

ZONING BOARD OF APPEALS

January 7, 1958

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

Application of William Scharvogel for variance to operate radio and television repair shop at 2675 Chili Ave.

William Pence Jr., 120 Westside Dr., appeared and stated he is asking for this variance on the property of William Scharvogel where Mr. Scharvogel formerly had a heating and appliance shop. Mr. Pence wishes to operate a radio and television repair shop, retailing small appliances, selling used television sets, etc. on a small basis.

Mr. Entress asked how many employees there would be. Mr. Pence replied he intends to have a fellow helping him and a telephone receptionist.

Mr. Wickins asked how many cars could be parked on the property. Mr. Pence said approximately four, straight across on the front of the property. There is room on the side where he can park his own car. Mr. Wickins then asked if there is property in the rear which could be used for parking space if necessary. Mr. Pence replied yes, if it is cleared. It is not cleared at the moment, but it is available. He is renting the building and the whole plot of land from William Scharvogel. Mr. Wickins then inquired if the Board should grant permission to operate this shop, and if later found there was a traffic problem, would Mr. Pence be willing to enlarge the parking in the rear. Mr. Pence replied yes.

Mr. Strassner then asked about a sign. Mr. Pence said he has a sign on the shop reading "Westside Radio and Television" in the same space where Mr. Scharvogel had his sign. Mr. Scharvogel has informed him that he was granted a variance to install a big address sign, but it was never installed, and that Mr. Pence could use that variance. Mr. Wickins said he doesn't go by that, and that if Mr. Pence did contemplate installing such a sign, he should ask for that variance at this meeting, and amend his application to request it. Mr. Pence replied that he didn't know whether it would be feasible, as it might be knocked down by cars entering and leaving. He decided to wait until later.

No one appeared to speak on this application.

Application of Norman Ball for variance to erect a house on lot No. 2 Wills Rd. 58 ft. to the front lot line.

No one appeared at this time to speak on this application.

Application of Charles Robinson, 1173 Westside Dr., for variance to operate a kennel in E zone.

Mr. Robinson stated this is a request for a renewal of his kennel license. Mr. Wickins asked how many dogs he had, and Mr. Robinson said about 6. There is no kennel, they are kept in the house, and let out in the morning and at night.

Mr. Entress asked if he bred dogs. Mr. Robinson replied yes. He doesn't have over six or seven dogs at one time. These are Toy Manchesters, and he sells the young pups. He obtained this kennel license three years ago, and this is a request for a renewal.

George Jewell, 1161 Westside Dr., stated he lives next door and would like to lodge a protest because of the proximity of his house and the house where the dogs are. He is about 50 ft. away, and the noise is a nuisance. Also there are soiled papers not properly taken care of which are blown in his yard and which he has to clean up. The dogs constitute a nuisance.

Mr. Robinson replied he didn't want to get into personal affairs. He is just asking for the license, otherwise he can get one at a time for the dogs. He took four years of Mr. Jewell's dog over in his yard, but now the tables are turned. He is just asking for justice.

No one else appeared to speak on this application.

Application of Gert R. Stam, North Chili, for variance to erect house, lot No. 34 Hubbard Dr., 55 ft. to front lot line.

Mr. Stam said this application is not worded correctly. He needs a variance to erect a house on a lot 75 ft. in width. This is in an existing old subdivision where all the other lots are 75 ft. wide. He stated he had left two sets of plans and two sets of specifications in the office. (These were unavailable). He would like to build in line with the other houses, which are set back about 55 ft.

Mr. Beeman said there are not more than four or five houses in there, and they are set back just about 55 ft., and are all 75 ft. wide lots.

No one appeared to speak on this application.

Application of Esso Standard Oil Co., 2930 Chili Ave., for variance to erect neon $4\frac{1}{2}$ ft. by 5 ft. sign on roof of station located in E residential zone.

Mr. J. M. Wood appeared for Esso Standard Oil Co. and said they had applied earlier for this variance, but no one appeared at the meeting. The notice had been sent to him in care of the company, but he was on vacation, and no one opened it, thinking it was a personal letter. The sign has already been put up by a contractor from New York. They didn't understand that this shouldn't have been done. This is a neon sign which is on all night, located at Chili Avenue and Chestnut Ridge Rd. It really constitutes a safety factor, as that is a very bad curve. He stated he had earlier given the names of the two people who live nearest. (These people, Mr. John Kay and Mr. William S. Henry, were sent notices).

No one appeared to speak on this application.

Application of Webaco Oil Co. for variance to install gasoline service pump corner of Chili Avenue and Paul Rd. 5 ft. from front lot line.

K. C. Daggs appeared for Webaco Oil Co. and drew a diagram showing the location of the pump. He stated they just want to add another pump to the present island, and install another tank in line with the present two to take care of the new pump. There would be no other change.

No one appeared to speak on this application.

Application of Oliver Perry, Buffalo Rd., North Chili, for variance to erect two signs 12 by 15 ft. on building, and 12 ft. by 3 ft. 25 ft. from front lot line, located in commercial zone.

Mr. Perry presented maps showing the location of buildings and where the signs will be. These will be erected by Flickinger from Buffalo, and there will be two stores. They would like a temporary sign to let people know what is being built there, and another sign on the building between two steel beams. Mr. Perry said he received a call two days ago to change the size of the temporary sign from 2 ft. by 12 ft. to 4 ft. by 16 ft., and would like to amend the application accordingly. Mr. Wickins asked how long this sign would be up, and Mr. Perry replied only until the stores opened, and they hoped to open in May. It should be about six months, but perhaps a seven month limit would be better. He will apply later for an advertising sign out by the street. The temporary sign will be located on Buffalo rd., and the other sign will be on the building. This sign will be about 12 ft. by 16 ft., but the size could be a little bit off. The company being in Buffalo makes it hard to get things definite. Mr. Wickins informed him that if the variance is granted, he can make the sign smaller, but not bigger. Mr. Perry said the sign will be a big elephant with a trunk as a wash tub full of groceries, a life-size elephant. He has seen the sign in Buffalo, but doesn't know the exact size, and would like to have the variance for a little bigger than 12 ft. by 15 ft., perhaps 14 ft. by 20 ft. The beams above the office are 8 ft., and the sign would never be 20 ft. high, but they are coming down with it to install it, and he wouldn't want to have to have them take it down. They are now in Buffalo with the sign, waiting to come down here. The sign would be illuminated, but he doesn't know what hours. Mr. Entress said most of them are timed to go out at midnight. Mr. Perry stated this property is 400 ft. from the road, and directly across the street are the houses that Glidden built. The sign will be at right angles to the road. Mr. Entress asked about the school on the west side, and Mr. Perry replied the school property is only 295 ft. deep, and he is 400 ft. The sign could hardly be seen from Hubbard Dr. Mr. Entress then asked if Mr. Perry wished to amend his application on the permanent sign. Mr. Perry replied that a sign 14 ft. by 17 ft. high certainly ought to go in there, and it wouldn't be any larger than that, perhaps not that big. He then asked if the Board would tell them the setback regarding the temporary sign.

Mr. Wickins replied that if the board grants the variance, he will be notified, and advised him not to let them start putting in the sign until George Lusk is informed. The company in Buffalo should let Mr. Perry know a day ahead of time when they are coming, so that the Building Inspector will be there to see about location.

No one appeared to speak on this application.

Application of Charles W. Lortscher, 320 Ballantyne Rd., for variance to operate kennel in E zone.

Mr. Lortscher said he has two English bulls from Canada boarded out in Churchville, and at home he has two females and one male English pugs. Instead of paying \$75 a month to board the dogs, he would like to have a kennel. He would keep them at the lower farm down by the stables. He presented a plan showing remodeling of building there now. This is a separate building which sits back on the east side of the property and was originally a running pen for cows. The roof has been taken off, and now he would like to put it into a kennel.

Mr. Wickins asked how many adult dogs he has. Mr. Lortscher replied he now has five, and 13 or 14 pups. He intends to fix up the building according to the plans presented and heat it with gas heat. Mr. Wickins then asked how close this would be to the nearest neighbor, and Mr. Lortscher said the kennel itself would be at least 300 ft. away, at 320 Ballantyne Rd. On the east side the nearest neighbor would be 600 ft. or 700 ft. away. The building is approximately 125 ft. from Ballantyne Rd., and would be 20 ft. wide by 60 ft. long. He is planning a run on the front and on the rear. There will be 20 pens, 10 on each side.

Jordan Miller, 340 Ballantyne Rd., stated this would be 300 ft. from him, and he would not like the nuisance and disturbance. He said this man has caused him trouble with his cattle getting out. He objected to this kennel as it would be too close to his house.

No one else appeared to speak on this application.

At this time, the application of Norman Ball was again called, but no one appeared. Mr. Entress stated that this application was rejected as no one appeared for Mr. Ball.

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

DECISIONS OF THE BOARD:

WILLIAM SCHARVOGEL was granted a variance to operate radio and television shop at 2675 Chili Ave. for a period of two years. Adequate off-street parking must be provided. All members voted in the affirmative.

NORMAN BALL - Denied

CHARLES ROBINSON was denied variance to operate a kennel at 1173 Westside Dr. All members voted in the negative.

GART R. STAM was granted a variance to erect house on lot 34 Hubbard Dr., lot being 75 ft. wide. The house is to be located not nearer to the street than the adjoining houses. All members voted in the affirmative.

ESSO STANDARD OIL CO. was granted a variance to erect neon sign $4\frac{1}{2}$ ft. by 5 ft. on roof of station at 2930 Chili Ave. All members voted in the affirmative.

WEBACO OIL CO. was granted a variance to install gasoline service pump on existing island at the corner of Chili Ave. and Paul Rd. All members voted in the affirmative.

OLIVER PERRY was granted a variance to erect two signs on his property on Buffalo Rd. as follows: One 16 ft. by 4 ft. temporary sign to be located under the direction and control of the Building Inspector, for a period not to exceed 8 months. One 14 ft. by 18 ft. sign, not to be illuminated before 7:00 A. M. or after 10:00 P. M. to be located on two steel eye beams already placed in buildings. All members voted in the affirmative.

CHARLES W. LORTSCHER was denied a variance to operate kennel at 320 Ballantyne Rd. All members voted in the negative.

Mr. Entress then showed the members of the Board a letter received from Donald Slate, 34 Ronnie Lane, withdrawing his application for the erection of income apartment homes on Ivamae Dr. and Keith Terr. This letter will be on file in the Town Clerk's office.

June Yates, Secretary

ZONING BOARD OF APPEALS

March 4, 1958

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

Application of Herman Engfer, 11 Chestnut Ridge Rd., for variance to erect gasoline station on property located southwest corner Chili Ave. and Chestnut Ridge Rd., located in a residential zone.

William Marks appeared as attorney for Atlantic Refining Corp., joining with Herman Engfer in making this request. He stated plans and specifications were filed with the board at a previous meeting. (The board had these plans). He then presented simplified plans showing the proposed installation, stating one of the engineers of Atlantic Refining Co. was present and would answer any questions. Mr. Marks then re-submitted plot plans prepared from official county map, showing this property surrounded by other commercial establishments. He also re-submitted six photographs showing various views of the property. These will be on file in the Town Clerk's office.

Mr. Marks then said this property is suited for no other purpose. It cannot be used for residential purposes because of the lay of the land and the location. He previously submitted to the board a petition showing the consent of 18 or 19 neighbors. He had acquired an additional 14 names, with addresses, which he asked to have also filed with the board. He then offered evidence before the board testimony of a real estate man who made an examination of the property and the surrounding area. He introduced Harold Graunert, realtor and appraiser.

