the property. I understand they had difficulty in selling this for residential purposes. We feel we can build a plant which is not detrimental to the town. We are amenable to any suggestions as to how the building should be erected or the property shrubbed.

Mrs. Spronz: Weidner and Beahan Roads are primarily residential. Is that the only part of Chili you could find to build your plant? Most of us are interested in having industry in the town, but there are certain areas, such as Scottsville Rd. and Paul Rd., which are open.

Mr. Harris: This, we feel, is the best. It will be up to the Town Board. In the Town of Pittsford, there was a large plant erected across from a very good residential area. There were some objections, but it has worked out very well. There are no higher standards than the Town of Pittsford has. This property could not be utilized for any other purpose.

Mr. Miller: You are referring to the Graflex plant. Would you claim that this building would be similar to the Graflex building? There is no comparison.

Mr. Harris: It is basically a matter of landscaping. We have presented just a rough sketch.

Mr. Miller: I am a commercial artist. To compare this with the Graflex plant is presumptuous.

Mr. Harris: I only used this as an example. We feel this would be beneficial to the town.

Mr. Miller: It could be detrimental to the surrounding area. We want the taxes lowered, but we don't want industry infringing on a residential section. The zoning is for the protection of the people.

Kay Hylan: I live on Beahan Rd. close by. I have a nice home and just put in a swimming pool. My wife wanted to move to Pittsford, but I like it there, and am improving my property. An industrial setup, as in Henrietta, is different. It is a large tract, and controlled industrial development. Just any type of plant can't go in there. By controlling the land, they can control what goes in there. We have in the Town of Chili industrial land set aside. Probably it would cost a little more. Industry should not be allowed to build all over the place. It ruins all the property, industrial and residential both. They had the same problem in Henrietta where the telephone Co. is now. They were going to cut the property into 1 acre lots. This is not a good idea. I owned all the land around it, and a group of us bought this property. The Telephone Co. wanted a place, and we made this land available to the Wilnot Co., and we have this beautiful plant, which probably cost 1 1/4 million dollars and the town will get some money out of it. It enhances the values of the property around there. We set aside a section for smaller plants. A setup like this hurts no one.

Mr. Harris: If the Board would like any more information or further drawings, we would be glad to furnish them., also to the Town Board.

Mr. Hylan: People say living close to an airport is detrimental to houses. History and similar setups around the country have proved otherwise. A lot of people want to be close to the airport. We like it there.

Mr. Miller: There are new houses on Beahan Rd. right in line with the runway.

Mr. Brandt asked how many people were in favor of this application, and no one other than the applicants voted in favor. He then asked for those in objection, and six people voted against, all having signed the petition.

Application of Charles S. Glidden of North Chili, New York for approval of map of King Road Subdivision consisting of 8 lots numbered 3 - 10 inclusive located on the south side of King Road, 2000 ft. east of Union St.

DECISION: The Board gave preliminary approval on this map, providing it is approved by Monroe County.

DECISION: The board made decision that the following recommendation be made to the Town Board:

Change of zone from E residential to industrial on parcel of property described as follows: Beginning at a point at the southeast corner of Weidner and Beahan roads running east 235 ft.; then southeast along the south boundary of the right-of-way of the Niagara, Lockport and Ontario Power Co. 500 ft.; then south 496.35 ft.; then west 619 ft. to the east boundary of Beahan rd.; then north along said boundary 798 ft. to the point of beginning. The Planning Board also recommended that the stipulation be made that landscaping and proper shrubs be placed around the building, and that the architecture of the building be of a type becoming to the location.

June Yates, Secretary

ZONING BOARD OF APPEALS

May 5, 1959

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

Application of William Daugherty, 3400 Chili Ave., for variance for 12 ft. extension to garage, 4 inches from west side lot line.

Mr. Daugherty presented a map showing proposed garage addition and present garage. The present garage is about 8 inches from the side lot line at the back corner.

Mr. Entress asked if the addition would be 12 ft. long as the application reads, or 6 ft. long as shown on the map.

Mr. Daugherty replied the addition would be 6 ft. long by 12 ft. wide, the width of the present garage. He then amended his application to read this way.

Mr. Entress asked the location of the nearest neighbor to the west. Mr. Daugherty replied there is no neighbor at present, but a 3 or 4 acre lot owned by Martin Ouweleen. Mr. Wickins asked if he had talked with Mr. Ouweleen, and Mr. Daugherty said no. No notice was sent to Mr. Ouweleen.

Mr. Strassner asked how far back from the road the garage is located. Mr. Daugherty replied about 100 ft. The house is back about 60 ft. or 70 ft., and the garage is in back of that.

No one appeared to speak on this application.

Application of Harold Potter, 2165 Westside Dr., for renewal of variance to operate radio and television repair service in D residential zone.

Mr. Potter appeared and stated there has been no change in the operation, and there have been no complaints. Mr. Entress asked if he operated in the house or in the basement. Mr. Potter replied about 80% of his business is outside in other people's homes. If there is some major part to install, he brings the set to his own home. The shop is in his home, and no cars come. Mr. Potter said he would like to get this variance renewed for a longer time than two years. This is the third renewal.

Mr. Wickins replied it has been the attitude of the Board in granting these variances to keep them fairly short, because the house could be sold and somebody else would have the use of that variance and the Board would have no control of that. Mr. Potter said the business is in his name. Mr. Wickins said the variance still goes with the property. Although Mr. Potter might run it correctly, someone else might not.

No one appeared to speak on this application.

Application of Gerald E. Reininger, 29 Scott Lane, for variance to erect garage 15 ft. 7 in. from side corner lot line.

Mr. Reininger presented a map showing with red dotted lines the location of the garage if the zoning ordinance were adhered to, and with solid red lines the location of the garage he would like to erect. This lot is on the corner of Scott Lane and Kuebler Dr., and Mr. Reininger showed the board with lines drawn on the map the greater visibility afforded by his proposed location. He said there would be about 50 ft. more visibility.

Mr. Entress asked if anyone wished to speak on this application.

Mr. K. Van Voorhis, 28 Scott Lane, said he lives on the corner directly across from Mr. Reininger. Just a year ago, he was granted a variance to do approximately the same thing. He got a larger variance. His garage is up now and has worked out very well. He voted in favor of this application.

Mr. James Newbury, 24 Charmaine Rd., said he lives right in back of this property and has no objection to this variance.

Mr. Van Voorhis stated in this case, it is something that improves the corner and should be considered.

No one else appeared to speak on this application.

Mr. Reininger took his plot plan, but left the map of proposed garage with the Board, to be on file in the Town Clerk's office.

application of Warren Beeman, 4434 Buffalo Rd., for variance to erect 16 ft. by 32 ft. swimming pool, and 8 ft. by 18½ ft. utility building 20 ft. to rear lot line, in D residential zone.

Mr. Beeman presented plans showing proposed swimming pool and utility building. He said the lot is 75 ft. wide and 250 ft. deep. The distance from the house to the pool would be about 50 ft. He plans to fence in the back yard with a 4 ft. fence. The utility building would be 20 ft. from the rear lot line, although he would like to have it less if possible. The nearest house would be that of Mr. Collins, 109 Hubbard Dr., whose lot goes past the rear of Mr. Beeman's property. This house would be 92 ft. from the pool.

Mr. Entress stated a letter had been received from Mr. Collins asking that there be certain restrictions if this variance is granted. This letter will be on file in the Town Clerk's office. Mr. Collins questioned the drainage of the pool.

Mr. Beeman replied he would have to drain on Buffalo Rd. if he had to drain the pool. However, he will be using a filter and there would be no reason for draining the pool.

Mr. Strassner asked what type of pool this would be.

Mr. Beeman said a concrete block pool with a vinyl liner. He showed the board a picture of a pool similar in construction.

Mr. Entress asked if he intended to light the pool. Mr. Beeman replied just underwater lights, no spot light. He might have a corner light on the corner of the garage, but that would be just a pool light.

Mr. Entress then said a note had been received from William W. Wilson, 4435 Buffalo Rd., and asked where Mr. Wilson was located. Mr. Beeman said he lives in the small house right across the road from him on Buffalo Rd., and would be about 400 ft. away.

No one appeared to speak on this application.

DECISIONS OF THE BOARD:

WILLIAM DAUGHERTY - Decision was reserved on this application until the Building Inspector contacts the neighbors.

HAROLD POTTER, 2165 Westside Dr., was granted a renewal of variance to operate radio and television repair service on his property for a period of two years. All members voted in the affirmative.

GERALD E. REININGER, 29 Scott Lane, was granted a variance to erect garage 15 ft. 7 in. from side corner lot line. All members voted in the affirmative.

WARREN BEEMAN, 4434 Buffalo Rd., was granted a variance to erect private swimming pool 16 ft. by 32 ft., and 8 ft. by 18½ ft. utility building 20 ft. to rear lot line, as per plans presented. Swimming pool is to be enclosed with a 4 ft. tight fence. Ladders are to be installed on both ends of the pool, and to be permanently attached to the walls of the pool. Pool and end ladders are subject to the approval of the Building Inspector. Variance granted for one overhead light to be installed under the supervision of the Building Inspector, and said light not to be lit after 10:00 P.M. All members voted in the affirmative.

June Yates, Secretary

Zoning Board of Appeals

June 2, 1959

The meeting was called to order, and roll was called with the following members present: Cornelius Strassner, Bernard Entress, and Warren Beeman. Mr. Strassner was chairman of the meeting. Also present was the Town Attorney, Ralph Wickins.

Application of Robert A. Allan, 641 Paul Rd., for variance to operate beauty shop in a residential zone.

George Brown, attorney, 45 Exchange St., appeared to represent Mr. Allan, and said this is in connection with a contract for the sale of the property. The application is made on behalf of the purchaser of the property under the terms of the contract. The purchaser of the property is Ward H. Porter. The property is lot #10 of Chili Paul Gardens, Section 1, 941 Paul Rd. The proposed occupancy of the property would be primarily residential. The variance is requested for a beauty parlor in the basement consisting of two hair driers and a couple of rinsing sinks. There is a good parking situation there. The driveway is very wide and will take a good many cars. The operation of the beauty parlor would not begin until sometime in the fall or later. Mr. Brown said advertising would be kept to a minimum and would probably consist of a small sign in the front yard, such as a doctor's sign. The business would be started from scratch, and there would not be an immediate flow of business. The building itself is a large one, 26 ft. by 42 ft. The basement would have to be converted to handle the clientel. The operation would consist of a two-drier setup together with the necessary washing and rinsing sinks. The advertising would be very slight, with no neon signs or any signs detracting from the neighborhood.

Mr. Wickins asked how many operators there would be. Mr. Brown replied just the one operator, Mr. Porter himself.

Mr. Strassner asked if this would be a resident operator who would live on the premises, and Mr. Brown said yes.

Mr. Strassner: How late would this establishment be kept open?

Mr. Porter: There would be nothing after 9:00 P.M.

Mr. Entress asked if by advertising kept to a minimum he meant sign advertising or on the premises. Mr. Brown replied on the premises advertising. There would be normal advertising in the newspaper. On the premises advertising would consist of no more than a small professional sign.

Mr. Wickins then suggested the application be amended to include a sign.

Mr. Brown then so amended the application to request a sign of a maximum size of 10 in. by 15 in.

Mr. Strassner then asked how many cars could be parked on the property. Mr. Allan said the driveway is about 50 ft. long and about 16 ft. wide, a double driveway.

Mr. Strassner asked if anyone present was in favor of this request. No one appeared. He then asked if anyone was opposed.

Joseph Piazza, 915 Paul Rd., appeared to represent the Chi-Paul Gardens Home Owners Asscc., and stated he had an affidavit with his name on it asking him to speak for them. He then read a copy of a letter dated May 27, 1959, which was presented to the Zoning Board, in which a majority of the members of the executive committee of the association, and a majority of the home owners present at their meeting, were in objection to this request. This letter will be on file in the Town Clerk's office.

Mr. Piazza then presented two petitions to the Board, one consisting of names of those in objection to this variance, the other, with no signatures, for those in favor. These will be on file in the Town Clerk's office. There were 25 signatures in objection. These are not all members of the association, however, the association voted against the variance. Mr. Piazza said he could get a petition signed by members of the association proper if the Board so desired, but Mr. Wickins said that was not necessary.

Donald Wilburt, 945 Paul Rd., stated his vote is recorded in the association's vote, but as he had received a notice of the hearing, he would cast a vote at this time against the variance.

No one else appeared to speak on this application.

Application of Frank Pascarella for variance to erect house on lot #27 Yolanda Dr., which lot is 78 ft. in width and is located in D residential zone.

Mr. Pascarella presented a map, and stated this is a 78 ft. wide lot in an existing subdivision on which he would like to build a house. Some of the lots in the subdivision are 78 ft. wide, others are 80 ft. wide. The lot is 219 ft. deep, and he would have a 60 ft. front line setback, a 10 ft. side line setback, and conform with the ordinance in everything except the width of the lot.

No one appeared to speak on this application.

Application of Dorothy Hodges, 1725 Scottsville Rd., for variance to erect garage 2 ft. from rear lot line.

Mrs. Hodges presented a sketch, and said she would like to amend the application to read "variance to erect garage 3 ft. from the side lot line". Mrs. Hodges said an old garage which had once been there had been torn down, and she would like to erect a new garage on the same spot. It would not be the same foundation, as it has all been filled in, but she would like to use the same driveway. She has a double lot.

Mr. Wickins asked how close the nearest neighbor was on the north side. Mrs. Hodges replied her house is 6 ft. from Mrs. Hodges' lot line, but at an angle. She then presented a letter signed by this neighbor, Lovella A. Bracht, 1721 Scottsville Rd., stating she did not object to this request. This letter will be on file in the Town Clerk's office.

No one appeared to speak on this application.

Application of William Billis, 636 Beahan Rd., for variance to erect 14 ft. by 16 ft. tool house 12 ft. from rear lot line.

Mr. Billis presented a sketch and said the lot is 500 ft. deep and the tool house would be way in the rear.

