

ZONING BOARD OF APPEALS

February 14, 1956

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

Application of Joseph Contiguglia of 1400 Scottsville Road to build a vestibule 57 ft. to front lot line.

Mr. Contiguglia said the vestibule will be about $3\frac{1}{2}$ ft. from the front door and about 5 ft. wide, and will extend no further in front than the present building. There is an overhang over the front door of about 3 ft. and the vestibule will come out to the overhang. This will not take away any of the parking area, and will be used just as a wind protection.

No one appeared to speak on this application.

Application of Earl R. Howarth for variance to erect a house 9 ft. to the south side lot line on Lot No. 21 Yolanda Dr.

Mr. Howarth stated the tract was approved by the Town about 3 or 4 years ago, and the lot is 78 ft. wide.

Mr. Wickins then asked Mr. Lusk if the lot size required 4 years ago wasn't 80 ft. and Mr. Lusk said yes. Mr. Wickins then asked Mr. Howarth why the house had to be 9 ft. from the south side lot line. Mr. Howarth replied that the house is already erected, there is a mortgage on it, and everything got by the bank with no one noticing it. He is asking for a variance of 9 ft. instead of 10 ft.

Mr. Entress asked the size of the house, and Mr. Howarth said it is 38 ft. across the front, with no garage.

Mr. Strassner asked if at the time of construction, Mr. Howarth knew the side line requirement is 10 ft., and Mr. Howarth said that while the house was under construction, he went to the hospital with pneumonia and apparently, during that time, some mistake was made. The house is now sold with everything approved by the bank, etc.

No one appeared to speak on this application.

Application of Seth G. Weidener for variance to build four additional apartments in existing former barn situated 3610 east side of Union St.

Mr. Weidener presented blue prints to the Board and said the apartments will go right straight up from the front to the back with a fire wall in between and one apartment over the other. There is an existing apartment in the building now. The farm itself is a 70-acre farm and Mr. Widener has lived there 20 years. There are 30 acres of land on the east side of the road, and 40 acres on the other side, where he lives. Mr. Widener said Mr. Augustus Glennon, who lived on Chestnut Ridge Rd., wants to buy the whole 30 acres with the barn. There is no building within 500 ft. except for himself. The barn is 300 ft. by 100 ft. There is a 16 ft. addition on the east side of it built on. Mr. Glennon wants to build four apartments, which will make five apartments altogether with the present addition. Mr. Glennon is a mason contractor and his brother-in-law is in the plumbing business. Mr. Widener said this project will make a great improvement in the property and everyone around there has consented to this. Each apartment will be about 35 ft. by 15 ft., and the north 30 ft. has a full basement. There are two stories.

Mr. Strassner asked about the setback, and Mr. Widener replied it has a setback of about 56 ft. from the road measured with a steel tape. He was then asked about parking, and Mr. Widener said Mr. Glennon's idea was to put a wall back 40 ft. and have shrubbery beyond. The Glennon apartment has a garage underneath. A 30 ft. by 46 ft., 8 ft. high shed can be used for parking for the rest. There will be parking area running parallel with the road with an exit and an entrance, so that there will be no parking on the road. The area in front will be about 150 ft. wide and about 24 ft. deep.

Mr. Entress asked if there would be any objection to a side yard and rear yard restriction to leave suitable area for this. Mr. Widener and Mr. Glennon agreed to this.

Mr. Strassner then asked about the area required for a septic tank, and Mr. Lusk stated that the Monroe County Sanitation Department has to approve that before it can be put in. He said he has seen the plans roughly and will check them more thoroughly if they are approved.

Mr. Entress said the reason for restrictions on setbacks, etc. was if the surrounding property was sold off and developed, they have to give the development protection too. Mr. Glennon said that whatever the Board figured out for side lines, etc., would be all right with them.

Mr. Widener said this will utilize the whole barn except for 30 ft. upstairs for storage. The outside of the south end has already been shingled, and Mr. Glennon plans on covering the barn. There will be shrubs and trees, etc.

Mr. Widener then presented a petition signed by neighbors in favor of the application. This petition will be on file in the Town Clerk's office.

Mr. Entress then stated this building will come under the Multiple Housing Law and will have to comply. Mr. Widener replied he is familiar with that, and that one thing that makes this better than some others is that each apartment has a front and back entrance, with a fire wall starting right at the cellar and going right up straight through.

Mr. Glennon then stated for the record that if this variance is granted, it is understood by him that the Zoning Board of Appeals will impose back line and side line restrictions at a later date, and he will be bound by that.

Mr. Strassner then inquired about a well and was told that that was up to the Monroe County Sanitation Dept.

No one appeared to speak on this application.

DECISIONS OF THE BOARD:

JOSEPH CONTIGUGLIA was granted a variance to build a vestibule 57 ft. to the front lot line at 1400 Scottsville Rd. All members voted in the affirmative.

EARL R. HOWARTH was granted a variance to erect a house 9 ft. to the south side lot line on Lot No. 21 Yolanda Dr. All members voted in the affirmative.

SETH G. WIDENER was granted a variance to build four additional apartments in existing former barn at 3610 Union St., subject to the obtaining of the approval of the Monroe County Sanitation Dept. and the State Health Dept. if necessary on plans presented, and with the restriction that the Zoning Board of Appeals may impose side line and back line restrictions as it may deem fit. Also, adequate off-street parking must be provided for a minimum of 10 cars. All members voted in the affirmative.

June Yates, Secretary

ZONING BOARD OF APPEALS

March 20, 1956

Koll was called, with the following members present: Cornelius Strassner, Warren Beeman, William Kelly, and the Chairman, Bernard Entress.

Application of Rochester Gas & Electric Corp. for variance to erect an electric substation situate on the east side of Fisher Rd., Lot No. 19, in E Residential zone.

Joseph Schoenherr appeared to represent the applicant. He presented a map, stating the location of the substation would be nearest Weidner Rd. He then presented another map in more detail. The property is all vacant in there now. Proposed building would be just beyond the 4-Square Church toward the railroad, on the same side of the road, between Weidner Rd. and the railroad. It would be 690 ft. back from Fisher Rd., and an area of 125 sq. ft. will be fenced. They will be tying in with the Niagara and Mohawk Power line. The property consists of 5.4 acres, with farm land to the immediate west of the property, and some houses across the street. The former Phillipson property is to the west. The Niagara Mohawk 69 line and the N. G. & E. 34 line will come through to meet overhead transmission lines. There will be a standard fence of 7 ft. barbed wire with signs, and the gate and the building are locked at all times. The building as well as the outside structures will be of steel, with an outdoor transformer in that area.

Mr. Entress asked if this would be similar to the station on Trabold Rd., and Mr. Schoenherr replied yes. He presented another detailed map of the building.

Mr. Strassner asked if the property isn't low for this building. Mr. Schoenherr said they will build it up if it is too low. There is a natural gas line underground. The building itself isn't too big, and will have a flat roof.

No one appeared to speak on this application.

Application of James B. Sherman, 21 Charmaine Dr., for variance to erect a garage 9 ft. to the south side lot line.

Mr. Sherman was not present, and a neighbor, Mr. Harrington, offered to call him on the telephone. This application was deferred until Mr. Sherman should appear.

Application of Leo McKinney for a variance to erect a gasoline filling station and sign on the northwest corner of Buffalo Rd. and Westside Dr., front lot lines 30 ft. to Buffalo Rd. and 25 ft. to Westside Dr., 10 ft. to rear lot line, situate in D residential zone.

Mr. Kennedy of Berger, Kennedy, & Berger, Attorneys, appeared. He asked if the Board had the map prepared by Esso Standard Oil Co. which was left in the office with the Town Clerk at the time the application was made. Mr. Entress replied that the only map which the Board had was the one filed on the original application for a gas station on this property, which was granted. This map was presented by the Independent Gas & Oil Co. Mr. E. Cleveland Grinnell then appeared to represent the Esso Standard Oil Co. and stated that the reason they were before the Board tonight was because their engineers had prepared a layout different from the original one in the sense that instead of using two lots, only one lot would be used.

Mr. Entress then asked if they had a map of the new layout. He said he was told that Mr. McKinney was given the map and told to bring it to the meeting tonight. Mr. McKinney said he didn't think he had it. Mr. Entress said it would be necessary to have the map in order for the Board to act on this application. Then Mr. Kennedy, Mr. Grinnell, and Mr. McKinney left to get a copy of the map required.

At this point, Mr. Sherman appeared with a plot plan of his lot and said he had filled out an application for a permit. This is one of the new houses on Charmaine Dr., and the house is 34 ft. wide. The garage will be 22 ft. wide by 24 ft. deep, an attached garage.

Mr. Harrington then asked the requirement of a side lot line setback. Mr. Entress replied 10 ft. Mr. Harrington said his house is 7.5 ft. from the side lot line. He had no objections, as the proposed garage would be over 16 ft. from his house.

No one else appeared to speak on this application.

Leo McKinney then returned with map of the present plans of the gas station proposed by the Esso Standard Oil Co. Mr. Kennedy and Mr. Grinnell also returned with maps.

Maps were brought from the office. This property is on map section No. 23, Lot assessment No. 131, Lot No. 13, Lot assessment No. 132, Lot No. 14.

Mr. Strassner said that lot No. 14 could be sold as a residential lot. Mr. Entress said that if this application is turned down, they can build on the old application.

Mr. Kennedy stated that he does not work for an oil company, but he has worked with them around the county, and that they prefer a smaller plot of land rather than a large one because of the policing proposition. There is the same situation at the American station at Bergen, and the Gulf station on Union St. in Spencerport. If pump islands are too far apart, a fellow can't get around. Instead of 60 ft. ramps as on the original map, these ramps will be 40 ft., two ramps. They will put in shrubs, grass, etc. Buffalo Rd. is a State highway, and Westside Dr. is under town jurisdiction. Mr. Kennedy said the narrower the ramp, the more apt people are to come in it at right angles rather than parallel. Esso is planning on two islands instead of three, 18 ft. from the property line. He doesn't know whether the highway line is the property line or not. There will be a wide board fence across the back of the property. Esso has a 30 ft. easement from the property owner of lot No. 14 to put leech beds in the back.

This easement is good until 6 months after the sewer comes through. Mr. Kennedy stated they just need two ramps. This has been worked out with the Traffic Control Board, and it is all right with them.

Mr. Kelly then asked if the variance was originally granted for the whole area of lots Nos. 13, and 14. Mr. Cleveland replied yes, but they are not incorporating the 70 ft. on the second lot, lot No. 14. Mr. Kennedy said they are using lot No. 13 with a 30 ft. easement on Lot. No. 14, otherwise lot No. 14 is not involved. They will have to use that easement until the sewers are in. He pointed out to Mr. McKinney that if he wanted to make further use of Lot. No. 14, he would have to come before the Board again. Mr. McKinney owns the two lots.

Mr. Kelly stated if this is granted, in view of granting the previous variance, the Board considers it a re-application, and as such, the original variance using lot No. 14 would not be carried out.

Mr. Grinnell said the sign would be in the same place approximately as that on the original map, also the lights. Later on, if they need more lights, they will have to re-appear before the Board. The pump island would be 30 ft. from the edge of the Buffalo Rd., 18 ft. from the property line.

Mr. Strassner said the Board should think of what they have previously required in this regard, such as on Scottsville Rd. He would like them to stay as far back off the road as they can.

Mr. Grinnell said these will be two-bay islands, such as the one at Chili Ave. and Chestnut Ridge Rd.

Mr. Kelly inquired if they would object to moving back the islands an additional 2 ft., making the setback 20 ft., and Mr. Grinnell replied that would be all right, they could stagger the islands a little, but that 30 ft. would be too rough.

Mr. Kennedy said that a Gulf station on West Henrietta Rd., where the state plans to take another 35 ft. for the road, is only in about 20 ft. from the eventual State line. Mr. Strassner replied that Buffalo Rd. may be widened too. Mr. Grinnell said they would have to re-locate the pumps in that event. Mr. Kennedy said they might widen Buffalo Rd., but they won't take a bigger right-of-way.

Mr. Grinnell then stated there will be three light poles with a sign on one. Fluorescent lights will hit on the station itself. They have no regulations over the hours. They just lease a station and suggest how it should be operated. They would like to see the station open until 11:00 P.M. or midnight in the summer. In 10 or 15 years, there might be the case where the operator would want to stay open around the clock.

Mr. Entress then asked if they would object to restrictions on the hours, and Mr. Grinnell replied they would like to see it operate until a little after midnight. There might be customers from the War Memorial or people leaving on vacations. If it was felt necessary, the operator could come before the Board and ask for a change. Mr. Entress remarked that this station would be in a residential area. Mr. Grinnell said he would go along with that. If they could be open until about 1:00 A.M., that would be all right. They are building the station because they feel there is traffic between Buffalo and Rochester and commuter traffic.

Mr. Kennedy remarked that Esso Standard Oil Co. has to subsidize the station, and it takes 4 or 5 years before any profit is shown. Mr. Grinnell said there will be four 3-thousand gallon tanks.

Mr. Kelly stated that locating only 10 ft. to the rear lot line provides for extreme limitation on the adjoining lot. Mr. Grinnell replied that the owner realizes that will effect what variances will be allowed on that lot. He owns an additional 70 ft. which could be utilized.

Mr. Strassner said it will make waste land of the land in back of the station by having a 10 ft. rear property line. Mr. Kennedy replied there would be two big problems if they moved back and used both lots. One is the safety factor, another the economic factor. The high cost of taxes and the cost of upkeep of the larger area would be prohibitive. Esso figures to lose money for 5 to 8 years before getting an operator in who can afford to pay them. It is too hard to keep up a big area.

Mr. Strassner said he is not thinking of the present owner, but of the man in back. That whole corner could eventually be commercialized. Mr. Grinnell answered that any new owner could see what he was getting into. Mr. Strassner said this would bring down the value of the adjoining property.

Mr. Kelly stated whenever there is a question of zoning, there is a question of ground area involved. If the Board feels this area is somewhat limited, he would like the Esso people to take into consideration the additional 70 ft.

Mr. Kennedy said that if someone in the future asks for some variance, the Board has the situation within its control. They can set restrictions on any variances. Mr. Kelly said they will always have the problem of restrictions. Mr. Kennedy replied that no good use can be made of that corner from a residential point of view. The time will come when this entire corner will be of some commercial use. Mr. Kelly said that is exactly what he means. There will be a limited rear line distance. As far as any future applications are concerned, the Board doesn't want to be forced into another variance because one application has been allowed. Mr. Grinnell said if they move the station back, the front part becomes of no use. Mr. Kelly said they don't want something on that triangle that will become a very crowded condition. Mr. Grinnell replied that on the original map there is so much frontage it is really too big for a man to keep up and keep clean. Their business is to keep as close to the people as they can. 338 ft. frontage is too big, and the State doesn't like it. Mr. Kennedy said he doubts if the State Traffic would even permit the wider entrances. They have to have State approval as to curb cuts, and Phil Walters checks every permit.

Mr. Strassner stated he is looking at the back line and what it is going to do to the adjoining property, and what procedures the Board has already set up.

Mr. Kelly asked if the 70 ft. lot to the rear was available to the Esso people, Mr. Grinnell said he didn't know. Not from an economic point of view. They can't afford to pay for the whole piece of land, and it is just too big. Mr. Kennedy said it is a question of a workable area. This area can be maintained without the problems that a larger area would present.

Mr. Grinnell said they would leave the large preliminary plans with the Board.

No one appeared to speak on this application.

DECISIONS OF THE BOARD:

ROCHESTER GAS & ELECTRIC CORP. was granted a variance to erect an electric substation, situate on the east side of Fisher Rd., Lot No. 19, as per map presented. Adequate safety protection must be provided. All members voted in the affirmative.

JAMES B. SHERMAN was granted a variance to erect a garage 9 ft. to the right side lot line at 21 Charmaine Dr., all members voting in the affirmative.

LEO MC KINNEY was granted a variance to erect a gasoline filling station and sign on the northwest corner of Buffalo Rd. and Westside Dr. as per drawing presented, No. 6030P. Pump islands must be located a minimum of 20 ft. from any property line; station to be located not less than 35 ft. from property line of Buffalo Rd. and 25 ft. from property line of Westside Dr., and not less than 10 ft. from rear property line. Lights to be turned off by no later than 1:00 A.M.

June Yates, Secretary

ZONING BOARD OF APPEALS

April 3, 1956

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

Application of William Hochreiter, 23 Chestnut Drive, for variance to erect garage 5 ft. to south side lot line.

Mr. Hochreiter presented plan to the Board for a two-car garage and breezeway. He is asking for a variance to 5.90 ft. on the left side of the lot. Mr. Entress asked how close was the house on the adjoining left, and Mr. Hochreiter replied that the house on the adjoining lot sits back about 300 ft. or 400 ft. The lots are 800 ft. deep. The house on the left is about 10 ft. or 12 ft. from the lot line.

Mr. Entress stated the lot is not parallel with the road, but the house is, which makes the front of the proposed garage 11.04 ft. from the side lot line, and the back of the garage 5.90 from the side lot line.

Mr. Strassner asked if there is a road in the back, and Mr. Hochreiter replied there is no road.

No one appeared to speak on this application.

Application of John Hanrahan, 99 Ballantyne Rd., for variance to erect an addition to house 55 ft. to the rear lot line.

Mr. and Mrs. Hanrahan appeared and presented plans to the Board. Mr. Hanrahan stated they wish to remove a present back hall of 6 ft. by 8 ft. and make it 12 ft. by 22 ft. right across the back of the house.

Mr. Entress said they are actually asking for a variance of 53.86 ft. to the rear lot line. Mr. Wickins asked the depth of the lot, and Mr. Hanrahan replied 147.86. Mr. Entress asked where the leech beds are located. Mrs. Hanrahan said they run across the back into the adjoining lot, which they own.

Mr. Entress asked if the sewage system actually is on the lot next door, and the size of that lot. Mr. Hanrahan answered that it does, and the lot is 133 ft. across to Lester St., 195.30 on Lester St., and a 30 ft. frontage. It is a pie-shaped lot. Mr. Wickins asked if there is any building on this lot, and Mr. Hanrahan replied they can't build on that lot. In order to build with the 30 ft. frontage, it would bring a house way back. The lot can never be sold separately, it would have to be sold with the other lot. They need the side lot for drainage and leeches because of the lot being divided. He offered to show the Board plans for the addition, but Mr. Entress said that is the interest of the Building Dept.

A letter was presented from Gertrude Ottley of 97 Ballantyne Rd. in favor of this application, which will be on file in the Town Clerk's Office.

No one appeared to speak on this application.

Application of Joseph T. Cowan, 231 Chestnut Ridge Rd., for variance to erect a garage 3 ft. to the east side lot line.

Mr. Cowan presented plans to the Board. The lot is approximately 60½ ft. wide. The garage will be 20 ft. by 22 ft. 3 ft. from the left side lot line. The house on the adjoining property is about 10 ft. from the side lot line. Mr. Entress said that 3 ft. is pretty close to the property line, and asked if he couldn't move the garage back farther. Mr. Cowan said it will be 10 ft. from the rear of the house, and he might go back maybe 2 ft. or 3 ft. The leech lines are over farther and back farther. No leech lines in operation on this side. The septic tank is in the center of the lot.

Mr. Strassner asked if he wanted a breezeway. Mr. Cowan replied, yes, he would like a breezeway in the future, which is the reason he wants the garage close to the house. The garage would probably never be used as a 2-car, but he wants the room. There has been a garage built 3 houses away from him with 3 ft. side line and he thought maybe the Board wanted this. Mr. Lusk stated that Mr. Mannix was granted a variance about a year ago. Oscar Kuebler built these houses. Mr. Cowan said he has a letter from the neighbors on each side of him in approval of this request. This letter, signed by John D. Culhane, 233 Chestnut Ridge Rd., and Wm. P. Weidert, 229 Chestnut Ridge Rd., will be on file in the Town Clerk's Office.

No one appeared to speak on this application.

Application of Anthony J. Comenale for variance to erect garage 7 ft. to west side lot line at 2806 Chili Ave.

Mr. Comenale presented a plan to the Board, and said the lot is 75 ft. wide. There is a vacant lot adjoining him on the west. This house was built in 1953. There is no cellar going in on the adjoining property. He proposes a 6 ft. breezeway and a 12 ft. garage.

Mr. Entress stated this is located west of Douglas Dr., and east of Chestnut Dr.

Mr. Falleson of 2804 Chili Ave., appeared and stated he has no objection to this request.

No one else appeared on this application.

Application of James Miller, 2387 Westside Dr., for variance to erect garage 3 ft. to east side lot line.

Mr. Miller presented plans to the Board and said the lot is 70 ft. by 200 ft. This would be a detached garage, 24 ft. by 22 ft. However, after discussing the size with his brother-in-law, he would like to change the size to 24 ft. by 24 ft. The house is 60 ft. from the center of the road. The front of the garage will be approximately 10 ft. from the rear of the house. Someday he would like to put a porch on the east side of the house, and he would like to get away from an S-turn. He said when he was building a fireplace, he ran into a leech bed, and if he moves the garage farther over, he will be getting into a leech bed. All the houses there are set 7 ft. from the right side lot line, as is his adjoining neighbor, who came with him tonight.