Mr. Graunert stated he is a member of American Institute of Real Estate Appraisers, past president of New York State Society of Real Estate Appraisers, member of Real Estate Board of Rochester, etc. He presented a map of the property so the board could follow his statements. Mr. Graunert said this is a triangular piece of property, with approximately 299 ft. along Chestnut Ridge Rd. Approximately 199 ft. of this would be sold to Atlantic Refining Co., leaving a parcel which would be a conforming residential parcel, 100 ft. wide, along Chestnut Ridge Rd., extending to Chili Ave. an average of about 165 ft. The balance of the piece, which would be the property in question, would be on the north corner of the triangle. The elevation of the north corner of the triangle is 106 ft., the southwest corner elevation 94 ft., the southeast corner approximately 94 ft. There is a rise in grade from Chili Ave. to Chestnut Ridge Rd. of approximately 12 ft. This triangle has an acute angle of 33° , 86° at the north corner, and 61° at the other corner. In analyzing the property, he laid out the possible residential use, superimposing on the map three possible ways a residence might be built, taking the minimum foundation area. If a dwelling was laid out on the triangle facing Chili Avenue Rd. with a setback of 60 ft., the nearest point of such building would be approximately 10 ft. from Chestnut Ridge Rd. If the building was placed facing Chestnut Ridge Rd. with a 60 ft. setback, the nearest point to Chili Ave. would be 15 ft. If the building faced the apex of the triangle, it would be about 17 ft. from Chili Ave. and 20 ft. from Chestnut Ridge Rd. Obviously, the latter building would be most conforming, but such a building would not be very practicable because of the change in elevation from Chili Ave. to Chestnut Ridge Rd. Any building, to be used, would have to be facing Chestnut Ridge Rd. or Chili Ave., most likely facing Chili Ave. because it is lower. Any dwelling faced on the apex of the triangle would be, to him, very impracticable because of the noise of traffic on Chili Ave. and Chestnut Ridge Rd., and the headlights of automobiles would shine through the windows. This property cannot be economically or practically developed for residential use. Mr. Graunert said on the west of the owner's property, there has been a commercial variance for a supermarket. There is a residence on the northwest corner of Fenton Rd., then the Spitz Florist shop, on the other corner the Chili Beverage Co., then the bus turn-around, then the Esso Station. The property opposite the triangle at the present time is not developed, and probably won't be for some time because it is below the grade level. Mr. Graunert stated it was his opinion that a business use of this property was necessary. Because of the shape of the property, it would have to be a certain type of operation, such as a gas station, a hot dog stand, or an ice cream stand. It was also his opinion that neither of the latter would offer the community service that a gas station would. It was therefore his considered opinion that the best use of this property is for a gas station.

Mr. Marks then presented James Gleason of Wills Realty Corp., who has been a licensed realtor for ten years. Mr. Gleason said he has had this property listed for a considerable time, and his corporation has, until this time, been unable to get anywhere near a good offer. Mr. Marks asked if this was the only offer that could be presented to Mr. Engfer, and Mr. Gleason replied yes. Mr. Marks asked if they had made extensive efforts to sell this property, such as advertising, and posting with signs, and Mr. Gleason replied yes.

Mr. Marks then presented Mr. Connors, an engineer from the Atlantic Refining Corp., to answer any questions concerning construction or specifications.

Mr. Entress said according to the contour map, the leach field is quite a bit higher than the septic tank, and asked about this.

Mr. Connor replied there will be a sump pit. They plan on pumping up to the septic tank, working through the tank and into the sump pit, and pumping up to the leach field. He pointed this out on the map, and also the concrete curbing which would give controlled access and egress to the station, in conformation with State regulations put into effect in July of 1957.

Mr. Entress then asked how far the island would be from the lot line of Chili Ave. Mr. Connor said 15 ft. from the island to the property line, which meets State specifications. It will be 13 ft. from the edge of the pavement to the property line, 28 ft. from the edge of the pavement to the island. Mr. Entress asked if there would be any chance of double parking paralell with the island, and Mr. Connor replied the curbing would prevent that, 6 in. in height, as called for by the state. The center will be filled with top soil and planted with grass.

Mr. Entress asked how high the retaining wall would be. Mr. Connor replied about 1 ft. above the grade of the land on Chestnut Ridge Rd., with about a 4 ft. high chain link fence for the protection of people who might walk over it. The whole top area of the leach field will be seeded, and won't even be used because of the grade. This will be a two-bay station with one island, a corner type station. The building will be 20 ft. from the property line of Chestnut Ridge Rd., and another 14 ft. to the edge of the pavement. The building will be 41 ft. from the edge of the pavement to Chili Ave.

Mr. Entress then inquired about a sign pole shown on the map. Mr. Connor said that would be a 4 ft. by 6 ft. hanging sign, the bottom to be 13 ft. above the ground. It will be a fluorescent light and will not point out in the road. These lights throw a lot of light downward, and this will improve the visibility at the intersection. Mr. Connor then pointed out on the map a couple of spotlights to shine on the end of the building. There is not going to be a sign on the building itself. There will be two panels on the one pole out in front, a regular standard Atlantic sign. Mr. Connor then presented a picture similar to the proposed sign.

Mr. Strassner inquired how late the station would be open. Mr. Connor replied he had no idea, it would depend on the business out there. The stations are leased directly to an individual, who sets his own hours. The usual hours of operation of an Atlantic station are 7:00 A. M. to 10:00 P.M. or 11:00 P.M.

Mr. Strassner asked if there would be any objection to a closing time put on the station. Mr. Marks replied he had talked with Mr. Walker, the district manager, who said they are not asking for an all night operation. If the board required a closing of 10:00 or 11:00 P.M., it would be all right, as long as they are competitive with other stations.

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

W. S. Henry, 2911 Chili Ave., said it would be advantage to the traffic eastbound off Chestnut Ridge Rd., and eastbound on Chili Ave. intending for Chestnut Ridge Rd., where visibility is now poor. He voted in favor.

Bruce Miles, 46 Everett Dr., stated he agreed with Mr. Henry, and is in favor of this application.

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

Gerald Kohlmaier, 12 Chestnut Ridge Rd., stated he lives opposite to this property. The property has been kept residential for 50 years, and it should stay that way. He wants no gas station in his front yard. People have bought homes there assuming it was residential, and want it kept that way. The Town of Chili and the Zoning Board of Appeals owe it to the citizens around the community. He then presented a list of names comprising 75% of the people within a quarter of a mile of this property who are against this request. This will be on file in the town clerk's office.

Warren Brandow, 135 Fenton Rd., said he had been approached by both parties. The other day he took a ride out West Henrietta Rd. where he saw nice homes with commercial areas scattered in between, making it hard to tell whether the area was residential or commercial. This makes it difficult for the home owners from a selling standpoint. This gas station would be a hazard. There is an element today of people rushing out of stations and intersections, and this is one of the worst intersections in the town, with all the traffic on Chili Ave. Also the retaining wall would be an attractive nuisance for children, and someone might get hurt. He voted against the gas station.

Harold Amies, 26 Chestnut Ridge Rd., said that instead of having a gas station there, the town should acquire the property. There will be a bottleneck tying that corner up with a gas station. When he came here two or three years ago, there were small businesses and no spreading out, but the variances have gone too far, and it is time they stopped. The next thing will be a beer joint down there. Mr. Engfer is trying to make money on this. The property was mapped out for residential, and was expected to be residential. Mr. Amies said he has a lot 300 ft. long and would like to put a small hotel on it. If these variances are continued to be granted, it is making a farce out of the zoning laws. The variances should be stopped and now. He can't see why anyone who lives 3 or 4 miles away should have any right to vote on this establishment, as they don't have to live with it.

Donald Wilbert, 945 Paul Rd., asked if there is a master plan showing residential and commercial property available. Mr. Wickins replied the town is working on that right now, and a meeting was held last week. Mr. Wilbert asked if there was any idea of pushing this variance through ahead of that map. Mr. Wickins replied this board, under the zoning laws of the town, has to consider any application presented for a variance. Mr. Wilbert then said he does not live in the neighborhood of the proposed gas station, but as a member of the Town of Chili, he would like to see the town in the best shape possible. He feels that if this request were granted, there would be no reason why, sometime in the future, someone would not want to put commercial property up near him, and that he would not want.

Mrs. Pagluico, 2970 Chili Ave., said she lives next door to the proposed gas station. When they bought their home, they were told by the town this area was residential. They bought the land from Mr. Engfer, and he himself told the second person who moved there this was residential. Now this area is all filled in with homes. They have spent a lot of money and don't want the value of their homes to go down. She voted against this request.

Kenneth Thomas, 5 Maureen Dr., said he bought his home about a year ago and took it for granted this was Class E residential. Chestnut Ridge Rd. now looks more like part of the city, and he moved out here to get away from that. He voted very much against the gas station. It could be seen from the front of his house, and he doesn't want to see any gas station with cars and trucks.

John Kay, 2912 Chili Ave., voted 100% against it.

Stanley Martin, 220 Chestnut Ridge Rd., voted against.

Mrs. George Zingg, 2980 Chili Ave., voted against. She said she had talked to the Esso station, and they said there is very little business even for one station.

Frances Malcheski, 23 Scott Lane, voted against, and said there are commercial enterprises more desirable than a gas station.

Mr. Wickins informed the people that if they had signed the petition against this application, it would not be necessary to vote in public at this meeting. Those who had not signed this petition and were against this request, should so state, giving their name and address.

The following people voted against this application:

Edgar Davies, 16 Chestnut Ridge Rd.

William Lorenz, 18 Chestnut Ridge Rd.

Mrs. William McNeil, 2976 Chili Ave.

Herman Rasch, 22 Chestnut Ridge Rd.

Mrs. Henry Stevens, 26 Hartom Rd. Mrs. Stevens asked if there was any possibility of the town acquiring this land, such as was done at Hinchey Rd. and Chili Ave. Mr. Wickins replied that Chili Ave. is a state road, and not a town proposition. He would have to look into it. The state has made a study of Chili Ave. and eventually will probably do something about it, but their plans might be 20 or 30 years away.

The following people also voted against this application:

Steve Fintak , 223 Chestnut Ridge Rd.
 Elizabeth Pikuett, 460 Chestnut Ridge Rd.
 Mrs. Louis Summers, 28 Mercedes Dr.
 Donald Becker, 9 San Mateo Dr.
 Mrs. Donald Doehn, Mercedes Dr.
 Kay Thomas, 987 Paul Rd.
 Mrs. Richard O'Mara, 1003 Paul Rd.
 Mary Jones, 26 Beaver Rd.
 Joan Peck, 28 Kuebler Dr.
 Jean Paul, 18 Hartom Rd.
 Mrs. Henry Stevens, 26 Hartom Rd.
 Mrs. Frank Eckl, 22 Luella Dr.
 Marion Powell, 26 Lynda Lane
 Mrs. Chris Pappas, 13 Garden Dr.
 Elizabeth Shields, 54 Sequoia Dr.
 Pat Guinan, 37 Mercedes Dr.
 Margaret Menahan, 45 Laredo Dr.

Warren Brandow stated he was not only present as a resident citizen, but one of many of a group representing Pius Ten Church, who are in opposition to this gas station. If this commercial establishment is permitted, it will set a precedent for a beer joint. They are building a school near this location. If this commercialism is stopped now, the inevitable will not occur.

Mr. Marks then said he didn't feel a gas station would deteriorate into a beer joint. He pointed out that this corner is unimproved and a gas station would open it up for visibility. Behind this property is a line of pine trees, separating it from the residential area. There have been many surveys made by independent investigating organizations as to safety and traffic hazards, and he had statistics which he could show the board if they so desired. He said the facts are that a gas station is a very safe establishment compared to many others. The rate of accidents is very low. This application is based on the fact that to deny this application is a hardship. The shape of the land is formed by the roads put in there and is not suitable for residential purposes. It will remain as unimproved property if not developed by a gas station or a hot dog stand. This will deprive Mr. Engfer of the best use of his property.