Mr. Wickins asked what this would be used for. Mr. Billis replied just garden tools, power tools, and anything he has to store to get it out of the garage. He used to run a Bingo hall, and he has equipment he wants to store in there. He is selling the equipment little by little. The tool house would be used just for storage, there would be no work back there.

Mr. Entress asked what existing buildings are on the property. Mr. Billis said just a house with an attached garage. He actually has two lots combined into one. There is about 16 acres of empty land in the back, and it is about 800 ft. to the nearest house in Gates. The nearest neighbor would be Mr. Terborg.

No one appeared to speak on this application.

Application of Stephen Mikel, 936 Coldwater Rd., for variance to erect garage and breezeway 5 ft. from the south side lot line.

Mr. Mikel presented plans and said the garage would be 14 ft. wide with a 3 ft. breezeway. There are 22 ft. from the house to the side lot line. The lot is 70 ft. wide by 200 ft. deep. The nearest neighbor is 8 ft. to the side lot line, and Mr. Mikel presented a letter signed by Robert A. Martin, 938 Chili-Coldwater Rd., agreeing to this variance. This will be on file in the Town Clerk's office.

No one appeared to speak on this application.

Application of Robert B. Williamson, 773 Marshall Rd., for variance to build garage and breezeway 8 ft. from south side lot line.

Mr. Williamson presented a sketch and said the nearest neighbor is 8 ft. from the side lot line. The breezeway would be 16 ft. wide, and the garage 14 ft. wide, 8 ft. to the side lot line.

Mr. Strassner asked what objection he would have to a 14 ft. breezeway to keep within the ordinance. Mr. Williamson replied he had the plans drawn up when he thought the requirement was 8 ft. setback, and he doesn't want to change them. The lot is 80 ft. wide. Mr. Entress asked if he couldn't go 1 ft. deeper and still have the same square footage, and Mr. Williamson said he couldn't go forward because of windows on the house. He wants to save as much of the lot as he can. If he brought it back 1 ft. it would disrupt the roof line of everything. There is a drainage creek along the side, and half of the creek is on his property. He gave an 8 ft. easement to build a sewer up through there, and is not going to use that land for anything anyway. From his proposed garage to the neighbor's garage would be 16 ft., all taken up by drainage. The ditch was open when they started, but now is blocked up, and will probably be opened up again. There is an empty lot in the rear.

No one appeared to speak on this application.

Application of Frank Petote for variance to erect houses on lots #2 and #3 corner of Weidner and Fisher Rds. 22 ft. to rear lot line and 50 ft. from front lot line, and for variance to erect house on lot #1 corner of Weidner and Fisher Rds. 50 ft. from front lot line.

Mr. Petote presented a separate map of each lot. The following corrections were made in the application: Variance of 50 ft. front line setback on lots #1 and #2. Variance of 50 ft. front line setback and 22 ft. rear line setback on lot #3.

Mr. Petote said he would have septic tanks on the lots and prepare for the sewer by putting sewer pipe out from the cellar.

Frank Breiner, 431 Fisher Rd., studied the plans, and asked if Mr. Petote had inquired about trying to purchase more land to the east to square off lot #3, on the corner of Fisher Rd. and Weidner Rd. Mr. Petote said he didn't want any more land, he just wants the three houses to look in line.

Mr. Breiner: How do you propose to put in wells and leech fields?

Mr. Petote: In the front.

Mr. Breiner: Mrs. Beck (whose property adjoins this), where is your well?

Mrs. Beck: In the rear.

Mr. Breiner: When our neighbors down across the road built their new house, they were made to stay back the full 60 ft. On that corner coming onto Fisher Rd., it is very hazardous. I was wondering why these houses couldn't be graduated to get back to 60 ft., but that would make the rear line on lot #3 worse. How close would the garage be to Weidner Rd.?

Mr. Petote: The garage will be 61 ft. back from Weidner Rd. with no breezeway. The house will face on Fisher Rd. The plot plan includes the garage. Mr. Petote then went to get the house plans from his car.

Mrs. Beck stated the plans of Mr. Petote do not jibe with the land that he has.

Mr. Petote then presented the plans for the house on the corner. These plans were not the same as those presented on the plot plan. Mr. Petote said this is a different house plan which he thought would look better on the corner lot, but that he could build the one shown on the plot plan if so desired.

Mr. Wickins asked Mrs. Beck how far her house is from the front lot line, and she replied 55 ft. as measured by Mr. Breiner the previous evening. Mr. Goodlein of Fisher Rd. said his house is back 60 ft.

Mr. Wickins stated the variance requested was for 50 ft. front line setback on lots 1 and 2, and on those lots Mr. Petote could build without a variance if he maintained the 60 ft. setback. On lot #3, he cannot build without getting a variance. The square footage of that lot is 12,800 sq. ft., and in order to build he has to get a variance of 50 ft. to the front line and 22 ft. to rear lot line. It is under the square footage allotment.

Mr. Entress asked if Mr. Petote had a survey map of this property, and he replied he had brought one in. Mr. Entress looked for this map, but could not find it.

Mr. Wickins then asked if anyone had any objection to the variance on lots 1 and 2. The following people stated they had no objection: Mr. Breiner, Mrs. Longbine, 387 Weidner Rd., Mrs. Beck, 424 Fisher Rd., Mr. Goodlein, Fisher Rd.

He asked if there were objections to the variances on lot #3.

Mr. Dickinson, 434 Fisher Rd., objected. Mrs. Beck said she had no objections as long as the drainage did not come on her property, which is adjacent. Mr. Goodlein said he had no objection if it was okay with the town and Mr. Petote does not file a plan for one house and then build another. Mrs. Longbine asked about obstructing the view from the corner.

Mr. Breiner said he would like to see the corner built up and he has no objection. He asked if the Building Inspector would have any control over elevation so that water from the higher elevation would not be draining into Mrs. Beck's property. The water drains away from Fisher Rd. down to the creek.

Mr. Entress said Fisher Rd. is a town road and Weidner Rd. is a county road, so that lot #3 would be regulated by the county.

No one else appeared to speak on this application.

Application of Robert Wells, 428 Paul Rd., for variance to erect garage 8 ft. to east side lot line.

Mr. Wells appeared and presented a map showing the proposed garage to be 9 ft. from side lot line, but did not wish to amend the application as the plans might have been changed somewhat by his wife and the architect. The lot is 80 ft. wide and the house is 31 ft. from the side lot line. The house is back approximately 80 ft. from the road, and the garage sits back towards the middle of the house, back from the front of the house about halfway. The garage would be of block construction.

No one appeared to speak on this application.

Application of Susan Singer, 41 Charles Ave., for variance to add addition to rear of house 10 ft. to rear lot line.

Mrs. Singer presented a sketch and said there are no houses around this property. The house is now 20 ft. to the rear lot line and 80 ft. from the front lot line. The well is now out in front to the west side of the driveway. The leech fields will be in the front. There is no plumbing in the present house. This addition would be across the back of the house. The heating unit which is at present in the kitchen would be put in this addition. There is no water down that far on Charles Ave. It stops at Theron St. The well in the present location was dug when the old well was spoiled.

Mr. Entress said there wasn't enough roof to put leech fields out in the front. The lot is only 50 ft. wide.

Mr. Strassner said if the leech field was put in front, she could always put a well in the back. There has to be 100 ft. between a well and a leech field.

No one appeared to speak on this application.

DECISIONS OF THE BOARD:

ROBERT A. ALLAN, 941 Paul Rd., was denied a variance to operate a beauty shop in E residential zone. All members voted in the negative.

FRANK PASCARELLA was granted a variance to erect a house on lot #27 Yolanda Dr., which lot is 78 ft. wide. All members voted in the affirmative.

DOROTHY HODGES, 1725 Scottsville Rd., was granted a variance to erect a garage 3 ft. from side lot line. All members voted in the affirmative.

WILLIAM BILLIS, 636 Beahan Rd., was granted a variance to erect 14 ft. by 16 ft. tool house 12 ft. from rear lot line, this to be used only for storage of personal tools and equipment. All members voted in affirmative.

STEPHEN MIKEL, 936 Coldwater Rd., was granted a variance to erect garage and breezeway 5 ft. from south side lot line. All members voted affirmative.

ROBERT B. WILLIAMSON, 773 Marshall Rd., was denied a variance to build garage and breezeway 8 ft. from south side lot line. All members voted in the negative.

FRANK PETOTE was denied a variance to erect houses on lots #1 and #2 Fisher Rd. 50 ft. to front lot line. Also denied variance to erect house on lot # 3 corner of Weidner Rd. and Fisher Rd. 50 ft. to front lot line and 22 ft. to rear lot line. All members voted in the negative.

ROBERT WELLS, 428 Paul Rd., was granted a variance to erect a garage 8 ft. to east side lot line. All members voted in the affirmative.

SUSAN SINGER, 41 Charles Ave., was granted a variance to erect addition to rear of house 10 ft. to rear lot line. All members voted in the affirmative.

June Yates, Secretary

ZONING BOARD OF APPEALS

July 7, 1959

The meeting was called to order and roll was called with the following members present: Donald Slate, Frank Bubel, Charles Pfenniger, Warren Beeman, and the Chairman Cornelius Strassner. Also present was the Town Attorney, Ralph Wickins.

Application of Chili Water District for variance to erect pump station on parcel south of and adjacent to 680 Beahan in D residential zone.

Daniel Fitzgerald Jr. appeared as special counsel for the Chili Water District, and presented plan of the pump station. This will be built along the Rochester Gas & Electric right-of-way, 76.35 ft. from the front lot line, 35 ft. from side lot line, also 30 ft. from side line at the setback line, 10 ft. at the closest point, and about 109 ft. from rear lot line. Mr. Fitzgerald stated this is the most desirable site the engineers could find for the pumping station.

No one appeared to speak on this application.

Application of Roy Von Hof for variance to install swimming pool at 2141 westside Dr. in D residential zone.

Mr. Frederick Drusiekis, owner of the property, presented a map showing location of house and pool on lot. Lot is 1585 ft. wide and 2600 ft. deep. Pool would be 268 ft. from the center of the road, which is a 48 ft. road, and 700 ft. from the east boundary line.

Mr. Wickins stated that in the past, when the Board has granted variances for pools, they have put restrictions on the variance as to fences, etc.

Mr. Drusiekis replied he knew all about that and his plans included ladders, fence, lights, etc.

No one appeared to speak on this application.

Application of Edward E. Corlett for variance to erect tool shed 6 ft. by 12 ft. at 25 Hubbard Dr. in D residential zone.

Mr. Corlett presented a map and stated the shed would be 6 ft. by 12 ft., 178 ft. from the back line. It would be used just for his own personal use for the storage of garden tools.

Mr. Strassner asked if it would be wired for power tools. Mr. Corlett replied no, it would just be used for a garden tractor and other garden equipment.

No one appeared to speak on this application.

Application of Charles F. Spotts, 2218 Westside Dr., for a variance to erect 14 ft. by 21 ft. garage 5 ft. to north side lot line at 3537 Orchard Dr., in E residential zone.

Mr. Spotts presented a map and said he had talked with Mr. Lusk and Mr. Entress regarding this garage. The old garage requires a sharp turn which is very difficult with the size of the new cars. They suggested he build the garage so that he could drive straight into it. This would make the garage 5 ft. to the side lot line. Mrs. McFee owns the adjoining property, and her house has a small stoop on the back which would come about 17 ft. or 18 ft. from the proposed garage.

Mr. Beeman stated he understood Mrs. McFee was somewhat in objection to this. Mr. Spotts said the front of Mrs. McFee's house is just about in line with his, and the rear of her house would be about in line with the front of the proposed garage.

Mr. Strassner asked if he would have any objection to moving the garage back about 5 ft. or 10 ft. Mr. Spotts replied he wants to build it to the corner of the house, connected to the house. Mrs. McFee has a little stoop in the back which is about 12 ft. or 15 ft. from the lot line. When he came to the Town Hall for a permit, Mr. Lusk and Mr. Entress suggested the proposed location of the garage and suggested that he ask for a variance.

No one appeared to speak on this application.

Application of Raymond H. Norton for variance to erect 4 ft. by 6 ft. sign, 15 ft. from front lot line at 1659 Scottsville Rd. in commercial zone.

Mr. Norton stated he wished to amend his application to read "two signs at either end of the building not closer than 20 ft. to the front lot line". The signs would not be out in front of the building, and each sign would be 4 ft. by 6 ft.

Mr. Wickins asked if these would be illuminated. Mr. Norton replied no, they would be illuminated from the lights already on the building.

No one appeared to speak on this application.

Application of Earl Hibbard for variance to erect garage at 10 Charmaine Dr. 8.7 ft. from west side lot line in D residential zone.

Mr. Hibbard presented a map and stated this would be in the back of the house and connect with the house by a patio. The lot is 73.7 ft. by 170 ft. The garage would be 16 ft. wide, the patio 4 ft. wide, making the side line setback 8.7 ft.

No one appeared to speak on this application.

Application of George Cardella d/b/a Standard Builders Supply Co., for variance to erect and operate a building for the manufacturing of concrete blocks and the storing and selling of concrete blocks and mason supplies on plot of land located on the east side of Scottsville Rd., at the intersection of Scottsville Rd. and Weidner Rd., in industrial zone.

Mr. Cardella presented a plot plan and said this is located right across from Jones Trailer Park.

Mr. Wickins said the variance required is to manufacture blocks. He was informed by the Building Inspector that this is industrial property and therefore an allowed use, except for the manufacturing, which is not allowed. He understands that Mr. Cardella will comply with the front line setback of 100 ft. required in an industrial zone. The variance being considered is for the manufacturing of cement blocks.

Mr. Strassner inquired about dust. Mr. Cardella replied there will be no more dust than there is now at the present location farther down Scottsville Rd. The blocks are manufactured inside the building and taken outside. When taken outside, they are dry, and are stored outside. Mr. Strassner then asked about the trucks, etc., and if there would be parking near the road. Mr. Cardella replied there is plenty of off-street parking space. They maintain an orderly place of business and maintain as neat a place as possible.