Mr. Stevens of 2385 Westside Drive, stated he is in favor of this request. No one else appeared to speak.

Application of Robert Sharkey, 623 Arnett Blvd. for variance to erect a two-family dwelling on lots 3 & 4, located at 2748 Chili Ave.

Mr. Sharkey presented plans of the proposed building to the Board, also a plot plan. This property is located just east of Wyncrest. Mr. Lusk stated this is two lots west of Cardinal Dr. Mr. Sharkey said this will be a split-level house with quarters within the house for his mother-in-law. They will be separate, but all within one unit. There will be a living room, bedroom, kitchenette, and bath for his mother-in-law. She will eat all her meals except breakfast with him and his wife. It will be used just for the immediate family. This apartment would be built on the ground level above the basement area. There would be an entrance from his kitchen to her apartment. There will be separate entrances on the driveway side. From all outward appearances, it will be the same as a single dwelling.

Mr. Entress said according to the map, the lot is 120 ft. by 180 ft. The overall size of the house is 1370 sq. ft., the outside dimensions of the house itself.

The apartment area would be approximately 680 sq. ft.

Mr. Fletcher of 2740 Chili Ave., said he objects to this request. If a variation is made to one party, what is going to happen next time someone wants to do something different. The Board would have to give him what he wants.

Mr. Sharkey then asked if Mr. Fletcher was familiar with the situation. This will not be a two-family dwelling as such. It will be split-level design with quarters for his-mother-in-law.

Mr. Fletcher said it would cause confusion in E residential zone by allowing this double house. Mr. Entress stated it would not cause confusion. A variance can be granted on any property. Mr. Fletcher said that in their tract, their deeds call for single family dwellings. Mr. Wickins replied that has nothing to do with the Zoning Board. Mr. Sharkey has his own attorney. The Board never looks into the tract restrictions, they are only concerned with the zoning law. Mr. Wickins asked if Mr. Fletcher's objection was that this might tend to commercialize the property, and Mr. Fletcher said yes.

Mr. Lusk replied that there is also something in the zoning restricting chickens and poultry. Mr. Fletcher said he was here ahead of the restrictions, and Mr. Lusk replied he wasn't.

Mr. Davis then said he lives on the other side of the property and asked if the house is going to be two separate families. Mr. Sharkey answered it will be split level design with quarters for his mother-in-law. There will be a living room, bedroom, kitchenette, and bath. His mother-in-law will take all meals except breakfast with his own family. Mr. Davis asked if when his mother-in-law passes on, he will rent to someone else. Mr. Sharkey replied in that case, they will use the entire house for their own needs.

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Zoning Board of Appeals

Mr. Davis said he came up here when the application was up for the Church, and he was in favor of it. They had a beautiful set of plans for the Church and a house on Pixley Rd., and the people thought it was swell. But the Church isn't built as the prints were presented.

Mr. Sharkey replied Mr. Lusk can verify his plans as he will see to the building. He said this is actually not a two-family dwelling. Mr. Wickins then stated that he doesn't think there is any doubt that Mr. Sharkey is asking for a variance for a two-family dwelling. Whether for a mother-in-law or someone else, it is still two-family.

Mr. Strassner asked if there are any other two-family houses in that area, and Mr. Wickins replied there aren't.

No one else appeared to speak on this application.

Application of Raymond White, 2856 Chili Ave. for variance to erect 36 ft. tower at Fire House No. 3, 7½ ft. to west side lot line.

Mr. White presented a sketch and said the tower will be located at the back northwest corner of the building, right where the building ends. The building is 15 ft. from the property line, the tower will be 8½ ft. at the base, and 7½ ft. from the west side line, and will be used for a siren. This wouldn't be as high as the present pole, and they intend to remove the pole from the front. They are getting a bigger siren and need something to put it on. The present siren can't be heard very well. They can't put the tower in the back as within 2 years or less, they will need to build out there. The tower is a wind mill.

Marguerite Nieser, who lives next door to the Fire House, said she feels this certainly wouldn't be any asset to them. If they should wish to sell their vacant lot for building purposes, this would be a distinct detriment to the sale of their property.

Mr. Entress asked how far back the tower would be from the road. Mr. Lusk replied the Fire House is not over 40 ft. back from the road right-of-way on Chili Ave., and the tower would be about 76 ft. back.

Mr. John Nieser, 2860 Chili Ave., said he has belonged to the Fire Dept. for 18 years and they have had 4 sirens already, and asked about insurance on the tower. He thinks the tower should be put on the back of the Fire House, as other Fire Depts. have it. He asked who would have insurance on the tower if it should fall. He said they would have to be careful about the cesspool on that side, as it is almost at the end of the building. This tower will be 40 ft. up in the air. He has heard the present siren for 18 years. He is not in favor of putting the siren on the side. It should go on the back. People are kicking about his parking his truck in the drive, and there are signs all over blocking the view.

Mr. White said they plan to enlarge the building and can't put the siren and tower in the back. Mr. Nieser said they have moved it once and where are they going to put it next. Every time someone different comes in, he wants to move it somewhere else.

Mr. White stated they have to replace the roof because of the present siren. Mr. Lusk said they are going to add on the rear of the building, and they want to put a new truck in.

Mr. Entress asked if they couldn't install the tower on the northeast corner, and Mr. White replied not if they want to widen the Fire House towards Chestnut Drive. The plans call for widening and deepening the Fire House.

Mr. Nieser stated something should be done about insurance and asked if the Fire House is going to insure the tower. Mr. Entress answered that is up to the Fire Dept., as the Town has no control over that. He then asked if anyone else had anything to say in regard to this application. Mr. Nieser said they have gotten along with the siren as long as they have, and why not put the siren on top of the new building. Mr. White said he can't hear the siren from his house and he lives two doors away. He also doesn't know when the new building will be done.

Mr. Falleson of 2804 Chili Ave. stated he is not exactly objecting, just giving his opinion. He is just questioning why, if Mr. Nieser objects to it being put on his lot line, why not put it on the new building. He feels they could plan for it. This tower would also be a hazard for children. Mr. White said the ladder starts at 14 ft. in the air and no child could reach it. Mr. Nieser said if it was Mr. White's lot, he wouldn't want the tower there.

Mr. Falleson asked how many applications it takes to turn down one of these things, and Mr. Wickins answered there is no rule on that. Mr. Falleson then asked what guarantee Mr. Nieser had that they won't put the tower there anyway, and Mr. Wickins said no guarantee.

Mr. Wickins stated that any governing board, whatever it may be, should get an opinion of the neighbors before giving a decision. This does not mean that they have to follow this opinion, but they look at the whole situation and decide if it is correct or incorrect thing to do. Even if there are no objections, they have the right to turn down an application. If there are three or four objections, they still have the right to grant it. The Zoning Board is not required to send out personal notices of the meeting, but usually sends a notice to about six of the closest neighbors. Their only requirement by law is that the Public Hearing be published in the paper. This hearing was published last Friday in the Times Union.

Mr. Falleson then asked how far a fire tower was supposed to be from the lot line. Mr. Wickins answered there is no restriction on a tower, but a building requirement is 10 ft. from the side lot line. A fire tower isn't mentioned in the ordinance, as a lot of other things are not mentioned, as they would be too numerous. There are restrictions in the ordinance.

Mr. Entress stated the two adjoining property owners were notified of this hearing.

No one else appeared to speak on this application.

Application of Thomas Buttarazzi, 492 Jefferson Ave., for variance to erect dwelling 35 ft. to front lot line, 8 ft. to side lot line, on lots Nos. 1-42 inclusive, situate Adele Circle and Phyllis Lane, Sandy Mount Subdivision.

Mr. Buttarazzi presented a map. Mr. Wickins asked why he needed 8 ft. to the side lot line, and Mr. Buttarazzi replied that on an 80 ft. lot, with the houses ranging from 40 ft. to 44 ft. in width, ranch type, there wasn't much left for garage and breezeway.

Mr. Entress said that with a 44 ft. house set 10 ft. from the side line, there would be 16 ft. for a garage on an 80 ft. lot. He asked if these houses were built on speculation, and Mr. Buttarazzi replied yes. Mr. Wickins asked if he built just the house or the garage too, and Mr. Buttarazzi answered mostly just the house, but sometimes the garage. The lots are 183 ft. deep. He has three more lots to be developed in Section 2. The setback in that section is 45 ft. Mr. Entress asked if he would object to a setback of 45 ft. on this new section. Mr. Buttarazzi replied he is required to put in 385 ft. of leech for a 3-bedroom house, 7 lines on a field, 55 ft. in length. The houses are 24 ft. or 26 ft. deep.

Mr. Entress stated he thinks he could get the houses in on a 45 ft. setback. A 26 ft. house 10 ft. from the rear line and 55 ft. for leech, which is 136 ft., which would leave 47 ft. He feels that Mr. Buttarazzi would be helping himself by keeping the setback the same as on Section 2 of the subdivision. Mr. Wickins said 35 ft. is too close to the road, and Mr. Buttarazzi replied that the engineer planned it that way. He had nothing to do with it. He has no objection to a 45 ft. setback.

Mr. Entress said that on this layout there are 7 corner lots, and if houses were placed in line, the garages would be within 8 ft. from the side line. Mr. Buttarazzi replied he could face the houses the other way, which would give a much larger side line setback.

No one appeared on this application.

DECISIONS OF THE BOARD:

WILLIAM HOCHREITER granted a variance to erect garage 5 ft. to side lot line at 23 Chestnut Drive. All members voted in the affirmative.

JOHN HANRAHAN, 99 Ballantyne Rd., granted a variance to erect an addition to house 55 ft. to rear lot line, with the condition that no building is to be erected on the adjoining lot on the corner of Lester St. and Ballantyne Rd. unless and until a new variance is granted by the Zoning Board of Appeals. All members voted in the affirmative.

JOSEPH T. COWAN granted a variance to erect garage 3 ft. to east side lot line at 231 Chestnut Ridge Rd. All members voted in the affirmative.

ANTHONY J. COMENALE granted a variance to erect garage 7 ft. to west side lot line at 2806 Chili Ave. All members voted in the affirmative.

JAMES MILLER granted a variance to erect garage 3 ft. to east side lot line at 2387 Westside Dr. All members voted in the affirmative.

ROBERT SHARKEY granted a variance to erect a two-family house on lots Nos. 222, 223, Sunset Subdivision, on the condition however, that the house is to be erected by Robert Sharkey according to the plans and specifications on file with the Zoning Board of Appeals. All members voted in the affirmative.

RAYMOND WHITE - Decision reserved until the next meeting.

THOMAS BUTTARAZZI granted a variance to erect dwellings 45 ft. to front lot line, 8 ft. to side lot line, on lots No. 1-42 inclusive, situate Adele Circle and Phyllis Lane, Sandy Mount Subdivision. All members voted in the affirmative.

June Yates, Secretary

ZONING BOARD OF APPEALS

April 17, 1956

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

Application of Webaco Oil Co., 1791 Scottsville Rd., for variance to store trucks on property 30 ft. to front lot line located in E residential zone.

Charles Sutton appeared and stated he is attorney for Webaco Oil Co. He stated that as he understands this situation, it is an existing non-conforming use in a residential section. It is used as a gas station, with used cars sold incidental to the use as a gas station. The present operator, Mr. Baccarella, has discontinued selling used cars and is parking trucks instead. He hasn't gone into the laws as to whether this is a similar use as a used car lot. The gas station will continue. He has 8 trucks parked on the property. There is a building torn down which needs to be cleaned up, which he will do.

Mr. Entress said he understood it is residential property where the house was located.

Mr. Bertch, President of Webaco Oil Co., stated there is only one piece of property there, and the house was set way back in the corner of the lot. Mr. Walls is going to clean it up, but the weather has been back. The used cars were parked in the same place as the trucks are parked.

Mr. Sutton said this is one recorded lot. Mr. Entress said the gas station was an existing use before the zoning went into effect. Mr. Bertch said they are still operating the gas station, but want to park trucks there. Mr. Entress asked if a variance was granted for a used car lot, and Mr. Bertch replied yes. Mr. Strassner said this was granted on a temporary basis.

Mr. John Walls, 1803 Scottsville Rd., stated he would have to oppose these trucks, as it would hurt the valuation of his property. He lives 100 ft. away. The building was torn down, but these trucks are worse than the whole building. Mr. Eick and Mr. Baker have two nice homes, and this would damage the valuation of the property. He would expect a substantial reduction in the valuation of his property. He has no hard feelings, but Mr. Bertch wouldn't want this next to his house. If he should want to sell, this would definitely hurt the valuation of his property. He realizes the station has not been very successful, and that they want to make the property pay, but not at the expense of his property. The used cars had to be kept back 70 ft., and although the cars weren't too bad, the trucks are really junk.

Theo. Baker of 1789 Scottsville Rd., said there are some school buses parked on the property, also some trucks full of junk. In back of the gas station is a pile of junk taken out of the station, which is a fire hazard. He said he had a chance to sell his place, and this decreased the value. He lives on the adjoining property.

Charles Eick of 1797 Scottsville Rd., stated that one of the trucks with no engine and filled with junk is about 25 ft. from his front door. The trucks are definitely parked closer to his house than any of the used cars ever were. There no doubt about the fact that these trucks ruin the valuation of the surrounding property. There are 12 to 15 trucks around there.

Mr. Baccarella said there are not 15 trucks there. Some customers might store trucks overnight, but they are moved in the morning. There are never 15 trucks on the lot, only 12 at the most. He referred to the truck without a motor, and said this is not loaded with junk, but with all usable parts, to be used for trucks. It is all valuable material and not junk. There is nothing there that can burn, as it is all steel. Mr. Entress asked if this is actually a used parts lot, and Mr. Baccarella replied it is just their own equipment for their own trucks. Mr. Strassner asked if there are trucks being repaired. Mr. Baccarella said just minor repair, a little welding, as there is no garage there.

Mr. Walls asked who they sold gas to and at what hours. Mr. Baccarella replied anyone, including Mr. Walls, from 7:30 A.M. to 5:30 P.M. They own eight trucks. Mr. Eick said he didn't doubt the parts stored there are usable, but it looks like junk to him. Mr. Baccarella said that one truck is junk, which they had had to move from a previous location. They are going to clean out that condition in the back, and they will be glad to cooperate with the people and get the trucks as far back as the property line goes.

Mr. Entress asked the depth of the lot and was told it is 200 ft. deep, 25 ft. wide in the back and about 160 ft. wide in the front.

Mr. Walls said the Fire Department will help him burn the junk when the weather is right.

Mr. Entress then asked if, when the lot is cleaned up, there would be sufficient room to maintain a 70 ft. setback, and Mr. Baccarella replied yes. The trucks are about 8 ft. wide and 22 ft. long, and with the width of the property, he can get 8 trucks in there.

Mr. Entress asked if the people would oppose this application if a 70 ft. setback were imposed. Mr. Eick replied he would be opposed as this would put the trucks right at his front door. His house has a setback of about 130 ft. or 150 ft.

Mr. Strassner then asked if they were to park along the north side lot line how close to the house they would be on that side. Mr. Baker replied about 7 ft. from his house, as his house is 7 ft. from the lot line.

Mr. Bertch then drew a small sketch to show the Board a better idea of the shape of the property.

Mr. Eick and Mr. Walls agreed that the parking of the trucks on the property definitely does hurt the valuation of their property. The Town would have to cut their assessment right in half. Mr. Baker said he looked for a good 75% loss. He had a chance to sell, but since the trucks were there, people walk away.

Mr. Sutton stated they can't actually get rid of the gas station as it was there before the laws were changed. They intend to clean it up as they don't want to harm the neighborhood. He then asked about the used car lot, and Mr. Entress said that would have to come up for another hearing.

Mr. Walls stated he has no objection to a gas station as that is a clean place, but he does object to the trucks, and Mr. Bertch wouldn't like them next to his house either.

Mr. Entress then asked if anyone else wished to speak on this application. No one appeared.

Mr. James R. Mannara, lot #2 Everett Dr., for variance to build a house 25 ft. to front lot line.

Mr. Mannara appeared and stated this is on the west side of Everett Dr., off Fenton Rd. There is a turn-around within the lot. The house would be setback 25 ft. from the turn-around, which would make a 60 ft. setback when a new street goes through and they do away with the turn-around. This would be about 5 ft. behind the front line of Miles' house, which is a new house on the adjoining property.

Mr. Entress stated that the tract as a whole has been approved by the Planning Board. When the road is extended and the Town takes dedication, the turn-around part of the lot will be released to Mr. Mannara.

Mr. Clifford Scott of 79 Fenton Rd. appeared but had no objection. No one else appeared to speak on this application.

Application of Clayton Ess for variance to erect angle iron 45 ft. tower at Fire House No. 2, 3310 Union St., 10 ft. to rear lot line.

Mr. Ess appeared and was informed by Mr. Entress that no application for a variance was necessary on this proposal.

Application of Bernard Green, 43 Morrison Ave., for variance to operate auto repair shop in D residential zone.

Mr. Entress asked Mr. Green what was on the property at the present time. Mr. Green replied there is a building about 20 ft. by 30 ft. for the storage of parts and two personal cars. The lot is 130 ft. by 150 ft. He would operate this himself. Mr. Entress asked if there would be any storage of vehicles outside of the garage. Mr. Green said he does not plan on keeping over one car at a time. He would take one car and work on it, then deliver it to the person who owns it and collect his money. There would be no wrecking of cars, and not much body work, mostly motor, brakes, springs, exhaust, etc. He would put the parts in a truck and take them down to the junk yard right away to get his money out of them. This would be part-time work, as he works at a regular job about 6 hours a day. He would not hire anyone to work for him. He would do a little welding. The building is of wooden frame about 5 ft. from the house.

Mrs. John Fedele of 42 Morrison Ave., stated he lives across the street and feels this would bring down the valuation of his property.

Mrs. Fedele stated there are four families with small children, and this would add to the traffic hazard. There would be cars going back and forth and noise with machinery, even on Sundays. The neighborhood people want to build Chili up, and this would spoil it. This would bring down the valuation of the surrounding property.

Robert McMahon of 32 Morrison Ave. stated he is finishing a new house which will cost around \$15,000 or \$16,000. There are no hard feelings, but this is a residential section and he would like to keep it that way.

Mrs. Mahon said that as far as Mr. and Mrs. Green were concerned, they were glad to have them as neighbors. Their own house hasn't been up to par because her husband has been sick, but they would like to kind of build up the neighborhood and be proud of it.

Mrs. Fedele said there are small children on that road, and the road is just passable for one car. There will be people driving in and out who don't know those conditions.

No one else appeared on this application.

Application of Elsie Habersaat, 50 Fenton Rd., for variance to operate a beauty shop in home situate in D residential zone.

Mrs. Habersaat stated this business will be conducted on the main floor of her home and she will not hire any outside help. Mr. Entress informed her she would have a variance to have an advertising sign. He inquired about the room for parking cars on the property. Mrs. Habersaat replied she will take customers by appointment only, and there is room for 5 cars in the driveway. There would be no cars parked on the street. The lot is 100 ft. wide.

A letter signed by neighbors in favor of this application will be on file in the Town Clerk's office.

Mr. Entress informed Mrs. Habersaat that it has been the custom of the Board in granting this type of variance to grant it for a stipulated period of time. At the end of this time, the applicant has to appear before the Board for a renewal of the variance. If there has been no complaint, the renewal is granted.

No one appeared to speak on this application.

DECISIONS OF THE BOARD:

WEBACO OIL CO. was denied a variance to store trucks on property at 1791 Scottsville Rd. Trucks must be removed within 10 days. All members voted in the affirmative.

JAMES MANNARA was granted a variance to build house 25 ft. to front lot line on lot No. 2 Everett Dr. All members voted in the affirmative.

BERNARD GREEN was denied a variance to operate an auto repair shop at 43 Morrison Ave. All members voted in the affirmative.

ELSIE HABERSAAT was granted a variance to operate a beauty shop in her home at 50 Fenton Rd. for a period of three years. Sufficient offstreet parking must be maintained, and Mrs. Habersaat is to be the sole operator. All members voted in the affirmative.

June Yates, Secretary

ZONING BOARD OF APPEALS

May 1, 1956

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

Application of Carl C. Weisshaar, 23 Charmaine Rd., for variance to build a garage 6 ft. to the side lot line.

Mr. Weisshaar presented a sketch showing proposed garage to be 7 ft. 7 in. from the side lot line, with a 12 ft. breezeway. The garage would be 14 ft. wide. The adjoining house is 8 ft. from the side lot line.

Mr. Weisshaar stated he is asking for a variance to 7 ft. 7 in. instead of 6 ft. The lot is 73.7 ft. wide. He said he had talked with the neighbors on either side and they said they had no objection. The garage will be behind the house.