Mr. Martin then stated it had already been mentioned about the poor volume of business at that corner. There are two or three stations right now on Chili Ave. which are closed as much as open, and there is nothing more detrimental.

Mr. Marks said there is not an Atlantic service station closed in the County of Monroe.

Mr. Kay said he understood the gas station on the next corner was up for rent and anything would be done to get rid of it. He had noticed a lot of empty gas stations in riding around, and this is not good.

No one else appeared to speak on this application.

Application of the County of Monroe for variance to construct a sewage disposal plant on lands fronting south side of Paul Rd., located in A zone.

William R. Baxter, Deputy Monroe County Legal Adviser, appeared to represent Gates, Chili, Ogden Sewer Agency. Mr. Baxter stated this application is for a variance to construct a sewage disposal plant on property fronting on Paul Rd., formerly known as the Dintruff and Syracuse property. The property was purchased by the County of Monroe last summer for this purpose. Mr. Baxter presented plot plan of the area, along with detailed maps of the units to be constructed. He said the property front on Paul Rd. and is surrounded by railroads on the other three sides. It is located within a so-called A or Industrial zone. The only reason the application for a variance is needed is that a sewage disposal plant is not one of the permitted uses under the zoning law. This application is made under Section 90 of the zoning law as amended, authorizing the Zoning Board of Appeals to make a variance in such cases. The nearest building contemplated would be 500 ft. back from Paul Rd. He then presented John Gray, Chief architect for William Lozier Co. to answer any questions relative to the actual building, uses, size, etc. Mr. Wickins asked if there were any plans for shrubbery, etc., and Mr. Baxter replied yes, there are plans to screen the building.

Mr. Gray then explained the sewer line would come off Paul Rd. from an entrance manhole, then sewage flow into a screening chamber where it is ground up by a sewage grinder, then into a wet well, and then has to be pumped, as the land is low. The sewage is settled out after being pumped, into various stages of settlement. The heavier matter is pumped into a sludge digester, the light material also pumped there. Only the clear liquid passes on to a tank where it is chlorinated and then eventually into the river. The heavy and light materials go into buildings, where it is worked on until essentially inorganic, then drawn off into sludge pits, where it is dried.

Mr. Entress inquired about the odor. Mr. Gray replied the odor of a sludge pit is like a deep woods. Some sewage disposal plants have an odor because the matter is not properly taken care of. This material is cut up and continues through processes until it settles out and is on a digester in the tanks.

Mr. Strassner asked if there was any way to make it smell-proof. Mr. Gray replied the odor here is not objectionable. It is lot rotting wood. Around the top of the digesters, gas is formed, which is collected under floating covers. The gas is burned to heat the sludge to aid the digesters. There is waste gas. If that gas shouldn't be burned, it would simmer. If the pilot light went out, the gas could be smelled for a small area, but not more than 50 ft. away.

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

Mr. Baxter then stated that according to information given them and information previously obtained, there would be no odor within 50 ft. The methods used today are much better than before. This was discussed with the engineer before this hearing. There would be no odor unless there is some breakdown in the plant, then possibly there would be until it was fixed.

application of Ralph Lutz, 76 Ballantyne Rd., for variance to operate dog kennel in D residential zone.

Mr. Entress asked if this was a new application, and Mr. Lutz replied yes, he hasn't had a variance before. The lot is 225 ft. by 300 ft. Mr. Strassner asked if that wasn't three lots, and what is the size of the lot where the kennel would be. Mr. Lutz replied 72.6 ft. wide. He would not have over eight dogs, three males and 5 females. He planned to breed and sell the dogs, English setters and black and tan. He has the pens, using a converted garage, with some dogs outside and some inside. The nearest neighbor would be Mr. Phillips, about 100 ft. away. He has talked with him, and he did not object. Mr. Sage lives on the other side, at least 300 ft. away.

Mr. Entress asked if it would be any hardship, if the board granted the variance, if they put a time limit on it of one or two years, to be renewed at the end of that time. Mr. Lutz said no. The dogs would be penned about 100 ft. from the road, in the rear of the garage. No pens would be facing the road. Mr. Strassner asked how the disposal would be handled, and Mr. Lutz replied he would truck it away, as he is now doing with the chickens.

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

Beecher Smith, 49 Ballantyne Rd., voted in favor.

James Reichel, 79 Ballantyne Rd., voted in favor.

The following people voted in opposition:

Willis Cook, 68 Ballantyne Rd.

Clayton Batzell, 63 Ballantyne Rd.

Charles Sage, 72 Ballantyne Rd., stated he would just as soon have the kennels, if the other equipment stock were done away with. He voted as opposed unless Mr. Lutz gets ride of all the chickens and geese, then he would vote in favor.

Claude Robinson, 88 Ballantyne Rd., said he would appreciate a good Night's sleep one. He voted opposed.

Mr. Lutz stated the chickens are inside and the geese are fenced, but the snow is over the fence now, and he can't do anything about it. His dogs are not the ones who are barking at night, and probably half of the neighbors didn't know he has five dogs right now.

Mr. Smith said the dogs running in the neighborhood don't belong to Mr. Lutz, they belong to the other neighbors.

Mr. Sage said he had a petition signed by people against this request, but had forgotten to bring it, and Mr. Entress replied the board can't recognize it unless it is here. Mr. Wickins suggested if he wanted to, he go home and get it, as it would have to be filed with the board tonight.

Mr. Lutz said he would like to know the reasons for the neighbors' opposition.

Mr. Wickins replied they had said they felt the kennel would be a nuisance in the neighborhood.

Mr. Reichel said he has a dog of his own running wild, but Mr. Lutz keeps his penned up, and his stock is well-fed.

No one else appeared to speak on this application.

Application of Chili Fire Dept., Inc. to demolish existing fire station at 2856 Chili Ave. and for variance to reconstruct new one-story concrete block fire station 15.5 ft. from east property line; 4 ft. from west property line, and 35 ft. from front lot line.

William C. Kelly, attorney, appeared as president of Chili Fire Dept. Inc. and presented map showing proposed new concrete building and plot plan of the property. The lot is 60 ft. wide by approximately 219 ft. deep, at the corner of Chili Ave. and Chestnut Drive. There is an existing fire station on that location which approximates 24 ft. by 30 ft. deep. For adequate fire protection, they feel the need for a larger building to house future fire equipment. The proposed new structure measures 40 ft. wide by 60 ft. deep, making a pinch on both side and front lines. The existing building is approximately 330 ft. from front lot line. They would like to retain that setback to utilize the existing basement of the old building. There would be only 20 ft. left on the side lines, so they are asking for permission to build 15.5 ft. from Chestnut Dr. and 4 ft. from the other side line, which could be changed one way or the other. There would be provision for adequate parking in the rear, but they have not gone ahead with that because the County Sewer Agency wants a sewer easement across the back, along the rear lot line.

Theodore Epping, Architect, then stated they are not moving the front of the building. The existing building will be the front line of the new building. Mr. Entress asked how many cars could be parked on the property. Mr. Kelly said in excess of 20. Mr. Entress then asked how many men belong to the fire dept., and Mr. Kelly replied 30 men in that particular company. Mr. Entress then said that when there was a meeting, there was a potential of 30 cars. Mr. Kelly said some live right in the neighborhood, and some come two or three in a car. But when there is a fire, they come from all over the neighborhood.

Mr. Entress then asked if provision could be made for off-street parking, eliminating parking along Chestnut Dr. This is very bad in the winter. Mr. Kelly replied they have 110 ft. behind the building. They intend to have provision for off-street parking, but would be glad to leave the manner to the building inspector. Mr. Entress said there is a traffic hazard on Chestnut Dr. He wondered if the Board did grant the variance and put a restriction on parking there, whether it would be a hardship to the fire department.

Mr. Kelly replied they would have to find out how much potential parking area could be used in the back. The land in back is low and would have to be graded up. The only thing allowed in front of the fire house would be the trucks.

Mr. Epping presented a picture similar to the proposed new building, and said the roof line would be carried out the same, with a hip roof on front and back to give protection over the door. There would be bathrooms on the first floor and nothing in the basement except plumbing and the existing kitchen facilities in the existing basement. The old leach system is within the area of the proposed building, so a new leach system will have to be built.

Bruce Miles, 46 Everett Dr., voted in favor of this application.

No one else appeared to speak on this application.

Application of Alma Fiege, 697 Marshall Rd., for variance to convert upstairs into 3-room apartment, situate in D zone.

Mrs. Fiege presented a small sketch and said this is the first house in from Chili Ave. on Marshall Rd. on the west side. This is a cape cod house of approximately 32 ft. by 26 ft. Mr. Fiege, her son, said there will be a front entrance as shown on the sketch, and consist of kitchen, bathroom, living room and bedroom. He said the lot is 68 ft. wide and goes back at an angle, but he was not sure of the dimensions. Mr. Entress asked if they intend to increase the leach beds, and Mr. Fiege said it wouldn't be necessary, and it wouldn't be rented to more than two people, and there was only Mrs. Fiege downstairs, making a total of only three people.

The board asked for more information concerning the dimensions of the proposed apartment, but Mrs. Fiege was unable to give them. Mr. Wickins said Mr. Lusk should look into this and measure it up.

No one appeared to speak on this application.

Application of Fred Spear, 1400 Scottsville Rd., for variance to erect 4 ft. by 6 ft. sign 6 ft. to front lot line.

Mr. Spear presented a sketch of the sign and its relation to the building. He said they would like the sign in line with the other signs along the highway. The property is the Air Spa restaurant, and is open at night, but can't be seen very well from the highway. The building is set back 75 ft. or 80 ft. from the highway. This would be a neon sign.

Mr. Strassner said there would be no safety hazard involved.

Mr. Entress asked if the board should grant this variance, if it would be all right if they had the building inspector line the sign up with the other signs within that area, and Mr. Spear replied yes.

Mr. Wickins asked what hours the restaurant is open. Mr. Spear said until midnight during the week, and until 2:30 on weekends.

No one appeared to speak on this application.

Mr. Sage then presented to the board the petition against the application for a dog kennel by Ralph Lutz of Ballantyne rd. This petition will be on file in the town clerk's office.

DECISIONS OF THE BOARD:

HERMAN ENGFER was denied variance to erect gasoline station on property at the southwest corner of Chili Ave. and Chestnut ridge Rd. All members voted in the negative.

COUNTY OF MONROE: granted a variance to construct a sewage disposal plant on lands fronting on Paul Rd. as per plans presented. All members voted in the affirmative.

RALPH LUTZ was denied a variance to operate a dog kennel on Ballantyne Rd. All members voted in the negative.

CHILI FIRE DEPT. INC. was granted a variance to erect a fire house at the corner of Chili Ave. and Chestnut Dr. according to plans presented, with the provision that adequate off-street parking be provided, and that steps be taken to prevent parking on Chestnut Dr. These provisions are to be carried out under the direction and control of the building inspector. All members voted in the affirmative.

ALMA FIEGE - Decision was reserved on this application, and the building inspector was instructed to make an inspection and report back to this board. All members voted in the affirmative.

FRED SPEAR, 1400 Scottsville Rd., was granted a variance to erect a sign as per plans presented, said sign to be placed under the supervision and control of the building inspector.

Decision was then made on application made December 10, 1957, by D. D. Davis, for variance to erect house on lot #2 Willowbend Dr., front lot line setback 45 ft. from center of Black Creek. Variance was granted to erect a house on lot #2 Willowbend Dr. 60 ft. from front lot line on Willowbend Dr. The bottom of the first floor joists are to be 40 in. above the top of Willowbend Dr. when paved. This subdivision is to be approved by the State of New York before any building permits are issued. All members voted in the affirmative.