The secretary then read a letter received from Paul H. Jones, President, Evergreen Acres, Inc., dated July 6, 1959, regarding this application, which will be on file in the Town Clerk's office.

Mr. McDermott, attorney, appeared representing Mr. Schuler individually and as President of Olympic Bowl and Sobmac, owner of land adjacent to the land in question. He stated Mr. Schuler joins with the writer of the letter read to the effect he is concerned about the condition of the general appearance, not only of Scottsville Rd., but of all property, and especially his own interests. The operations contemplated upon this land would be extremely unsightly. Another point is that in the operation of the bowling hall, he has a considerable investment in automatic machines, and the manufacturers of Brunswick and AMF equipment, according to letters received from them, feel that in the nature of this variance there is a very distinct possibility that the dust which would arise in the operation would have a definite effect upon Mr. Schuler's equipment. Mr. McDermott said that although he didn't catch all that Mr. Cardella had said, it was felt by Mr. Schuler that there should be a good showing here that some other profitable use could be made of the land in question which would be in the zoning ordinances as they now exist. There is no evidence given that proper use could not be given to the land. He is opposed to the granting of this variance by the Board.

Mr. Schuler said the price involved in these machines is over 1/2 million dollars in the 48 pinsetters. The dust will effect the operation of them. This is the advice he got from the AMF people.

Mr. Wickins said Mr. Cardella had stated the manufacturing process would all be enclosed and there would be no dust.

Mr. Schuler replied he has seen several of these places and that isn't true.

Mr. Cardella asked if the dust interfered now. Mr. Schuler replied yes, from the sewer line being put in. They have had quite a bit of maintenance on the machines, but this is temporary. The bowling hall is enclosed, but a certain amount of dust seeps through, via ventilation, etc. They can't close the building sir-tight.

Mr. Beeman asked what the dust effects. Mr. Schuler replied there are about two thousand parts in these machines, micro switches, etc., very easily thrown out of kilter. Mr. Beeman replied this block manufacturing probably has as intricate or more intricate machinery. Mr. Cardella said there are block manufacturing buildings next to breweries, etc., which also have intricate machinery, but they don't seem to be bothered by it. Mr. Schuler said he also objects to the building, a supply yard is not a nice thing to have in that neighborhood. Mr. Wickins stated that is an allowed use, the only variance required is for the manufacturing of the blocks. Mr. Cardella said they keep a pretty neat yard and are proud of their place of business.

Mr. Strassner asked if anyone wished to speak in favor of this application. Earl Howarth said that as a builder in Chili, he feels the town needs this. In sections of the city and in Brighton on East Ave., they have block plants. There is no dust to amount to anything, not more than is in the air right now.

Mr. Cardella stated he had talked with the owner of the Air Spa, who is in favor of this, and could get a letter from him if the Board so desired.

No one else appeared to speak on this application.

Mrs. McFee, Orchard St., then appeared in regard to the application of Charles Spotts. Mr. Wickins explained the application had been heard, but that she could speak on it if she wished.

Mrs. McFee said she understood when Mr. Spotts came to see her he would give her a couple of days to think it over. She had already thought it over and does not want a garage so close to her house. It would only be about 5 ft. from the property line, and that would be too close to her house.

Mr. Strassner asked how close her house is to the side line, but Mrs. McFee replied she didn't know the exact footage, but his garage would only be about 5 ft. from the staple that holds up her back porch.

Application of J. Francis Skelly for variance to erect two-family dwelling at 44 Earl Dr. in E residential zone.

Mr. Skelly stated this would be a separate apartment for in-laws. They can't get a permit at the moment. There was a resolution at the Town Board meeting, and they are in the process of posting a bond. There would be no parking problem as the lot fronts on Earl Dr. and Daunton Dr. He presented a map. This would be a two-family house,

one part of which would be rented out. The buyer proposes that his in-laws live there, but Mr. Skelly could give no guarantee as to what might happen in the future. As to outer appearance, the house will look like any other single house on the street, with a single garage. The driveway will be large enough for all cars. There would be a two-bedroom apartment in the lower level of a split level house. The lot is plenty large enough, with 150 ft. on the back where it joins Hillcrest, 183 ft. along the north side.

Mr. Strassner asked if there were any objections.

Charles Sheldon, 14 Dallas Dr., said this adjoins his tract. It would be setting a precedent for other two-family houses to be built there. There would be depreciation of the value of the property adjoining the tract now. He voted in objection.

Mr. Wickins then asked the people present who had the same objections to this variance to give their name and address. The following people voted in objection.

Nicholas Long, 9 Earl Dr.
 Earl Benedict, 20 Earl Dr.
 Marion Gardner, 10 Earl Dr.
 Lois Benedict, 1 Earl Dr.
 Gertrude Tanger, 18 Dallas Dr.
 Helen Petrie, 3 Gene Dr.
 Elizabeth Causey, 20 Dallas Dr.
 Gordon Hallinger, 14 Earl Dr.
 Albert Gerber, 6 Dallas Dr.
 Gene Beneditt, 18 Earl Dr.
 Richard Beisheim, 4 Earl Dr.
 Charles Hinton, 11 Earl Dr.
 John Schleyer, 10 Earl Dr.
 Silas Pierson, 7 Earl Dr.
 John May, 4 Gary Dr.

Mr. Long said a few years ago, the Board turned down an application for a medical center at the corner of Chili Ave. and Chestnut Ridge Rd. A building of this type would have added better property value around the area. There are no two-family homes in the area.

Mr. Houck stated he is the exclusive real estate broker for this tract. The homes being built in the tract will be over \$25,000. This is a case where the in-laws are helping to make the payments for a man who can't afford it. The house does not look like a double house. Other houses already have signed offers, but there are no doubles. This is the only one at present, and this is a case where there is a hardship. The people sold to around there are people Mr. Houck knows. He is in favor of this application.

No one else appeared to speak on this application.

Application of J. Francis Skelly for variance to erect house 57 ft. to rear lot line at 2727 Chili Ave, Hillcrest subdivision, in B residential zone.

Mr. Skelly presented a map and stated the lot is 80 ft. by 165 ft., and the house selected by the buyers is 40 ft. deep. There will be a 20 ft. setback on each side lot line. In order to maintain the 60 ft. setback on Chili Ave., a rear line variance is required.

Mr. John Syracuse Jr. then stated that as adjacent property owner, representing his father, he believes there is a discrepancy in the lot line measurements. He asked that this matter be held up until his attorney, George r. White, can meet with the Town Attorney to discuss this matter and get it straightened out.

Mr. Skelly said Mr. Syracuse is under the misapprehension that this property is next to him. It is not. It is next to Dr. Goss.

Mr. Syracuse then said he was mixed up. The numbers on Chili Avenue have been changed frequently. He said no offense was meant, and he was sorry to have taken the Board's time, and withdrew his objections. No one else appeared to speak on this application.

Mr. Slish of Genesee Neon Signs, and Mr. Mack, appeared in regard to their application for a sign on Scottsville Rd. They are in the process of buying the Elyer's Club, and were under the impression that their application would come before the Board at this meeting.

Mr. Wickins informed them the Board could not consider their application at this time, because a formal application had not been made.

DECISIONS OF THE BOARD:

CHILI WATER DISTRICT granted a variance to erect pump station on parcel of land south of and adjacent to 680 Beahan Rd. All members voted in the affirmative.

ROY VON HOF was granted a variance to install swimming pool at 2141 westside Dr., 16 ft. by 32 ft.. Swimming pool is to be enclosed with a 4 ft. tight fence. Ladders are to be installed on both ends of the pool, and to be permanently attached to the walls of the pool. Pool and end ladders are subject to the approval of the building inspector. All members voted in the affirmative.

EDWARD E. CORLETT was granted a variance to erect tool shed 6 ft. by 12 ft. at 25 Hubbard Dr., to be used only for tool storage. All members voted in the affirmative.

CHARLES SPOTTS, 2218 Westside Dr., was granted variance to erect 14 ft. by 21 ft. garage 5 ft. to north side lot line at 3537 Orchard St. All members voted in the affirmative.

RAYMOND NORTON was granted a variance to erect two signs, 4 ft. by 6 ft., not closer than 20 ft. to the front lot line at 1659 Scottsville rd. All members voted in the affirmative.

EARL HIBBARD was granted a variance to erect garage at 10 Charmaine Dr. 8.7 ft. from west side lot line. All members voted in the affirmative.

J. FRANCIS SKELLY was denied a variance to erect two-family dwelling at 44 Earl Dr. All members voted in the negative.

J. FRANCIS SKELLY was granted a variance to erect house 57 ft. to the rear lot line at 2727 Chili Ave., Hillcrest Subdivision. All members voted in the affirmative.

GEORGE CARDELLA, Standard Builders Supply Co., was granted a variance to erect and operate a building for the manufacturing of concrete blocks on plot of land located on the east side of Scottsville rd., at the intersection of Scottsville Rd., and Weidner rd. Members voted as follows: Donald Slate - yes, Warren Beeman - yes, Charles Pfenninger - yes, Frank Bubei - yes, Cornelius Strassner - yes.

June Yates, Secretary

ZONING BOARD OF APPEALS

August 4, 1959

The meeting was called to order and roll was called with the following members present: Donald Slate, Frank Bubel, Charles Pfenninger, and the Chairman Cornelius Strassner. Also present were Town Attorney, Ralph Wickins and Building Inspector Bernard Entress.

Application of Mrs. Lewis D'Aurizio for variance to erect house on 75 ft. wide lot 55 ft. from front lot line at 82 Hubbard Drive in "D" Residential Zone.

Attorney Wickins inquired if house would be in line with other houses if it were set back 55 ft. Mrs. D' Aurizio stated that Mr. Pancoast, 104 Hubbard Dr on the right is 50 ft. back and house on left is 60 ft. in order to even up with the bend they had been asked to place their house 55 ft. from lot line. George Noeth asked if he was to understand house would be 55 ft. from lot line instead of 60 ft. He stated that he saw nothing wrong with that.

No one else appeared to speak on this application.

Application J. Francis Skelly, 214 Hinchey Road for variance to erect a sign 5 ft. high and 7 ft. wide on the corner of Daunton Drive and Chili Ave., 40 ft. from front lot lines in "E" Residential Zone.

Mr. Skelly stated that the sign was to advertise Robinhood Acres Subdivision and was to be of wooden construction the figure of Robinhood with arrow pointed toward subdivision. Sign was to be lighted and was temporary for 18 months.

No one appeared to speak on this application.

Application of John H. Odenbach for variance to erect 2 chimney flues 4'x4' 12' and 573 ft in height at 1155 Scottsville Rd., in Industrial Zone.

Attorney Wickins stated that this application had been submitted to the county and the board had a letter stating that it was not in violation of Airport restrictions. Fred Weidman Jr. Attorney and Mr. Odenbach were present. Attorney Weidman stated chimneys were lower than County buildings next door.

No one appeared to speak on this application.

Application of Howard B. Whelpton, 3187 Chili Ave., for variance to build an addition to present garage, 39 ft from rear lot line and 90 ft. from front lot line in Commercial zone.

Mr. Whelpton submitted plan stating that he had been granted a variance last year on a different plan but was unable to get loan from the bank. Mr. Strassner asked if addition would be no further back than existing building. Mr. Whelpton stated it would not. There was no one to speak on this application.

Application of Rudolf Kaiser for variance to convert single family dwelling into a double at 3490 Chili ave., in "E" Residential Zone.

Mr. Kaiser did not appear, therefore application automatically rejected.

Application Ralph Mack, 153 Edgeveiw Lane for variance to erect sign 30 ft. by 7½ ft. high on roof of Ackerman's Restaurant, Scottsville Rd., and to erect a sign 4 ft by 6 ft. above the present sign located 40 ft. from the front lot line, in Industrial zone.

Mr. Mack and Samuel Callari, Genesee Neon Signs Co. were present to discuss application. Mr. Callari stated plans called for small 4'x6' double faced sign illuminated with spot light to be placed over present sign. the Sign on the roof was to be a neon type however, no flashers were to be used on this. Sign on Roof to read Mack's Cocktail Lounge. Attorney Wickins stated this application had been cleared with the county.

No one else appeared to speak on this application.

Application Harry P. Killenbeck for variance to erect garage 5 ft. from north side lot line at 23 Hubbard Drive in "D" Residential Zone.

Ernest Dimor, 24 Hubbar Dr. and Mervin Bauch 19 Hubbard Dr. appeared and stated that they were in favor of said application. Mr. George Noeth, 28 Hubbard Drive stated he was against granting variance to Mr. Killenbeck. He stated when he moved to Chili in 1952 that Town restrictions were not as strict as the tract restrictions on Hubbard Drive. Yet some people think they cannot build a house and garage on these lots.

When Builder applies for permit for house he should make provisions for garages.

He continued that most people in the room do not know how this came about.

Mr. Noeth stated he had come to the office to check because garage looked to be build too close to lot line. Mr. Entress showed him a permit showing a 10 ft setback from side lot line. However Mr. Entress checked and found the garage was being erected 5 ft. Mr. Noeth stated this was deception on the part of those who applied for the permit. Mr. Noeth said he felt if some of residents were able to build garages within restrictions, he could not understand why others needed variance now.

Mrs. Noeth added her objections stating they had planned every way possible before finding a plan which stayed within town restrictions.

Mr. Hapberg, Woodcraft Garages, 111 Ridge Road, West also appeared with Mr. and Mrs. Killenbeck and stated he had not intentionally violated Town restrictions, and presented list of 12 signatures of residents of Hubbard Drive who were in favor of granting variance. He stated garage could not be moved to the south because the septic tank was located behind the house and they could not build garage over this. Mrs. Killenbeck stated this location was most convenient and there were no objections from neighbors.

Mr. Noeth stated he did not object to the people but the garage.

Application of Samuel Millazzo Jr. for variance to erect garage 8 ft. to north side lot line at 6 Keith Terrace, in "D" Residential Zone. Mr. Millazzo the back yard of his neighbor adjoined his north side lot line. Therefore, his garage would be placed 94 ft. from his neighbor. He stated a 20 ft. garage which could be built with a variance would be too small for 2 cars.