No one appeared to speak on this application.

Application of Lawrence Lenhardt, 202 Chestnut Ridge Rd., for variance to erect an addition to present building 5 ft. to side lot line.

Mr. Lenhardt presented a sketch showing present building on the property and proposed addition. The present building is used as a shop now, and he wants to add 50 ft. on to the back end. The original building was built before zoning and is 3 ft. from the lot line. Another building was added on afterward and jogged over to 5 ft. from the lot line. There is no building on either adjoining lot. The nearest house is his own house. He said the shop is about 300 ft. from the road, and the house is about 95 ft. from the road. Fitzsimmons owns the property to the west. The lot is about 725 ft. or 726 ft. deep, and there will be about 100 ft. from the back of the proposed building to the back lot line. The adjoining lots all are as deep as his. His house is the second one from the corner of the Chili-Coldwater Rd.

Mr. Entress stated he thought those lots had been sold to be built on, and Mr. Lenhardt replied they had not been sold that he knows of. He said the lots are narrow and long and not likely to be developed, and Mr. Strassner said even so they could be developed.

Mr. Lenhardt said the new building will be used for a machine shop, mostly for assembly. He is making dental equipment right now, a dental unit, and has already built 150 of them. He has a year's order until December for more. He has about 13 people on now, and at the most hires about 15. There won't be any more machinery than what would be used in the cellar, no heavy machinery, perhaps a small drill press. There would be no noise that anyone could hear, as the houses are so far away.

There was then some discussion as to the size of doors, etc., and Mr. Lenhardt said there are specifications such as these which come under the State regulations.

No one appeared to speak on this application.

Application of the Roberts Wesleyan College to enlarge trailer park was withdrawn.

DECISIONS OF THE BOARD:

CARL C. WEISSHAAR was granted a variance to erect a garage 7 ft. 7 in. to the side lot line at 23 Charmaine Rd. All members voted in the affirmative.

LAWRENCE LENHARDT was granted a variance to erect an addition to present building 5 ft. to side lot line at 202 Chestnut Ridge Rd. All members voted in the affirmative.

June Yates, Secretary

ZONING BOARD OF APPEALS

May 15, 1956

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

Application of Raymond B. Stuart, 61 Stuart Rd., for variance for the operation of a day camp on a portion of farm.

Albert Gilbert, Attorney, of the Wilder Building, appeared for the Arnett Branch of the YMCA and Mr. Stuart with the request for a variance to operate a day camp on the Stuart farm sponsored by the YMCA. This request is for a 6-week period not restricted to this particular year. He said that last year they appeared before the Board with a request only for a year in order to see how it would work out. There were no objections at that time. This camp is located 1,000 ft. from the Hertz property across Route 33-A. The camp cannot be seen from any other property. The campers are under adult leadership. There would be two or three camp-outs during the 6-week period. The children include those from the 19th Ward and Gates and Chili. Last year, there were about 24 from Gates and Chili. A bus picks up the children at the YMCA and on the way out at 9:00 A.M. and brings them to the camp, and on the way back, the bus picks up about 50 boys and girls in Chili and North Chili and takes them back to the YMCA for a swim period. They are there from 10:30 A.M. to 2:30 P.M. The bus then brings them back out and picks up the camp members at about 4:00 P.M. This camping period runs from June 29th to August 10th, 6 weeks, which includes two 3-week periods, from about 10:00 A.M. to 4:00 P.M.

Mr. Wickins then stated that it has been the practice of this Board in granting a variance of this nature, not to grant it to exceed a period of 5 years. Mr. Gilbert replied that would be acceptable to the YMCA and to Mr. Stuart. He said there would be no permanent buildings in this situation, as they are not attempting to establish another Camp Corey. This is strictly a day camp.

Mr. Entress asked what type of activities were involved. Mr. Gilbert replied that this year they have new leaders. They offer archery, hiking, nature study, craft, a little baseball, Indian lore and some swimming in Black Creek. Mr. Entress then asked the number of campers, and Mr. Gilbert replied they are limited to 90. In this program, they are automatically covered by insurance, so there is no problem there. He then introduced Mr. Strong, the Executive Secretary of the Arnett Branch of the YMCA and Mr. Huntington who is on the Committee, and said these men would be glad to answer any questions.

Adetha Hertz of Sunnyside stated she is appearing for herself and her sister, Gertrude Hertz, and they both object to this application. They object to the noise and to the Indian lore with the tom-toms. This is an infringement of their rights, also, by use of their mill pond.

Mr. Wickins then said the Zoning Board of Appeals couldn't enter into a decision of legal rights, as it is outside their jurisdictions. That would have to be decided by a judge in the court.

Miss Hertz said they also object to the noise of the camp, and they don't care to have it there at all.

Mr. Gilbert stated that being an attorney, he could say that it is not for this Board to determine legal rights, and that the YMCA will not enter into a matter of that kind. He said there is much written about the trouble teen-agers get into, and this is good training for boys and girls. This is a very short period of only 18 days from 10:00 A.M. to 4:00 P.M.

Robert H. Rose stated he is on the closest property to that right now. The camp will be on the north side of the creek adjoining that where he intends to build a new home. He doesn't have it now. He also object to the 5-year period of a variance, it might change his plans. At the present time, he is living in a crowded area and is moving out here to have some peace and quiet. If it was just for this year, it would be all right, but not for 5 years.

Mr. Wickins said that Mr. Rose has misunderstood him. When he made the statement concerning a 5-year period, he just wanted to point out to the other attorney that the policy of the Board has been never to grant a variance of that type for longer than a 5-year period.

Mr. Rose then inquired if the request was just for this year. Mr. Gilbert replied that they are asking for the 5-year period, rather than come out each year and request this. If it is not granted, it will seriously work a hardship on the YMCA. He said he had just spoken to the two gentlemen from the YMCA and they would not object to the granting of a 3-year period, if the Board would be willing to go along with that. That way, perhaps Mr. Rose's plans would be more secure, and theirs too.

Miss Hertz stated they were not notified at the preceeding request. Mr. Entruss replied that the hearing last year for the same application was advertised in the paper. As to whether she was notified personally, he couldn't say. Miss Hertz also objected to the 5-year period.

Mrs. Rose then asked if this request was granted, and the Rose's built a home on their land with a big picture window which might be broken by the children playing, if the insurance would cover it. Mr. Gilbert replied that it would. The YMCA is not trying to create a disturbance. This is just for 18 days, and they are not trying to build up to a permanent camp. This is only for a day camp for that amount of time. The campers won't want to be any closer to surrounding people than they have to. Mr. Stuart's property is big enough so that there is no need for them to be near the Rose's property.

Miss Hertz asked how they account for the noise in the evening. Mr. Gilbert replied that they had a couple of camp fires. Miss Hertz stated she still objects, as they are pretty noisy. She also objects to the use of her own property.

Mr. Entruss then asked how close Mr. Rose is located to the camping area. Mr. Rose answered his property is right across the creek on the curve on Chili Ave. The camping area is on the other side of the creek. The entrance would be about 300 ft. from them.

Mr. Stuart said the entrance is just over the hill as you cross Black Creek. They have tents up back of Harvey Rose's home, and he has no objection. It can't be seen from the road. He doubts if Mr. Rose could see across the creek when the trees are out. The YMCA came to him two or three years ago for a camping site. He doesn't have too much time to spend with boys and wanted to do this. Last year, he had corn right in back of them, and the children never went near it. He lives closer than some who have complained, and the noise doesn't bother him.

No one else appeared to speak on this application.

Application of Albert Gerwicks, 5 Irving Dr., for variance to erect a house 35 ft. to front lot line, Lot 5 Audubon Terr.

Mr. Gerwicks presented a sketch and said the reason for the request is because this is on a temporary turn-around. He is going to take over the rest of the farm within a period of three years, start a subdivision which will all tie in together, and eventually the street will continue right through. When he extends the road, he will file an amended map eliminating the turn-around, but he wants to start the house on this lot right now. When asked about Lot No. 9, which is also on the turn-around, he said he intends to apply for an amended map right away and stake the turn-around out in the field beyond. This 35 ft. setback will put the proposed house in line with the other houses, and will become a 60 ft. setback when the turn-around is eliminated. Any portion of the turn-around will then be deeded to the people whose property it cuts into.

Mr. William Sharp of 23 Audubon Terr. studied the map and stated that he has no objection.

No one else appeared to speak on this application.

Application of Casimer Fintak, 223 Chestnut Ridge Rd., for variance to build a garage 3 ft. to east side lot line.

Mr. Fintak presented a plot plan to the Board. The lot is 60 ft. wide by 200 ft. deep on one side and 207 ft. deep on the other. He said the lots are all 60 ft. wide and there are four other attached garages in the same tract. The garage will be set back 16 ft. from the front of the house.

A letter was received from Clarence Heinsler, 221 Chestnut Ridge Rd., the adjoining neighbor, who objects to this application. This letter will be on file in the Town Clerk's office.

Mr. Fintak said the houses are all in line in front, but the back of the houses from Heinsler's on east are setback about 3 ft. or 4 ft. farther than the others. This is Kuebler's tract. If he sets his garage back further, it will be over his leech beds. There is one detached garage on the west side, that of Mannix, which is a two-car garage.

No one appeared to speak on this application.

Application of William A. Duplisea, 41 Creekview Dr., for variance to build garage 5 ft. to east side lot line.

Mr. Duplisea presented a sketch to the Board. He said the lot is 75 ft. wide, and the house on the right is 10 ft. from the lot line. The front of that house is in line with his. The proposed garage will be 14 ft. by 22 ft. and have a basement because the lot at the rear of the house drops to basement level.

No one appeared to speak on this request.

Application of Paul Sold for variance to move garage 8 ft. to east side lot line at 43 Creekview Dr.

Mr. Sold presented sketch and stated the garage will be on the east side, next door to Mr. Duplisea, with the garage on the same side. The next door neighbor is approximately 30 ft. from the lot line. The lot is 75 ft. wide, the garage will be 20 ft. 4 in. by 14 ft. 4 in. This is an attached garage which will be moved from the house to add a breezeway. It will be setback 60 ft. in line with the front of the house.

No one appeared to speak on this application.

Application of Mr. Blobuth, 40 Hubbard Dr., for variance to build garage 5 ft. to north side lot line.

The applicant appeared and said his name is Tobutt and presented a sketch. He said when building the house, he ran into a wall of rock on the south side of the lot, which put the house over on the lot approximately 5 ft. He was going to have a breezeway and garage, but now is going to have an open porch on the back. This will be a 17 ft. garage, with a space between the house and garage as there are windows on the house and also he needs an entrance to the house. He wants an outside vestibule. On the lot adjoining, there is a garage 10 ft. from the lot line. There would be 15 ft. between the buildings altogether.

The Board received a letter from the Home Owners Association of Springbank Heights requesting the Board to withhold decision on this until the tract restrictions are looked into, signed by Claude J. Parr, President. This letter will be on file in the Town Clerk's office.

A neighbor present at the hearing then read the tract restriction pertaining to this application, and limiting the side line setback to 10 ft.

Mr. Wickins stated the tract restrictions have nothing to do with the Board.

Ernest Dimor, 24 Hubbard Dr., objects because the houses at that end of the street are a little better, and he hates to the valuation of his house go down. The houses are getting too close.

George Peterson of 36 Hubbard Dr., feels that 15 ft. would be too close. He moved out here to have room and objects to this request. He lives on the north of this property.

Elmer Hart, 32 Hubbard Dr., objected. He said he is going to have to build a garage and stay back. If they let this get away, others are going to try the same thing.

George Noeth, 28 Hubbard Dr., objected for the same reasons.

No one else appeared to speak on this application.

Application of Harold Eggleston, 3700 Chili Ave., for variance to erect a porch 8 ft. to east side lot line.

Mr. Eggleston presented a sketch showing a porch 8 ft. by 12 ft. He said the house on the next lot is about 15 ft. from the lot line, making a good distance between the two. The lot is 75 ft. wide. The porch will be enclosed, with a door coming out of the living room onto the porch.

Harold Ferguson, 3698 Chili Ave., said he is the neighbor on the adjoining side and has no objection. It will improve both properties.

No one else appeared on this request.

Application of Anthony Santos, corner Weidner and Scottsville Rds., for variance to use 85 ft. by 91 ft. rear lot to park 12 trailer trucks.

Charles Baccarelli appeared as partner of Genesee Trucking Co. whose trucks are concerned in this application, and stated these are not trailer trucks, but dump trucks, and they have 10. They are asking for permission to park trucks on the Santos property. These would just be their own trucks. Mr. Santos will benefit by this as he will get work from the trucks such as greasing and oil, etc. He presented a sketch of the property and said it is northwest of Santos' garage, west of the driveway to the restaurant.

Mr. Kelly asked if this was overnight parking. Mr. Baccarelli said not through the night, just through the day. They go in through Weidner Rd.

Mr. Entress inquired how far off the road the trucks would be parked, and Mr. Baccarelli replied they can get way back. They would go along with any suggestions of the Board.

Mr. Kelly asked if there would be any objection to a time limit such as one year. Mr. Baccarelli answered that to be frank, this is going to be temporary anyway. If they get work, they move their equipment right on the job. This is just temporary as far as the Genesee Trucking Company is concerned. Every truck is licensed and moving equipment. There is only one truck without a motor, and they are going to do away with it.

Mr. Entress asked the width of Weidner Rd., and Mr. Lusk said it is a three-rod road. He then asked if there would be any objection to a setback restriction from Weidner Rd., and Mr. Baccarelli replied no. Each truck is 8 ft. wide and would require about 10 ft. parking space. Parking 10 trucks would be an area of about 50 ft. He said they would go along with any restrictions made by the Board, as long as they can get their trucks in there. Mr. Entress said that if a 30 ft. setback was required on Weidner Rd., that would give them an area of 61 ft., and Mr. Baccarelli said that is plenty.

No one appeared on this application.

Application of Gage Miller, 86 Beaver Rd., for variance to build a garage 40 ft. to front lot line.

Mr. Miller did not appear, so Mr. Wickins, who is Mr. Miller's attorney, represented him. He presented a sketch showing proposed garage. This setback will keep the garage in line with the existing dwelling. The garage will be 40 ft. from the side of the house.

No one appeared to speak on this request.

Application of Walter Sherwood, 26 Beaver Rd., for variance to build 1½ story garage 40 ft. to front lot line.

This application was dismissed for non-appearance of the applicant.

DECISIONS OF THE BOARD:

RAY STUART was granted a variance to operate a day camp on a portion of his farm by the Arnett Branch of the YMCA for a period of three years, from June 15th until September 1st. This is limited to 100 registrants. All members voted in the affirmative.

ALBERT GERWICKS was granted a variance to erect house 35 ft. to front lot line, lot No. 5, Audubon Terr. All members voted in the affirmative.

CASIMER FINTAK - Decision was reserved on this application.

WILLIAM A. DUPLISEA, 41 Creekview Dr., granted a variance to build a garage 5 ft. to east side lot line. All members voted in the affirmative.

PAUL SOLD, 43 Creekview Dr., granted a variance to move garage 8 ft. to east side lot line. All members voted in the affirmative.

MR. TOBUTT - Decision was reserved on this application.

HAROLD EGGLESTON, 3700 Chili Ave., granted a variance to erect a porch 8 ft. to east side lot line. All members voted in the affirmative.

ANTHONY SANTOS granted a variance to use 85 ft. by 91 ft. rear lot at corner of Weidner Rd. and Scottsville Rd. to park trucks with the following restrictions: Granted for a period of one year; limited to 10 dump trucks owned by the Genesee Trucking Co. All trucks must be licensed and in operating condition. Trucks to be parked no closer than 20 ft. from the property line on Weidner Rd. Location on lot to be designated by the Building Inspector. All members voted in the affirmative.

GAGE MILLER, 86 Beaver Rd., granted a variance to build garage 40 ft. to front lot line. All members voted in the affirmative.

WALTER SHERWOOD - Application dismissed for non-appearance.

June Yates, Secretary

ZONING BOARD OF APPEALS

June 5, 1956

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

Application of William Kuebler, 10 Dake Ave., for variance to erect house on lots 20 to 33 inclusive, lots 200 to 220 inclusive, lots 124 and 126, side lot line 10% of width of lot, in O.K. Ridge Subdivision, Section 2.

Before proceeding with the applications, Mr. Wickins made the following announcement to the people present:

"There is not a quorum present of the Zoning Board of Appeals. The Board will hear any cases you wish to present, the minutes will be taken, and a decision will be arrived at at a later date, when all the members are present. If anyone wishes to withdraw his application at this time, he can do so and put it on again for the next meeting of the Zoning Board of Appeals two weeks from tonight. It has been the custom of the Board to hold the meeting whether or not a quorum is present, and other members of the Board will read the minutes, and the Board will then meet and make a decision. Does anyone wish to withdraw his application?"

No one wished to do so.

Mr. Kuebler stated that he had obtained a variance for the other part of the subdivision, but he hadn't included this. The reason for asking for the variance is that the lots are 80 ft. in width, and it is difficult to comply with the 10 ft. side line restriction. He would like a variance of not less than 10% of the width of the lots. There are 30 lots in the whole tract, and a variance was granted on Section 1.

Mr. Wickins then asked if anyone wished to say anything in favor of this application, or in opposition to it. No one appeared. He then said that Mr. Kuebler would be notified of their decision as soon as the Zoning Board gets together.

Application of Earl R. Howarth for variance to erect dwelling 50 ft. to front lot line on lot 11, Starlite Drive.

Mr. Howarth presented a map of the lot in question. He said that when they measured for the foundation for the house, they measured back 60 ft. to each front corner, took a straight edge across, and didn't figure on the curve in the road. This made the center part of the front part of the wall closer to the road than the two front corners. It was just an error. The cellar is dug and the cellar wall is in.

Mr. Wickins asked the front lot line & setback of the house next door, and Mr. Howarth replied they are all set back 60 ft., but they are on a curve. It is just the middle part of his house which is not 60 ft. back because of the curve in the road.

Mr. Wickins asked if anyone wished to speak on this application, in favor of it or opposed to it. No one appeared.

Application of Harold H. McElzer, 2035 Westside Dr., for variance to build garage 7 ft. to west side lot line.

Mr. McElzer presented a sketch of the lot, which is 70 ft. wide. He would like to build a 16 ft. garage and a 7 ft. breezeway. The garage will be on the east side of the house, and the adjoining house is 4 ft. from the side lot line. This will make 11 ft. between the two houses. Mr. Wickins asked the name of the adjoining neighbor, and Mr. McElzer said it is Mr. Martin, and that he has talked with him and he does not object. When Mr. McElzer bought his house, the restriction was 10% of the width of the lot, which would have been 7 ft. When he came to the Town Office for a permit, he was told the zoning had been changed to 10 ft. from side lot line.

Mr. Wickins asked the distance of the west side line setback. Mr. McElzer replied about 4 ft. Mr. Kelly asked how long he had lived out there, and Mr. McElzer said 5 years. Mr. Breiner built the house.

Mr. Kelly asked how far the garage would be set back from the front lot line, and Mr. McElzer said it would be setback approximately 10 ft. from the front of the house and be attached by the breezeway roof.

No one appeared to speak on this application, and Mr. Wickins then informed Mr. McElzer that he would be notified as soon as the Board had made a decision.

application of Richard W. Dillon, 2427 Westside Dr., for variance to build garage 7 ft. to west side lot line.

Mr. Dillon presented a sketch and said that he is in the same situation as Mr. McElzer. The sketch shows a 9 ft. breezeway, and Mr. Dillon stated that he has re-measured the lot and revised his measurements to a 7 ft. breezeway. His neighbor has a side line setback of 10 ft., so there would be 17 ft. between his house and the proposed garage. The neighbor lives on the corner of Westside Dr. and Keith Terr. and does not have a garage, but his entrance to a garage would be from the side street.

No one appeared to speak on this application, and Mr. Wickins told Mr. Dillon he would be notified as soon as the Board makes a decision.

At this time, Walter Stanzel of 2429 Westside Dr., said he had just talked with Mr. Dillon tonight on this request, and asked to see the plan. He said he wondered if 17 ft. between buildings is enough distance as far as fire protection is concerned. Mr. Wickins replied that it has been the feeling of this Board that 17 ft. would be sufficient. However, the side line restrictions were increased to 10 ft. to make a 20 ft. distance between buildings. Mr. Stanzel stated he has an extension on the side of his house, and if Mr. Dillon would build the garage farther back, he would have no objection. Mr. Dillon said the garage will be back about 8 ft. from the front of the house.

Mr. Wickins stated that the 10 ft. restriction was put in after the ordinance was changed to increase the size of the lots also. If Mr. Dillon had an 80 ft. lot, he wouldn't need a variance.

Mr. Stanzel then said he would leave it up to the Board to judge, and if they think it is enough distance, it is all right with him. He himself would like to see the garage a little farther back if possible as he has two bedrooms on that side, and a bathroom, kitchen, and living room.