June Yates, Secretary

ZONING BOARD OF APPEALS

April 1, 1958

The meeting was called to order, and roll was called with the following members present: Charles Pfenniger, Cornelius Strassner, and the Chairman, Bernard Entress. Also present were the building inspector, George Lusk, and the town Attorney, Ralph Wickins.

Application of Michael Kuz, for variance to erect house at 219 Westside Dr. 40 ft. to front lot line.

Mr. Kuz presented a map and said this property is east of Pixley Rd., on the south side of Westside Dr., the second lot from the corner. There is room to go back on the lot, but he would like to build on the same line as the neighbors. The lot is 90 ft. by 230 ft., and the house would be about 15 ft. from each side lot line. Mr. Kuz said all the new houses there are set back 40 ft., but he did not measure and is not sure. However, he is not asking to build his house forward any farther than the other houses. It would be set in line with them.

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

Mr. Wickins then stated that application No. 5 of Patsy Morabito, 10 Ramblewood Dr., for variance to erect house 8 ft. to the north side lot line, had been withdrawn. Anyone interested in that application would not have to stay.

Application of Ogden Telephone Corp. for a variance to remodel building on southwest corner of Buffalo Rd. and Orchard St., 19 ft. to front lot line, 65 ft. rear lot line, 1 ft. to eastside lot line and 3 ft. to west side lot line, located in B zone.

No one appeared at this time to speak on the application, and it was set aside to be called again later.

Application of Pat DeCroce, 3746 Chili Ave., for variance to erect house on 70 ft. wide lot 6 ft. from west side lot line, located in R residential zone.

Mr. DeCroce presented a plot plan showing a lot 75 ft. wide and 250 ft. deep. The house would be 58 ft. 8 in. wide, with the garage underneath the house. He showed the board plans of the house showing the location of the garage, because the grade runs down. It is excavated there now.

Mr. Wickins asked how close the adjoining house is. Mr. DeCroce replied he didn't check it, but he believed there was a variance on that to 6 ft. from the side lot line. Mr. DeCroce's side line setback on the east side is 10 ft. 4 in., and that adjoining neighbor would be about 20 ft. or so away. Mr. Wickins asked why he couldn't build closer to the east line than the west line. Mr. DeCroce said the elevation is so bad he had to push the garage underneath the house, and would rather have the space on the east side. Mr. Strassner asked what would be the difference if he moved over. Mr. DeCroce replied it will make a better appearance the way he plans it, and he plans a patio and moving the house to the east would make the space very narrow. The neighbor on one side is high, and on the other side low and his property will have to be graded.

Mr. Entress asked if the cellar had been dug a couple of weeks ago. Mr. DeCroce said yes, he wants to move in by July. If the board doesn't pass this variance, he will have to change the building, but he would like to have it as set up. It would be an asset to the area, and he wants to keep the house to the west to the high part of the lot.

No one appeared to speak on this application.

The application of the Ogden Telephone Corp. was again called.

Donald F. Davison, President, presented maps to the board. The new addition will not be any closer to the front than the existing building, nor any higher, and they will do away with the peaked roof. This will be an unattended automatic switch board. The lot is 32 ft. wide and was owned by the college originally, but they couldn't sell it for any other purpose. There won't be access to the rear of the property except through the building. The Springbrook tract is in the rear. The building will be fireproof.

Mr. Davison said another lot might be available later, but the owner is incapacitated now.

Mr. Entress asked how many people would use the building. Mr. Davison replied none. There might be workmen during the day, but no people continually. All the parking would be in the front of the building. Mr. Entress asked if there is space provided now for parking. Mr. Davison replied right now they use the lot next door, as do others, but they could use the front for parking. There would be room for about three cars, but they only need room for one. Across the street is a cleaning establishment, then another lot, then an apartment house.

No one appeared to speak on this application.

Application of C. F. Sickles, corner Douglas Dr. and Chili Ave., for variance to erect house on 60 ft. wide lot 22 ft. from front lot line, 10 ft. from rear lot line, located in R residential zone.

Mr. Sickles presented a plan. He stated the lot is on the south side of Chili Ave. and the west side of Douglas Dr. The lot faces Chili Ave., and he wants to face the house on Douglas Dr. The setback from Chili Ave. would be 40 ft., which conforms with the rest of the homes on the street.

Mr. Entress then said that if the lot is 130 ft. deep, the house will be 63 ft., this would be 103 ft. if the setback is 40 ft. from Chili Ave. This would be 27 ft. from the rear lot line, and a variance would be required for rear line setback. Mr. Sickles would want a variance to build on a 60 ft. lot, a variance for front line setback of 40 ft., and a rear line setback variance to 27 ft. A variance would not be needed on the side lot lines.

There was some discussion as to the depth of the lot, and Mr. Sickles said according to Mr. Ouweleen it is 130 ft. deep. It has been a lot since 1928.

Mr. Entress asked if there is room for a leach field. Mr. Sickles replied it would be in the front the same as the others in the neighborhood. There is a community well, and this new house will be fed by the community well.

No one appeared to speak on this application.

Peter J. Freihart, 330 Chestnut Ridge Rd., for variance to erect a residence 50 ft. to front lot line, and erect toolhouse 18 ft. by 14 ft.

Mr. Freihart presented a map, and stated there was a mistake in the advertisement. The size of the toolhouse will be 8 ft. by 14 ft. He would like a variance to erect a house 50 ft. from the front lot line.

Mr. Wickins asked if that conformed with the other houses. Mr. Freihart presented a sketch of the surrounding property, showing Mr. Close, Mr. Mollon, and Mr. Freihart's houses set at 50 ft. To the other side is a vacant lot belonging to Mr. Glennon, and then Mr. Wyant whose setback is 60 ft. Mr. Close's house, which adjoins Mr. Freihart's property, is setback 50 ft., which has a porch on the front 43 ft. to the front lot line. If Mr. Freihart has to build back 60 ft., this porch will be out 17 ft. in front of his house. It is roughly 50 ft. from the west wall of Mr. Freihart's house to the east wall of the neighbor's house. Mr. Freihart stated he would like to build a tool shed in the rear of his property, 60 ft. from the rear of his house, size 8 ft. by 14 ft.

Mr. Strassner asked if this would be a permanent house. Mr. Freihart said yes, it would be a respectable building to store lawn mowers, shovels, rakes, etc. The lot is about 459 ft. deep, and 111 ft. wide, which would leave a side line of at least 30 ft. on each side.

Mr. Wyant, 326 Chestnut Ridge Rd., asked if a house was built on the lot between he and Mr. Freihart, would the house be set back 60 ft. Mr. Wickins replied yes, according to the ordinance, but application could be made for a variance. Mr. Wyant then asked if no one opposed the application, whether it would be granted. Persons might be away, like Mr. Freihart's neighbor who is in Florida. Mr. Wickins replied it would not necessarily be granted.

Mr. Glennon, who owns the lot in question, said a foundation had been put in before there was zoning. It is just a footing for a house 24 ft. by 24 ft. The footing is back 60 ft. from the road.

Mr. Freihart said he was always under the impression Mr. Wyant's house was set back 50 ft. until last night when he found out it was set back 60 ft. Mr. Freihart's present house was built before zoning, and another house was built there to stay in line at 50 ft.

Mr. Entress pointed out that from Mr. Wyant's house to the proposed structure would be 220 ft. He then asked if Mr. Wyant objected to this application.

Mr. Wyant replied, no, as long as the house in between his house and Mr. Freihart's is even with his. Mr. Entress said the board couldn't act on a house going up in between, as there has been no application for a permit.

April 1, 1958

Mr. Entress asked if Mr. Freihart would be willing to compromise a few feet. Mr. Freihart replied there is only 60 ft. from the adjoining lot and he doesn't see very much difference. There is about 220 ft. between his lot and Mr. Wyant's.

No one else appeared to speak on this application.

Application of William B. Hendrickson, 260 Golden Rd., for variance to operate an airstrip on 200 ft. by 1365 ft. property, 100 ft. from front lot line, located in E residential zone.

No one appeared. Mr. Wickins stated if Mr. Hendrickson was not present, or someone representing him, this application would have to be denied. Mr. Hendrickson will have to apply again, and new notices will be sent out.

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

June Yates, Secretary

DECISIONS OF THE BOARD:

MICHAEL KUZ was granted a variance to erect a house 40 ft. to the front lot line at 219 westside Drive. All members voted in the affirmative.

UGDEN TELEPHONE CORP. was granted a variance to remodel building at the corner of Buffalo Rd. and Orchard St. as per plans presented. All members voted in the affirmative.

PAT DE CROCE was granted a variance to erect house on 75 ft. wide lot 6 ft. to the west side lot line at 3746 Chili Ave. All members voted in the affirmative.

C. F. SICKLES was granted a variance to erect a house on 60 ft. wide lot, 40 ft. from the front lot line, 27 ft. from rear lot line, at the corner of Chili Ave. and Douglas Drive. Septic tank and leach field to be installed subject to the approval of the County Sanitation Dept. All members voted in the affirmative.

PETER FREIHART was granted a variance to erect house at 330 Chestnut Ridge Rd. 50 ft. to the front lot line, and variance to erect tool shed 8 ft. by 14 ft. as per plans presented. All members voted in the affirmative.

WILLIAM HENDRICKSON - As no one appeared, this application was denied.

PATSY MORABITO - Application withdrawn.

ALMA FIEGE, 697 Marshall Rd., was granted a variance to convert upstairs into a three-room apartment. Sufficient off-street parking to be provided for three cars. All members voted in the affirmative.

ZONING BOARD OF APPEALS

May 6, 1958

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

Mr. Entress announced that Mr. Embling had telephoned before the meeting and withdrawn his application to erect a building to house a horse at 5 Miller Dr. Anyone present in regard to this application need not remain as it had been withdrawn.

Application of Oliver Perry for variance to install signs attached to building, size 3 ft. by 35 ft. and 4 ft. by 53 ft., at the corner of Union St. and Buffalo rd., in a commercial zone.

Mr. Perry presented plans showing the front of the building. There is an 8 ft. canopy in front of both stores. He would like to put letters on there 4 ft. high, mounted on a rail and spaced across. One set would read "Super Duper" 4 ft. high and 53 ft. across. The other would be the same thing 3 ft. high and 35 ft. across. The letters would be plastic letters. The second set would probably read "Peterson Drug Co. of Chili". The canopy does not reach the height of the building. The signs would be attached to the outer edge of the canopy, back in about 7 in. or 8 in. The top of the lights would extend about 30 in. above the building. They would be similar to those at Southtown Plaza.

Mr. Beeman asked if the signs could be seen by the houses to the rear of this property. Mr. Perry replied he didn't think so. He said these are just letters lit up, not neon or flashing lights.

Mr. Wickins asked how long at night the letters would be lighted. Mr. Perry said he didn't know, but he didn't think they would be on all night, it would be too expensive. Mr. Wickins then asked about houses across from the stores. Mr. Perry replied there is a commercial lot across from it, and Mr. Glidden owns 300 ft. or 400 ft. Any houses would be about 800 ft. away from the stores and would not be facing them. The houses would face on another street, and the rear of the houses would be toward the stores.

No one appeared to speak on this application.

Application of Albert Gerwicks for variance to erect a house on lot #24 Toni Terrace, 45 ft. to lot line, fronting Marcia Lane.

No one appeared at this time, and Mr. Entress announced the application would be called later.

Application of Earl Hibbard for variance to erect a house 7 ft. to side lot line on 75 ft. wide lot at 9 Kuebler Dr.

Mr. Hibbard presented plans and stated he just wanted a variance to build on a 75 ft. wide lot, and keep to the 10 ft. side line setback as required by the ordinance. He said he would not need the 7 ft. side line variance he had requested.