No one appeared to speak on this application.

Application Virginia Dale to erect car port 3 ft. from West side lot line at 2654 Chi Ave., in "E" Residential Zone.

Mr. & Mrs. Dale appeared to presented drawing. Mr. Dale explained there was an open field on the west side of the house belonging to Lee Halperin. Field is 700-Ft. in width. Attorney Wickins asked if carport could be placed in other location. Mr. Dale stated if it were placed on other side of house it would tear up all of the yard they had. so he felt this was the most appropriate place. The lot he stated was only 55 ft in width.

No one appeared to speak on this application.

June Yates, Secretary

DECISIONS OF THE BOARD

MRS. LEWIS D'AURIZIO granted a variance to erect a house on 75 ft. wide lot, 55 ft from front lot line at 82 Hubbard Drive, with the provision that the grading on lot be done under direction of the Building Inspector. All members voted in the affirmative.

FRANCIS SKELLY granted a variance to erect a sign 5 ft high and 7 ft. wide on the Corner of Dauntton Drive and Chili Ave., 40 ft. from front lot lines for a period not to exceed 18 months. All members voted in the affirmative.

HOWARD B. WHELPTON ^{3187 Chili Ave} was granted a variance to build an addition to present garage, 39 feet from rear lot line and 90 feet from front lot line. All members voted in the affirmative.

RUDOLPH KAISER automatically denied varaiance to convert single family dwelling into a double at 3490 Chili Ave., Because Applicant did not appear.

JOHN H. ODENBACH granted variance to erect 2 chimney flues 4'x4'x12' and 573 ft. in height at 1155 Scottsville Rd. All members votes in the affirmative.

RALPH MACK granted variance to erect sign 30 ft. by 7½ ft. high on roof of Ackerman's Restaurant, Scottsville Rd., and to erect a sign 4 ft. by 6 ft. above the present sign located 40 ft. from the front lot line. All members voted in the affirmative.

HARRY P. KILLENBECK was denied variance to erect a garage 5 ft. from north side lot line at 23 Hubbard Drive. Board members voted as follows: Donald Slate, aye; Frank Bubel nay, Charles Pfenninger nay, Cornelius Strassner nay

SAMUEL MILLAZZO JR. granted variance to erect garage 8 ft. to north side lot line at 6 Keith Terrace. All members voted in the affirmative.

VIRGINIA DALE granted a variance to erect car port 3 ft. from West side lot line at 2654 Chili Avenue. All members voted in the affirmative.

ZONING BOARD OF APPEALS

September 1, 1959

the meeting was called to order, and roll was called with the following members present: Frank Bubel, Warren Beeman, Charles Pfenniger, Donald Slate, and the Chairman, Cornelius Strassner. Also present was the Town Attorney, Ralph Wickins.

Application of Ellen Killenbeck, 23 Hubbard Dr., for variance to erect garage 5 ft. to north side lot line.

William C. Kelly, attorney, appeared to represent Mr. and Mrs. Killenbeck, and spoke as follows: Mr. and Mrs. Killenbeck apparently find themselves the victims of an unfortunate situation and are asking this Board for a side line variance of 5 ft. This application was before the Board a month ago. Mr. and Mrs. Killenbeck had made an agreement with the builders to construct this garage on this particular parcel, 75 ft. wide by 330 ft. deep. At that time, apparently the builder applied for a 10 ft. variance. Just what happened after that, as to the garage being built 5 ft. from the side line, is unbeknown to Mr. and Mrs. Killenbeck. They don't know too much about what has occurred, but the builder probably is responsible for this. For the Board's information, I present a diagram of the existing lot and the location of buildings on it. This was bought from Mr. DeJaneiro in 1956 and they paid \$13,700 for the house. The garage will be \$2,000, and measure 24 ft. by 20 ft. The distance from the side line to the edge of the house is 22 ft. It will be pretty difficult to locate the garage if they stay 10 ft. off the side line. They are already on top of two leeches. The garage is set back 25 ft. from the rear of the house. There is a chain fence along the side line. There are no other buildings adjoining. They are asking the Board for consideration of their particular situation at this time, and perhaps allow a 5 ft. variance. There have been a number of variances granted in that tract, ranging from 4 ft. to 8 ft. (Mr. Kelly then presented pictures showing the garage on the property, and no other buildings to interfere.) Apparently, in the original instance, a permit was granted to construct the building within 10 ft. of the side line. Now the builder got haywire, we don't know. The Killenbecks at this point have contracted for the garage, the bank is financing it, etc. The whole garage is up. It is one of the pre-cut deals, which would be almost impossible to take down and move. This would also involve law suits, etc., and the poor people find themselves in a bad spot.

Mr. Wickins: Is it correct that if the garage was moved over any farther it would come right over the leeching field?

Mr. Kelly: Yes. It is already over part of it now.

Mr. Kelly then presented a petition signed by some adjoining neighbors willing to consent to the granting of this variance. This will be on file in the Town Clerk's office, together with the photographs and the diagram.

Mr. Wickins presented a letter received by the Board from Mr. and Mrs. Burrows, 22 Hubbard Dr., in favor of this request.

Mr. Strassner then asked if anyone wished to vote in favor of this application, and the following people voted:

Mr. and Mrs. Ernest DiMor - 24 Hubbard Dr.

Mr. and Mrs. Mervin Bauch, - 19 Hubbard Dr.

Ralph Hotchkiss - 31 Hubbard Dr.

Anthony Latina - 13 Hubbard Dr.

Mr. Strassner then asked for people in objection.

Ed Gould, 91 Hubbard Dr., spoke as follows: I am not in favor or disfavor, but would like to ask questions. I am one of a committee of three whose duty it is to act for Springbrook Heights Home Owners Assoc. to o. k. architecture and plot plans of any buildings on Hubbard Drive. This dates back to 1940, which would supersede the ordinance of the Town of Chili and go with each lot on Hubbard Dr. I believe we are trying to get the contractor off the hook, not the people. Which is it? The restrictions on Hubbard Dr. say 10 ft. We have had some violations on Hubbard Dr. before, corrected by the Building Inspector. One man built two homes there with 4 in. footings and was told to pull them out and put in the required number as to the code. Within the past two months, this

same builder started to build without a permit. Our squabble is with the contractors. If we allow them to get away with certain things, we might as well turn the Town open. If the zoning says 10 ft., then I think any builder should be intelligent enough to understand 10 ft. should be offset. It may or may not be hard for the contractor to move that over 10 ft. If he is going to continue to build in the Town, he has got to adhere to the rules. If we allow this variance, he can come and build and ask for variances after his mistakes.

Mr. Wickins: As far as tract restrictions, that has nothing to do with the Zoning Board of Appeals. It is up to the tract itself. The Zoning Board of Appeals only takes care of zoning restrictions, not tract restrictions. Mr. Wickins then presented a letter from Mr. and Mrs. George Noeth, 28 Hubbard Dr., who vote in objection to this, and which he said the Board will take into consideration.

Mr. Kelly: We are trying to get the owners off the hook, to answer Mr. Gould's question. These people are living over there. The garage is in the back yard. They have a contract. It is not easy to find themselves in a situation like that. They are not trying to get the contractor off the hook. They are trying to get themselves situated so that the garage will go up there. We are not trying to make any precedent here. This Board is pretty stern on that. We are not interested in the tract restrictions, and they shouldn't enter into the Zoning Board's consideration of this case. zoning

Mr. Gould: Those restrictions should supersede any town ordinance.

Mr. Wickins: I don't say they don't. The Zoning Board does not take into consideration any tract restrictions. Their only duty is to enforce the zoning law. The enforcing of tract restrictions is up to the individuals in the tract.

Mr. Gould: We have two police bodies, one in the Zoning Board and one in the tract. Supposing the tract committee turned down the variance and the Board o.k.'d it?

Mr. Wickins: You have the right under law to bring an action to enforce your tract restrictions. No town official can sit and judge in the matter of who is right in the matter of tract restrictions. That is up to the Supreme Court.

Mr. Gould: I find myself in a quandary. I don't want to make a hardship for these people, I want to make the builders understand they are supposed to live up to the restrictions of the town. One of the biggest contractors came in and put up a service station, and the town had to stop him. A builder on the street at the present time had a foundation in. He was stopped after a neighbor called it to the attention of the Building Inspector.

Mr. Wickins: I don't think any builders are building in violation without our catching it.

Mr. Gould: If the contractor refuses to move the garage over 5 ft., I think a variance should be turned down. I object on that basis.

Mr. Kelly: One other thing. Mr. Gould talks about moving the garage over 5 ft. If Mr. and Mrs. Killenbeck had known the situation existed, they would have been down here. The builder has been with the organization, Woodcraft, only 4 months. I don't think he intentionally misused the town law. If the garage is moved, it will be full on top of a leech bed. Also, the turn into the garage would be impossible. The garage is back 25 ft. from the house. There are no properties adjoining, from a fire hazard standpoint. This situation creates a hardship for the Killenbecks.

Mr. DiMor: The reason I am down here is not to let this contractor get away with anything. I am here because I feel that Mr. Killenbeck desires having the garage and naturally we don't want contractors to ruin tract restrictions. I feel that if the garage could have been moved, it would have been moved. A mistake has been made and the people are trying to correct it. That should be taken into consideration.

No one else appeared to speak on this application.

Application of Chili Water District, 3235 Chili Ave., for variance to erect water storage standpipe on lots 431 and 433 Keith Terr. addition #4, West Side Manor, following dimensions: 37 ft. diameter, 63 ft. high, side wall located 58 ft. from rear line of lot.

Daniel Fitzgerald, attorney, appeared to represent the Chili Water District and presented a map of the property showing specifications of the water storage standpipe. This will be located 75 ft. from the front lot line, 58 ft. from the rear lot line. The property is off Union St.

No one appeared to speak on this application.

Application of Chil water District for variance to erect water storage standpipe on a parcel south of lots 1 - 4 Sheeler Highland Subdivision, lots 261 to 271 Chestnut Ridge Rd., following dimensions: 50 ft. or 60 ft. alternate diameter, 73 ft. high side wall, located 220 ft. to Chestnut Ridge Rd. line, 40 ft. from front line of lot.

Application of Donald Johnson, 28 Jensen Dr., for variance to erect garage and breezeway 6.25 ft. to south side lot line.

Mr. Johnson presented a map and said the 10 ft. breezeway and 14 ft. garage brings it to 6.25 ft. to the side lot line on a 70 ft. wide lot. The house is 7.75 ft. to the other side line. He has talked with both his neighbors, and they are in favor. The adjoining neighbor is 7 ft. from the side lot line.

No one appeared to speak on this application.

Application of Anthony L. Santo, 1399 Scottsville Rd., for variance to erect 28 ft. by 40 ft. building 42 ft. from Weidner Rd., 10 ft. from west lot line and 10 ft. to south lot line, and to operate a used car lot, in commercial zone.

Jay Friedman, attorney, appeared to represent Mr. Santo. Mr. Santo stated he was granted a variance there for a parking lot last year.

Mr. Friedman: Mr. Santo entered into a purchase contract for the use of the back part of this property for used car lot and repairing cars to be sold off that lot. It is just for this used car business, subject to the approval of the Zoning Board. There will be no wrecking of cars.

Mr. Santo: The building will be cement block. It will be more improved around there. Every car will have four wheels and be operable.

Mr. Friedman: The cars will be operable if someone wants to buy them. Mr. Santo said there will be about 24 - 28 cars. The variance granted before was for parking trucks, and Mr. Lusk gave him the idea how to park them.

Mr. Wickins said if the Board did grant this, they would want restrictions as to where the cars would be parked. Mr. Santo said that would be all right. This won't be near Scottsville Rd., but will be off Weidner Rd.

Mr. Strassner asked if there would be any lights or sign required. Mr. Santo said not that he knew of, but he knows the restrictions, and if required, they would ask for a variance. There was then some discussion as to lights and signs. A sign is required by the Motor Vehicle Bureau, but this would be about 2 ft. by 3 ft. and tacked right on the building.

No one appeared to speak on this application.

Application of John Briars, 968 Coldwater Rd., for variance to erect garage 3½ ft. to house and 4 ft. to south lot line.

No one appeared.

Mr. Wickins: Inasmuch as neither Mr. Briars nor a representative for him is here, his application will be turned down, and he will have to apply again for another hearing before any action can be taken on this.

Application of Frederick S. Tytler, 2327 Chili Ave., for variance to move and erect a two-family dwelling to 379 Fisher Rd., in a residential zone.

Mr. Tytler stated he has a contract to buy the house subject to obtaining this variance. He would buy the house and move it to 379 Fisher Rd., lot 100 ft. by 200 ft. This is a two-family house at present, located next to the Country Gentlemen Hardware Co.

No one spoke in favor of this application.

The following people spoke in objection:

Anthony Communale - 331 Fisher Rd.

Steven Colangelo - 383 Fisher Rd.

Mrs. Carl Napolitano - 330 Fisher Rd.

They objected to commercializing the neighborhood by allowing a two-family dwelling.

DECISIONS OF THE BOARD:

MRS. ELLEN KILLENBECK - Granted a variance to erect garage 5 ft. to north side lot line at 23 Hubbard Dr. All members voted in the affirmative.

CHILI WATER DISTRICT - Granted following variances: 1) To erect water storage standpipe on Lots 431 and 433 Keith Terrace, Addition #4, West Side Manor, 37 ft. diameter and 63 ft. high, side wall located 58 ft. from rear line of lot, as per plans presented. 2) To erect water storage standpipe on a parcel south of lots 1-4 Sheeler Highland Subdivision, lots 261 to 271 Chestnut Ridge Rd., 50 ft. or 60 ft. alternate diameter, 73 ft. high, side wall located 220 ft. from Chestnut Ridge Rd. line, 40 ft. from front lot line, as per plans presented. All members voted in the affirmative.

Daniel Fitzgerald, attorney, appeared to represent the Chili Water District and presented a map of the property showing specifications of the water storage standpipe. This will be 220 ft. from the Chestnut Ridge Rd. line. The tank will be on parcel A, which is in the rear of four lots, as shown on the map.