Mr. Dillon said the breezeway will be 7 ft. wide, and the garage 12 ft. wide and 24 ft. long. Mr. Lusk stated the minimum size of the garage is about 14 ft. Mr. Dillon said the actual measurement of the house is 34 ft. wide, breezeway 7 ft., garage 12 ft.

No one else appeared.

Application of Cities Service Oil Co., 1129 Scottsville Rd., for variance to erect sign 10 ft. by 4 ft., 15 ft. to front lot line.

Mr. Waite appeared to represent the Cities Service Oil Co. and said this is an identification sign for a terminal. They are back of the Webaco Oil Co. terminal, and have a lease on the terminal and operate it. The sign says "Cities Service Pipe Line Terminal", and will set perpendicular to the road, 15 ft. from the front lot line, but he does not know the exact property line.

Mr. Wickins asked if Mr. Waite knows that is a 100 ft. right-of-way. Mr. Waite replied this would be back farther than the present sign of Webaco Oil Co. The sign is now erected, done by the Kendall Sign Co., and he assumed that they knew what they were doing, but it was called to his attention they had not obtained a permit. He called Kendall, and they said they didn't know they had to have a permit. The edge of the sign toward the road is about even with the back edge of the present Webaco neon sign.

Mr. Wickins asked if he was sure it was 15 ft. from the property line, and Mr. Waite replied no, he is not positive.

Mr. Wickins then said that he thinks before the Board made any decision, he should be sure of the location of the sign. He would suggest, even though no decision can be made by the Board because there is no quorum, that he should have that measured and make sure of the footage. There would be no use in the Board granting a 15 ft. setback if it turned out to be a different figure, although he is not saying what the Board will do. Mr. Lusk seems to think it is closer than 15 ft. If they let everybody put a sign up without a permit, there would be signs all over. Mr. Waite replied that he appreciates that and is sorry this happened, but he assumed the Kendall people had taken care of everything. Mr. Wickins said it has happened that they have made people take them down.

Mr. Wickins then suggested that Mr. Waite have it measured, and Mr. Lusk, our Building Inspector, will measure it, and then have his application conform to whatever the situation is. He would like Mr. Waite's consent, at this time, to modify his application to the number of feet that a proper measurement will show without re-advertising and without making a new application. He asked Mr. Waite to write a letter to the Zoning Board of Appeals stating his wish for his application to be modified to whatever is the proper footage. Mr. Waite then asked what he could use as a starting point, and Mr. Wickins replied 50 ft. from the center of the road. Mr. Waite then stated he will do that and then will write the Board a letter stating exactly the footage from the property line, which will be 50 ft. from the center of the highway.

Mr. Lusk then asked if the sign will be lighted, and Mr. Waite answered there will be no lights at all.

No one appeared to speak on this application.

Application of Carl Piarulli, 861 Westside Dr., for variance to build house 60 ft. to rear lot line.

Mr. Piarulli presented a sketch. He is locating the house approximately 90 ft. from the front lot line and trying to stay as much as possible in line with the other houses on Fenton Rd. In order to do this, he has to go back about 90 ft., which violates the rear lot line setback. This is now a vacant lot near Westside Dr.

Mr. Wickins said that although Mr. Piarulli wants to locate his house the same position as the houses located on the adjoining lots on Fenton Rd., he actually doesn't know whether this is 90 ft. or not. Mr. Piarulli said it is in that vicinity, and that a 60 ft. setback would put his house in front of the other houses.

Mr. Kelly asked the dimensions of the proposed house, and Mr. Piarulli replied 32 ft. deep by 64 ft. wide.

Mr. Wickins stated that if it is agreeable with the Board and Mr. Piarulli, he would suggest that before acting on this application, there should be an exact measurement on that. He doesn't believe the Zoning Board of Appeals should grant a variance when the applicant himself says it would be "approximately" 90 ft. Mr. Piarulli said there is no problem on the front setback, and Mr. Wickins replied they have to take the front into consideration. The Board should know the exact measurements before granting any variance for the protection of both the Board and the applicant.

Mr. Lusk then asked the distance of the leech beds from any well. Mr. Piarulli said it is at least 70 ft. from his lot to the home where he lives right now, with a well right behind his house.

Mr. Wickins suggested again that the Board have the Building Inspector go down there and make his measurements on that, as they can't act anyway.

Mr. Kelly asked if he has the plans already, and Mr. Piarulli replied he is using someone else's plans who already has a house.

Mr. Wickins informed Mr. Piarulli the Board will act as soon as they can. They meet again in two weeks. They might meet before then and decide on it, but he can't guarantee it. Mr. Lusk will probably go down on Saturday to measure the property. He then asked if anyone wished to speak on this.

Bill Danner appeared and said he had seen the variance and wondered about it. He was shown the map. He then asked Mr. Piarulli if the house would be in line with Charles Stich who is right next door, and if he had had the lot subdivided. Mr. Piarulli replied the lot is not subdivided. Mr. Danner then said there would be two houses on one piece of property. Mr. Wickins answered there is plenty of property. According to the map, this lot would be 100 ft. by 183 ft. The ordinance requirements are 90 ft. by 170 ft.

Mr. Danner stated his house is 75 ft. from Fenton Rd., with a vacant lot between his house and Mr. Piarulli's property. The setbacks all vary along the road. Mr. Piarulli said his only problem is trying to make his house look neat by staying in line with the others going down the street. If Mr. Stich's house is 75 ft. back, his will be also; he won't want the 90' at all. Mr. Wickins then said that Mr. Lusk will go down and measure it up.

No one else appeared to speak on this application.

Application of Wilbert Rabb, 2771 Scottsville Rd., for variance to operate a grill and tavern in E residential zone.

Rosario Guglielmino, Attorney, appeared to represent Mr. Rabb. As Mr. Guglielmino had just appeared, Mr. Wickins informed him that there is not a quorum present of the Zoning Board of Appeals, and that no decision can be arrived at this evening. Mr. Guglielmino is free to withdraw his client's application and present it two weeks from tonight at the next regular meeting. If he wishes to present his case, the secretary will take the minutes, other Board members will read what has been said, and a decision will be arrived at that way. Mr. Guglielmino said he might just as well go ahead tonight, as he doesn't have too much to present.

Mr. Guglielmino then proceeded by stating that the gentlemen of the Board are probably familiar with the history of this matter. Some time ago, on Jan. 6, 1953, Wilbert Rabb was granted a variance by this Board to operate a restaurant on premises for a period of 5 years, limited strictly to a restaurant. At that time, building was in the process of being constructed, largely with the hands and sweat of Mr. Rabb. He invested all of his life savings, and the life savings of his son, who is in military service. He contemplated at that time that when the building was completed and operated as a restaurant for the required period of time, he would apply for a liquor license. There were rumors some time ago that

it wouldn't be possible to get a liquor license in the future, and it was necessary to file an immediate application for a license. It was his intention, as soon as he obtained the license, to come here and obtain the necessary variance to operate as a grill and tavern. His client was sick at that time and has been under doctor's treatment for more than a month. That is the reason he did not get in touch with his attorney, and has operated for a short time without making his application to this Board. The reastuarant was formally opened on Nov. 5, of last year. The liquor license was granted on May 3, and received on or about May 3rd. There are neighbors here who wish to record their names as being in favor of this application.

Mr. Wickins then stated that as attorney for the Zoning Board of Appeals, there is some feeling among the members of the Board that this man started building in the first place without a variance and was instructed that the ordinance must be complied with to operate a business here. ~~xxxx~~ Two and one-half years later, he is violating another ordinance. The Board in the past has made people take down signs and buildings. The ordinance is in effect, and everyone should know this. Someone who has run into this before should know that.

Mr. Guglielmino replied that he agrees 100%, but that the Board should consider this man's intellectual capacity. In his interview with Mr. Rabb regarding obtaining the liquor license, it was difficult to make him understand the facts and materials required to send to the State Liquor Bureau, very simple matters. He can assure the Board that there is no feeling on Mr. Rabb's part other than to want to comply with every rule and regulation. He may have been careless in not calling to Mr. Rabb's attention the fact that he would need a variance to use this liquor license, but he was so concerned with the license that it did not occur to him. It is unfortunate that the Town does not notify attorneys in cases like this. Mr. Guglielmino did not know Mr. Rabb had the license until he said he was sick and had tried to get in touch with him. Mr. Rabb came to see him because of a letter from the Liquor Board which required him to remove some things from the window as a condition to obtaining the liquor license. He had to submit formal proof and waited until almost the last minute to do that.

Mr. Wickins stated there is no criticism of Mr. Guglielmino. Speaking for some members who are not present, this gentleman was told the last time that he must comply with all rules and regulations of the Town of Chili. He can understand his applying for a license to see whether he could get it, but not operating before coming here for a variance. Mr. Wickins is not trying to imply that the Board will act one way or another, as he doesn't know. However, this gentleman must be impressed with the fact this time that unless he does live up to the rules and regulations of the Town, in the event of a renewal, the Board would act unfavorably.

Mr. Guglielmino replied he is convinced personally that this man is a law-abiding person, but he has had many problems up to this point. He has just undertaken too much physically. He has a very strenuous job and in addition he has been building this place. Mr. Rabb has employees and the license is in his name. Mr. Wickins asked if there would be any additional signs and what hours he planned to operate. Mr. Rabb replied there would be no additional signs, and he opens at 9:00 A.M. and closes at 2:00 A.M., sometimes a little earlier. Mr. Lusk stated there is sufficient parking there.

Mr. Guglielmino said this building and manner of operation is a credit to the community. This means a lot to Mr. Rabb as he hopes that when his son comes out of service, he will have a place for him; this is for himself and his son. The license is renewable every year. This one will expire this fall.

Harold Lepenski, 2503 Scottsville Rd., stated he has been in the restaurant several times and it is a nice clean place with good food. He has no objection to the sale of intoxicating beverages.

Edward McQuire, 2783 Scottsville Rd., stated this is a nice clean place and he has no objection to the variance.

Mr. Kelly then asked how long Mr. Rabb has been serving beverages. Mr. Rabb replied a little over two weeks. He kept the license a week before he opened up. Mr. Guglielmino said it was just a matter of a week when Mr. Rabb received a letter from this Board. Mr. Guglielmino then stated that Mr. Rabb has always received the kindest and most considerate treatment at the hands of this Board; if granted this variance, he will prove himself worthy of it. He asked if the Board wanted Mr. Rabb to suspend operations until a decision is reached, and Mr. Wickins answered no, not until the Board comes to a decision.

Decisions on these applications will be made at the next meeting of the Zoning Board of Appeals on June 19, 1956.

June Yates, Secretary

ZONING BOARD OF APPEALS
June 19, 1956

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

Application of Joseph Contiguglia, 1400 Scottsville Rd., for variance to park and store trucks, trailers and motor vehicles on open land situate in A zone.

Mr. Contiguglia introduced his brother, Anthony Contiguglia, to speak for him. Anthony Contiguglia stated they would like this variance as that particular area is in industrial zone. The storing of these trucks or trailers will be located at the southeast corner of the present lot as it is developed. This corner is surrounded by trees on the east and south side and is not visible from the highway going from south to north. They are willing to park these trucks about 50 ft. or 75 ft. back of the east highway line, that is the macadam.

Mr. Entress said this is a 100 ft. road and this would be 25 ft. from the property line. Mr. Contiguglia said they will be quite some distance back from the highway, and the trees along there will shield them from the highway.

Mr. Entress asked the location of the truck parking area in relation to the Air Spa. Mr. Contiguglia replied it is on the right side as you are facing the Air Spa. Mr. Entress asked if the trucks and trailers were licensed. Mr. Contiguglia replied that he imagined so. This will not be permanent storage. This is not a junk yard, and there will be no dismantling or parts. Mr. Entress asked if they will all be usable and licensed and in running order, and Mr. Contiguglia answered yes, definitely. He was asked if these trucks come in and out during the day, and he replied they may come in during the day, or for three or four days. When they come in, they definitely won't park near the road or on it. There won't be any maneuvering on the road itself. There is plenty of entrance room. They will come in at some distance from the Air Spa building.

Mr. Entress asked if these would all be owned by one corporation. Mr. Contiguglia replied no, they will have any trailers or any trucks.

Mr. Strassner then asked if this is going to be a trailer depot, and Mr. Contiguglia said no, it is for the parking of surplus trucks and trailers when they have no other place to park them. There have been a couple of van trailers in the past, and that is about the extent of tractor trailers. This is sort of a temporary proposition.

Mr. Entress replied that once a variance is granted, it isn't temporary. It will extend for a certain length of time.

Mr. Strassner asked if there will be any house trailers, and Mr. Contiguglia replied no.

Mr. Entress asked if anyone present wished to speak in favor of this request, or in opposition to it. No one appeared.

Application of Lewis A. Geisler, 30 Bauman Dr., for variance to build horse stable in E residential zone.

Mr. Geisler appeared and presented a sketch of the property. He said that Bauman Dr. is a private road running off Stallman Dr., which is a private road also, running off Ballantyne Rd. about 100 ft. from the railroad track. It sets back in toward the creek. This is the Clark property. The lot is 225 ft. wide by 800 ft. deep, with a house now on the property. There is a poorly constructed barn, actually a shed, which was there when he bought the place, and which he plans to dismantle. The new barn will be 16 ft. by about 26 ft. and be back from the road 200 ft. They need the barn for their own two private saddle horses and to store hay. There are no neighbors anywhere near there. Mr. Geisler said he will follow Mr. Lusk's instructions in building the barn, and that it will be an asset when it is finished.

No one appeared to speak in favor of or in opposition to this request.

Application of Earl DiPascal, 1611 Scottsville Rd., for variance to dismantle cars and operate used car lot in E residential zone.

Mr. DiPascal presented a plan of the property and said that he has already been granted a variance on this property for a used car lot. There is a lane which comes in the property from the road and a swamp with trees. He plans to use the property in the back by the railroad, which won't be seen from the road. He will have to build up the property.

Mr. Entress asked if there were some dismantled cars on the property at the present time. Mr. DiPascal said no, just some automobiles. Mr. Entress stated that he personally went in there with Mr. Lusk a few weeks ago and counted 22 cars which were not in running order, they were dismantled cars. Mr. DiPascal disagreed with him. He took the engine from one car and put it in another car. Mr. Entress said these cars were not in runnable use. Mr. DiPascal said any dismantling would be carried on at least 800 ft. from the highway, between the New York Central Railroad and the City Dump, back by the Pennsylvania Railroad. Later on, he would like to put a used parts building in along the edge of the railroad, back more than 600 ft. from the road. He has a beautiful home there himself, but there is nothing else that can be done with the land.

Mr. Entress stated the road is actually higher than the land, and dismantling cars along there creates an eye-sore. Mr. DiPascal said the dump is getting higher, and there are rats over there which ate off about 12 acres of his corn.

Mr. Entress asked if there will be any burning. Mr. DiPascal replied that in dismantling cars, you have to take care of what is left. If this develops into what he hopes, he will have a railroad siding in there.

Mr. Strassner said he wouldn't like to see used parts lying all over the place. Mr. DiPascal answered he has all the parking space he could want.

Mr. Entress questioned Mr. DiPascal as to the fact that any cars would be in the first 600 ft. of the area facing on Scottsville Rd. and would be in runnable order. There would be no dismantled cars in that area. Mr. DiPascal replied that is right.

Mr. Strassner asked if the variance is granted, if it would be possible to plant trees up by the road. Mr. DiPascal replied yes, he would do it anyway. He wants to keep this as clean as possible. There will be nothing in the front part at all except used cars, all saleable automobiles. They won't be in the place where they were. He has that just about cleaned up already.

No one appeared to speak in favor of this request, or in opposition to it.

Mr. Roth, the fire marshall, objected to the burning. He would like to keep that stuff out of Chili, as it is a hazard. He said there are residences right across the track. Mr. DiPascal replied they are not that close. There is no one around there, he is the only one. He said the railroad burns boxcars just off the property, and they never have any trouble. He would do the burning out in the center of the lot.

Mr. Strassner asked if it would be possible to build a concrete incinerator. Mr. DiPascal replied that he could do that if he had to. He does not agree that the burning is a fire hazard.

No one else appeared to speak on this application.

Mr. Geisler then asked the Board if he would need a permit to tear down the present shed on his property. Mr. Entress informed him he would need a separate permit for tearing down the shed and erecting the new barn, but that if this variance is granted, he can get the two of them at the same time.

Application of Francis Atterby, 213 Chestnut Ridge Rd., for variance to build attached garage 5 ft. to east side lot line.

No one appeared to speak on this application.

DECISIONS OF THE BOARD:

JOSEPH CONTIGUGLIA was granted a variance to park and store trucks and tractor trailers at 1400 Scottsville Rd. with the following restrictions: 1. Variance granted for a period of 1 year, 2. this does not include house trailers, 3. no vehicle may be less than 75 ft. from the front property line, 4. only licensed and running vehicles may be parked on this property. All members voted in the affirmative.

LOUIS GEISLER - 30 Bauman Drive was granted a variance as per application submitted. Building is to be constructed according to the recommendations and specifications of the Building Inspector, Mr. Lusk. All members voted in the affirmative.

EARL DI PASCAL was granted a variance to dismantle cars at 1611 Scottsville Rd. with the following restrictions: 1. Adequate road to be built and usable 12 months of the year a minimum distance of 800 ft. from the Scottsville Rd. right-of-way. 2. No cars to be dismantled or burned within 800 ft. from the Scottsville Rd. right-of-way. 3. No cars to be burned between 5:00 P.M. and 8:00 A.M. 4. Row of trees to be planted from the swamp area to the driveway. 5. Variance granted for a period of two years. All members voted in the affirmative.

A variance was also granted Earl DiPascal to operate a used car lot at 1611 Scottsville Rd., with the following restrictions: 1. Used cars to be parked not less than 35 ft. to the front property line nor more than 100 ft. from the front property line. 2. All cars to be in operating condition at all times. 3. "For Sale" signs to be maintained on any unlicensed cars within this area. 4. Variance granted for a period of two years. All members voted in the affirmative.

FRANCIS ATTERBY - Application was dismissed for non-appearance.

At this time, decisions were made on the following applications which had been held over from previous meetings:

Meeting of May 15, 1956

CASIMER FINTAK was granted a variance to build a garage at 223 Chestnut Ridge Rd. not closer than 5 ft. to the side lot line. The front of the garage must be a minimum of 20 ft. from the front of the house building line. All members voted in the affirmative.

BERNARD TOBUTT was granted a variance to erect a garage 7 ft. to the north side lot line at 40 Hubbard Drive. All members voted in the affirmative.

Meeting of June 5, 1956

WILLIAM KUEBLER was granted a variance to erect houses on Lots Nos. 20 to 33 inclusive, Lots 200 to 220 inclusive, Lots 124 and 126, with the side lot line 10% of the width of the lots, in O. K. Ridge Subdivision, Section 2. All members voted in the affirmative.

EARL HOWARTH was granted a variance to erect a dwelling on Lot No. 11, Starlite Drive, as per tape location map submitted with application. All members voted in the affirmative.

HAROLD MC ELVER was granted a variance to build a garage 7 ft. to the west side lot line at 2035 Westside Dr. All members voted in the affirmative.

RICHARD DILLON was granted a variance to erect a garage at 2427 Westside Dr. not less than 7 ft. to the side lot line. Breezeway and garage to be not less than 12 ft. from the front of the house building line. All members voted in the affirmative.

CITIES SERVICE OIL CO. was granted a variance to erect a sign on property at 1129 Scottsville Rd., size 10 ft. by 4 ft., to be no closer than 65 ft. from the center of Scottsville Rd. Present sign must be moved within 15 days. All members voted in the affirmative.

CARL PIARULLI - No variance was required on this application.

WILBERT RABB was granted a variance to operate a grill and tavern at 2771 Scottsville Rd. until September 15, 1956. Application for renewal must be made by that date. All members voted in the affirmative.

June Yates, Secretary

ZONING BOARD OF APPEALS

July 17, 1956

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

Application of Joseph Contiguglia, 1400 Scottsville Rd., for variance to erect two signs, 14 ft. by $2\frac{1}{2}$ ft., on buildings.

Mr. Contiguglia appeared and presented a sketch. He said he would like to erect two signs, one on each end of the present building, to be lighted. He closes every day at 5:00 P.M., except on Friday, when he is open until 7:00 P.M. The signs would not be lighted after closing time. Mr. Strassner asked if the signs would be facing the road. Mr. Contiguglia replied no, they will be placed so that they can be seen from both ends. These will be neon signs.

Mr. Entress asked if anyone wished to express an opinion on this application. No one appeared.

Application of Jay R. Snell, 25 Laredo Dr., for variance to erect garage 6 ft. to the west side lot line.