Mr. Wickins asked if all the lots in that section were 75 ft. wide, and Mr. Hibbard replied yes.

No one appeared to speak on this application.

Application of John W. Schleyer for variance to erect a 6 ft. fence around rear yard at 10 Earl Drive.

Mr. Schleyer stated he would like a fence across the back of the lot. Since there have been additions on the stores to the rear, the view is not very pleasant, and there is now parking back there. There is no privacy to the back yard. Three years ago the place was supposed to be cleaned up, but nothing has been done. He would like to erect a solid board cypress stockade fence. Mr. Entress asked if he had a neighbor now with a fence. Mr. Schleyer said his neighbor right next door had one across the rear of his property. Mr. Schleyer's fence would be almost a continuation of this.

No one appeared to speak on this application.

Application of Harold N. Van Voorhis for variance to erect a garage 10 ft. to the side corner lot line at 28 Scott Lane.

Mr. Van Voorhis presented a plan showing the condition of the corner lot. He said the requirement of 20 ft. at the side lot line was for the purpose of adequate view across the corner. His plan would provide for greatly increased view across the street corner. Mr. Van Voorhis then presented a drawing mounted on cardboard. Then he demonstrated to the Board the lines of vision which would be given with various setbacks of

the proposed garage, showing that his plan would afford the most view across the corner. The garage would be 72 ft. 9 in. from Scott Lane. Mr. Van Voorhis, after a very complete demonstration, stated that the part of the zoning law about the corner lot providing for adequate view would be answered by building it in the proposed location, which would allow for more view and greater safety factor. If this can't be done, he would have to cut off 4 ft. from the length of the garage. It is about 8 ft. back of the house. If it has to be re-located, there would be some trouble with the footings interfering with the leach fields. Also the corner of the garage would cut off the view from the kitchen window. He has two young children and doesn't like the idea of them playing near the street and a ditch of water where they can't be seen. These things were the basis of his argument. Mr. Wickins said it was very well prepared.

Mr. Van Voorhis said the lot is 80 ft. by 170 ft. and the nearest neighbor on Kuebler Dr. is the lot adjoining his. He had talked with all the neighbors on Kuebler Dr., and none had objected. There was no objection from the neighbors at all. The rear of the garage would be 72 ft. from the rear lot line.

Calvin Doud, 42 Kuebler Dr., said the garage in the proposed location would not cut off his view, and he was in favor of this request.

Jerry Reininger, 29 Scott Lane, stated he lived directly across the street, and had the same situation. He also will have to apply for a variance. He voted in favor of this application.

Mr. Holton, 7 Kuebler Dr., stated he lives further down Kuebler Dr., and is all for this request.

John Toepper, 44 Kuebler Dr., voted in favor.

No one else appeared to speak on this application.

Application of Winsor Ireland for variance to use existing outbuilding for living quarters at 268 Archer Rd.

Mr. Ireland said he would like to remodel an existing chicken house for living quarters for his mother, as his father had recently died. It sits well in back of the house, and the property is 200 ft. wide. It is not near any neighbors. The neighbors have no objection. The building is 20 ft. by 28 ft., 560 sq. ft., and is not attached to the house. It is back 70 ft. from the house.

Mr. Strassner asked if he planned to change the outside appearance of the place. Mr. Ireland replied he has already shingled it, and would be glad to have anyone go down to look at it if they would like to.

Mr. Entress asked if any plans were filed with Mr. Lusk. Mr. Ireland said no, he had merely indicated the distances from the lot lines. The lot is 200 ft. by 265 ft. The only other buildings on the property are a house and garage. The nearest neighbor on the left would be 78 ft. away.

Mr. Strassner inquired whether he would do any renting. Mr. Ireland replied this is just for his mother, or perhaps some other member of the family, such as his wife's sister.

Mr. Wickins asked if there would be any objection to a time limit if the Board should grant this application. The variance would go with the land, and if the house should be sold, the variance would be passed to the new owner.

Mr. Ireland replied that was reasonable and was all right with him. No one appeared to speak on this application.

Application of Francis M. Tacy for variance to erect a boat livery and refreshment stand on lot #126 Black Creek Rd., in D residential zone.

Mr. Tacy presented plans to the Board. He said the refreshment stand would be 24 ft. by 24 ft.. The boat livery would consist of just a launcher. There would be no buildings outside of the refreshment stand, just a launching platform. The stand sits back 162 ft. from Black Creek Rd. The boat launcher would be on property not belonging to Mr. Tacy, but the refreshment stand is on his own property.

Mr. Entress asked if there would be toilet facilities open to the public. Mr. Tacy replied yes, put on a corner of the building. He has plans for a septic tank.

Mr. Strassner asked if he would do any filling up on the island. Mr. Tacy said no, he won't do anything with that except perhaps put in a foot bridge.

No one appeared to speak on this application.

Application of Edwin Rahn for variance to erect a garage and breezeway 6 ft. to north side lot line at 34 Yolanda Dr.

Mr. Rahn presented plans and stated his lot is 80 ft. wide. The breezeway would be 10 ft. by 14 ft., the garage 15 ft. by 24 ft. The front of the garage would be back from the front of the house about 6 ft. The next door neighbor is Will Marshall, whose house is about 11 ft. or 12 ft. from his lot line. This would leave about 17 ft. between the buildings.

Mr. Strassner asked if he had started to build yet, and Mr. Rahn said no.

Mr. Entress asked if his house lines up with the front of his neighbor's, and Mr. Rahn replied yes.

No one appeared to speak on this application.

Application of Floyd McRorie for a variance to erect an 8 ft. by 10 ft. sign 3 ft. from front lot line at 1399 Scottsville Rd.

Mr. McRorie said this used to be Sky Line Dr. He has remodeled it and planned an opening on May 7th. There is an existing sign, which would come down. The new sign would be placed right about in the same spot. It is an 8 ft. by 10 ft. wooden sign with 4 ft. by 4 ft. wooden posts put in concrete. The sign would come right to the ground.

Mr. Wickins asked how far this was from the corner approximately. Mr. McRorie replied quite a ways. There is a gas station on the corner and Mr. DeMay is on the other side. He has spoken to him and others, and there were no objections. The sign will not be lighted. It will be directly beneath the Schrader's Meat Products sign which is lighted.

No one appeared to speak on this application.

Application of Joseph Bevona for variance to erect garage 4 ft. 6 in. from north side lot line at 779 Marshall Rd.

Mr. Bevona presented plans. He stated that last summer he called up the office and talked to a girl and inquired about side line setbacks for putting up a garage and patio. She may have misunderstood, as she told him it would have to be 5 ft. from the side lot line. He said he was unfamiliar with the laws regarding property setbacks. He went ahead and put in the patio and the footings for a double car garage. A couple of months ago he called again regarding a permit to build, and then he found out the distance required for a garage to the property line is 10 ft. He then saw the Superintendent of Highways and explained to him. It was boiled down to a misunderstanding on the fact that a house has to be a distance of at least 5 ft. from the garage. Therefore, he requested a variance to build his garage 5½ ft. to the side lot line. This is a 90 ft. lot and the next door neighbor is about 10 ft. from his side lot line. The garage would be 5 ft. to 7 ft. back from the front of the house, to clear the living room window. It will be a frame building. Mr. Bevona said Mr. Rushlow, the next door neighbor, had no objection. Mr. Rushlow had been notified by mail, but did not appear at the meeting.

No one appeared to speak on this application.

Application of A. R. Everett for variance to erect a house on 79 ft. wide lot at 14 Indian Hill Dr. in E residential zone.

Plans were presented by Peter Trenton, who now owns this lot and requests the variance. Mr. Trenton stated he would like a variance to build a house on lot #65 and a house on lot #66, both being 79 ft. in width. There would be no change in the setbacks required by the ordinance.

No one appeared to speak on this application.

Application of Burr W. Jones for variance to erect a garage 3½ ft. to east side of lot line at 4470 Buffalo Rd.

Mr. Jones presented plans, and stated he recently purchased the house. The ordinance requirement creates a hardship because of the shape of the lot. The side line is on a diagonal of about 12°, and he can't construct a modern garage with any decent sized breezeway. The front of the garage would be 8½ ft. from the side line, and the rear would be 3½ ft. due to the angle of the side line. There would be 20½ ft. between the adjacent buildings. Mr. Jones then presented a property plan. He said there is no house on the lot next door. He presented a plan showing the location of a house if it were built there. If the house on the adjacent lot were built with a 10 ft. setback, there would be 20½ ft. between the buildings. The appearance would not be harmful. The architect has told him he must have a decent sized porch in order to be usable and in order to bear out the roof areas. The front of the garage would be 8 ft. back from the front of the house, which would allow a view out in back and up and down the road.

Mr. Jones stated he felt that the spirit of the ordinance would still be fulfilled by getting $20\frac{1}{2}$ ft. between the building on the adjacent lot. Although $3\frac{1}{2}$ ft. sounds startling, it is not so injurious as it sounds. He said if the Board didn't see fit to grant this, it would be very nice if he could be advised on how much setback could be considered a minimum. He would have to start and design all over again.

No one appeared to speak on this application.

Application of William B. Hendrickson for variance to operate an air strip 200 ft. by 1,365 ft. on property 100 ft. from front lot line at 260 Golden Rd. in an E residential zone.

Mr. Hendrickson presented a petition signed by adjoining neighbors approving this airstrip. This will be on file in the Town Clerk's office.

Mr. Hendrickson then presented a sketch of the property in question. He said the airstrip is 1,365 ft. long, which allows 800 ft. to take off and 400 ft. to land. It is not commercial at any time. The highest points are a telephone pole at one end and poles on the railroad track at the other end, being 12 ft. high and 10 ft. high.

Mr. Wickins asked if he took off over anyone's house. Mr. Hendrickson replied no, the property is marsh in the back, and in the other direction is the Brennan farm. His house is the closest. The plane weighs 1800 lbs. light, 2300 lbs. fully loaded.

Mr. Strassner asked if that was considered a safe length for an airstrip, and Mr. Hendrickson said yes, 1000 ft. was enough with no wind. There is a hangar already on the property.

Russell Spring, 1751 Westside Dr., asked if this variance would be permanent. Mr. Wickins replied it is the general policy of the board to grant a variance of this type for a certain period of time. At the end of this time, it would be necessary to re-apply for another period of time.

Mr. Entress asked if there was a time limit of 4-5 years to the variance, if Mr. Springer would be in favor of it. Mr. Springer then asked what would happen if the property were sold. Mr. Wickins replied the variance goes to the land. Mr. Entress said if there was a time limit on the variance, application would still have to be made for renewal no matter who owned the property. Mr. Jones then stated Mr. Springer had leased him a little strip of the property for one year. Mr. Wickins said that would be between Mr. Hendrickson and Mr. Springer, and has nothing to do with the Zoning Board. Mr. Hendrickson said he has leased a piece of about 25 ft. or 30 ft. and also has approval to use a small part of the Graham property.

Robert Hendrickson, 240 Golden Rd., voted in favor of this request.

No one else appeared to speak on this application.

Application of Michael Truisi for variance to convert a two-family dwelling at 3270 Chili Ave. into a three-family apartment house in an E residential zone.

Mr. Truisi stated the apartments are too many rooms for a single family and it is difficult for him to lease it. It would be better to have two families with a young couple in each apartment. The way it is now, there would have to be a large family in there.

Mr. Entress stated Mr. Truisi got a variance to build a two-family dwelling in 1955. That is when he started construction. He asked how long this building has been occupied as a three-family dwelling. Mr. Truisi replied two or three weeks. Mr. Entress asked if there were separate facilities put in for more than two families. Mr. Truisi said he had intentions to apply for a three-family dwelling later on. Mr. Entress said the building has been under construction for three years now, and occupied for a number of months. He asked if Mr. Truisi didn't build it and reconvert it. Mr. Truisi replied no.