No one appeared to speak on this application.

Application of Nathan Versace, 380 Chili-Scottsville Rd., for variance to erect house 55 ft. from front lot line.

Mr. Versace presented maps and stated the structure was already up when they purchased it. It was started in 1953 or 1954, but not completed. They want to complete it. The man started it then and never got around to completing it. They didn't know about this. In checking with the people who originally started the building, the reason they laid it out that way was to make it parallel with the other houses.

No one appeared to speak on this application.

Application of Louis A. Cimino, 42 San Mateo Rd., for variance to erect a 16 ft. by 32 ft. swimming pool.

Mr. Cimino presented a map showing location of house, breezeway, garage, and proposed pool on lot.

Mr. Wickins: You understand, if the Board should grant this, there are certain rules and regulations as to fences, etc., which are always required?

Mr. Cimino replied he understood that, and they have a fence 1/2 way around the pool now. The contractor has come before the town before, and has talked with Mr. Entress and Mr. Lusk.

No one appeared to speak on this application.

Application of Charles Glidden, 4469 Buffalo Rd., for variance to use basement of house for a barber shop, in a residential zone.

Mr. Glidden presented a map and said this would be a one-chair barber shop in the basement of a house he wants to build. The proposed buyer happens to be retired and wants something to do. He would be the only operator. This is located on the south side of Buffalo Rd.

Mr. Strassner: Would there be a sign?

Mr. Glidden: I don't think so.

Mr. Wickins: It will be up to him to come and ask for it, if the variance is granted.

Mr. Pfenninger asked the width of the lot, and Mr. Glidden replied 80 ft.

Mr. Pfenninger then asked if there would be room enough to park a couple of cars. Mr. Glidden replied he thought so, they could get off the road.

Mr. Ed Gould, 91 Hubbard Dr., asked the location of this property.

Mr. Glidden said about 3 or 4 houses east of Pascarella's store. The land slopes down in the back, and there would be a large window in the rear of the house. The man just wants this for retirement.

Burr W. Jones, 4470 Buffalo Rd., across the street from proposed house: I have just looked at the zoning code. I have a very jealous attitude toward use variances. I worked on a zoning committee on Elmar Heights and know some of the traps of zoning. One of the worst was this part-time use of buildings for a small shop or something like that. As soon as you open the door for one commercial use, it is liable to expand to other parts of the street, etc. What you grant to one person, you are honor-bound to grant to another. In looking through the ordinance, I found a house could be used for professional man provided he lived there. Is a barber shop in that professional category?

Mr. Wickins: No. A variance is required.

Mr. Jones: I am puzzled as to other operations around the town. There are some part-time agencies such as gift shops, hair dressing parlors, etc., with a little sign out in front.

Mr. Wickins: Right now, all we are considering is this application. As Town Attorney, and speaking for the Building Inspector, I very much doubt there is any use in existence in the town which hasn't been before the Board and been granted, or which wasn't in existence before the zoning laws, which went into effect Nov. 1, 1947.

Mr. Jones: When we moved to 4470 Buffalo Rd., we had the promise of a shopping center where commercial operations would be concentrated. I believe we should do all we can to concentrate them, for the beauty of it, and also for parking reasons. Commercial operations present parking problems. It appears to me we shouldn't open the door now on commercial use in that block when we have got it nicely tidied up. I understand the Board denied my neighbor a similar request a short time ago, which is very laudable. I am opposed to this on these grounds.

The following people also spoke in opposition:

Don Farsace - 4467 Buffalo Rd.

Richard Bolls - 4473 Buffalo Rd.

Marian DiMaria - 4465 Buffalo Rd.

Louis Healy - 4481 Buffalo Rd.

No one else appeared to speak on this application.

DECISIONS OF THE BOARD: (Cont.)

NATHAN VERSACE was granted a variance to erect a house 55 ft. from the front lot line at 380 Chili-Scottsville Rd. All members voted in the affirmative.

LOUIS A CIMINO, 42 San Mateo Rd., was granted a variance to erect a swimming pool on your property, 16 ft. by 32 ft. Swimming pool is to be enclosed with a 4 ft. tight fence. Proposed ladder to be permanently attached to the wall of the pool, and subject to the approval of the Building Inspector. All members voted in the affirmative.

CHARLES GLIDDEN denied a variance to use basement of house at 4469 Buffalo Rd. for a barber shop. All members voted in the negative.

DONALD F. JOHNSON, 28 Jensen Dr., granted a variance to erect a garage and breezeway 6.25 ft. to the south side lot line. All members voted in the affirmative.

ANTHONY L. SANTO granted a variance to erect 28 ft. by 40 ft. building 42 ft. from Weidner Rd., 10 ft. from west lot line, 10 ft. to south lot line, as per plans presented; and also variance to operate a used car lot on this property with the following restrictions: Any repair work of any kind or nature must be within the building. Any car stored outside the building must be in operating condition. No cars to be parked any closer to Weidner Rd. than 20 ft., and no closer to Scottsville Rd. than the rear of the gas station. All members voted in the affirmative.

JOHN BRIARS, 968 Coldwater Rd., denied variance to erect garage $3\frac{1}{2}$ ft. to house and 4 ft. to south lot line because of non-appearance.

FREDERICK S. TYTLER, was denied a variance to move and erect a two-family dwelling to 379 Fisher Rd. All members voted in the negative.

June Yates, Secretary

ZONING BOARD OF APPEALS MEETING
October 6, 1959

A Zoning Board of Appeals Meeting was held at the Chili Town Offices 3235 Chili Avenue, Rochester 24, New York on October 6, 1959 at 8:00 o'clock.

The following Zoning Board of Appeals members were present:

Chairman Cornelius Strassner
Warren Beeman
Charles Pfenninger
Frank Bubel

Also present were:

Town Attorney Ralph E. Wickins
Supt. of Buildings Bernard Entrees

Attached hereto is Legal Notice re this meeting which appeared in the Rochester Times-Union, October 1, 1959.

1. Application of Robert E. Nudd, 66 Yolanda Drive for variance to use basement of residence for light repairs, located in a D residential zone.

Mr. Strassner: Exactly what is it you want to do?

Mr. Nudd: Repair electric trains and photographic equipment.

Mr. Wickens: Are you going to repair yourself or hire anybody?

Mr. Nudd: Just for my own self.

Mr. Strassner: Any machinery connected with business?

Mr. Nudd: Just a drill press.

Mr. Strassner: Any electric instruments?

Mr. Nudd: Just a testor.

Mr. Strassner: For shorts and so forth?

Mr. Nudd: Yes sir, low voltage.

Mr. Strassner: No wire equipment or anything?

Mr. Nudd: No.

Mr. Strassner: Is this going to be advertised?

Mr. Nudd: That was the intention, yes.

Mr. Strassner: Any sort of advertising on the premises?

Mr. Nudd: That I do not know. What is restriction?

Mr. Strassner: Cannot have sign unless apply for variance.

Mr. Nudd: I have not. Maybe I would have one in future or something.

Mr. Wickens and Mr. Strassner: No permission in restricted area.

Mr. Nudd: That is perfectly all right. I can advertise otherwise?

Mr. Strassner. Yess you can advertize. Any question?

Mr. Nudd: No question.

Mr. Wickens was given two consents from neighbors, J. Gordon Scott, 69 Yolanda Dr., Rochester 11, N.Y. and Mr. Richard J. Soehner, 58 Yolanda Dr., Rochester 11, N.Y., which consents are attached hereto.

Mr. Nudd: I have talked to neighbors before I applied.

Mr. Strassner: There will be no people for hire?

Mr. Nudd: No.

Mr. Strassner: Is there any objections to this application.

There were no objections from the floor.

Mr. Edwin Ewart, 65 Yolanda Drive, stood up and gave his consent. Mr. Thomas Slater, 62 Yolanda Drive, stood up and said he had no objection.

Mr. Donald Putnam, 54 Yolanda Drive, stood up and said he had no objection.

Mr. Strassner: We will notify you.

Unanimous decision of the Board:

Variance will be granted Mr. Nudd to repair toy electric trains and photographic equipment in basement of his home, 66 Yolanda Drive, Rochester 11, N.Y. for a period of three years, said repairs to be done by the owner.

2. Application of Rudolph Kment, Lot #4, Hynes Tract, Scottsville Road, for variance to erect 24 by 24 feet cottage, 46 feet from front lot, 50 feet from rear lot and 7 feet from side lot lines.

Mr. Strassner: This is out there along river?

Mr. Kment: Yes, right back of it is river.

Mr. Entrees: The Hynes Tract.

Mr. Kment: I have map. (Mr. Kment showed map)

Mr. Entrees: It is just beyond Thruway..

Mr. Strassner: How large is land.

Mr. Kment: 60 x 120 although there is some land given to road, about 105'. I measured it, it is 105' but Mr. Hynes has donated another 30'. He told me to make this road wider.

Mr. Wickens: That house does not meet our requirements.

Mr. Entrees: No.

Mr. Wickens: How much short is it.

Mr. Entrees: Well, the requirement is 1050 Sq. Ft. The house is 576 Sq. ft.

Mr. Kment: It is to be used as cottage.

Mr. Wickens: Are you going to live there the year round?

Mr. Kment: I intend to.

Mr. Wickens: How many rooms in house.

Mr. Kment: There will be four rooms. Like this here (showing layout on map) only with this type of roof.

Mr. Wickens: Bedroom, Bath, Kitchen and Living Room?

Mr. Kment: You cannot put very big hose down there because there is not enough land.

Mr. Wickens: That is entirely true. We all realize there are small places there

Mr. Stassner: What requirement do they come under?

Mr. Entrees and Mr. Wickens: Class E.

Mr. Kment: I am putting full basement cellar. I am taking a gamble on it and it is over \$1600. to put basement cellar in there.

Mr. Strassner: Any questions?

Mr. Pfenninger: What are you going to do about lot line? Cannot put a house bigger than lot!.

Mr. Kment: No, you cannot.

Mr. Strassner: Is there anybody on either side?

Mr. Kment: Right on lot number 3.

Mr. Strassner: Any one over there? (pointing to spot on map)

Mr. Kment: No, vacant. This house has been sold and is being remodelled. All the way up they have no objections. They do not see why you hold me up.

Mr. Strassner: Any objections to this application? Any one in favor of this application?

No objections. No approvals.

Mr. Strassner. We will notify you as to our decision.

Mr. Wickens: You can call Town Hall tomorrow.

By unanimous decision of the Board, variance requested by Mr. Kment denied.

3. Application of John W. Schleyer, 10 Earl Drive, for variance to erect a 15 feet by 30 feet swimming pool, 12 feet from side lot line in an E residential zone.

Mr. Schleyer: Here is the blue print of the pool. Original application for variance asked for 10'2" from side lot line. That is only change in new variance application.

Mr. Strassner: You are asking for previous variance to be amended to 12' from 10'2"?

Mr. Schleyer: Yes.

Mr. Wickens: We have already given it to him.

Mr. Strassner: Is there any objection to this application? Anything in favor of it?

No one appeared.

By unanimous decision of the Board:

Variance granted for amendment to variance granted to read 12 feet from side lot line instead of 10 feet 2 inches from side lot line.

4. Application of Carl Minoia, 2575 Chili Avenue, for variance to erect 4 feet by 6 feet sign, 15 feet from front lot line, located in E residential zone.

Mr. Strassner: What are you going to use this sign for.

Mr. Minoia: Feature of sign, landscaping, Nursery, etc.

Mr. Strassner: Just a sign?

Mr. Wickens: Is it lighted?

Mr. Minoia: No. Sketch is in Town Clerk's office

Mr. Beman: Right across from West Side Drive?

Mr. Minoia: I want to put it on front of house. We are tearing house down.

Mr. Strassner: Is there any objection to this application?

Mr. Arthur Buelte,
2647 Chili Avenue: I strongly object to any sign in a residential zone. The reason for it is, it is at the intersection and very hazardous to traffic. Who gave permission to operate nursery business?

Mr. Strassner: It all depends. I do not know. To Mr. Minoia-- How long have you been in it?

Mr. Minoia: I have been in this business ten years altogether. The place is listed as farm land and was according to the Town listed as commercial. I checked into that.

Mr. Strassner: The application is for a sign. We will stick to that for time being. Is there any other objections to the sign? Anybody in favor of it?

No one but Mr. Buelte appeared for or against the sign.

Mr. Strassner informed Mr. Minois he would be notified.

By Unanimous decision of the Board:

Variance granted to Mr. Minoia to erect sign, unlighted, under the Building Inspector's direction.

5. Application of Arthur Bates, 6 Scott Lane, for variance to erect 10 feet by 28 feet swimming pool in a D residential zone.

Mr. Wickens: How closed would it be to your lot line?

Mr. Bates: Listed them all with application. Had them all measured out. It is quite a way to the lot line.

Mr. Beeman: Is it 10' by 28'? It is narrow?

Mr. Bates: Yes.

Mr. Pfenninger: Advise going to swim in it crosswise.

Mr. Bates: Had the fact with the application.

Mr. Strassner: You are acquainted with some of the side lights you have to have?

Mr. Bates: Yes, I have talked with Mr. Fraser.

Mr. Strassner: Fence and two ladders on her?

Mr. Bates: At time I was talking to him he said it had not gone through.

Mr. Wickens: We will look plans over after.

Mr. Strassner: Is there any objection to this? Any in favor of it.

No one appeared in favor or against.

Mr. Strassner: We will notify you.

By unanimous decision of the Board:

Variance granted as sketch submitted.

6. Application of Earl Hibbard, 11 Charmaine Road, for variance to erect 16 feet by 22 feet garage 7 feet to side lot line.

Mr. Wm. McGrath of 11 Charmaine Road came forward representing Mr. Hibbard.

Mr. Wickens: What is the reason for it being 7' from side?

Mr. McGrath: The lot size is 26' x 28.2

Mr. Strassner: It is one of the old lots on Charmaine.

Mr. McGrath: I was here last month.