Mr. Snell presented a map and stated he wishes to build a garage 6 ft. to the side lot line and 40 ft. to the front lot line. The garage will extend approximately 6 ft. in front of the house, which is 46 ft. to the front lot line. This is the last house in the Ranchmar Tract, and the school line of School No. 11 comes down to his side lot line. He said he wants to build the garage toward the front as there is a large window in the kitchen which he doesn't want to cover. This would be a $1\frac{1}{2}$ car garage, size 15 ft. by 20 ft. He wanted the breezeway 13 ft. by 15 ft.

Mr. Entress stated this would make the side line setback 4 ft. instead of 6 ft. Mr. Snell replied that he didn't want to go any closer to the side lot line than 6 ft. He amended his application for the size of the breezeway to be 11 ft. by 13 ft., which would be a variance of 6 ft. to the side lot line. The lot is 78.88 ft. wide.

Mr. Wickins asked if there isn't any other way he could put the garage without extending it beyond the house. This would put it in front of all the other houses, which are setback 46 ft.

Mr. Snell said the road curves a little bit where he is. Mr. Entress replied this would make it even more prominent. There isn't another structure in the tract with a 40 ft. front setback.

Mr. Wickins asked if Mr. Snell had talked to the neighbors about this. Mr. Snell replied yes, one adjoining neighbor and two across the road. None of them had any objections. Mr. Wickins asked if he had considered any other possibilities for locating the garage. Mr. Snell replied that he would then have to build it way back so as not to cover the kitchen window, and the house has a rear entrance. His present application includes the request for a 40 ft. front lot line setback.

No one appeared to speak on this application.

Application of John T. Dano, 35 Jensen Dr., for variance to build a garage 6 ft. to the south side lot line.

Mr. Dano presented a sketch and stated he has an unusual circumstance. He is on a corner lot with about 33 ft. between his neighbor's house and his. The rest of the houses have about 36 ft. or 37 ft. between them. His house is actually moved up the street. Mr. Entress said that on a corner lot, they have to stay away from the road. Mr. Snell said he would like at least a 12 ft. garage and an 8 ft. breezeway. Without a variance, the breezeway would be only 4 ft. The distance of the corner of the neighbors house to the property line is 7 ft. With a variance of 6 ft., this would make 13 ft. between the two. He talked with his neighbor, who didn't question it. The lot across the front is 70 ft. wide, and across the back is 69.65 ft. The breezeway and garage will set back from the front of the house and have a hip roof to match the house. There are leech beds that run across the back. The house is 12 ft. from Charmaine Rd.

No one appeared to speak on this application.

Application of Casimer Fintak, 223 Chestnut Ridge Rd., for variance to build garage $3\frac{1}{2}$ ft. to east side lot line.

Mr. Fintak presented a sketch and stated this is a different application from one he requested several weeks ago. He said the Board kept him back 20 ft. from the front of the house, which left only a 4 ft. attachment to the house. The garage would be 16 ft. by 22 ft., 3 ft. from the property line, which isn't any closer than the others there. He couldn't understand why the Board turned down his previous request.

Mr. Entress replied the Board did deny his request, but the circumstances warranted it. Each application is different. There was a ventilation problem with the adjoining neighbor.

Mr. Fintak answered the neighbor won't be any better off this way, in fact, he will be worse off. Mr. Entress stated the Board acts on each particular application, and that has nothing to do with this request.

Mr. Strassner asked how many feet this garage would be from the adjoining house. Mr. Entress replied probably a minimum of 9 ft. if that house is set at the minimum requirement. All those lots are 60 ft. wide.

Mr. Fintak said he might make it 5 ft. instead of 4 ft. from his house. Mr. Entress then inquired how far the house is setback from the road. Mr. Fintak called on Mr. Lusk, who had previously measured this distance. Mr. Lusk stated the house is 50 ft. back from the front property line.

Mr. Entress stated that according the Building Code, a detached garage has to be a minimum of 8 ft. from the house. Mr. Lusk said that if a trellis were built connecting the two, it would be an attached garage. Mr. Fintak replied that he intends doing that, and when he is through building, there will be an attachment on it. Mr. Entress stated that this application should read "attached garage". Mr. Fintak amended it to read this way.

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

Mr. Joseph Cowan said that he had the same problems and he was given a variance, and there have been no objections from the neighbors. He is in favor of this application.

Mr. Ray S. Fisher, 230 Chestnut Ridge Rd., said he would like to point out that when the contractor built this row of houses, if he had built attached garages, these gentlemen who objected to these applications would probably have had no objections. There are other houses on that tract with attached garages, and one property owner is entitled to the same privileges as another. He is very much in favor of this request.

No one appeared in objection to this application.

Names on file of people in favor of this application.

Application of Nicholas P. Long, 9 Earl Dr., for variance to build porch addition 8 ft. to the east side lot line.

Mr. Long presented a map showing the proposed addition, and stated the lot is 70 ft. wide. Part of the existing structure is 8.75 ft. from the side lot line, and he is just continuing this back. It will be $45\frac{1}{2}$ ft. from the rear lot line, but won't interfere with the drainage as the leech beds as they are in the front. There is a community well.

No one appeared to speak on this application.

Application of Lawrence J. Honan, Sr., 1117 Westside Dr., for variance to convert attached garage into living quarters and build detached garage 3 ft. to the west side lot line.

Mr. Honan presented a map. He said there is a single family home there now, with a closed utility room and garage which he would like to make into a living room-bedroom combination for the children when they come home. This will definitely not be rented out, but will be just additional living quarters for the immediate family. The children are coming home and there is no room for them. He has two cars, one of which is a State car. The proposed garage will be back 120 ft. from the road. There will be 36 ft. from the rear of the house to the front of the garage. He has $5\frac{1}{2}$ acres of land and the nearest neighbor is about 100 ft. away. He has talked with the neighbors and they have no objection.

No one appeared to speak on this application.

Application of Robert McMahon, 38 Morrison Ave., for variance to build a porch 30 ft. to the front lot line and 1 ft. to side lot line.

Mr. McMahon presented a sketch and stated the porch will be on the front of the house, 1 ft. from the side lot line. He owns the adjoining lot, making a frontage of 100 ft. and a depth of 120 ft. The house is on Lot No. 7 and is about 1 ft. from the side lot line. He also owns Lot No. 8. He figures to put in fruit trees on the other lot. The lots run longer as they go out Morrison Ave.

Mr. Entress asked what the setback back is down there, and Mr. Strassner replied about 35 ft. Mr. McMahon stated he measured from the surveyor's stakes to the edge of the proposed porch and it would be 34 ft. Mr. Entress said that the variance then need be granted to 34 ft. instead of 30 ft.

Mr. Strassner asked when he expected to finish this project. Mr. McMahon replied that he and his son will work on it night and day as they have time. Might be finished in a few weeks.

No one appeared to speak on this application.

Application of Charles S. Glidden for variance to erect house on Lot #11 Springbrook Dr. 50 ft. to the front lot line.

Mr. Glidden stated the stakes are in there and this setback would make the house in conformity with the rest of the houses in the tract. Mr. Wickins asked if this house would be in conformity with the houses on either side, and Mr. Glidden replied yes.

No one appeared to speak on this application.

Application of Francis Atterby, 213 Chestnut Ridge Rd., for variance to build garage 5 ft. to the east side lot line.

Mr. Atterby presented a sketch and said this is in the same area as Mr. Fintak. The lot is 60 ft. wide and the garage would be 14 ft. by 22 ft. The house to the left will be about 9 ft. away and the garage will be 5 ft. to the side lot line.

No one appeared to speak on this application.

Application of Stenwick Co., Inc., for variance to erect sign 4 ft. by 8 ft. advertising the sale of houses on Stenwick Acres Subdivision on Chili Ave.

Mr. Wickins appeared as attorney for this company and stated the sign is to sell houses and lots and will be set back 60 ft. from the road. It will not be lighted. The sign is 4 ft. by 8 ft., with 6 ft. from the ground to the bottom of the sign. It will sit parallel to the road, faced on one side only. Mr. Wickins amended the application to erect the sign on the north or south side of Chili Ave., or both.

No one appeared to speak on this application.

DECISIONS OF THE BOARD:

JOSEPH CONTIGUGLIA was granted a variance to erect two signs to be lighted on present building at 1400 Scottsville Rd., as per sketch presented. All members voted in the affirmative.

JAY R. SNELL was denied an application to erect a breezeway and garage 40 ft. to the front lot line and 6 ft. to the side lot line at 25 Laredo Dr. All members voted in the negative.

JOHN T. DANO was granted a variance to erect a breezeway and garage 6 ft. to the side lot line at 35 Jensen Dr., All members voted in the affirmative.

CASIMER FINTAK was granted a variance to erect an attached garage 3 ft. to the east side lot line. The front of the garage must not extend any closer then 4 ft. to the rearline of the house. All members voted in the affirmative.

NICHOLAS P. LONG, 9 Earl Dr., was granted a variance to erect a porch addition 8 ft. to the east side lot line. All members voted in the affirmative.

LAWRENCE J. HONAN SR., 1117 Westside Dr., was granted a variance to erect a detached garage 3 ft. to the side lot line. All members voted in the affirmative.

R. MCMAHON, 38 Morrison Ave., was granted a variance to erect a porch 34 ft. to the front lot line, 1 ft. to the side lot line. All members voted in the affirmative.

CHARLES S. GLIDDEN was granted a variance to erect house on Lot #11 Springbrook Subdivision 50 ft. to the front lot line. All members voted in the affirmative.

FRANCIS ATTERBY, 213 Chestnut Ridge Rd., was granted a variance to erect an attached garage 5 ft. to the east side lot line. All members voted in the affirmative.

STENWICK CO., INC. was granted a variance to erect sign size 4 ft. by 8 ft. advertising the sale of houses, to be located 60 ft. from the front lot line on Stenwick Acres Subdivision on either the north or south side of Chili Ave., or both. Sign is not to be lighted. Members voted as follows: Mr. Pfenninger - yes, Mr. Strassner - yes; Mr. Beeman - yes.

June Yates, Secretary

ZONING BOARD OF APPEALS
August 7, 1956

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

Application of Donald H. Hudson, 9 Chairmane Rd., for variance to erect garage 7 ft. to west side lot line.

Mr. Hudson presented a map showing proposed garage. The lot is 73 ft. wide by 170 ft. deep. The garage will be 16 ft. by 22 ft., 7 ft. from the right side lot line. The adjoining houses are all in line.

Mr. Strassner asked how far the adjoining neighbor is from the lot line. Mr. Hudson replied the neighbor's house is 7 ft. 6 in. from the side lot line, which would make a total of 14 ft. 6 in. between the two structures. He has talked with the next door neighbor, who has no objection. His house has a front line setback of 60 ft., and the garage will be set back 80 ft.

No one appeared in objection or in favor of this application.

Application of William H. Flagg, 5 Charmaine Dr., for variance to erect a garage 6.9 ft. to the west side lot line.

Mr. Flagg presented a sketch and stated he lives two doors from Mr. Hudson. All the garages are on the same side of the houses and there is a garage on the house between Mr. Flagg and Mr. Hudson.

Mr. Wickins asked if he had talked with the next door neighbor. Mr. Flagg replied the house adjoining is on another street on a corner lot, and that back yard adjoins his side lot line. The garage would be quite a distance from that house.

No one appeared to speak on this application.

Application of Joseph M. Wood, 9 Grenell Dr., for variance to build a garage 5½ ft. to the north side lot line.

Mr. Hudson presented a sketch showing how one large lot had been made into two lots, one of which is his. The adjoining neighbor, Mr. Welch, is situated 18 ft. ahead of the proposed garage.

Mr. Entress stated that he had had a telephone call from Mr. Welch inquiring about this application, and Mr. Welch stated he has no objection.

Mr. Wood said the width of the lot at the house line is 75 ft. The house next door is 7½ ft. from the side lot line. He has a garage on the other side of his house, which is 10 ft. from the lot line. All the rest of the houses are new the last three years and the setback follows the contour of the street.

No one appeared to speak on this application.

Application of Joseph Schuler, 1300 Scottsville Rd., for variance to build addition to Olympic Bowling Hall for variance 5.3 ft. in height of building, situate in industrial zone.

Mr. Schuler stated that he wishes to build an addition on the back of the present bowling hall, the same height. The addition will be on the back toward the railroad, farther away from the center of the airport, and the same height as the present building. The addition is to house 16 more bowling alleys in one row right next to the present alleys.

Blue prints of proposed addition will be on file in the Town Clerk's Office.

The Board received a letter from Francis H. Carroll, Director of Public Works, regarding this application, which will be on file in the Town Clerk's Office.

No one appeared to speak on this application.

DECISIONS OF THE BOARD:

DONALD H. HUDSON, 9 Charmaine Dr., granted a variance to erect a garage 7 ft. to west side lot line. All members voted in the affirmative.

WILLIAM H. FLAGG, 5 Charmaine Dr., granted a variance to erect garage 6.9 ft. to west side lot line. All members voted in the affirmative.

JOSEPH M. WOOD, 9 Grenell Dr., granted a variance to build garage $5\frac{1}{2}$ ft. to north side lot line. All members voted in the affirmative.

JOSEPH SCHULER, 1300 Scottsville Rd., granted a variance to erect addition to Olympic Bowling Hall, variance of 5.3 ft. in height. All members voted in the affirmative.

June Yates, Secretary

ZONING BOARD OF APPEALS
September 4, 1956

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

Application of J. R. Snell, 25 Laredo Dr., for variance to erect garage 9 ft. to west side lot line.

Mr. Snell presented a sketch to the Board. He said he had made a previous application, asking for 40 ft. front lot line setback, and 6 ft. side lot line setback. There was a misunderstanding, as he thought the side line setback requirement was 10% of the width of the lot, and Joe Entress, the builder, said to go ahead and build the garage 9 ft. from the side lot line. Therefore, the garage is already built 9 ft. to the side lot line and 45 ft. to the front lot line. He is asking for a variance of 1 ft. The lot to the west is owned by the school and he believes they are going to put in a fence. All the houses on the street are placed 10 ft. or 11 ft. from the side lot line.

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

Application of D. W. Cruickshank, 10 Tarrytown Rd., for variance to erect attached garage 54 ft. to front lot line.

Mr. Cruickshank presented a sketch. The house is set 60 ft. from the front lot line. The proposed garage will extend 6 ft. in front of the house, with a recreation room or storage room in the back of the garage. The setback on the house adjoining is the same, 60 ft. The lots are all 70 ft. wide, with a 60 ft. setback, except for the house on the other (east) side which is about 30 years old and is setback farther, about 80 ft. or 90 ft. back.

The proposed new building will extend 6 ft. in front of the house, and 6 ft. in back of the house, with an entrance into the house from the rear room. Mr. Kelly stated there would still be 100 ft. in the rear unused. Mr. Cruickshank said he has talked with his neighbors, and they have no objection. His neighbor, Mr. Palmer, was notified. This will be a frame building with a cement floor.

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

Application of Edgar Rose, 4309 Buffalo Rd., for variance to build three-car garage, $1\frac{1}{2}$ stories.

Mr. Rose presented a sketch, and stated there is an existing building between the house and the proposed garage about 15 ft. by 20 ft. which he will tear down. The neighbor on the east has a three-car garage and he has no objection. Mr. Entress asked if this will be a one-story building. Mr. Rose replied he would like a floor overhead to store things above the car. He said he will stay in as far from the side line as is necessary as there is plenty of room. The building will be about 20 ft. or 25 ft. in the rear of the house. Mr. Kelly inquired the depth of the lot. Mr. Rose replied about 140 ft. or 150 ft. He doesn't know the setback of the house, but it is not very far. Mr. Entress asked if this would be frame construction, and Mr. Rose said he would go up about four or five blocks and then frame from there. The present building is about 6 ft. from the rear of the house, is used just for storage, and will come down. The size of the new garage will be 26 ft. by 32 ft., as he owns two cars and has a house trailer.

No one appeared to speak on this application.

Application of Lee Halperin, 935 East Main St., for variance for commercial purpose for erection of shopping center, property located immediately west of 2650 Chili Ave., with approximate frontage of 690 ft. on Chili Ave., 700 ft. on Westside Dr.

Mr. Halperin appeared and said he wished to make a statement. He is a house builder and does not build commercially. A real estate broker brought him an option for a substantial amount of money on the condition that this property become zoned commercial. He happened to be in the Gates Town Hall and Mr. Finch, Gates Supervisor, told him that this bid to get the property zoned commercial had raised a hornets' nest. This was his first inkling there was a lot of opposition. He talked with his attorney, Leo Simpson.

Even though the man who has the option promised he would face on Chili Ave., Mr. Halperin has decided that rather than create hard feelings in the Town of Gates and the Town of Chili, he will drop the idea of having this property re-zoned. He apologized to the Board for having taken up their time and withdrew.

Mr. Wickins then announced that the application for the shopping center had been withdrawn and the people interested in that were free to leave.

Application of Cities Service Oil Co., 1129 Scottsville Rd., for variance to erect sign on existing building 15.9 ft. by 8.5 ft., (neon).

Mr. Charles Frank, who will erect this sign, appeared to represent Cities Service Oil Co. He presented a map to the Board, and said this has been under fire for a couple of months. This neon sign will be on top of the building which is about 50 ft. from the front lot line. Sign will be in line with the building. Mr. Wickins asked how long the sign will be lighted. Mr. Frank replied he is only the sign erector and as far as the sign itself is concerned, they would have to get the information from whoever is running the station. Mr. Strassner said that is all there is in there and wouldn't hurt anybody.

The Board received a letter from Francis Carroll, Director of Public Works, saying this sign conforms to the zoning regulations. This letter will be on file in the Town Clerk's office.

No one appeared to speak on this application.

Application of Alfred Winters, 40 Sequoia Dr., for variance to erect garage 7 ft. to side lot line.

Mr. Winters presented a sketch showing an 8 ft. by 16 ft. breezeway and 19 ft. by 24 ft. garage.

The lot is 80 ft. by 150 ft. and the building will not be closer to the front lot line than the house. It will be a little behind the house. He said that Mr. Woody on the west side and Mr. Zavaglia on the east side had been notified and said they have no objection. Mr. Kelly asked how close the house next door is to the lot line. Mr. Winters replied 10 ft., which would make 17 ft. between that house and his garage.

No one appeared to speak on this application.

Application of L. R. Duncan, 2159 Westside Dr., for variance to erect 24 in. by 15 in. Branch Real Estate Office sign in a residential zone.

Mr. Duncan stated that he has his license, but it is now a state law that a sign be displayed in order to keep the license. Mr. Entress asked the distance of the sign from the front lot line. Mr. Duncan replied it would have to be seen from two directions and he would like to have it out in front as far as possible. The house sits back 65 ft. Mr. Entress asked if there were any trees in front and Mr. Duncan said no, only two small ones. He said there is a sign up the street about 10 ft. from the front. Mr. Duncan said the sign would not exceed $3\frac{1}{2}$ ft. or 4 ft. in height. He would put up a pipe and suspend the sign from it. The sign would not be lighted and would be in the center of the yard. Mr. Kelly asked the frontage of the lot, and Mr. Duncan replied about 65 ft. or 70 ft.

No one appeared to speak on this application.

Application of David Morrow, 18 Morrison Ave., for variance to build chicken coop in a residential zone.

No one appeared, and Mr. Wickins announced that Mr. Morrison will have to re-apply for this variance as there is no one here to speak for him. This application is turned down now. He has the right to re-apply, in which case notices will again be sent out.

A letter will be on file in the Town Clerk's office objecting to this application.

DECISIONS OF THE BOARD:

J. R. SNELL, 25 Laredo Dr., granted a variance to erect a garage and breezeway 9 ft. to the side lot line, 45 ft. to front lot line. All members voted in the affirmative.

D. W. CRUICKSHANK, 10 Tarrytown Rd., was granted variance to erect an attached garage 54 ft. to front lot line. All members voted in the affirmative.

EDGAR A. ROSE granted a variance to erect 3-car garage on condition of the removal of existing structure immediately to the rear of the house. The proposed building is to be used solely as a residential garage and is to be located no closer than 25 ft. to rear of existing residence. All members voted in the affirmative.

CITIES SERVICE OIL CO. granted a variance to erect neon sign, 15.9 ft. by 8.5 ft. on existing building at 1131 Scottsville Rd. Approximate proposed extreme elevation 555 ft. All members voted in the affirmative.

ALFRED WINTERS, 40 Sequoia Dr., granted a variance to erect garage 7 ft. to side lot line. All members voted in the affirmative.

DECISIONS (CONT.)

L. R. DUNCAN, 2159 Westside Drive, granted a variance to erect a Real Estate Branch Office sign. Sign not to exceed 4 ft. in height from the ground, and is to be placed in the center of the lot from the side lot lines, and not closer than 10 ft. to front lot line. All members voted in the affirmative.

DAVID MORROW, 18 Morrison Ave., denied because of non-appearance.

June Yates, Secretary

ZONING BOARD OF APPEALS
September 18, 1956

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

Application of Dominick Zavaglia, 42 Sequoia Dr., for variance to erect garage 7 ft. to west side lot line.