Mr. Strassner asked if the building isn't built for four families. Mr. Truisi replied that in the future there might be four families. Mr. Strassner asked if that wasn't the intention from the start, and Mr. Truisi replied no. Mr. Strassner said if the building is there, the intention is there.

Mr. Entress stated that Mr. Truisi was in violation of the variance granted him. He asked the size of the building. Mr. Truisi replied 32 ft. by 58 ft., 950 sq. ft. All apartments are equal in size, two down and two up.

Mr. Wickins asked if he occupied one side and wants to rent out the other two sides, up and down, and Mr. Truisi said yes.

Mr. Entress asked if the side occupied by Mr. Truisi was built with double facilities. Mr. Truisi replied there are pipes running up, but nothing up there. The size of the lot is 100 ft. by 200 ft.

Mr. Entress asked if there are two bedrooms in each apartment with separate kitchen facilities and separate bath facilities, and Mr. Truisi replied yes. Mr. Entress then stated he would have to comply with the Multiple Housing Code.

Mr. Golisano, 3304 Chili Ave., voted in favor of this request.

No one else appeared to speak on this application.

Application of Charles Fancher for variance to build an addition to house 55 ft. to rear lot line at 13 Lester St.

No one appeared at this time and Mr. Entress stated it would be called later.

Application of John E. McKntee for variance to erect a garage 8 ft. to east lot line at 566 Paul Rd.

Mr. McKntee presented plans and said the lot is 80 ft. by 200 ft. The garage will be an addition on the house of 22 ft. It will be 22 ft. by 24 ft. with a 16 ft. door, a double garage. It will be a continuation of the house under the same roof, with a veneer brick front.

Mr. Entress asked how close the neighbor was on the east side. Mr. McKntee replied his house is 8 ft. from the line, and the garage will be 8 ft. from his lot line, making a total of 16 ft. between the two buildings.

Mr. Entress asked if the house was in line with the other houses, and Mr. McKntee replied yes, they all have the same setback. He thought Mr. Buttarazzi had a variance on those.

No one appeared to speak on this application.

Application of Howard B. Whelpton for variance to erect a store and workroom 47 ft. to front lot line at 3187 Chili Ave. in a B zone.

Mr. Whelpton presented plans showing the present building and the proposed building. The building will be 52 ft. by 36 ft. He will sell rugs, clean them, cut them, and repair them. At the present time, he is operating on the garage on the property. He would discontinue this and use it as a garage. There are no inflammable products at all involved. The rugs are cleaned with a cellulose shampoo. He would like to get into the selling, and wants the store front. The front of the building would be 47 ft. from the front lot line. There would be parking facilities in the front, which he would blacktop eventually, after the sewers go through. There would be crushed stone until then.

Mr. Entress asked how much area from the left side could be used for a parking area. Mr. Whelpton replied about 60 ft. by 40 ft., which would provide adequate offstreet parking at all times. The building would be sheet metal with insulated roof and brick front. Mr. Whelpton showed the board a folder showing various buildings of the same type, and further explained the structure.

Mr. Entress then figured the rear line setback and found it to be 48 ft. and asked if Mr. Whelpton would like to amend his application to include this variance. Mr. Whelpton said he had always understood this was commercial property and he wouldn't need a variance, but would like one if it was necessary.

Mr. Strassner asked how many people would be working for him. Mr. Whelpton replied only one at first, maybe more later on. He wants to put pipes in for the sewers, but didn't plan on a septic tank. There is a leech bed now, but the sewers ought to be in by the time the building is completed. There is no basement.

Marcus Miller, 3193 Chili Ave., voted in favor of this application.

Application of Joseph Lynch for variance to construct a house on 80 ft. wide lot located on lot #35 Creekview Dr., in an A zone.

Mr. Lynch presented plans and said the rear of the house will be 6 ft. from the lot line, as this is a pie-shaped lot. The house will be set back 60 ft. from the front lot line, and the lot is 80 ft. at the road line and a little more than 26 ft. in the back.

Mr. Entress said the lot would be 67 ft. wide at the building. Mr. Lynch said there are no neighbors right now. The adjoining lot on one side is also pie-shaped and on the other side straightens out some. The house will be 39.5 by 45 ft., a split level.

Mr. Entress said it would be necessary for Mr. Lynch to amend his application to include a variance to construct a house 6 ft. from both side lot lines. Mr. Lynch did so.

Application of Ackerman's Flyer's Club, 1280 Scottsville Rd., for variance to erect an 8½ ft. by 8½ ft. sign 4 ft. from front lot line.

Pauline Coles appeared to represent Ackerman's. She stated this sign had been erected in the front of Pauline's Gift Shop. The sign will be 1 ft. off the ground, 8½ ft. by 8½ ft., the overall height including the 1 ft. from the ground. It will be 4 ft. from the front lot line, right in front of the restaurant, and will be lighted. Visibility would not be hindered.

No one appeared to speak on this application.

application of John J. Duvall, 44 Adela Circle, for variance to erect 8 ft. by 10 ft. building to house a pony in B zone.

Mr. Duvall stated he would like an 8 ft. by 10 ft. building to house a pony. The building would be 10 ft. from the rear lot line, in the center of the lot. The lot is 80 ft. by 196 ft., so the building would be about 186 ft. back from the road. It would have four windows and a hip roof the same as the house. There is one pony, a Shetland about 38 in. high, which will grow to about 48 in. high.

Mr. Strassner inquired about the neighbors.

Mr. Duvall replied all the neighbors know about it, the pony is there now. Four walls of the building are up. It is a portable building, with four sides and a roof bolted together. It can be moved by taking the bolts out, and is not on a foundation.

Jerry Buttarazzi stated his father has restrictions in that tract. He didn't think this was a very good thing to have around, and objected to it.

Mr. Duvall asked what was Mr. Buttarazzi's feeling when he first heard about the pony, and Mr. Buttarazzi replied he felt the same. His father told him there are restrictions over there that have to be followed.

Mr. Wickins advised Mr. Duvall that if there is a tract restriction, Mr. Duvall should look into it for his own protection. However, a tract restriction has nothing to do with the Zoning Board of Appeals. Mr. Buttarazzi stated there is a tract restriction, right in the abstract. Mr. Wickins said a tract restriction is something their attorneys would have to straighten out, but that Mr. Buttarazzi had a right to voice his objection as far as the zoning Board is concerned.

Mr. Duvall said he is not concerned about the summer as the pony is left out for pasture, but he is concerned about the winter.

No one else appeared to speak on this application.

At this time, the following application was again called: Application of Albert Gerwicks for variance to erect a house on lot #24 Toni Terrace, 45 ft. to lot line, fronting Marcia Lane.

Mr. Gerwicks presented plans and said the lot fronts on Toni Terrace. The people who are interested want the house facing Marcia Lane, and set 60 ft. back from Toni Terrace. Mr. Gerwicks showed the Board on the map how the house would be located.

No one appeared to speak on this application.

The following application was again called: Application of Charles Fancher for variance to build an addition to house 55 ft. to rear lot line at 13 Lester St.

Mr. Wickins announced that as no one had appeared to speak on this application, it was denied.

Mr. Wickins then announced that a variance had been granted per court order to Herman Engfer to erect a gasoline station on lot at the corner of Chili Ave. and Chestnut Ridge Rd.

DECISIONS OF THE BOARD:

OLIVER PERRY was granted a variance to install signs attached to building at the corner of Union St. and Buffalo Rd., size 3 ft. by 35 ft., and 4 ft. by 53 ft. Signs are not to be lighted later than 12:00 midnight. All members voted in the affirmative.

ALBERT GERWICKS was granted a variance to erect a house on lot #24 Toni Terrace, 45 ft. to lot line, fronting Marcia Lane. All members voted in the affirmative.

EARL HIBBARD was granted a variance to erect a house on 75 ft. wide lot at 9 Kuebler Dr. All members voted in the affirmative.

JOHN W. SCHLEYER was granted a variance to erect a six-foot fence across the rear lot line at 10 Earl Dr. All members voted in the affirmative.

HAROLD VAN VOORHIS was granted a variance to erect a garage 10 ft. to the side corner lot line at 28 Scott Lane, garage door to be facing Scott Lane. All members voted in the affirmative.

WINSOR IRELAND was granted a variance to use existing outbuilding for living quarters at 268 Archer Rd., for a period of three years. All members voted in the affirmative.

DECISIONS OF THE BOARD:

FRANCIS R. TACY was granted a variance to erect a boat livery and refreshment stand on lot #126 Black Creek Rd. All members voted in the affirmative.

EDWIN RAHN was granted a variance to erect a garage and breezeway 6 ft. to the north side lot line at 34 Yolanda Dr. All members voted in the affirmative.

FLOYD A. MC RORIE was granted a variance to erect an 8 ft. by 10 ft. sign 3 ft. from the front lot line at 1399 Scottsville Rd., sign to be unlighted. All members voted in the affirmative.

JOSEPH BEVONA was granted a variance to erect a garage 5 ft. 6 in. from the north side lot line at 779 Marshall Rd. All members voted in the affirmative.

PETER TRENTON was granted a variance to erect a house on lots 79 ft. wide on ~~k~~ Indian Hill Dr., lots #65 and #66. All members voted in the affirmative.

BURR W. JONES was granted a variance to erect a garage 3 $\frac{1}{2}$ ft. to the east side lot line at 4470 Buffalo Rd. All members voted in the affirmative.

WILLIAM B. HENDRICKSON was granted a variance to operate an air strip 200 ft. by 1,365 ft. on property 100 ft. from front lot line at 260 Golden Rd. This variance is granted for a period of one year, and is restricted to one plane for his own private use. All members voted in the affirmative.

MICHAEL TRUISI was denied a variance to convert a two-family dwelling at 3270 Chili Ave. into a three-family apartment house. Members voted as follows: Mr. Bubel - no; Mr. Beeman - no; Mr. Entress - no; Mr. Strassner - no.

CHARLES FANCHER was denied a variance to build addition to house 55 ft. to rear lot line at 13 Lester because of non-appearance.

JOHN MC ENTEE was granted a variance to erect a garage 8 ft. to east lot line at 566 Paul Rd. All members voted in the affirmative.

HOWARD B. WHELPTON was granted a variance to erect a store and workroom 47 ft. to the front lot line, 48 ft. to the rear lot line, at 3187 Chili Ave. Adequate off-street parking must be provided. All members voted in the affirmative.

JOSEPH R. LYNCH was granted a variance to construct a house 6 ft. to the side lot line on lot 80 ft. wide on lot #35 Creekview Dr. All members voted in the affirmative.

ACKERMAN'S FLIER'S CLUB was granted a variance to erect an 8 $\frac{1}{2}$ ft. by 8 $\frac{1}{2}$ ft. sign 4 ft. from the front lot line at 1280 Scottsville Rd. All members voted in the affirmative.

JOHN J. DUVALL was granted a variance to erect an 8 ft. by 10 ft. building 10 ft. from the rear lot line to house a pony at 44 Adela Circle. All members voted in the affirmative. Variance granted for a period of one year.

June Yates, Secretary

ZONING BOARD OF APPEALS

June 3, 1958

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

Application of Edwin W. Ewart, 65 Yolanda Dr., for variance to erect garage 5 ft. to north side lot line.

Mr. Ewart presented plans and stated he would like to erect a garage to come within 5 ft. of the property line on the side. There would be a dining room in between. The lot is 80 ft. wide, and the adjoining neighbor is 10 ft. from the side line, which would make 15 ft. between the two buildings. Mr. Ewart said he had talked with his neighbor and it was all right with him. The neighbor called him today and said he wouldn't be able to come to the meeting. The garage would be set back about 4 ft. further than the house. No one appeared to speak on this application.