Mr. Strassner: Actually will be 7' 2" rather than size required by town.

Mr. Wickens: Impossible to erect it any other way.

Mr. Strassner: Any objections? Any in favor of it?

No one appeared in favor or against.

Mr. Strassner: We will notify you.

By Unanimous Decision of the Board:

Variance granted to build garage.

7. Application of Roberts Wesleyan College, North Chili, for variance to use 3-story house at 4313 Buffalo Road as auxiliary dormitory in D residential zone.

Martin Brandt, Business Agent of College appeared.

Mr. Brandt: As requested, we would like to use this building, the Hoken house. for couple domiciled as caretakers and nine fellows. On first floor, apartment for caretaker, on second floor, three bedrooms, two fellows in each, on third floor one big room, for three fellows.

Mr. Wickens: Any fire escape.

Mr. Brandt: We will put one for three floors as mandatory.

Mr. Wickens: It is required under Mitchell Multiple Housing Law.

Mr. Brandt: We will be glad to do whatever Building Inspector suggests.

Mr. Strassner: This is directly across from college?

Mr. Brandt: Yes.

Mr. Strassner: Is there any objection to this application? Any in favor of it?

No one appeared for or against.

Mr. Entrees: I have question. What bath facilities?

Mr. Brandt: On the second floor, complete bath, on the third floor, we have partial bath, on the first floor, complete bath, so the couple on first floor have private bath, fellows on second floor have full bath, fellows on third floor have partial bath. We plan to put more facilities.

Mr. Strassner: Have you talked to people on either side?

Mr. Brandt: I have contacted eight people I have suggested in my request. No one said any thing against it.

Mr. Strassner: Did you contact any you did not suggest?

Mr. Brandt: I have talked to several people on both sides and people have called who have no objections.

Mr. Strassner: Is this going to be used permanently?

Mr. Brandt: We trust in the near future we will be able to raise enough money to build new boys' dormitory. When that happens we will cease to use this house. That is in the future, we do not

know how soon it will be .

Mr. Wickens: No donations tonight?

Mr. Brandt: We will pass hat if you wish!

By unanimous decision of the Board:

Variance granted to the College as long as College itself maintains it as dormitory for men, with apartment on lower floor for caretaker, subject to requirements of the Building Inspector and the requirements of the Mitchell Multiple Housing Law.

8. Application of Roberts Wesleyan College, North Chili, for variance to use 2-story house at 4291 Buffalo Road as auxiliary dormitory in D residential zone.

Mr. Brandt: This property, as most of you know, was built by B.T. Roberts, Founder of Roberts Wesleyan College, Late president Garlock lived there and it has been called Garlock House since that time and when we purchased property from Garlock Estate, they had four apartments in it at that time. We converted it into two-family dwelling. This year we would like to put fifteen girls in that house as an auxiliary dormitory with a housemother. It has full bath upstairs and two full baths on first floor, parlor on first and parlor on second. We are not going to use two rooms in rear of second floor and will use those for storage or ironing or things of that type, but not for girls to live in.

Mr. Strassner: It will be three rooms upstairs for girls and complete downstairs?

Mr. Brandt: Yes

Mr. Strassner: Have you found any objections to this?

Mr. Brandt: Talked to people on both sides. Several called before I could call. No objections.

Mr. Strassner: You also have plans on this in the near future?

Mr. Brandt: Ultimate plans to make president's home out of it as soon as can raise \$15,000. to \$20,000. Change it around to make circular drive, etc. We talked about doing it this summer, but did not have \$15,000. necessary to do this. Of course, will pass the hat again tonight if you wish it!

Mr. Strassner: Any objections? Any in favor of it?

No one appeared in favor or against.

Mr. Strassner: We will notify you.

Mr. Brandt: Thank you. I would like to introduce to this Board our President, President Fowler. He came along for moral support. I thank you for your kindness.

President Fowler: Thank you very much:

By unanimous decision of the Board:

Variance granted to the College as long as College itself maintains it as dormitory for girls, subject to requirements of the Building Inspector and the requirements of the Mitchell Multiple Housing Law.

9. Application of Wilbert Rabb, 2775 Scottsville Road, for variance to use rear of property to operate rifle range located 500 feet from front lot line in E residential zone.

Mr. Rabb appeared with sketch.

Mr. Rabb: I sketched this off best way I could. This here is the building back of which I have 550' in depth from Scottsville Road.

Mr. Strassner: Farm land? Is that going to be for rifle shooting?

Mr. Rabb: No, shot gun.

Mr. Beeman: Where is this on Scottsville.

Mr. Strassner; explained the location.

Mr. Wickens: Your lot is 299' in depth?

Mr. Rabb: That is right.

Mr. Wickens: What protection are you going to have?

Mr. Rabb: I have to speak to one of these fellows. 10 feet back, but I do not know how they are to arrange it.

Mr. Rabb introduced Mr. Melvin Boyd, Secretary of Otter Rod & Gun Club, of 68 Seward Street Rochester, N.Y., who explained they were going to have trap field. They had Rod and Gun Club in Webster, organized approximately eight years ago, but as most Rod and Gun Clubs were in Scottsville, Mumford, Caledonia, and that vicinity and it was so far to travel to Webster they had to get other land nearer the rest to be closer. That they were going to have shot gun and trap shooting only. effective range only 40' not more than 45'.

Mr. Wickens: Any possibility of any shot going beyond Mr. Rabb's property. Do you indicate you will not be shooting over anybody else's property?

Mr. Strassner referring to sketch: What is here?

Mr. Raab: Open land

Mr. Wickens: Will the shot drop on his land only.

Mr. Boyd: Yes.

Mr. Strassner: Have you contacted anybody?

Mr. Raab: Warren says O.K. He works for me, has to be O.K.

Mr. Pfenninger: Back of Eddie McGuire's. Nothing back in that area.

Mr. Raab: The range would be no where near there, Cannot go over fifty yards:

Mr. Wickens: What is name of Club.

Mr. Boyd: Otter Rod and Gun. Chartered by State of New York for seven years. No accidents, no scenes, no dringing. We like to teach younger fellows how to shoot and how to use shot guns, effective range, what will and what will not do. Have had over 100 members from time to time.

Mr. Strassner: Any objections to this application? Any in favor of this application? Any questions?

No one appeared in favor or against.

From the floor: If I am in order, did that application call for rifle? It should be changed to trap.

Mr. Strassner: That is right. He has already told us that.

By unanimous decision of the Board:

Decision Reserved.

10. Application of John Briars, 968 Coldwater Rd., for variance to erect garage $3\frac{1}{2}$ feet from house, $4\frac{1}{2}$ feet from south side lot line.

Mr. Strassner: Have you any plans.

Mr. Entrees: I have application. I have no sketch of it.

Mr. Wickens: How far back is your lot.

Mr. Briars: 70' x 200'

Mr. Wickens: How far back is garage

Mr. Briars: It is 14' x 22'

Mr. Entrees: Is that garage going to be even with front of house?

Mr. Briars: No. Probably about 4' back from front of house.

Mr. Entrees: This is about what it would look like. (Mr. Entrees presented sketch he had drawn)

Mr. Strassner: Your house is...?

Mr. Briars: It is 22 feet from lot line and only 10 feet on other side.

Mr. Strassner: This is only place you could locate garage?

Mr. Strassner: Any questions? Is there any objection to this application? Any in favor of it?

No one appeared in favor or against.

Mr. Strassner: It will be set back from house?.

Mr. Briars: The reason for not attaching it to the house, is there is bedroom window on this corner (pointing to sketch)

Mr. Strassner: How close to neighbors house here (pointing to sketch)

Mr. Briars: He must be 10' off his lot line too.

Mr. Strassner: We will notify you.

Unanimous decision of the Board:

Variance granted.

Mr. Strassner: Has anybody anything else to bring up.

Mr. A. C. Buelte, 2647 Chili Avenue, came forward to find out what was going to be done about his complaint against the sign which Mr. Minoia requested a variance for.

Mr. Strassner informed him they listened to all complaints, marked them down and then draw their own conclusions.

Mr. Buelte continued to maintain it was a hazard and that a nursery should not be in that zone. He was told that had nothing to do with this Board and should be brought before the Town Board, that he could call them if he wanted to do something about the nursery.

Mr. Strassner: If that is all, the meeting will be adjourned.

Patricia D. Slack
Secretary.

ZONING BOARD OF APPEALS

November 10, 1959

The meeting was called to order, and roll was called, with the following members present: Frank Bubel, Warren Beeman, Charles Pfenninger, and the Chairman, Cornelius Strassner. Also present were the Town Attorney, Ralph Wickins, and the Building Superintendent, Bernard Entress.

Application of Morris Spector, 1431 Scottsville Rd., for variance to erect 14 ft. by 36 ft. unloading shed, 86 ft. from front lot line, located in A zone.

Mr. Spector presented plans of proposed shed, and stated this would be in front of the present building, which is set back 100 ft. from the State line.

Mr. Wickins: Then you are asking for a variance of 14 ft. setback?

Mr. Spector: Yes.

Mr. Wickins: Is this to be covered?

Mr. Spector: Yes, a covered unloading platform. The reason for this request is that on windy days, the wind blows the paper all over. The trucks will back right into this shed and then unload.

Mr. Wickins: Do you still have sufficient parking space?

Mr. Spector: Yes. There is parking on the side also. The shed would be the same width as the present building.

No one appeared to speak on this application.

Application of Robert B. Russell, 207 Chestnut Ridge rd., for variance to erect garage 4 ft. from east side lot line.

Mr. Russell presented a map and stated the lot is 60 ft. wide, the house is 30 ft. wide, and the garage will be 14 ft. wide.

Mr. Strassner: How close is the adjoining neighbor?

Mr. Russell: From the proposed garage to his house will be 11 ft. His house is 7 ft. from his side lot line. The garage will be set back from the front of the house.

Mr. Wickins: Have you talked with your next door neighbor?

Mr. Russell: Yes. He didn't care either way.

No one appeared to speak on this application.

Applications of Henry Gasbarre for variances to erect houses on lots #34 and #33 Creekview Dr., being 65 ft. wide at the building line, in E residential zone.

Mr. Gasbarre stated he had left plans on the town office, but these were not located. These lots are pie-shaped, 82 ft. wide in the front, 27 ft. wide in the back, and 250 ft. deep.

Mr. Wegman, originally of the Ridgeview Construction Co., stated these lots had already been subdivided and approved on a State map. They were originally approved at 10% of the width of the lot. They originally purchased these two lots from Mr. Davis with the understanding that 7 ft. was the minimum required. The houses will be setback 60 ft., with 65 ft. at the building line. The lots are both the same size. They had special plans made for these lots.

Mr. Entress said they were not in violation of any side line or front line setback. The subdivision was approved before zoning went into effect. There is enough square footage. He brought out the town plot plan.

No one appeared to speak on this application.

Application of Arthur W. Barrett, 334 Weidner Rd., for variance to operate a miniature train amusement center and hobby shop located in E residential zone.

Mr. Barrett presented plans and said he plans to buy and sell used trains, and make custom built cars. This would be electric trains. One day a week would be free for Boy Scouts, Girl Scouts, etc. This would be all enclosed, located in the carriage house right now. There would be just himself working, no employees. He owns 37½ acres right across from the Weidner Farm, having bought the property a year ago. Mr. Barrett presented certificates for doing business under an assumed name.

No one appeared to speak on this application.

Application of Martin Wolin for variance to construct and operate an 18 hole golf course and construct golf club and pro shop on following premises: on the southeast side of 760 Chili-Scottsville rd. consisting of 153 acres and 21 acres on the northwest side of Chili-Scottsville Rd., property located in E residential zone.

Anthony LaBue, 45 Exchange St., attorney, appeared to represent the corporation interested in building a golf course. They would like a variance to operate an 18 hole golf course, or golf and country club. The property is at the corner of Morgan Rd. and Chili-Scottsville Rd. They have contracted to purchase from Mr. Wolin approximately 153 acres, 20 acres on the west side of Chili-Scottsville Rd. and 133 acres on the east side. At the present time, the property consists of an irregularly shaped parcel of land with a barn and old house. There are a few sheds which will be torn down. They do not at the present time include the improvement of the 20 acres on the west side of Chili-Scottsville rd. They do plan to improve the barn and the house on the premises, possibly to be used for ladies' lockers or storage. The main plans are concerned with improving the barn. This contract is subject to the variance being granted. They have offered to pay Mr. Wolin \$31,500, plans for improving the grounds for an 18-hole golf course would be about \$70,000, plans to improve the house and barn would be an additional \$50,000. This would be a total expenditure of about \$150,000. As to the question of parking, here there is no problem at all. They have a frontage of approximately 3300 ft. on the Chili-Scottsville Rd. The gentlemen who are going to lay this out plan on using a strip of 200 ft. along that road for parking. The parking will be close to the club house.

Mr. LaBue then introduced Joseph DiMino, who will lay out, design and build this project.

Mr. LaBue: Mr. DiMino is a golf professional with considerable experience in operating a golf course. He was a pro at Watertown for 12 yrs. He laid out the Willowbrook Country Club, one of the leading clubs in northern New York. This project would be an asset to any community. We hope to improve that corner considerably. If you have any questions, I will be glad to answer them. If I am unable to, Mr. DiMino is present, also Mr. Wolin's attorney, Mr. Eber.

Mr. Pfenninger: Will the new power line run through this farm?

Mr. LaBue: We know there is a power line running through it. We are in the process of ascertaining how this will affect us. I have been trying to find out where the steel towers will be constructed. The State Engineers have said they don't know where they will go. We hope that we can build and operate around these towers. We will have to comply with any rules or regulations of the town or the state. The power lines are going generally in the northeast portion of the parcel.

Mr. Strassner: How much parking area are you figuring on?

Mr. LaBue: I am sure there will be room enough for approximately 200 cars if needed. This area will be improved either with stone or macadam. There is plenty of room to expand.

Mr. Strassner: How far from the road will the parking be?

Mr. LaBue: I couldn't tell you, maybe 10 ft., 20 ft., 30 ft., before we actually laid the parking lot out. We would comply with whatever ordinance you have in the town of Chili.