Mr. Zavaglia presented a sketch to the Board, showing a garage 16 ft. by 20 ft. 8 in., and a breezeway of 11 ft. The lot is 80 ft. wide. Mr. Wickins asked how close this would be to the house adjoining on the right. Mr. Zavaglia replied that house is 10 ft. from the side lot line. This is on the south side of Sequoia Dr. Mr. Entress asked how far back of the front of the house the garage will be placed, and Mr. Zavaglia said

approximately 9 ft. back. The house is 45 ft. from the front lot line, and the garage will be back 54 ft. from the front lot line. Mr. Kelly asked if construction had been started, and Mr. Zavaglia replied no, he is going to have Mr. Entress do it.

Mr. Entress asked if anyone present wished to speak on this application. No one appeared.

Application of Neil Cramer, 79 Hubbard Dr., for variance to erect garage 8 ft. to north side lot line.

Mr. Cramer stated he has previously been granted a setback from the front lot line of 50 ft. in order to stay in line with the other houses. The lot is 75 ft. wide. The garage will be 21 ft. by 27 ft. with a breezeway in back of the house. The garage will be attached to the breezeway. The house is 34 ft. wide with 13 ft. on the other side. Mr. Wickins asked how close the garage will be to the neighboring house. Mr. Cramer replied that house is about 20 ft. from the lot line, with a detached garage on the other side.

Mr. Entress stated that according to his figures, a 21 ft. garage would be 7 ft. from the side lot line. Mr. Cramer said that the setback on the other side is $12\frac{1}{2}$ ft., not 13 ft. Mr. Wickins then stated that Mr. Cramer would have to be more exact in his application. If the Board should grant an 8 ft. side line setback and it was really $7\frac{1}{2}$ ft., it would be in violation of the ordinance. Mr. Cramer replied he doesn't know right to the inch where his lot line is. He got the figures by measuring and eying it up. He then stated he would like to amend his application to request a side line setback of $7\frac{1}{2}$ ft. instead of 8 ft. He has talked to his neighbor, and he has no objection.

A letter was received from the Springback Heights Homeowners Assn. stating they have no objection to the 8 ft. side line setback. This letter will be on file in the Town Clerk's office.

No one appeared to voice an opinion on this application.

Application of Wilbert Rabb, 2771 Scottsville Rd., for variance to operate grill and tavern in E residential zone.

Mr. Rabb stated this is an application for renewal of a variance previously granted. This will be the same operation.

No one appeared to speak on this application.

Application of Domenic Napolitano, 1735 Scottsville Rd., for variance to add addition to present commercial garage 20 ft. to front lot line and 45 ft. to rear lot line, Lot No. 7 Morrison Ave., located in D residential zone.

Mr. Napolitano presented a map and said he wishes to add to the rear of the existing building on Scottsville Rd., which is in a commercial district. This will take in the lot on Morrison Ave, where he owns two 50 ft. lots. It will be built to the line and have a fire wall, with a 20 ft. setback on Morrison Ave. Only 5 ft. of the building will be on Lot No. 7, which is residential. The rest of it will be on commercial property. Mr. Wickins asked how this extension will apply to an existing house which is in violation to the ordinance. Mr. Napolitano replied that the house goes down and the extension goes in. He said he had talked with the Supervisor who was in office at that time, and he had said he would not have to tear the house down, but that it makes no difference to him. He did not build the house. Mr. Wickins stated that the Zoning Board of Appeals had ruled that the house should be taken out of there. Mr. Napolitano said the house occupies space where he is going to build this addition. In order to build, it will have to be torn down. The house itself is about 18 ft. or 20 ft. from his side lot line. He built the old garage within 2 ft. of the line. The lot on Scottsville Rd. is about 105 ft. or 110 ft. wide. The existing building is in line with the nearest residence, and the addition will be in back.

Mr. Entress asked if he intends to repair cars in the new building, and Mr. Napolitano said it will be just used for storage, but if he needs it he will use it as a garage. He doesn't make any noise, and there is very little body work.

Mr. Stevenson of 4 Morrison Ave. stated he owns the property right across the road and the back of proposed extension will spoil his property.

Mr. Entress asked how long he has lived there, and Mr. Stevenson replied since February. Mr. Napolitano said that no one has ever made any complaint, and two other families had lived there. Mr. Stevenson's property is not right across from him, but about 75 ft. away.

Mr. Wickins asked Mr. Stevenson if he knew there was a garage there when he bought his house, and Mr. Stevenson replied yes, but he didn't expect Mr. Napolitano to build on Morrison Ave.

No one else appeared to speak on this application.

Application of Shirley Steimer for a variance for permission to apply for New York State license to operate catering service.

Shirley Steimer stated they are now conducting a catering service and wish to apply for a catering license so they may dispense beverages at parties. This is the Carriage House at 525 Paul Rd. It has been the practice for parties to bring their own. They want to keep their high quality by being able to control the beverages themselves, by dispensing them over the bar. This will be just for parties, there are no transients. The permit to operate the Carriage House is not up yet, and they are just asking for a catering permit. The other permit has one more year to go.

Mr. Entress asked if they plan to regulate the hours. Mrs. Steimer said they regulate the hours now and never have any trouble. They just want to be sure they will have no trouble. The people now bring their own beverages and they can stay as long as they want to.

Mr. Wickins then asked if they want the catering license permit only for the unexpired term of their present variance. Mrs. Steimer replied no. Their catering license runs from October to October.

Mrs. Gruendike stated they live right next door to the Carriage House and were there before the Carriage House. They have no objection to the catering variance. All the parties have been quiet. She feels that if they obtain the catering variance, they will have more control and it will eliminate some trouble they had in the summertime. They don't hear the parties, they just see the lights. Mr. Gruendike is also in favor of this variance, but was unable to come tonight.

Mr. Strassner asked about the trouble in the summer, and Mrs. Steimer replied they had no trouble.

William Wilcox of 516 Paul Rd. stated he lives across the street and is opposed to this request. This is a new house and they have heard parties at the Carriage House, which they never used to do when they lived near there in another house. There has been very loud noise. They could have complained, but they hadn't. Mr. Wilcox is against this liquor or catering license. At Christmas and New Year's time, the Carriage House will be open all night. Mrs. Steimer replied they are not open on New Year's Eve. Mr. Wilcox said that on those holidays, they can get a permit from the State to serve all night. He doesn't like this because of his children. He said these people started out with tea parties, then expanded to weddings, then a larger parking lot, and now they are planning another bigger parking yard. Mrs. Steimer asked if the Carriage House property hadn't improved Mr. Wilcox's property, and Mr. Wilcox said no, he would rather have a housing development.

Mr. Entress then asked when Mr. Wilcox had built his new house, and he replied last year. Mr. Entress pointed out that this was after the Carriage House was in operation. Mr. Wilcox said he had lived there 14 years and he owns down the road 700 ft. or 800 ft. Mrs. Steimer stated Mr. Wilcox has been there several times and he knows what kind of parties they have.

Mrs. Gruendike then said that speaking personally they live not more than 400 ft. from the Carriage House and do not hear any noise. Sometimes they can hear music in the summer when the doors and windows are open.

Domenic Lippa of 528 Paul Rd. stated he lives across the road and asked if there would be a control over this liquor. When people bring their own, they have a certain amount and that's it. He feels Mr. Wilcox has a right to complain as he probably hears the parties. The wind carries the sound. Mrs. Steimer said they have a limit or control over certain parties. Some parties are gone in three hours, from 4:00 P.M. to 7:00 P.M. The point is that they want to control these parties. Mr. Lippa said the trailer truck traffic on that road is bad and someday there is going to be an accident. He is not opposed to this variance, as the people will bring in beverages anyway.

Peter Turpin said this should be controlled as to hours. If people can get it, they will drink all they can right there.

There was some discussion between Mrs. Steimer, Mr. Wilcox and Mr. Lippa. Mr. Wickins informed the people they must address all their remarks to the board.

Mr. Entress asked Mrs. Steimer how late they planned on keeping open. She replied the caterer's permit is 2:00 A.M. Mr. Strassner asked if when the Carriage House was granted a variance to operate, there was a restriction as to hours. Mrs. Steimer replied the only restriction was pertaining to the sign. Mr. Strassner said this was about the illumination of the sign also, but he feels sure there was also a restriction as to hours. Mrs. Steimer stated they never have more than two parties a day, and they have done everything the town has wanted.

Mr. Wickins asked if Mrs. Steimer would have any objection to a limitation put on the variance of 12:00. Mrs. Steimer replied they have some parties later and asked if, under the law, they can't have until 2:00 A.M. Mr. Wickins said that is a State permit. Mrs. Steimer said they have always considered the neighbors, and they can stop anything that starts. Except for the cars, people wouldn't know they had parties.

Beatrice Wilcox said she understood the restrictions were until 12:00. She is not in favor of a 2:00 A.M. limit.

Ralph Lipka, 526 Paul Rd., stated as far as a license is concerned, people will bring their own anyway and the place will still be open certain hours. These are people trying to run a business fair and square. He has lived there 1½ years and they don't bother him. The heavy trucks bother him more. He feels if they get this variance, they can control the liquor more than if people bring their own.

Grant Balowski said he lives right across from the parking and they get noise from the parties breaking up. His main objection is the 2:00 A.M. limit, which he feels should be 12:00.

Theodore Braugh would like a time limit of 12:00.

Mrs. Steimer stated then that though they have the right of 2:00 A.M. they would compromise with the people who want 12:00, and ask for 1:00 A.M., as sometimes their parties last longer than 12:00.

No one else appeared to speak on this application.

Application of Larry Dowdell, 3965 Union St., for variance to re-open an extension of existing gravel pit and removal of gravel with a five-acre area located in E residential zone.

Mr. Dowdell presented a sketch and said this pit is 1400 ft. from the main road. He wants to take off 2 ft. from the top soil and push it back. It is now a hill, which he will eliminate. If the land was put into building lots, it would have to be done that way anyway. There is a hole there now of about 20 ft. There would be no plant setup at all, no permanent installation of any kind. He would just sell some gravel to some people who have asked about it and try to eliminate the hole and terrace it off. He is looking at this land as a potential for building lots. Mr. Dowdell has 30 acres of land in back of the woods which he can get to only by using a neighbor's property. He would like to take some of the gravel and extend the present road straight out through the woods. There are about 2000 ft. of woods with a swamp dividing the land in the back.

Mr. Entress asked how close the driveway is to the side lot line, and how close is the nearest house on the right. Mr. Dowdell replied the driveway is about 40 ft. from the side lot line, and there is a barn and a house on the adjoining property which is quite close. All this land has recently been tested for gravel. Mr. Entress said there might be a dust problem on the driveway with heavy trucks in the dry season. They may create quite a storm of dirt. Mr. Dowdell answered the nearest house is about 150 ft. from the driveway.

Don Berggren of Bowen Rd. asked if this would be a permanent setup. Mr. Dowdell said if it was going to be permanent, he could have sold the whole business. It will not be permanent. He just wants enough gravel from around the pit to grade the land. There are about two acres there, and the work probably wouldn't be every day, but once in a while. Mr. Wickins asked if he thought this would take two years, and Mr. Dowdell replied no, that next summer would be about it. It won't take long to take it out of there. Mr. Wickins then asked if Mr. Dowdell would be agreeable if the Board should put a two-year limit on this variance. Mr. Dowdell said that would be all right. This can't be seen from the road.

Mr. Berggren then this variance would cause a lot of traffic and heavy trucks, and would not like it to be permanent. It would be better if the Board should restrict it.

No one else appeared to speak on this application.

Application of David Morrow, 18 Morrison Ave., for variance to build 21 ft. by 30 ft. chicken house in D residential zone.

Mr. Entress pointed out to Mr. Morrow that the application for a permit stated the size of the chicken coop to be 12 ft. by 30 ft., instead of 21 ft. by 30 ft. Mr. Morrow stated that the correct size of the coop will be 12 ft. by 30 ft. and will be located on a vacant lot. His house is located on the first lot, then a 50 ft. road right-of-way, and then lots Nos. 13 and 12. This coop would be on Lot No. 13, next to the road right-of-way.

Mr. Strassner said this would be about 70 ft. from the nearest house. Mr. Morrow said the lot is 125 ft. deep. He has chickens now, but they are in sort of a water hole. He is going to tear down the old coops and build this new one high off the ground and keep the chickens inside. Mr. Strassner stated the present coops stink 300 ft. or 400 ft. away. Mr. Morrow will have about 200 chickens. He is selling eggs now. The building will be one story. Mr. Entress inquired about the rear line setback, and Morrow replied it would be where ever the Board should decide. This is a D residential zone.

Donald McMahon of 32 Morrison Ave. stated he is very much opposed to this request. Now on a hot day, the odor is very bad and with 200 more chickens, it would be much worse. He lives about 50 ft. away from Mr. Morrow's house. Mr. Wickins pointed out a new coop would be farther away from Mr. McMahon. Mr. Morrow said he will tear down the old coops and put in a lawn, and that the new coop would be 100 ft. farther away from Mr. McMahon.

Mr. Wickins then pointed out that the old coops were in existence before the Zoning laws went into effect, and therefore the Board has no control over them. Although he is only the Town Attorney and has no vote, it is possible for the Board in granting a new coop in a new location, to put in a condition that the old coops must be torn down.

Mr. McMahon replied that then he would have no objection.

Mr. Morrow said the new coop will have a wood floor 3 ft. from the ground and the chickens will be kept inside. They are now left to run.

Mr. Kelly asked if Mr. Morrow would object to a condition of removal of the old coops, and he replied no, as they are old and he wants to get rid of them.

No one else appeared to speak on this application.

DECISIONS OF THE BOARD:

DOMENICK ZAVAGLIA JR., 42 Sequoia Dr., granted a variance to erect a garage 7 ft. to west side lot line. All members voted in the affirmative.

NEIL CRAMER, 79 Hubbard Dr., granted a variance to erect garage 7½ ft. to north side lot line. All members voted in the affirmative.

WILBERT RABB, 2771 Scottsville Rd., granted a variance to operate a grill and tavern at 2771 Scottsville Rd., until Sept. 15, 1957. Application for renewal must be made by that date. All members voted in the affirmative.

DOMENIC NAPOLITANO, 1735 Scottsville Rd., granted a variance to erect addition to present commercial garage as per application and plans presented, with the following restrictions: There shall be no body repair. There shall be no garage work after 9:00 P.M. There shall be no parking of any cars on Morrison Ave. There shall be no exterior lights on the new building. All members voted in the affirmative.

SHIRLEY STEIMER, 525 Paul Rd. - The variance previously granted to the applicant herein to run a catering establishment at the Carriage House on Paul Rd. is hereby rescinded and a new variance is hereby granted for a period of 5 years to maintain a catering establishment with a caterers' license for the dispensing of beverages at said place, with the restriction the establishment must close no later than 1:00 A.M. No food or beverages to be sold after 1:00 A.M. All members voted in the affirmative.

LARRY DOWDELL was granted a variance for re-opening an extension of existing gravel pit at 3965 Union St. for a period not to exceed two years, with the further restriction that no washing or crushing equipment be installed on said property. All members voted in the affirmative.

DAVID MORROW was granted a variance to erect a chicken coop on Lot No. 13 Morrison Ave. The building must be placed 10 ft. from the rear lot line and centered on the side lot lines, and must be set up at least 3 ft. above ground level. The building is to house not more than 200 chickens, and chickens at all times must be confined within said building. Said building to be maintained in a clean and orderly manner so that it is not a nuisance to the neighbors. Within 30 days of the time that the new

chicken house is completed so as to house the chickens, all the structures on his property at 18 Morrison Ave. designated by the Building Inspector and the Health Officer must be torn down and debris removed from the property. All members voted in the affirmative.

June Yates, Secretary

ZONING BOARD OF APPEALS
October 30, 1956

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

Application of Robert Meister, 3242 Chili Avenue, for variance to erect 4 ft. by 4 ft. sign, 2 ft. to front lot line, located in E residential zone.

Mr. Meister stated these would be simply road signs advertising sweet corn, and would be needed during only a few weeks during the year. He would like two signs, one on the east end of the lot and one on the west end of the lot. These would not be permanent.

Mr. Entress asked how far back from the road the signs would be located, and Mr. Meister replied about 10 ft. from the pavement. Mr. Wickins asked if this is a straight road with no curve, and Mr. Meister said yes, it is straight.

Mr. Entress asked how far off the ground the sign would be. Mr. Meister said the bottom of the sign would be about 2 ft. off the ground, and the top about 6 ft. from the ground.

Mr. Strassner asked how many months the sign would be needed, and Mr. Meister replied from about the middle of July until the first of October, when they would be taken down. They would not be lighted, but wired on a couple of fence posts, and would be used for advertising sweet corn and nothing else.

Mr. Wickins asked if any of the neighbors objected, and Mr. Meister said no.

Mr. Entress then inquired if anyone wished to speak on this application, either for or against, and no one appeared.

Application of Arthur W. Armistead, 2821 Chili Ave. for variance to erect garage 5 ft. to the west side lot line.

Mr. Armistead presented a map to the Board.

Mr. Armistead stated the lot is 60 ft. by 140 ft.. The base of the garage is already there, and it is about 10 ft. from the rear of the house to the apron of the garage. The house is 44 ft. from the front lot line.

Mr. Entress stated the garage would be approximately 75 ft. from the road. He asked how close is the neighbor on the right. Mr. Armistead replied it is quite close to the property line, about 18 ft. or 20 ft. from his house. The neighbor's house is in line with his, and has an attached garage on the opposite side of the house. Mr. Armistead said if he built the garage farther from the side lot line, it would be difficult to get into it as it would be behind the house. There is a curve there, and he has to be careful getting in and out. He has started with cement block, and wants to ask if he can put up a carport if the roof plans conform to those of the house, and build a wall about $\frac{2}{3}$ or $\frac{3}{4}$ of the way on two sides. He wants the roof to have the short slope towards the street and perhaps use that for a porch, as there is no porch on the house..He will take out two cement blocks in the front and make it wider.

Mr. Entress asked if he had talked with the neighbors on this, and Mr. Armistead replied that his neighbor, Mr. Burley, had said that anything was all right with him. Mr. Armistead stated that he bought the house from the government, and they gave him permission in writing to put up a garage. He paid \$200 for the cement foundation.

None appeared to speak on this application.

Application of Roy F. Glove for variance to conduct church services and erect a sign 22 in. by $2\frac{1}{2}$ ft., 1 ft. to front lot line, on property located at #7 School, South Union St., in E residential zone.

Mr. Wickins asked if Rev. Glove was going to remodel the building, and he replied no, he would just make the necessary repairs, such as facing the roof. The school house is on top of the hill just above the blinker light at Union St. and Chili Ave.

Mr. Wickins then stated that this Board has always been somewhat concerned with parking facilities for any place of public assembly. This is a dangerous situation right on the hill. He asked how much land would be available for parking, and how many cars could be parked by leveling the land.

Rev. Glove replied that as it is now, two cars can park abreast on the south side of the school between the building and the lot line, and two more in front of each other. At the front of the lot, they can park four along the front line and at least three in back of those, and one or two on the side of the driveway.

Mr. Entress asked how much land they had in acreage, and Rev. Glove said he didn't know. Mr. Kelly inquired if he owns the land. Rev. Glove replied the school district still owns it, and gave permission last May to use it for church services if they maintained it themselves. He doesn't know what disposition they intend to make of it. It is difficult to determine what they could do with it.

Mr. Entress asked how large the congregation was, and Rev. Glove said the largest they have had is 36, including 20 children. The number of cars is pretty limited anyway, and most of them use cars to make one or two trips to bring children in.

Mr. Wickins remarked that if the church should grow, there would definitely be a parking problem. Rev. Glove said that if it grows to where they need more than 10 cars, they would have to have another meeting place anyway, as there is only one room in the school. He has made it clear to the congregation that no one should park on the road, and has had cooperation from everyone in that respect.

Mr. Wickins and Mr. Strassner said it is a dangerous place for cars.

Mr. Entress then inquired how long he would expect to use these quarters; and Rev. Glove replied that was hard to say. It would depend on how fast the church grows and how much money they can raise for a building of their own.

Mr. Wickins then stated there are rules and regulations in the Town on places of public assembly as to exits and entrances, and he doesn't know whether the school would conform to these or not. If the Board should grant this variance, it would have to be subject to inspection by the Fire Marshal and the Building Inspector, and any rules and regulations would have to be lived up to. Rev. Glove said he realizes that the school was used until one year ago last fall.

Mr. Entress asked if there is any land available in back of the school. Rev. Glove replied he doesn't know the exact dimensions of the lot, but they are pretty close to the back line. The old wood shed on the side hinders the use of the back.

Mr. Entress then inquired about the application for a sign. Rev. Glove said the sign would be 22 in. by $2\frac{1}{2}$ ft., not lighted, just a wood sign with black lettering. It would be located right on the top of the road back, almost on a line with the U. S. Survey marker.