Application of Oliver Perry, 4390 Buffalo Rd., for variance to erect 14 ft. by 6 ft. 6 in. sign on front lot line, located in commercial zone.

Mr. Perry presented plans for the proposed sign, and also a picture of the sign, which would read "Town Plaza". He said he would like to locate the sign about in the middle of the 421 ft. between the school line and the dairy bar, and would like to be as close to the road line as possible, about 1 ft. from the ditch. It would be 15 ft. from the bottom of the sign to the ground, and the sign would be illuminated, a neon sign. There is no house across the street, only Glidden's commercial property.

Mr. Wickins asked how long the sign would be lighted. Mr. Perry replied he really didn't know, but probably up to midnight, longer if possible. Midnight was the restriction put on the other sign. This sign would be on one side or the other of the driveway. They are laying out a parking area, so they wouldn't want the sign in the way. The sign would be within 100 ft. of one side lot line or the other.

Mr. Strassner asked if he would object to erecting the sign under the recommendation of the Building Inspector. Mr. Perry replied no, that would be all right. He said they would like a brick foundation for the sign, but not right now, but he would like to apply for it now. The sign is supported by tubes which are hollow, not over 5 in. or 6 in. wide. Mr. Perry said they would probably want another sign on Union St., reading perhaps "Entrance", as at Southgate, and asked if he could apply for that now.

Mr. Wickins said no, as it would have to be advertised. This application can be amended, but another application can't be added to it. No one appeared to speak on this application.

Application of Earl Hibbard, 22 Jensen Dr., for variance to erect garage 7 ft. to side lot line.

Mr. Hibbard presented plans, and stated all the lots are 70 ft. wide, and all the houses are 7 ft. or so from the lot line. The adjoining neighbor is 7 ft. from the lot line, which would make 14 ft. between the buildings. The garage would be set back approximately 12 ft. from the front of the house.

John Spohn, 22 Jensen Dr., voted in favor of this application.

Application of Richard Mahnke, 2264 Westside Dr., for variance to operate a radio repair shop located in B residential zone.

Mr. Mahnke stated he would like to operate a part-time television and radio repair shop in the barracks on the campus of Roberts Wesleyan College to pay his way through school. It would not be for more than two years. After that time, he would be teaching school. He has been doing this in the town of Ogden for the past three years.

Mr. Wickins asked if there would be any employees or any machinery. Mr. Mahnke replied there would be no employees, just a small part-time business. There would be just testing equipment which makes no noise, and no neon signs. It would be operated in the barracks. Mr. Brandt, the Business Manager, said he had been over to the Town Hall to talk about it, and he was going to write a letter. It is all right as far as the college is concerned.

Mr. Wickins stated that technically this application should have been made by the college, as owners of the property. The Board would look into it. Mr. Mahnke said Mr. Brandt had said it was o. k. and that he had been over here. The secretary was unable to locate any other papers on this.

Mr. Mahnke said he had been living with his parents in Ogden and operating a part-time radio repair business.

Mr. Strassner asked if anyone objected to this application.

James Gallery, 2300 Westside Dr., said he didn't know about the application until he received a letter on it. Usually the college will contact the neighbors. He said he didn't say anything when the college built a factory behind there. Then they had barracks for 10 years plus, and he doesn't like them. Mr. Gallery said Dr. Smith said at the time of the variance, the barracks would be temporary, for three years, then it was five years. Then they wanted dormitories, as they said they expected a lot of students and needed the housing. That was over 10 years ago. Then there were trailers behind it. Then they asked if they could get a variance in the Town of Ogden to put a factory in the back of the property owned by Mr. Gallery to give the students a chance to make money for college. However, other people besides students work there. Mr. Gallery said he wonders where this is going to stop. The residents expect to live in a residential area, but they are gradually getting creeping commercialism. He said he has two lots next door to him, and maybe the college wouldn't like him to put up something. He stated he would have appreciated someone coming to him and asking him about this, and that he objects strenuously.

Robert Reddick, 2324 Westside Dr., stated he has the same objections.

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

Gilbert Vining, a student at Roberts Wesleyan College, and living in the barracks, voted in favor.

Wayne Ryan, 2331 Westside Dr., College Barracks, voted in favor. He said they had asked other neighbors, and was sorry they hadn't asked more extensively. They did ask some if they would object as there would be no signs and no noise. Many people have ham radio sets, etc., which are hobbies. Since Mr. Mahnke is on his own, this is not really a commercial enterprise. This is just work of his own, as many people tinker. There would be no machinery or any trucks or autos to make a disturbance in the neighborhood.

Mr. Wickins then stated he would have to say to everybody that this application is technically wrong. The application must be made by the property owner, not by the person operating. The operator can join in the application, but the application has to be made by the property owner. Unless there is something in the office which the Board doesn't have, He as town attorney, will advise the Board to deny this application, not on its merits, but because it is technically wrong. If the college so desires, a new application may be made. If a representative of the college had attended the meeting to join in the application, that would overcome this problem. The Board has to have the application of the property owner saying that he wants this on his property.

Mr. Gallery asked to be notified of the decision of the Board on this application.

Mr. Strassner stated the Board would reserve decision until a check had been made of any information that might be forthcoming.

No one else appeared to speak on this application.

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

Mr. Wickins said he had had a variance for this purpose before, and asked if he wished to continue the same operation. Mr. Napolitano replied yes. Mr. Wickins said there was at that time a limitation to the number of trucks and asked how many trucks he was planning for now. Mr. Napolitano said he didn't know. He had tried to get hold of the man running the place to come out tonight. They would want whatever was there or less. Three or four weeks ago there were about 10 or 11.

Mr. Strassner said they were not supposed to be parked in front of the building on Scottsville rd. Mr. Napolitano replied there was a lot of equipment parked there when they were putting water lines and gas lines, but a lot of that didn't belong to the company or to him.

Mr. Strassner stated there were violations of the variance which was granted him. There have been trucks loading and unloading, blocking so that people can't get off the street. There have been trailer trucks backed up back to back and unloading from one to the other. Mr. Napolitano said that might have been. Mr. Strassner asked how many trucks he figured were going to be parked up there. Mr. Napolitano replied he thought it was 10 or 11 the last time. He would want the same as before. He would be moving them back too.

Mr. Pfenninger asked if he was going to pull down the little building, and Mr. Napolitano replied yes, but he can't do it yet as he has mortgage problems with it.

Mr. Strassner asked if anyone wished to speak against this request.

Mrs. John Fidele, 142 Morrison Ave., stated this is an eyesore, a nuisance, and a hazard. Sometimes coming out of Morrison Ave., you can't even see up Scottsville Rd. Once coming home from work, she had to wait in her car until someone moved a truck out of the way. There are trucks parked all over. When she gives directions to friends coming to see her, she says just look for all the trucks parked all over. Last Saturday one boy parked a car in her driveway to work on it. Some of the trucks aren't licensed. Mr. Napolitano said they don't do any car repairs.

Mr. Wickins asked if Mrs. Fidele's objection is that there are trucks parked in the road, there are unlicensed trucks, some without any wheels. He said there would be no argument between Mrs. Fidele and Mr. Napolitano, and all remarks should be addressed to the Board. He asked that Mr. Napolitano wait until Mrs. Fidele had finished speaking.

Mrs. Fidele stated there had been trucks with wheels off, but not at the present time. The trucks are at the back line for the first time since they have been there.

Mr. Strassner stated trucks have been loading and unloading, those big transports. Mrs. Fidele said a gas station has the cars back far enough. With these trucks, a person has to get halfway out in Scottsville Rd. to see if there is a car coming down.

Robert McMann, 48 Morrison Ave., said that since these men have filled in the lot with dirt, there is no place for excess water to run and it backs up and goes on the road. It isn't possible to see up the road because of the trucks parked so near it. Last week a lot of them were taken away, and he saw some over on Lyell Avenue.

Mr. Napolitano said Mr. McMann had stated he had blocked up the laterals. He said people were dumping garbage on his land. All the water ran over on his property. The neighbors are up 10 ft. higher than he. He said when Mr. McMann wants to look for his mail, he pulls over on Mr. Napolitano's land, so no one gets out.

Mr. McMann said the State has so much right on each side of the road. His boxes were on the edge at the time, but were taken away when Mr. Napolitano's people cut the trees down.

Mr. Napolitano stated whatever violations there were have been taken care of. He was called up 5 or 6 weeks ago. The trucks have been out of there 4 or 5 weeks. There has been a bulldozer at the back to make room to put the trucks back further. One trailer truck belongs to the State of New York. He said he talked with a man from the State's office who said they didn't care where the trucks were parked as long as they were off the road and on his line. The lot is 115 ft. by about 175 ft.

The Board then read the decision granted for the last variance, dated November 20, 1956.

No one else appeared to speak on this application.

Application of Abraham Huurman, 150 Attridge Rd., for variance to build 8 ft. by 20 ft. porch 32 ft. from front lot line.

No one appeared at this time to speak on this application.

Application of John Culhane, 233 Chestnut Ridge Rd., for variance to build garage 3 ft. from side lot line.

Mr. Culhane presented a sketch showing proposed garage. He said he was going to make the garage 16 ft. by 22 ft., but now wants it 20 ft. by 22 ft. it will be 125 ft. from the front lot line, set in back of the house. The next door neighbor sits in the same position with the house way over to the left. The garage will be 20 ft. to the rear of the house. The driveway is in. The neighbor is approximately 15 ft. or 20 ft. from the lot line, with the garage on the opposite side of the house, in the same position. The lot is 65 ft. wide. Mr. Culhane presented a letter from Joseph P. Cowan, the neighbor at 231 Chestnut Ridge Rd., stating he is in favor of this request. This will be on file with the Town Clerk.

No one appeared to speak on this application.

Application of Robert J. Miller, 568 Paul Rd., for variance to build garage 8 ft. to east side lot line.

Mr. Miller presented map. He said the lot is 80 ft. wide, the neighbor is 10 ft. away, making 18 ft. between the buildings. The garage will be set back from the front of the house about 5 ft., about 77 ft. from the front lot line. The lot is 80 ft. by 200 ft.

No one appeared to speak on this application.

Application of William R. Powers for variance to sell used cars at the corner of Weidner Rd. and Scottsville Rd., in B zone.

Mr. Simpson appeared to represent Gulf Oil Corp., stating this application is being made by them. William R. Powers is a representative. Mr. Simpson said that a man who was formerly a new car dealer would like to lease the station, thinking it would help his income if he could handle used cars.

Mr. Wickins asked where the cars would be parked. Mr. Simpson replied alongside Weidner Rd. These would be strictly saleable cars, no junk. There would be nothing but minor repairs done.

Mr. Strassner asked how close to Weidner Rd. the cars would be parked. Mr. Simpson said he thought the town clerk told them there is some stipulation in the town regulations, and they would have to stay back 20 ft.

Mr. Pfenninger asked how many cars there would be. Mr. Simpson replied probably about 12. They would be kept back behind the Gulf building line, which is part of the contract agreement with the operator. There will not be any building built.

Mr. Wickins asked if there would be any illumination, and Mr. Simpson said if permissible. Of course, there are lights there now from the gas station, but nothing back near where the cars would be parked. The station has a series of five 150 watt floodlights. The adjacent property is a restaurant which has parking in the back. The Gulf people have additional area in the rear for working or parking cars.

Mr. Wickins asked if the Board should grant this application, would a limitation of 12 cars be unreasonable. Mr. Simpson said he didn't believe so. The operator, Mr. Watson, said he would have about 12-15 cars, as some were sold, others would come in. There would be no traffic as it would not be like patrons coming in for service.

No one appeared to speak on this application.

Application of Mrs. Arthur Ford, 2661 Chili Ave., for variance to erect 4½ ft. by 7 ft. sign 10 ft. from front lot line, in B zone.