Clarence Laney, 590 Morgan rd.: I live on this property. What have you planned to do about that corner as far as provision for my place?

Mr. LaBue: Nothing that I know of. Directly behind your house 200 ft. there will be no fairway. The parking will not come near your premises. Either a tee or a green might abut your property. We have many hurdles to get over. We need this application to get all these things done so that we can purchase the land. All we have is a rough plan. Mr. DiMino is here and he might be able to point out to you some of the plans more clearly.

Mr. Laney: I have no objection to using this land for a golf course. I just don't want my property run over by people chasing golf balls.

Mr. DiMino: They will be shooting away from you.

Mr. LaBue: That is the only house in the immediate vicinity.

Mr. Strassner: Will there be any fairways along the road?

Mr. DiMino: 400 ft. in off the road, parallel with the road.

Mr. DiMino then pointed out on the map where the fairways would be located.

Mr. Laney: I think we should have more definite plans at this particular time. Right now we are agreeing on 400 ft., but not where the parking lot is going to be.

Mr. LaBue: If you are acquainted with the property, we are not going to change the general structure at all. The shacks will be removed.

Mr. Laney: I have no objections. I am glad you are going to do it, but I would like to know a little more about it.

Mr. Wickins: Is your wish as to the parking? Would you feel that the parking should be somewhat removed from your house?

Mr. Laney: Yes.

Mr. Wickins: Would you prefer if it is established that the tees would be facing away from your house, those two things?

Mr. Laney: Yes. I would also like to have it fenced around my property. We all know how it is on a golf course.

Mr. DiMino brought in from his car a plan showing the location of the proposed fairways.

A member of the audience asked about the facilities for water, and Mr. LaBue replied they would use wells.

Ed Gould: This is a profit making organization and subject to assessment by the town. The town needs money and the school district needs money. As taxes will come in from that source, I think it would be a good idea.

Mr. Bonehill: What about the 20 acres across the road?

Mr. LaBue: We have no plans at the present time for that. We are just buying it because Mr. Wolin owns it.

Mr. Lenoy: Is that 20 acres to be included in this variance?

Mr. LaBue: We have no plans to improve that at all. The variance will include just the 133 acres across on the east side of the road. If anything is done with the 20 acres, it will have to come before this Zoning Board.

William Eber, attorney for Mr. Wolin: Mr. Wolin bought this property 5 years ago and tried to run a dairy farm for 1½ years. This was not very successful. He then rented the farm, but they gave it up. The land has been vacant, and Mr. Wolin has had a hard time paying all his bills with no income. That is the reason he offered the property for sale. I believe it would be a good thing for the town for this to be developed as a golf course. Mr. Wolin is in no position to improve the property. I therefore join in behalf of Mr. Wolin in this application.

Mr. Laney: How long will it take to develop this?

Mr. DiMino: About a year. We will start in the spring.

No one else appeared to speak on this application.

Application of George Cardella d/b/a Standard Builders Supply Co. for variance to erect and operate a building for the manufacturing of concrete blocks and the storing and selling of concrete blocks and mason supplies on plot of land located on east side of Scottsville Road at the intersection of Scottsville Rd. and Weidner Rd. in industrial zone.

Joseph A. Fischette, attorney, Terminal Building, appeared for Mr. Cardella.

Mr. Fischette: We are here for the purpose of a re-hearing of the previous application ordered by the Supreme Court, the basis for which, as stated in the decision of the Court, is there was insufficient evidence presented for a basis for proper determination by this Board, plus the fact that the findings were insufficiently predicated on the amount of evidence in. Our purpose is attempting to add to the evidence presented at that time. I am sure all of you members of the Board are familiar with the site in question, Scottsville Rd. and Weidner Rd. I am not trying to insult your intelligence by describing the area to you, but for the purpose of completing the record as directed by the Supreme Court. We have a number of pictures of the immediate area fronting the subject premises. Each picture on the reverse side will have a number, and will briefly describe the property shown. I will describe these pictures. #8 - Olympic Bowl from the Scottsville Rd. The proprietor of Olympic Bowl was the petitioner in the Supreme Court action. At the time of the original hearing, they raised the question of dust and noise and vibration and their effect on Olympic Bowl, with its modern equipment and pinsetters, etc. Olympic Bowl, as shown in picture #8, has few if any windows. The amount of dust capable of penetrating the walls is quite negligible. Picture #1 shows property from Scottsville Rd. toward Weidner Rd. The picture was taken from Scottsville Rd. looking towards Weidner Rd., and shows the general character of the subject premises in undeveloped state. Picture #3 is from Weidner Rd. to the rear of the Genesee Packing Co. plant immediately behind the property. Picture #4 shows the Air Spa refreshment operation on Scottsville Rd. opposite the southwest corner of Weidner Rd. Picture #5 of the Gulf Station at the northwest corner of Scottsville Rd. and Weidner Rd., which does not have a 100 ft. depth, and must have had a variance. Picture #19 shows the Shamrock Gas Station on the south side of Scottsville Rd., which also does not have 100 ft. depth. It is a very nice looking station, and we are not complaining about it. It is one of our neighbors. Picture #18 shot of Scottsville Rd. looking east from the Shamrock station. It looks towards the city. On the right is some commercial property, and on the left is the airport. Picture #17 is of the west side of Scottsville Rd. looking into the Shamrock station and the building immediately east of it and the character of the operation along side of it. Picture #16 is Scottsville Rd. looking east from the Olympic Park. Just beyond is our location on the same side of the street. Notice the setback and commercial character of the property shown. Picture #15 is Scottsville

Rd. looking east, showing Olympic Park on the south side, Page Airways on the north side. Picture #14 shows the auto sales operation opposite Olympic Park. Check the setback. Picture #13 is Olympic Park, easterly of the Olympic Bowl. Either the proprietor is the same or the property is co-related. This is another commercial project. Picture #12 is Olympic Golf Course, #11 is Olympic Kiddie Land. This is an amusement center. Picture #10 is of the north side of Scottsville Rd. across from us, a trailer park, which is commercial. Picture #9 is the office building of the trailer park. #7 is another picture of the trailer park. #6 shows west of the Gulf station on Scottsville Rd. #2 is a shot down the Scottsville Rd., showing the trailer park on one side and commercial establishments on the other. Mr. Fischette then presented these pictures to the Board. They will be on file in the town clerk's office.

Mr. Fischette: I also offer a petition signed by a number of our neighbors as follows: "We the undersigned being owners and/or occupants of properties in the general vicinity of the South East Corner of Scottsville and Weidner Roads, Town of Chili, Monroe County, New York, do hereby express our consent to the granting of the application of George G. Cardella for a modification or variance to permit the manufacture of concrete blocks." This is signed by 7 or 8 neighbors.

This petition was presented to the board and will be on file in the town clerk's office.

Mr. Fischette: I offer a suggested plot plan showing layout of the premises. This is not the plan itself, but a suggested one offered as typical. We are amenable to recommendations of the board. There is a 100 ft. setback from Scottsville Rd. It also shows a large area for parking. (This will be on file in the town clerk's office). Also, in the former hearing, the fact was brought out that Olympic Bowl has electric mechanical devices sensitive to vibration. I would like to leave with you the service manual required in our operation. This will show that we too have very delicate instruments which require the same type of protective devices in respect to dust and vibration that Olympic Bowl would have in its equipment. Of course, these two buildings will be in the neighborhood of 200 ft. to 400 ft. apart. This is just to show the complex type of equipment in this plant.

We can approach this problem from two standpoints. In your town ordinance, under permitted uses in A districts, Section 60, #13 is a building supply type of business as a permitted use. In one of the later subdivisions, #16, after enumerating several permitted uses, is any industrial process emitting dust, odor, gas, fumes, noise, or vibration when comparable in character to or not in aggregate amount exceeding that of any use specified above in this subdivision. You can put in there legally any type comparable to those specifically enumerated. We have a comparable operation to a building supply business that is a permitted use. It is being conducted a little way down the road. We propose to afford you two alternatives. We believe our evidence shows we are actually conducting an operation similar to building supply. If this is not adequately proved, we will show you how the variance should be granted based on the fact it is the wisest and best type of use to which the property can be put.

Mr. Fischette then offered affidavits showing his qualifications which will be on file in the town clerk's office.

Mr. Fischette: I have been practicing law since 1943. From 1943-1946 I was in the Army. My practice has been devoted almost exclusively in the field of real estate and real estate development. I have been an officer and director in some instances of several real estate corporations, including shopping centers both large and small, and I have participated both in the legal and in the development phases of these programs. This has consisted of both site evaluation for commercial purposes, leasing, financing and general planning. The size of these projects range from \$100,000 class to projects (two) one of \$3 - \$4 million dollars, the other 5 - 6 million dollars, in other words, extensive development in small and large projects. The subject site at Scottsville and Weidner Rds. carries a survey size of 4.3 acres. Consider, it is a long pie-shaped piece with long footage on Scottsville Rd. and Weidner Rd., and not too much depth. The actual site available for development purposes is 3 3/10 acres. In the affidavit, paragraph 4, there is an error in the frontage on Scottsville Rd. Instead of 714 ft., this is between 800 ft. and 840 ft. the frontage on Weidner Rd. is 717 ft. At one end, there is no depth whatsoever. When you consider the 100 ft. setback on Scottsville Rd., the development of any building would have to be generally towards the southeast portion of the subject premises. Another feature of this property on Weidner Rd. is a sharp drop which averages 5-8 ft. straight down.

Mr. Fischette (cont.) The value of frontage on Scottsville rd. properties are high because of their strategic location to the City, to the Air Port, to the numerous industrial and commercial projects in that end of the community, and to the fact that Scottsville rd. is a major artery of travel away from and into the City of Rochester.

We will approach that site for the purpose of trying to give some appraisal to the uses to which it can be put. It cannot be used for residential purposes economically, as the land value is too high. It is surrounded by commercial enterprises, Olympic Park, Olympic Bowl, Olympic Kiddie Land, trailer park, gas stations, etc., shown in the pictures. In view of the present zoning for commercial and industrial purposes, it would be almost impossible to get financing for residential development.

How could the property be used commercially? It is too small a parcel to build a large regional shopping center, which would require 30-50 acres, such as Southtown or Northgate. It could be large enough for a neighborhood shopping center, such as a small food store or its equivalent, a drug store, beauty parlor, etc. Two or three small shops. This could be considered. However, a neighborhood type of center is generally surrounded by residential development, or "Islands of Commerce surrounded by a Sea of Residences". The subject site is completely surrounded by commercial enterprise for large distances. There is no appreciable number of residences, not enough to make a neighborhood type of shopping center economically sound. What is left? Look at the size of the plot and the irregular shape, the long frontage on the two highways, the shallow depth. The economically sound type of project to put here is a one type of operation small industry. This is an ideally suited purpose within the range of small industry. Consider the shallow area in footage as extensive area for parking. The property is on a very major artery of commerce. From Scottsville rd., it is a short distance into the city, and the other areas surrounding, and the state Throughway. Therefore, based upon all of the factors involved here, a small industrial operation such as the subject application is the wisest and best use to which this particular plot can be put.

Mr. Fischette presented a letter from the Stone Conveyor Co., Inc., in regard to the dust conditions of a block manufacturing plant, which will be on file in the town clerk's office. He then introduced Bruce Hayward, Sales Engineer, of the Stone Conveyor Co., Honeoye, N.Y.

Mr. Hayward: I will try to tell you about the dusting problem in this application. Within the last six months they have come out with new methods of handling cement called the bulk air system. It is brought in covered, the driver works a hose on a pipe line into the cement tank, and it is pumped by air into the storage system. The cement at no time is in the open, and can't be blown. From that silo, it is conveyed by speed screw, totally enclosed, to the batcher, also totally enclosed. The whole operation is totally enclosed. It is washed and sized at a sand and gravel plant and stored in stock piles. It is free from dirt and dust. It retains its moisture and creates very little dust, if any. The cement used for blocks is concrete put through 1/4 in. sieve, about 20% chipped stone, not a fine sand that you would imagine would blow.

Mr. Pfenninger: What about the vibration?

Mr. Hayward: The Besser equipment is quite automatic. Vibration would disturb that. It won't carry over 200 ft. All equipment is controlled by micro switches. There are dial type scales sensitive to vibration. Most of the plants in Rochester have this equipment.

Mr. Pfenninger: Are the blocks piled outside after being in the kiln?

Mr. Hayward: They are piled outside.

Mr. Pfenninger: The blocks that get run over do make a dust.

Mr. Strassner: Where do you keep the hoppers the cement is siphoned into?

Mr. Hayward: The hoppers can be inside or outside, but all enclosed. This keeps the moisture out also.

Mr. Fischette: I forgot to offer to you a suggested model of the interior layout. This is not our particular building, but our suggested model recommended by the Besser Co.

Mr. Strassner: Would there be dust coming out of the kilns?

Mr. Hayward: These are steam kilns, the wet blocks go into the kiln.

Thomas McDermott, attorney, representing Sobmac, Inc.: I would like to ask a question. Is there any loss of material from the start of the manufacturing process to the finished product? Do they break away or chip?

Mr. Hayward: There is a small amount of breakage, also shrinkage in the block when dried.

Mr. McDermott: How are they carried outside?

Mr. Hayward: On palettes.

Mr. Hayward: A good share of the block manufacturing plants have the old type of equipment and do create dust. This new system eliminates dust beyond 100 ft. Domine does not have this sealing system. I couldn't be sure of their other equipment.

Mr. McDermott: There wouldn't be any dust at all?

Mr. Hayward: Not an appreciable amount.

Mr. McDermott: Not from conveying, or in any part of the whole process?

Mr. Hayward: I can't say there would be no dust in the plant itself, but it would be held to a minimum.

Mr. McDermott: I am asking whether or not dust is inherent in conveying or manufacturing itself. You have stated no dust from the process itself.