Mr. Entress asked if anyone wished to speak in approval of this request.

Arthur Blanchard of 45 Creekview Dr., stated he feels there are adequate parking facilities for the size of the congregation. Mr. Davis owns a garage on the corner, and there is a possibility of approaching him for permission to park there. This is one lot over from the school property. No one appeared to speak in opposition to this application.

Application of George R. Gould, Jr., 26 Jensen Dr., for variance to erect a garage 7 ft. to the north side lot line.

Mr. Gould presented a sketch, and stated the lot is 70 ft. by 170 ft. The garage would be 23 ft. by 25 ft., which would give him a 9 ft. breezeway and a 14 ft. garage. The house is setback 60 ft. from the front lot line. The neighbors on either side have the same setback from the street and the same side line setback.

Mr. Strassner asked the side line setback of the house adjoining. Mr. Gould replied approximately 7 ft. - $7\frac{1}{2}$ ft. All the houses were built under the old zoning law. His own house is approximately $7\frac{1}{2}$ ft. from the side line.

No one appeared to speak on this application.

Application of Lawrence Dowdell, 3965 Union St., for variance to conduct catering service at property located in a residential zone.

Mr. Dowdell stated his original plan is combining catering service with picnic grounds. However, to have this the way it should be would cost too much money. There would have to be a ladies' room and a men's room, and a $\frac{3}{4}$ mile road back there. He has a 14-room house with 6 rooms not in use, and he would like to get permission to carry on a catering service in the house. The house is back far enough, and is around 90 ft. long and 27-28 ft. wide, with 7 rooms downstairs and 7 upstairs. He would cater just to parties, with no sale of alcoholic beverages.

Mr. Wickins asked if there would be plenty of off-street parking, and Mr. Dowdell replied yes. Mr. Strassner asked how close the neighbors are. Mr. Dowdell said the one neighbor to the south is about 1700 - 2000 ft. away. The neighbor to the east would be about 700 ft. There is no one across from him.

Mr. Pfenniger asked where the cars would park. Mr. Dowdell replied in back of the garage, where he would fill in with gravel.

Mr. Kelly inquired if there were any definite plans right now. Mr. Dowdell said no, he just wanted the approval of the Board. The place needs rewiring. The kitchen has a cistern under it, and it costs \$20.00 per month to heat it. That would all have to be re-vamped and put up for approval of the Town inspector in regard to plumbing etc.

Mr. Entress asked if he would object to a limit as to closing time. Mr. Dowdell replied whatever is feasible for the Town, and what they have done in similar cases.

Mr. Wickins inquired as to a sign, and Mr. Dowdell said he didn't believe he would need one, as he would have it in his own name, probably something like Dowdell's Farm, not a big sign.

Mr. Wickins informed him he could not put up a sign without a variance, and Mr. Dowdell said in that case, he would ask for one now. The sign would be about 24 in. by 18 in., not illuminated. Mr. Strassner suggested he have it illuminated, as otherwise it couldn't be seen at night, and Mr. Dowdell agreed.

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

John Berggram of Bowen Rd. said he would like to ask some questions. He asked Mr. Dowdell how large the parties would be and what kind of parties. Mr. Dowdell said over 60 would be a big party. They would be dinner or Christmas parties, with music, but not a rock and roll band. Places like Eastman Kodak or Delco might not be able to find a place for a party, or there might be a wedding breakfast for someone getting married. He said they would serve no liquor, and Mr. Berggram asked if people could bring their own. Mr. Wickins said no one could stop them. Mr. Berggram stated he is reluctant to say he is against this, but it is in a residential zone. They had understood there wouldn't be any commercial ventures there other than farms. The application of Mr. Dowdell for a gravel pit was temporary and no one objected, but as far as a catering service with a restaurant, he feels it is really at variance to the purpose of the zoning law.

Mr. Entress asked how close Mr. Berggram was to Mr. Dowdell. He said he is across from there $\frac{1}{3}$ of a mile away. He was at a meeting when the people interested in the Carriage House were here, and there was a lot of feeling that it was a noisy proposition not in the best interest of the people on Paul Rd.

He stated he thought this variance would hurt the property values out there. When they bought their house, they thought that this being the highest zoned property would protect this area. This catering service would draw a lot of traffic into an area where there is an inadequate road.

Mr. Dowdell said that is a County road running down through there, and anything can go on it, even trucks. Mr. Berggram replied this would be just that much more traffic in that area. He would like to go on record as opposing this application.

Stewart Young, 3883 Union St., stated he feels the same as Mr. Berggram. He lives about 1/4 mile away to the north, and is the second adjoining neighbor.

Mr. Dowdell stated that he talked with Mr. Young and Mr. Hartung, the immediate neighbors, before he came here. They have no objections whatsoever.

Mr. Young said he is on the same side of the road as Mr. Dowdell, the west side, and is opposed to this application.

No one else appeared to speak on this application.

DECISIONS OF THE BOARD:

ARTHUR W. ARMISTEAD, 2821 Chili Ave., was granted a variance to erect a carport 5 ft. to the west side lot line, subject to the approval of the Building Inspector. All members voted in the affirmative.

ROBERT MEISTER, 3242 Chili Ave., was granted a variance to erect two signs, size 4 ft. by 4 ft., not closer than 2 ft. to the front lot line. This is granted for a period of three years, during the months of July through October. All members voted in the affirmative.

REV. ROY F. GLOVE was granted a variance to conduct church services and erect a sign 22" by 2 1/2', 1 ft. to front lot line on property located at #7 School, South Union St. No cars are to be parked on the road right-of-way. This variance is granted subject to the inspection by the Building Inspector and the Fire Marshal as to the building. All members voted in the affirmative.

GEORGE R. GOULD JR., 26 Jensen Dr., was granted a variance to erect a garage 7 ft. to the north side lot line. All members voted in the affirmative.

LAWRENCE DOWDELL, 3965 Union St., was denied his request for a variance to conduct catering services on his property. Members voted as follows: Cornelius Strassner - no; Charles Pfenninger - no; Bernard Entress - no; William Kelly - yes.

June Yates, Secretary

ZONING BOARD OF APPEALS
November 20, 1956

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

Application of Fritz Buehler, 1436 Scottsville Rd., for variance to erect warehouse and truck stop 52 ft. to rear lot line, situated in A zone.

William Eber, Attorney, appeared for the applicant and stated Mr. Specter has made a purchase offer of the premises. He has invested in the trucking business of taking paper to paper mills, and would like to come in the town and build a building for his business. The business is entirely paper which he trucks to Oakfield, Fulton, etc. He has about four trailers and two tractors he uses in this business. Mr. Eber said Mr. Specter is here if the Board would care to ask him any questions.

Mr. Wickins asked if the trucks and trailers will be housed or just the paper and material, and Mr. Eber replied that most of the time, the trucks and tractors will be on the road. Mr. Specter said the trucks go out in the morning and get back in the late afternoon.

Mr. Wickins then asked if the building would be just to house the material, and if the trucks and trailers would be parked on the property. Mr. Specter said the building would be a storage and warehouse building, and the trucks would be parked on the property. Mr. Wickins asked how large the property is. A map was presented to the Board, and Mr. Entress stated that according to the map, the land is 150 ft. wide on the long side and 252 ft. deep. Mr. Eber said the building is not a large one and could be moved towards the rear. They will maintain a 100 ft. setback from Scottsville Rd. The building itself is 60 ft. by 100 ft., 52 ft. from the rear lot line. Mr. Specter said if possible, they would like to bring the building towards the rear, closer to the railroad. He would like to put up a steel building if the steel is available, if not, it would be cement blocks.

Mr. Wickins then asked where they proposed to park the trucks and trailers. Mr. Specter replied that as the building will sit way back, they will be able to park the trailers in the front and have room to have them turn around on the land and not back out on Scottsville Rd.

Mr. Eber then asked if it would be possible to move the building back further towards the railroad tracks. Mr. Entress replied the building should have a 70 ft. rear line setback, but that would be impossible with the depth of the lot and the size of the building. Mr. Eber said they would like to get as close as possible to the railroad, as Mr. Specter might want to spur in there in the future. They would like to be about 25 ft. or 30 ft. from the railroad. Mr. Entress stated the back end of the property is cut off by the Niagara, Lockport and Ontario Power Co. which would prevent them from coming back 25 ft. from the rear with the size of the building. He asked if they plan to have offices in the building. Mr. Eber replied just a little office in the front. Mr. Specter stated the trucks come in from out of town too late to deliver to the mills, so they sit outside loaded over night and deliver to the mills in the morning. Mr. Buehler had said there is no easement on the property.

Mr. Eber said the purpose of erecting the building is that there are times the mills cannot take the merchandise, as this week being a holiday week, they can't take the merchandise until Monday. Mr. Specter needs a building to put his merchandise in temporarily. The building will be only 6000 square feet, and there is plenty of land there.

Mr. Entress stated that to maintain the 10 ft. side line setbacks, the building could only be moved back 20 ft. more at the most because of the angle of the lot in the rear. This is an approximate figure. Mr. Specter said that would help a lot.

Mr. Strassner inquired if there would be a fence on each side of the driveway out to Scottsville Rd. Mr. Specter replied he is going to blacktop part of it and would like to fence in the whole lot if it is possible so that no children could get in there.

No one appeared to speak on this application.

At this time, William Kelly appeared.

Mr. Entress informed Mr. Specter that if he wished any signs he would have to come before the Board again for permission. Mr. Eber asked if that would be true if the sign were painted on the building, and Mr. Wickins replied no. Mr. Eber said that as far as size and location, they would come in and see.

Application of Henry Benedict and Benedict Bros., 1 Earl Dr., for variance to build houses on lots Nos. 88-109 inclusive, Hillcrest Subdivision, Section 4, lots Nos. 1-15 inclusive Gene Dr., lots Nos. 2-21 inclusive Gary Dr., 33 ft. to rear lot lines, situated in E residential zone.

Dallas Benedict appeared and stated the main purpose of this application was because they have a customer for lot No. 88, a corner lot, and the type of house they want would require a yard that small in the back. If this could be obtained on all the corner lots, it would eliminate having to come before the Board for each house. Mr. Wickins asked if all the lots were corner lots. Mr. Benedict replied they do have lots Nos. 90, 92, 93 which are less than 70 ft. rear setback now, and weren't brought to anyone's attention until recently.

Mr. Entress said there are two separate applications. Mr. Benedict replied he didn't see the advertisement in the paper. His father owns the lots except 90, 92, 93. Benedict Bros. own 90, 93, and 92 has already been sold to a party living in the house. The Town Clerk advised him to have them all changed so that there would be no difficulty later in regard to resale of houses. Mr. Entress stated that according to the applications, a variance is requested on lots #90, 93, Hillcrest Park, Section 4, to 60 ft. rear line setback. On the other lots, they want a 33 ft. rear line setback. Mr. Benedict said it just happened that lot #88 would need a 33 ft. rear setback. Mr. Wickins asked if they set that one back to 33 ft., if they want to maintain the same thing for the rest of the lots. Mr. Benedict replied he doubts if they would build that far back, except possible on one corner lot, which would be #96. They made the request mainly to have all lots with rear setback of 33 ft. for convenience for advertising purposes, etc. He then presented a map, and said that if the Board wants to, they can make the other lots 60 ft. rear setback. The lots are 150 ft. deep. At the present time, they have 60 ft. front setbacks and can't have 70 ft. rear setbacks. They could get by with 60 ft. rear setbacks, but even then it would be close. Lot 17 is 215 ft. deep. They are maintaining 60 ft. front setbacks and applying for 33 ft. rear setbacks, but if the Board wishes, they could have 33 ft. rear setback on the corner lots and have the other lots more. They would like to have as big a rear yard as possible as it adds to the attractiveness of the houses. Houses are already up on 90, 92, 93, with 60 ft. setback. The houses are supplied by individual wells, all in the rear. If they had a minimum of a 50 ft. rear setback, they would have no trouble at all, and the houses would be 60 ft. back from the road. The houses are 40 ft. deep, mainly for garage purposes. It is very seldom they have a house 40 ft. in depth, but the garage makes it so. When they brought this map to the Board last spring or summer, they asked for a 45 ft. front setback, and were granted it. They originally figured the wells would be in the front yard, but they changed to have the leech fields in the front. They try to keep the setback to within 60 ft. on the corner lots on Gene Dr. Mr. Entress agreed the Board had granted a 45 ft. front setback on all the lots.

No one appeared to speak on this application.

Application of George Thorne, 1 Wilelen Rd., for variance to erect 18 in. by 24 in. sign to be located at the northwest corner of Chestnut Drive and Chili Ave.

Mr. Thorne is unable to appear, and Harold Isaac, Director of Chestnut Heights Tract Assoc., appeared in his place. He stated the sign will be 18 in. by 24 in. listing the names of streets in the tract, and will be located at the corner of Chestnut Drive and Chili Ave. adjacent to the fire house on the fire house property. He presented a letter from the Chili Fire Dept. Inc. showing approval of this request, which will be on file in the Town Clerk's office. The sign will be behind the present electric pole on a pole of its own in from the road so as not to obstruct traffic. The sign will not be lighted, and there will be room to add additional streets as they are opened.

No one appeared to speak on this application.

Application of Norman Ball, 358 Arnett Blvd., for variance to erect house on 50 ft. wide lot #1 Chili Ave., located in E residential zone.

Frank O'Neill of 358 Arnett Blvd. stated he was appearing for Norman Ball, who was unable to come. He presented a map, together with a sketch of the lot. The house would be 10 ft. from west side lot line and 14 ft. from the east side lot line, 104 ft. from the rear lot line, and 50 ft. from the front lot line.

Mr. Wickins asked if a garage is planned, and Mr. O'Neill replied there should be room for it. It wouldn't be any closer to the side line than 10 ft., as it would be in the rear. The lot is 200 ft. deep. There is a house on each side of this lot and no more land is available.

Mr. Pfenninger asked how far the other houses are from the lot line. Mr. O'Neill said he couldn't say, but more than 10 ft. Mr. Entress asked if the plan was to fill in right to the road line. Mr. O'Neill replied yes, there is a drainage ditch that drains the rear of those lots, and a natural drain across the road. Mr. Entress said that if this lot is filled in, it will trap the drainage in the rear of the adjoining property. He then called on Winsor Ireland of the Monroe County Sanitation Dept. to give his opinion, as he has inspected this property. Mr. Ireland inquired if the depth of the property measured 200 ft. from the center of the road or from the edge of the road, and was informed the measurement was from the center of the road. Mr. Ireland then stated the lot is 160 ft. deep of usable area. He measured from the highway back to the next man's lawn. This will not leave an area for a leech field. The people on both sides have trouble. If a house is built on this lot, there will be nothing but trouble. The land in the rear drains down and if it is filled in, there will be no drainage. There is a catch basin on Chili Ave. which goes across the road and then stops. Mr. Wickins asked if Mr. Ireland felt there was enough land in that lot to support a leech field, and Mr. Ireland replied no, he doesn't. It isn't being drained now, as can be seen in the springtime. When the catch basin in the front fills up, the water runs out. Mr. Entress asked what if the lot were filled in to support proper leech. Mr. Ireland said that then the land would be up above the other properties, and it couldn't be filled up any higher than the two adjoining properties. Mr. Entress then asked if it were filled level with the adjoining properties would it support leech. Mr. Ireland replied there is not enough area in the back. 10 ft. side lines leave a 30 ft. strip in the middle. It is 200 ft. deep to the center of the highway, with a 60 ft. front setback, the house is 32 ft. in depth, and the leech field must be 10 ft. from the rear lot line. He doesn't feel this is big enough to build a house on. He said when Marine Drive was built, this property was bought for a roadway, but wasn't used because it wasn't wide enough. This is not an established lot, but just a piece of land, and was never approved by the Planning Board as either a lot or a road.

Mr. O'Neill stated this would be a two-bedroom house with an expansion attic. The plans are just for a two-bedroom house, $1\frac{1}{2}$ stories high.

Mr. Entress asked if anyone wished to speak in favor of this request.

Frank Communale of 2990 Chili Ave. said he has an adjoining property, and feels it would be a good thing to have a house on that lot. There wouldn't be any water collecting in the spring if it was graded right. The culvert under the road should be opened to let the water go underneath the road and out to the woods.

None appeared in opposition to this application.

Application of Anthony Bonocarso to erect a house at 691 Marshall Rd. 40 ft. to the front lot line.

Mr. Bonocarso presented a sketch and stated this lot is 137 ft. deep by 64 ft. wide. A 40 ft. front line setback would leave a 70 ft. rear line setback.

Mr. Wickins asked if he couldn't build unless this was a 40 ft. setback. Mr. Bonocarso replied the other houses are set back 40 ft. or 35 ft., and he would like to line up with them. This is on the west side of Marshall Rd. Mr. Entress asked Mr. Lusk what the front line setback is on the other homes there, and Mr. Lusk said there is a 40 ft. setback there now.

One of the neighbors then asked what kind of house this would be. Mr. Wickins informed the people that the Zoning Board cannot dictate what type of house is to be built as long as it meets the footage requirements of the Zoning Ordinance.

Charles DeGrave of 693 Marshall Rd. stated he is interested in having a house similar to what is there now. Mr. Bonocarso replied the house will be $1\frac{1}{2}$ stories.

Alday then spoke saying four of the couples on the street were unable to be here, although they had an impromptu meeting. They didn't receive a notice until Monday, and all the neighbors were not notified. She said there deed restrictions as to the type of house which could be built, and asked for a recess to allow time for further action.

Mr. Wickins informed the people the tract restrictions have nothing to do with the Zoning Board of Appeals. The people enforce their own tract restrictions, and the Zoning Board of Appeals can never take these into consideration. The only thing they consider is the zoning law and the building code of the Town of Chili. The people should consult their own attorneys. This meeting was properly advertised as required by law. There is no requirement in the law to give notice to the neighbors. As a courtesy, the Town Board instructed the Zoning Board to do this sometimes. The State law only requires that it be published in the newspaper once.

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

Application of Domenic Napolitano, 1735 Scottsville Rd., for variance to park trucks on property 10 ft. to north, 3 ft. to south side lot line, 1 ft. to rear lot line, located in B zone.

Mr. Entrass asked if there are buildings on the property now. Mr. Domenic Napolitano presented a sketch and said he was unable to get a mortgage and won't build in the back for about a year. These trucks are owned by the Genesee Trucking Co. There are about 10 or 12 trucks. They will go in on Morrison Rd. The driveway would be on his land off Scottsville Rd., where he has gas pumps. They would leave the trucks there for the winter.

Mr. Strassner said the building is not 80 ft. from the road, as in the sketch. Mr. Napolitano said this was from the center of the road.

Mr. Entrass stated the application reads 10 ft. from the north line, that would be 10 ft. from Morrison Ave. right-of-way, 3 ft. from the south line, 1 ft. from the rear line. He asked what is on the adjoining property. Mr. Napolitano replied just trees. There are two lots to the west, and the closest house is at least 250 ft. back from him. Mr. Strassner said there is one kitty-corner from him, right across from his empty lot.

Mr. Entrass asked how much property is between the rear of the building and the rear property line, and Mr. Napolitano replied about 40 ft.

Mr. Strassner then stated he would like to know if there are going to be the same old cars and trucks parked on the Scottsville Rd. as before. Mr. Napolitano said no, these will all be runable. He wants to keep the place nice. He advertised for rental and had about 15 people and turned down wrecked cars and fender work.

Mr. Kelly asked if he anticipates any garage work on the trucks. Mr. Napolitano said just their own work. He will just store these trucks and fix his own trucks.

Mr. Wickins asked the length of time he would want this variance, and Mr. Napolitano said he would like to try it for a year, as it is mostly for the winter. He can get five units in his garage. Mr. Pfenninger stated there will be some trucks there in the summer.

Mr. Napolitano said the width of the lot from Morrison Rd. back is 115 ft. The building is 50 ft. from Morrison Rd., the depth is 60 ft, and it is 40 ft. wide, and some of the trucks would be inside of the garage. He is using it as an office. He can put 6 or 7 trucks outside and the rest inside. He wants to get out of repairing trucks and retire in a couple of years. He is asking for a variance of 10 ft. from Morrison Rd. He used to park his cars there where the trucks will go and there are poles up there. Mr. Strassner said that is a narrow road.

No one appeared to speak on this application.

Application of Stephen Danes, 42 Illinois St., for variance to build retail store 40 ft. from the front lot line of lot #159, located on corner of Chili-Scottsville Rd. and Chili Ave.

Mr. Danes presented a map and said this property is between the gas station on Chili Ave. and the pavement. He bought additional land on the side so that trailer trucks would not have to go on the main thoroughfare. The trucks would come in in back of the store, and back in to the back of it. They would drive in from Chili Ave. past the building. The loading platform would be in back. If he gets this variance, he expects to tear down a little building that is there now.