Ed Gould: I have noticed in the gentleman's outline that he has pictures of commercial enterprises, etc., in the general area. Dust seems to be the basis of contention. I don't see any which would create dust. He spoke of hardship for the use of the land. Hardship cases are hard to solve. I still think that would be the owner's problem, and not the Board's. Some time ago on Westfield St. and vicinity cinders were stored, and on Chili Ave. there was complaining about that installation. It would be fair to assume that a like condition would exist sometime in this installation. I believe Olympic Bowling Hall has a tremendous investment and pays high taxes. Their controlled parties and bowling are no detriment to the area, in fact it is a credit to the Town of Chili. The parking is controlled. There is no boisterousness. If, in the final decision of this Board, you find that the dust will impair the use of the AMF pinsetters, alleys, and balls, this should be taken into consideration. I would like to ask if this property is in the airport zone.

Mr. Wickins: Yes.

Mr. Gould: According to the book I have, I am wondering whether this Board is actually bound to hear this request, or whether it should come before the Town Board.

Mr. Wickins: It should come before the Zoning Board.

Mr. Gould: I think it might be the Town Board, or Monroe County, or an engineer of the Board of Supervisors.

Mr. Wickins: Our only requirement^{is} as to the question of height, This^{is} has to be passed, and a letter written to the County Engineer, Mr. Oberlies, as to whether it conforms with the height restriction.

Mr. Gould: I hope the Board will take into account that Chili needs industry, but we do not want to infringe on someone paying taxes.

Mr. McDermott: I offer on behalf of the adjoining premises, Sobmac, and Olympic Bowl, a telegram from T. A. Meade, Vice President AMF Pinsetters Inc. as to the effect of dust upon machinery such as in the Olympic Bowl.

Mr. Fischette: I wish to object to the introduction of this telegram unless the person who sent it is here. We had to bring Mr. Hayward here from out of town. Unless the person is here, this is unsupported evidence. If desired, Mr. Hayward could be sworn and give his evidence under oath. We should have the opportunity to cross-examine.

Mr. Wickins: It has been the policy of this Board to consider and take any evidence presented to them. It has the right, under the law, to use their own knowledge as a basis for evidence. If there is a Court action later, this will be ruled upon.

Mr. Fischette: I take exception to your ruling.

Mr. McDermott: If the Board would like to develop this, I would be more than glad to bring the gentleman or a representative into town. We are not trying to hold anything back. When in Court, I raised no objection to Mr. Fischette's presenting his arguments for his client. If the Board would like to go into this, I would be happy to have the gentleman come in. We, too, have somebody here who is able to tell us about the effects of dust and grit, etc., upon, not only machinery, but also on the alleys themselves. I would like to introduce Dan Scott, regional manager of Brunswick. He has represented Brunswick for the past 23 years as District Manager for western and northern New York. (Letter on file in Town Clerk's Office)

Mr. Scott: I can't qualify as to the dust getting on the alleys. I can speak of the difficulties the owner can experience once the dust is on the alleys. 1. In one case, this particular bowling alley was expanding. The dust created from removing a concrete wall fell on the bowling alleys. They tried everything to remove this dust, using different types of polish, etc., but they had to completely resurface the alley. 2. In another case, a parking area was concreted, the dust sifted into the alley, and created the same experience. 3. In regard to automatics, I speak for Brunswick. They carry a warranty. If the pinsetters are on a concrete floor, this means they are sealed so that dust will not sift into the machines.

Mr. Pfenninger: For about one year, the Olympic Bowl parking lot was gravel.

Mr. Scott: Yes, but that is a different kind of dust. Resurfacing a bowling alley is bad for a man's business. The cost is \$100 per alley, plus the loss of operation during the period of resurfacing.

Mr. Fischette: Your opinion is predicated on concrete coming into the alley. If there is no concrete dust coming through, you have no argument.

Mr. Strassner: Would vibration have any effect on your equipment?

Mr. Scott: I don't think you would get any more vibration than from dropping a 16 lb. ball on the alley.

Earl Howarth: The bowling alley itself is solid. There are no windows. How do you get dust?

Mr. Schuler: Through the ventilation. The place is air conditioned. There are vents in the walls and ceilings. It comes in from outside. The air blows in and out, as is needed. This summer when the sewers were getting put in, we had a problem of keeping the alleys clean. However, this was a temporary condition.

Mr. Fischette: Did the alleys require replacement?

Mr. Schuler: They had to be refinished. This is done every three years. It had to be done this year because of the sewer installation.

Mr. Cardella: Before the road was torn'd up, you had no problem?

Mr. Schuler: No.

Mr. Cardella: Do you get any dirt from the filling across the road?

Mr. Schuler: The land filled for the road is quite a bit away from this property.

Mr. McDermott: This is a different type of dust from the concrete.

Ronald Dunlap: I would like to ask of the Board, based on this hearing, did any of them go around to these plants manufacturing concrete blocks?

Mr. Wickins: No. They have a right to use their knowledge plus any facts presented to them of any other plants.

Mr. Dunlap: You should go into those. The Schaeffer plant gives off a lot of dust. Mr. Cardella will be liable if this is a dust problem. I feel I am against this variance.

Mr. McDermott: If the Board would like to know further about the dust problem, we can bring in qualified people. There was a point brought out at the Court hearing which is still applicable. The applicant has presented pictures of establishments around here. These have brought back to you a comprehensive picture of the familiar area in this particular zone. Everything in here is strictly on a commercial basis. There is another plant more than a mile or so down the road. The other commercial establishments probably were in before zoning was passed. The applicant has asked you to grant him something without any clear showing to this Board that permitted uses are applicable to his request. There are 15 permitted uses in this zoning area. (Mr. McDermott listed these uses as put forth in the zoning ordinance.) They give Mr. Cardella ample opportunity to develop the land. Nothing has been shown as to what Mr. Cardella could use the land for. When he took the land, he was as familiar with it as anyone else. That is the purpose of the ordinance.

Mr. Schuler: The Park has been there a long time, and a lot of money has been invested in the bowling hall. He would like to rely upon the ordinance as it now stands. There is no comparison as to what type of process emits dust. He has some right, standing before the Board, to be shown that there is nothing else that could be done with the property. In claiming hardship, there is no showing here that no other use could be made of it. Mr. Cardella knows this operation, and no matter what precautions are taken, he has a pretty good idea of the element of dust and grit thrown into the surrounding area. There is no other similar plant in the area. There will be enough thrown out into the air so that this should be prohibited by the Zoning Ordinance as it now stands.

Paul Jones, representing Evergreen Acres and Paul Jones Inc., 1345 Scottsville Rd.: I am not saying I am objecting. This problem of dust and vibration was made known to me in the last two hours. Mr. Cardella told me nothing about it. This would be objectionable to the trailer park and to my sales. I would like to see this if it would have a good appearance, but if there is vibration and noise and dust, then certainly we do not want such a plant. The trailer park is home for 115 people in the Town of Chili. I still feel as I did in the letter I wrote you. (This letter, presented at the previous meeting, is on file in the town clerk's office.) I hope you act properly after you investigate.

Mr. Frank Craig: Mr. Fischette spoke of the plant having delicate instruments, such as gauges. I have been an engineer over 30 years now. All the relays and instruments are completely sealed under glass. If he is pertaining to relays and gauges, I would like to know whether they are sealed or open.

Mr. Fischette: There have been many things said. A gentleman spoke about concrete. There is no doubt that he has concrete on his bowling alley floors that would create dust. That would be detrimental if it went onto those alleys in quantity. Mr. Hayward has testified that this plant will be a modern operation. They will not use old or open type of equipment. This is a completely different process, completely enclosed. The cement comes to the site in a tank. A hose is connected to the tank, then to a vat. Machines put the blocks into a kiln. This is all enclosed and can't possibly create dust. The blocks are stored outside after they have been manufactured and baked in the kiln. A permitted use under Section 60 is a builders supply and lumber yard. They can store blocks outside all they want to. If they do, it is a permitted use.

Mr. McDermott: We maintain under the evidence presented by Mr. Hayward in respect to mechanical devices involved, this would come under Section 60, subdivision 16. This gives as an allowed use any industrial process emitting dust, odor, gas, fumes, noise, or vibration when comparable in character to or not in aggregate amount exceeding that of any use specified above in this subdivision. We maintain the evidence given by Mr. Hayward is under that category showing that more dust would be created than we can now do in a building supply yard.

Mr. Strassner: Would the electrical devices in the plant be open or sealed?

Mr. Fischette: All this is shown in the manual I left with you. We would not destroy our own electrical devices. We feel that we come within Section 60, subdivision 16, in that we don't throw out any more dust, odor, gas, fumes, noise, or vibration, etc. We put in the hardship as an alternative.

Mr. McDermott: The question was raised of hardship. One of the basic features in a variance is where a variance is required because of hardship. You have a very fine zoning law in your community to provide for a case that is an exception. You have a zoning board. You can leave it up to them for the exception in each particular case. If it was not for these exceptions and interpretations, there would be no need for the zoning board. This plant will create dust at Mr. Schuler's Bowling Hall. He has been there 15 or 20 years I know. Perhaps some of you could date it back further.

Mr. Pfenninger: 40 years.

Mr. Fischette: I understand the complaint is about the dust that might cause trouble to Mr. Schuler.

The gentleman spoke about the fine investment in Olympic Park. There are service stations along the road. These are excellent projects. We are not finding fault. The purpose of submitting pictures is to show you the industrial and commercial use in the neighborhood. Our use will be no more undesirable than any of these. The question of vibration has come up in the past. Mr. Hayward has shown that because of the mechanical efficiency of our new equipment, the vibration would be negligible. 200 ft. beyond our point of operation. As shown on the maps, Olympic Bowling Hall is 500 ft. away. The gentleman from Brunswick stated a 16 lb. ball goes down the alley with tremendous vibration, and the equipment has to be strong. Across the street is the airport with jets and turbo-jets. You can feel their vibration when they are 5000 ft. in the air. Consider the vibration if they are just taking off a few hundred feet overhead. If that does not interfere with the automatic devices and equipment, our operation 200 ft. away can't be any detriment from that standpoint. I thank you for your consideration to me tonight.

Gerald LeRoy: Approximately 3-4 years ago, Schaeffer's spent \$150,000 in installing new block machines over there.

Mr. Fischette: I have just read the telegram from T. A. Meade. All it says in effect is that if dust and dirt come into the machines, it will be harmful.

Mr. Hayward: I don't mean to imply that Schaeffer's is not a modern plant. The bulk air system is new in the last 6 months.

No one else appeared to speak on this application.

DECISIONS OF THE BOARD:

MORRIS SPECTOR, 1431 Scottsville Rd., granted a variance to erect 14 ft. by 36 ft. unloading shed, 86 ft. from front lot line. All members voted in the affirmative.

ROBERT B. RUSSELL, 207 Chestnut Ridge Rd., was granted a variance to erect a garage 4 ft. from east side lot line. All members voted in the affirmative.

HENRY GASBARRE granted a variance to erect houses on lots #33 and #34 Creekview Dr., said lots being 65 ft. wide at the building line. All members voted in the affirmative.

ARTHUR W. BARRETT, 334 Weidner Rd., granted a variance to store, sell, repair, buy and display miniature trains in an existing carriage house on the premises at 334 Weidner Rd. for a period of two years. All members voted in the affirmative.

MARTIN WOLIN was granted a variance to construct and operate an 18 hole golf course and construct golf club and pro shop in premises on the south-east side of 760 Chili-Scottsville Rd. with the following restrictions: No parking area within 1000 ft. of the property line of Mr. Laney. Appropriate shrubbery to be planted along the property line of Mr. Laney. Sufficient off-street parking to be provided, and a barrier to be maintained between the road and the parking area. This variance applies only to the 133 acres on the east side of Chili-Scottsville Rd. All members voted in the affirmative.

GEORGE CARDELLA - Decision was reserved on this application until November 17, 1959.

June Yates, Secretary

ZONING BOARD OF APPEALS

November 17, 1959

The meeting was called to order, and roll was called with the following members present: Warren Beeman, Charles Pfenninger, Frank Bubel, and the Chairman, Cornelius Strassner. Also present was the Town Attorney, Ralph Wickins.

The minutes of the hearing of November 10, 1959, were read and reviewed by the Board. Mr. Pfenninger stated the dust problem which Schaeffer Bros. had was due to the fact that they used in their process a foundry type, which was a fine dust that they piled in their yard until used, and would be very susceptible to blowing, etc.

Mr. Bubel stated he had made an inspection of Olympic Bowling building, and that on the south side of said building, which would be adjoining to the proposed site, there were no openings in said building at any place. This was agreed to by the rest of the members of the Board from their inspection and knowledge of the building.

Two members of the Board, Mr. Pfenninger and Mr. Strassner, reported that they had investigated and looked over a concrete block plant, and from their observation of that plant, it was their conclusion that the manufacturing process would not create any dust problem outside of the plant.

The findings of the Board on the evidence presented and on their personal knowledge and investigation of existing block plants is as follows: 1. That the best and highest use of the land in question in this application would be an industrial plant of the type proposed by the applicant. 2. That the specific plant proposed by the applicant should be allowed under Section 16 of Section 60 of the Zoning Law of the Town of Chili in that the industrial process proposed would not emit as much dust as a builders supply or lumber yard, an allowed use under Section 13 of said section 60.

DECISIONS OF THE BOARD:

GEORGE CARDELLA, d/b/a Standard Builders Supply Co., was granted a variance to erect and operate a building for the manufacturing of concrete blocks and the storing and selling of concrete blocks and mason supplies on plot of land located on east side of Scottsville Rd. at the intersection of Scottsville Rd. and Weidner Rd., in industrial zone, with the following restrictions: The plant to be constructed must be constructed in accordance with the process as outlined to this Board of completely enclosed handling of material as described to us. Members of the Board voted as follows: Mr. Pfenninger - yes; Mr. Bubel - yes; Mr. Beeman - yes; Mr. Strassner - yes.

Decision of Meeting of October 6, 1959:

WILBUR RAAB was granted a variance to operate a trap shoot for a period of one year at 2775 Scottsville rd., 500 ft. from front lot line. All members voted in the affirmative.

June Yates, Secretary