Mr. Danes said the gas station was part of a plat at one time. If his building is back any farther, the gas station will hide it. The lot is 154 ft. deep on the west lot line, and 270 ft. on the east lot line. Mr. Entress stated that according to the map, he thinks the east line is 200 ft.

Mr. Wickins asked what he would have in the front. Mr. Danes replied the whole side adjacent to the present gas station would be for parking facilities. Mr. Wickins asked if it would be possible for cars to park right up to the right-of-way. Mr. Danes said no, there will be a lawn in the front next to the right-of-way, a small strip so there wouldn't be any parking out on the road. There would be a road from the right-of-way straight in adjacent to the front of the building. Mr. Wickins asked to be shown on the sketch so that he would understand just what was meant, and Mr. Danes did so. Mr. Danes said there will be a driveway coming in from Chili Ave. and parking area will be located to the rear of the building at least 40 ft. back from Chili Ave. The driveway will extend through to the Chili-Scottsville Rd. Welding supplies will be stored in the building, such as therapy oxygen, explosive gases, etc. The building will be concrete block, 25 ft. by 35 ft. The nearest house is on Scottsville Rd. well over 200 ft. from the building.

Mr. Pfenninger asked if there is a vacant lot between him and that house, and Mr. Danes replied no.

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

Michael Truisci of 3304 Chili Ave. asked if the 40 ft. setback would be from the edge of the road. He was told it would be from the property line. He then asked what was the property line, as his is the middle of the road, which is why the back lot lines are jagged. The Board informed him the building will be approximately 66 ft. from the center of the road. This is a 50 ft. right-of-way. Mr. Truisci then asked if that was the front line requirement. Mr. Entress replied the zoning law requires a setback of 100 ft. on commercial property. Mr. Danes is asking for a variance to construct this building 40 ft. back. Mr. Wickins then stated the reason is that the gas station is even closer, and further, he will do his unloading in the back instead of in front. Mr. Truisci said the gas station was built a long time ago.

Robert Looney of 3260 Chili Ave. asked if the variance is not granted, could Mr. Danes unload in front of the building legally. Mr. Wickins replied if he went back 100 ft. he could unload in the front.

Mr. Pfringle of 3316 Chili Ave. believes the zoning ordinance should be upheld as there is a lot of property available along there. If this request is granted to the same setback as the gas station, then the next fellow is going to want the same thing. There is a little hill there also which is a traffic hazard, and this will add to it. He feels the building could be set back further in the interest of the Zoning laws. As far as being in line with the gas station, he thinks the gas station is on its last legs. Mr. Pfringle then asked if it would be possible for the Board to post the advertisement of a public hearing on the bulletin board.

Mr. Wickins stated the Town Board had considered this and decided to send out 6 notices to the closest neighbors, with the idea that if only 4 of them get it, they will talk to other neighbors. Most of the other Zoning Boards don't send out notices at all.

Mr. Looney then asked if there is any safety regulation in the ordinance about the storage of explosives. Mr. Entress replied that comes under state regulations, and this is not a welding shop but a welding supply store. Mr. Wickins said a variance has to be granted.

Mr. Looney stated he wished to go on record as opposed to this request. Mr. Wickins asked his reason. Mr. Looney said he would like the storage of explosives living across the street. He also believes the zoning laws should be upheld and doesn't believe in variances. He lives directly opposite the intersection of Scottsville-Chili Rd.

Mr. Pfringle stated he is opposed on the basis of non-conformity with the zoning ordinance.

Mr. Truisci stated he is opposed to the 40 ft. setback.

No one else appeared to speak on this application.

DECISIONS OF THE BOARD:

FRITZ BUEHLER was granted a variance to erect a warehouse at 1436 Scottsville Rd., to be located a minimum of 100 ft. from Scottsville Rd., a minimum of 10 ft. from the side lines, and a minimum of 20 ft. from the rear line. All material stored on property, except material on trucks, to be housed within the warehouse. Also granted a variance to have a truck stop at this address. No trucks are to be parked closer than 40 ft. from the Scottsville Rd. right-of-way. Any material left on said trucks to be adequately confined, and said trucks must be operating vehicles and cannot be left on the property longer than 48 hours. All members voted in the affirmative.

BENEDICT BROTHERS granted a variance to erect houses in Hillcrest Park, Section 4, as follows: Lots Nos. 88, 96, 109, 33 ft. to rear lot line; Lots Nos. 89, 91, 94, 95, 50 ft. to rear lot line; Nos. 90, 93, 60 ft. to rear lot line. All members voted in the affirmative.

CHESTNUT HEIGHTS TRACT ASSOC. granted a variance to erect a sign at the northwest corner of Chestnut Drive and Chili Ave., size 18 in. by 24 in. This sign shall be placed north of the electric pole at the intersection of Chestnut Dr. and Chili Ave., and shall be installed under the direction and control of the Building Inspector. All members voted in the affirmative.

NORMAN BALL was denied a variance to erect a house on lot 50 ft. wide at 2988 Chili Ave. All members voted in the negative.

ANTHONY BONA CARSO was granted a variance to erect a house at 691 Marshall Rd. 40 ft. to the front lot line. All members voted in the affirmative.

DOMENIC NAPOLITANO was granted a variance to park trucks at 1735 Scottsville Rd. until June 1, 1957. All trucks must be licensed and operating. Trucks must be parked no closer than 20 ft. from Morrison Rd., and no closer to Scottsville Rd. than the front line of existing building. All members voted in the affirmative.

STEPHEN DANES - Decision was reserved on this application until a report is submitted by the Fire Marshal and the Building Inspector.

The Zoning Board of Appeals then instructed the secretary to write a letter to the Town Board recommending a change of zoning of the residential area on Chili Avenue from Scottsville-Chili Rd. west to the industrial area.

June Yates, Secretary

Special Meeting of
ZONING BOARD OF APPEALS
November 28, 1956

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

Application of Howard Reynolds for variance to erect concrete building for retail store at 25 Chestnut Ridge Rd.

Mr. Reynolds appeared and presented to the Board a letter from the Ranchmar Home Owners Association in favor of this request. Also a list of names of people who signed in favor of this request. These will be on file in the Town Clerk's office. He then presented maps showing proposed buildings.

Before the meeting began, Mr. Wickins informed the people there were only three Board members present, one of whom, William Kelly, is attorney for Mr. Reynolds, and therefore would not be sitting on the Board. He said if there were no objections, the minutes of the hearing would be taken, the Board would listen to anyone who wished to speak, and decision would be reserved until a full board or a majority could meet. A minimum of three members is required to reach a decision. Mr. Reynolds did not object to this, nor did anyone else.

Mr. Reynolds then stated the proposed grocery store building will be 48 ft. wide by 83 ft. deep, and he is planning for a future drug store approximately 40 ft. wide, along the side of the building which he has started now. The building setback is 74 ft. from the road. He has 268 ft. along Chestnut Ridge Rd. There is plenty of room for drainage and sewage. Mr. Wickins asked how many cars he could park. Mr. Reynolds said about 250, and he would erect barricades so that cars would come in both ends and out through the middle. The closest house is that of Herman Engfer on the left, about 70 ft. away with a garage in between. He said he plans to blacktop the parking area eventually, but there is a lot of fill to be done as there is a deep hole there.

Mr. Wickins then asked Mr. Reynolds if his request for variance is for the building already started and a further variance for an additional building beside it for a drug store. Mr. Reynolds said yes. Mr. Wickins then said there had been complaints concerning his previous grocery store about throwing stuff out in back (an incinerator was eventually built) and asked how he plans to take care of this now. Mr. Reynolds replied there will be an incinerator on the side, and all empty cartons and bottles, etc. will be housed inside in the basement. Before he didn't have room to do this, but now he will have three basements. Instead of an incinerator, he may have a truck carry refuse away, as he would rather not burn anything if he can help it. He does not plan to live in this building, it will be strictly a grocery store.

Mr. Lusk then said that on the plans there were two large doors on the back of the building, and asked if Mr. Reynolds plans to load through the back. Mr. Reynolds replied yes, there is no other way. There will be a 3 ft. runway with steps going off on to the ground for use as an exit, so there will be a front entrance and a back exit. There will be two doors in front and two in the rear. The new building will be 20 ft. deeper than the old one and 2 ft. 3 in. wider at the house foundation. The foundation that was in there is the same as now. The new building will be 83 ft. 7 in. deep and 48.6 ft. wide. This does not take care of the proposed drug store. Mr. Reynolds said this community needs a drug store. He does not propose to run it, but will sublet it to a registered pharmacist. He is just asking for a variance to erect the building.

Mr. Wickins asked if the leech field would be constructed under the supervision of Mr. Ireland, and Mr. Reynolds replied he would have to meet the town code. Mr. Wickins said "Or any further requirements of Mr. Ireland".

Mr. Entress then stated the closest point to the rear is 42 ft. and asked how many cars that area could accommodate. Mr. Reynolds said over 200 cars. Mr. Entress then asked the distance from the proposed drug store to the east boundary line. Mr. Reynolds said approximately 220 ft. of parking area. Mr. Entress asked if he planned on parking in the front. Mr. Reynolds replied yes, about 75 ft. back, with a 40 ft. driveway.

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

Donald Damond of 205 Chestnut Ridge Rd. said these are very fine people to deal with and living in the suburbs, it is a real convenience to have the grocery store, and it is needed. If the previous store hadn't burned down, this wouldn't have come up, and he can't see any reason why it shouldn't be replaced, for the convenience of the community as well as in fairness to Mr. Reynolds.

Mr. Wickins then asked when Mr. Reynolds had first established his store, and he replied in 1940.

Henry Szitela of 34 Chestnut Ridge Rd. asked if it would be possible to hear the arguments against this request before saying anything. When the board said yes, he said he would speak later.

The following people then gave their names as being in favor of this application:

Ray Fischer, 230 Chestnut Ridge Rd.
 Lee Flesch, 29 Chestnut Ridge Rd.
 Richard Lewis, 11 Mercedes Dr.
 Sid Bowan, 970 Coldwater Rd.
 Carl Minoia, 30 Chestnut Ridge Rd.
 Lillian Czerkas, 32 Sequoia Dr.
 William Hamill, 18 Kuebler Dr.
 Mrs. Dorothy Toland, 28 Sequoia Dr. - also her mother, Mrs. Spencer
 Robert Bueteras, 9 Chestnut Ridge Rd.
 Don Gaysteves, 101 Chestnut Ridge Rd.
 Herman Resch, 22 Chestnut Ridge Rd.
 Mrs. John Steve, 101 Chestnut Ridge Rd.
 Harry Pikuet, 46 Chestnut Ridge Rd.
 Albert Vanderberg, 3096 Chili Ave.
 Robert Bonehill, 5 Pikuet Dr.
 Archie Everett, 9899 Westside Dr.
 Mr. Batts, 575 Westside Dr.
 Norma Ford, 31 Madeira Dr.
 Mrs. Elmer Manfold, 3096 Chili Ave.
 Donald Tesch, 121 Chestnut Ridge Rd.
 Dick Jensen, 130 Chestnut Ridge Rd.
 Jerome Sands, 124 Chestnut Ridge Rd.
 Robert Hook, 9 Jensen Dr.
 J. Tatou, 161 Chestnut Ridge Rd.
 Lewis Wickham, 120 Chestnut Ridge Rd.
 Ruby Pikuet, 1020 Paul Rd.
 Mrs. J. Sands, 124 Chestnut Ridge Rd.
 Marian Rath, 6 Ruth Terr.
 Mrs. Lee Flesch, 29 Chestnut Ridge Rd.
 Walter Uhl, 11 Ruth Terr.
 Donald Rath, 6 Ruth Terr.
 Milton Nowack, 29 Chestnut Ridge Rd.
 John Boychek, 27 Chestnut Ridge Rd., on the adjoining property.
 Mrs. John Boychek, " " "
 Harry Pikuet, 460 Chestnut Ridge Rd.
 Robert Street, 203 Chestnut Ridge Rd.
 Charles Everett, 116 Chestnut Ridge Rd.
 Franklin Meyers, 15 Charmaine Dr.
 Lewis Solina, 42 San Mateo Dr.
 Al Ford, 31 Madeira Dr.

Mr. Entrass then asked if anyone wished to speak opposed to this.

Joseph Minella, attorney, of 425 Powers Bldg., appeared for Vincenzo Pagliuco and Neil Guiliano of 2975 Chili Ave. Mr. Pagliuco lives immediately in the rear of the Reynolds property. Mr. Minella inquired of the Board whether, since Mr. Reynolds is making application for more than one store, this should be re-zoning rather than a variance.

Mr. Wickins informed him that the Zoning Board of Appeals has no right to re-zone. That is strictly a Town Board matter. The Zoning Board only considers variances.

Mr. Minella then stated that Mr. Pagliuco and Mr. Guiliano do not object to a grocery store. Mr. Pagliuco lives immediately in the rear of the Reynolds property. While the store was in the original condition of being a house, it didn't have much effect on his property. Now there will be a large cement block building with a loading platform in the rear, and a lot more trucks, etc. The back end of the store has been extended to within 40 ft. of Mr. Pagliuco's back yard. He is concerned about the appearance of this, and also about the value of his property. Mr. Guiliano is also concerned about the value of his property. Both wonder whether this whole corner will become commercial and a shopping center. They are in sympathy

with Mr. Reynolds' situation, but they believe that before Mr. Reynolds went ahead with construction of the building, he should have gotten permission from the Zoning Board of Appeals as to type. Maybe it could have been built to fit in a little better with neighborhood, to keep the property values up. This is an E residential district, the highest in the town. That is what they are concerned about. No one questions the convenience of the store. Mr. Reynolds was there on a non-conforming use prior to the zoning law. According to the courts, the enlargement of a non-conforming use is not a matter of right, but should be determined by the zoning board, which they asked the board to do. He asked when the zoning board would reach a decision.

Mr. Entress replied probably within the next couple of days. He then asked if Mr. Reynolds is going to be allowed to continue building until a decision is reached. Mr. Wickins said technically he cannot build until a decision has been rendered. Mr. Minella then stated that as far as his clients are concerned, they leave it in the hands of the Zoning Board of Appeals. Mr. Wickins said he didn't understand that they were actually objecting to this variance.

Mr. Minella then stated that they have the situation where everybody wants Mrs Reynolds to have a store, but he has gone ahead and built one that has changed the character of the neighborhood. Across the street is the florist, which is a very nice looking place and doesn't detract from the property values. Of course, a grocery store is not that small, but it might have been constructed a little better to look at.

Mr. Wickins said Mr. Minella realizes that if a variance is granted, the Zoning Board of Appeals has no control over the architecture, whether it is a house, a store, or a garage. Their only control is over floor space, outlets, etc, but they cannot dictate the type of structure. Mr. Minella said this is not like the city, then.

Mr. Strassner asked if his clients object solely as to design of the building rather than having it there. Mr. Minella asked if parking will have an outlet on Chili Ave. Mr. Wickins said no, the plans are there for him to see. Mr. Minella stated that to sum it up, the new building will be a lot different from the old building, and is going to stand out as a commercial area. His clients object to that.

Mrs. Toland of 28 Sequoia Dr., said that before they moved to New York State, they consulted attorneys to find the best place to bring up children. This is a well kept community. That store was there. People who bought property there realized that.

Mr. Nowack said that every time there is a hearing about building something, people always object, saying it will be detrimental to their property. This is the same in Penfield, Irondequoit, Greece, and all the towns. This is the bunk. A gas station would be more detrimental than this small store.

Mr. Czerka of 32 Sequoia Dr. said he had heard an objection about rats. He feels that if everything is kept inside, there would be no rats.

Mr. Szitela stated he was not hear at the petition of Howard Reynolds a long time back when the objectors had their way and a compromise was made. Mr. Reynolds is here for a second chance. Everyone who didn't show up at the previous meeting is partially responsible for the calamity where Mr. Reynolds lost his house and everything with it. If the original petition had been granted, he would have lost either his house or his business, but not both. As far as being detrimental to surrounding property, he believes in live and let live. He lives right next door to Hincer's garage, and people can't go into the garage without using his driveway. If he put a fence on the property lines, Hincer would probably go out of business, but he runs a good business and is a good neighbor. Mr. Szitela doesn't want to see Mr. Reynolds stopped from earning a living. Mr. Reynolds is a good community man, and runs a school there for children. There has to be a feeling of humanity with each application. He is just a laymen, but when the words come from the heart and not from the head, they are easy to come.

Mrs. Zing of 2980 Chili Ave. said that the people who are objecting to this are felt to be old meanies. What they have in mind is not just the fact of a store, and now a drug store being spoken of. The people who are living behind Mr. Reynolds have a "for sale" sign out. This was advertised in the paper as being suitable for a night club or party house. This would mean it would all be commercial establishments. What they have in mind is that an entering wedge is all that is needed. This is a good residential section. The store was there, but they could get along without it if they had to. Mr. Reynolds needs a living. They are objecting to the whole area eventually becoming commercialized.

John Boychek said he lives right next door and has no objection. After having a fire like that, Mr. Reynolds should have the chance to build again and live as Christian people should live.

William McNeil of 2976 Chili Ave. said he lives to the rear of the store and has no objection to re-building the store and making a living. The adding on is what he objects to.

Mr. Fischer said speaking about the future, they have the Zoning Board, and they have got to build and have business, to take care of school taxes. Some people who object haveno children going to school. Chili Ave. should be zoned for business.

Mrs. Pagliuco said they have no children, but she has to work to keep up their home.

Mrs. McNeil said her only objection was loading in the rear. She feels they could load somewhere else. The trucks usually come about 6:00 A.M.

Mrs. Lewis 11 Mercedes Dr. said the people who are objecting to what is going to happen in the future should wait until those things come up. All Mr. Reynolds wants is a store.

Mr. Szitela said he has all the confidence in the world in the actions the Zoning Board will take in the future. He trusts in the integrity of the board to take care of any future applications.

Mr. Reynolds stated the store will be open from 9:00 A.M. to 9:00 P.M. There will be no deliveries in the rear until after 9:00 A.M. Any earlier delivery would be the bread man at the front door.

Mr. Wickins then asked Mr. Reynolds if the variance is granted, if he would agree to the restriction that no deliveries be made in the rear prior to 9:00 A.M., and Mr. Reynolds replied yes.

William Kelly then appeared as attorney for Howard Reynolds. He said he disqualified himself from sitting on the board at this ~~xxxxxx~~ meeting because he is representing Mr. Reynolds. He has been sitting back listening to the pros and cons. There is a general commercial tendency in that area. There is the Esso gas station, Spitz Florist, Hincer garage, and the Reynolds store. The lay of the land itself is involved. It forms itself into a triangle bounded by Chestnut Ridge Rd. on the north and Chili Ave. on the south. It is higher on the north than on the south. Mr. Reynolds has lost his entire living, his business and his homestead. He asking to try to rebuild something that he has totally lost. Mr. Kelly asks the Board to have consideration for this situation and grant this request. As far as the general architecture problem might be concerned, Mr. Reynolds has basically commenced on a program of erecting block after block within a limited area to house his store, an area large enough so that any boxes or refuse can be retained in the store, and this will be operated like a store. As far as finishing touches, they will be in general conformity with the neighborhood. He does not intend to leave blocks there without trying to comply with the general situation in that area. He is as interested in this area as any other citizen and will conform in every manner possible.

No one else appeared to speak on this application.

Decision was reserved until a majority of members are present.

June Yates, Secretary

November 30, 1956

Decision was reached by the Board as follows:

HOWARD REYNOLDS was granted a variance to erect grocery store and drug store at 25 Chestnut Ridge Rd. Grocery store is to be 83 ft. 8 in. in depth, 48 ft. 9 in. in width, to be located 3 ft. from right side line, 74 ft. from the center of Chestnut Ridge Rd., 42 ft. from the nearest point in the rear. The size of the drug store is not to exceed 48 ft. in width and 58 ft. in depth, to be located adjacent to left elevation of grocery store, and also to be located a minimum of 74 ft. from the center of Chestnut Ridge Rd. Barricades are to be erected along Chestnut Ridge Rd. subject to the approval of the Building Inspector. Parking space is to be provided for a minimum of 100 cars subject to the approval of the Building Inspector. No refuse burning on property. There must be no refuse, supplies, or debris on premises unless housed within buildings. All deliveries are to be made at the left side entrance. Entrance is to be located subject to the approval of the Building Inspector. There shall be one pair of doors in the rear of the building, and said exit to be used for emergency purposes only. No loading or unloading to be located in the rear of buildings. Gutters on the right side to be adequate and continuous, draining to the rear of the building. Screen planting of trees shall be placed along rear road line the width of buildings. Said trees shall be spaced a maximum of 10 ft. apart and a minimum of 6 ft. in height. Any floodlights shall be installed under the direction of the Building Insp. Septic tank and leech field to be installed under the supervision of the Monroe County Sanitation Dept. All members voted in the affirmative as follows: Cornelius Strassner, Charles Pfenninger, Bernard Entress.

June Yates, Secretary