No one appeared to speak on this application.

Application of D.D. Davis, 3760 Chili Ave., for variance to erect house on 2nd Parcel Willowbank Dr., 20 ft. from rear lot line.

Mr. Davis presented plans and said this is the same application put in before. There are only two lots. The other houses in that plot were erected on the farm and sold off. It has never been subdivided.

Mr. Strassner said that he now has four parcels of lots and they have to be approved by the State.

Mr. Davis replied they haven't been subdivided. They only propose to erect one more house. Four are permitted under the State law. Mr. Wickins said he thought it was four or more.

Mr. Strassner said if the lots are divided into four lots, he has subdivided and would have to come before the Planning Board.

Mr. Davis replied he had a plan once for subdividing, but hasn't done it. There are three other houses there, all on the same piece of property. They were built in 1937 or 1938.

Mr. Wickins asked how big a plot of land he had, and he replied 176 ft. by 200 ft. He would like a variance to within 20 ft. of the rear lot line,

back along the creek. The rear lot line is towards the creek. He said he had Mr. Ireland up today and he thought it would be all right. He would have water piped through so he wouldn't need a well.

Mr. Wickins asked if when he applied before there were certain restrictions with the variance granted. Mr. Davis replied yes. When he proposed to build, Mr. Lusk recommend he build four blocks higher. This would bring the wall 3 ft. higher than the house down lower.

Mr. Wickins asked if he was complying with the restrictions, and Mr. Davis said they didn't grant it that way. They just wanted to see the elevations.

Mr. Pfenninger asked how far the house would be set back. Mr. Davis replied about 100 ft. from the front lot line. There is good soil for absorption. He wants to build this for himself. The other three houses were built 20 years ago, so he is familiar with the conditions there. If they weren't practical, he wouldn't want to build another house.

No one appeared to speak on this application.

Application of Fred N. Davis, 3760 Chili Ave., for variance to erect houses on lots 55 and 62, 87 ft. wide and 80 ft. wide, located in E zone.

Mr. D. D. Davis appeared for Fred N. Davis and stated the lots are less than 90 ft. wide. They were originally approved by the town. The setbacks are all o. k. as the lots are 275 ft. deep. The only thing is the lots are not 90 ft. wide, but the side line setbacks would be 10 ft.

Mr. Wickins asked if this was a filed and recorded map, and Mr. Davis replied yes. They would all have a 60 ft. setback.

No one appeared on this application.

Application of Simon Semler, Scottsville-Chili Rd., for variance to erect four-car garage located in E residential zone.

Louis Faust, 270 Renouf Dr., appeared with Mr. Semler owner of the property Mr. Faust proposes to buy.

Mr. Faust said he had no plot plan because there was talk about making the frontage considerably bigger. This property is east of the creek, where Humphries Rd. comes in off Scottsville Rd. It is across from where the old town buildings used to be.

Mr. Wickins asked the use of the four-car garage. Mr. Faust said the building will be 22 ft. by 30 ft., he is working on the plans. This is strictly a hobby. He is an automobile enthusiast. He has two Cords, a convertible he would like to make like new, and a Cord sedan to use for parts.

Mr. Wickins asked if it would be used for garage work. Mr. Faust replied yes, but nothing commercial, this is strictly a hobby. The garage would be used for storage of cars and working on his own autos.

Mr. Strassner asked if he would be stripping and leaving bodies. Mr. Faust said he would use the Cord sedan as a parts car. It would be dismantled and any needed pieces saved, then it would be hauled out by the junk man.

Mr. Strassner asked if this was just for two autos. Mr. Faust said there is another fellow involved with the same idea.

Mr. Wickins asked if there would be any cars outside, and Mr. Faust replied not continuously. The dismantling would be taken outside. As soon as the car was completely stripped, it will be taken away. There would be a car or two outside at times, and then it would be disposed of.

Mr. Wickins stated that people object a lot to a junk yard, and this could run into that.

Mr. Strassner asked if there is a residence on the property now. Mr. Faust said Mr. Wingate is on the next lot over to the south. He would like to buy this from Mr. Semler.

Mr. Strassner asked how many cars there would be at a time and how late he would be working. Mr. Faust said if this should go through right now there would be 3 cars. Right now he would work until dusk, but he is considering getting a portable power plant, and then it might be until 10:00 P. M. on a weekend, but not during the week. This would be a frame construction with a flat roof.

No one appeared to speak on this application.

Application of Weldon Habersaat, 50 Fenton Rd., for variance to erect 11 ft. by 25 ft. shed, located in D residential zone.

Mr. Habersaat presented a sketch and said the proposed shed is for a trailer. They have bought a trailer for summer to use at the islands, etc., and to keep with the town rules they want to build whatever is necessary to house it. The lot is about 563 ft. back and 100 ft. wide, and the shed would be back about 350 ft.- 400 ft. from Fenton Rd. The side line setback would be about 30 ft. or 40 ft., it is not actually marked. It would be 30 ft. at least.

Mr. Bubel asked if anyone would be living in the trailer. Mr. Habersaat replied no, this is only for housing the trailer. They just have it for their vacation. It is only 18 ft. No one appeared on this.

Application of Ben A. DiFiore for variance to erect houses on lots 42 and 66 Tarrytown Dr., 35 ft. from front lot line.

Mr. DiFiore presented maps and said this is just a matter of the turn-around at the end of the road. There are still four lots on each side which will be probably developed later. This will be just a matter of the turn-around. The houses will correspond to the other houses, but the turn-around is only temporary. When it is taken out, these houses will be 60 ft. back like the others.

No one appeared to speak on this application.

The application of Abraham Hurrman was called again, but no one appeared.

The application of Mrs. Ford was also called again at this time, but no one appeared.

DECISIONS OF THE BOARD:

EDWIN EWART was granted a variance to erect garage 5 ft. to north side lot line at 65 Yolanda Dr. All members voted in the affirmative.

OLIVER PERRY was granted a variance to erect 14 ft. by 6 ft. 6 in. sign as per plans presented. Said sign to be located at the direction and under the control of the Building Inspector. Sign not to be lighted later than 12:00 midnight. All members voted in the affirmative.

EARL HIBBARD, 22 Jensen Dr., was granted a variance to erect garage 7 ft. to the side lot line. All members voted in the affirmative.

RICHARD MAHNKE - This application was denied as it should have been made by the property owner, Roberts Wesleyan College. All members voted in the negative.

* DOMENIC NAPOLITANO was granted a variance to park trucks at 1735 Scottsville Rd., for a period of six months. All trucks must be licensed and operating. Trucks must be parked no closer than 20 ft. from Morrison Rd., 3 ft. to south lot line, 1 ft. to rear lot lines. No loading or unloading of trailer trucks to be done on the premises. All members voted in the affirmative.

ABRAHAM HURRMAN - Variance denied because of non-appearance.

JOHN CULHANE, 233 Chestnut Ridge Rd. was granted a variance to build garage 3 ft. from side lot line. All members voted in the affirmative.

ROBERT J. MILLER, 568 Paul Rd., was granted a variance to build garage 8 ft. to east side lot line. All members voted in the affirmative.

GULF OIL CORP. was granted a variance to sell used cars at the corner of Weidner Rd. and Scottsville Rd. for a period of one year with the following restrictions: There must be no more than 15 cars; no cars to be parked in front of existing building; no cars to be parked within 20 ft. of the road right-of-way of Weidner Rd; all cars must be operable. All members voted in the affirmative.

MRS. ARTHUR FORD - Variance denied because of non-appearance.

D. D. DAVIS - Decision was reserved on this application. The secretary was directed to write to Mr. Ireland for his recommendation on this application.

FRED N. DAVIS was granted a variance to erect houses on lots 55 and 62 Indian Hill Dr., 87 ft. wide and 80 ft. wide. All members voted in the affirmative.

SIMON SEMLER, Scottsville - Chili Rd., was denied a variance to erect 4-car garage. All members voted in the negative.

WELDON HABERSAAT, 50 Fenton Rd., was granted variance to erect 11 ft. by 25 ft. shed, as per plans presented. Shed to be used to house an unoccupied trailer. All members voted in the affirmative.

BEN DI FIORE was granted a variance to erect houses on lots 42 and 66 Tarrytown Dr., 35 ft. from front lot line. All members voted in the affirmative.

June Yates, Secretary

ZONING BOARD OF APPEALS

July 1, 1958

The meeting was called to order, and roll was called, with the following members present: Frank Bubel, Charles Pfenninger. Also present was the following: Ralph Wickins, Town Attorney.

Mr. Wickins called the meeting to order, and asked that the people address their remarks to the Board, and everybody would get a chance to speak. Mr. Wickins then introduced the two members of the Zoning Board of Appeals and himself as town attorney. He said that as it is vacation time, only two members of the board were present, and stated that, as in the past, minutes would be taken of this hearing, and decision reserved on all cases until a majority of the board were present. Mr. Wickins said about two or three years ago, the same procedure was followed by him, and he was taken into Court and ruled wrong. About one year ago, another Zoning Board of Appeals ruled in the same manner, and this case was carried to the appellate Division, which ruled this was the correct procedure. As there were two attorneys present this evening, Mr. Wickins said if they disagreed with this method, they have the right to withdraw their case, which would be re-advertised and held at the next meeting on the first Tuesday in August. Pat Egan, attorney, and Burton Tanenbaum, attorney, stated this was all right with them.

John Kiegher, attorney, stated he would like to lodge an objection on behalf of his people, and that they were present as objectives regarding the Estate of George Laterbach. Mr. Kiegher objected to the jurisdiction of the powers of the Board tonight.

Mr. Wickins asked if Mr. Egan would like to withdraw his application in view of that, and Mr. Egan replied he would go along with the Appellate Division.

Application of James Sherman for variance to operate ice cream plant and store equipment at 1060 Reed Rd.

Burton D. Tanenbaum, 45 Exchange St., appeared to represent Mr. Sherman. Mr. Tanenbaum stated that before getting into a description of what Mr. Sherman wants, he would like to amend the application to provide for three specific types of activities to be carried on at these premises. One was for permission to conduct the manufacturing and sale of ice cream and milk products on this 118-acre farm; also permission to conduct the storage and sale of meats and frozen foods. The third, more casual in nature, was for permission to board horses in the farm buildings as they now exist, and perhaps to conduct riding stables in the future. He then asked if a ruling could be made to accept the application, and Mr. Wickins replied they must determine whether there was any objection to the amendment.

One of the people present asked Mr. Tanenbaum to face the audience and re-state the application. Mr. Tanenbaum replied the application was as follows: 1. What Mr. Sherman has already applied for; 2. for storage and sale of meats and frozen foods, pretty much an adjunct to the ice cream business; 3. for riding stables, which are not related to the first two, but there are existing buildings on the premises.

Mr. McCadden asked if the Board would find out if it was Mr. Sherman's intention to construct a store or something like that.

Mr. Tanenbaum stated that, as this board may know, Mr. Sherman was before the Town Board early in the month of May in reply to an invitation issued by them to describe his activities as carried on at his present home on Charmaine Dr. At that time, he was storing trucks used in the milk business. There was some objection raised by the neighbors. Mr. Tanenbaum personally did not feel he conducted any business in violation of the ordinance of the town, and is not very certain that the Town Board did. Mr. Sherman is endeavoring to avoid difficulty with the neighbors, and violation of the zoning ordinance, and for the best interest for himself, and would like to move away from this residential area into the outlying area. There is no question of his good faith and willingness to comply with the ordinance. Mr. Sherman has entered into a conditional agreement to purchase this farm at 1060 Reed Rd., of approximately 118 acres in size. The improvements consist of a large frame dwelling and barn and several outbuildings. It is not Mr. Sherman's intention to build any additional structures on the premises. He will continue his activities in the existing structures, with the house to be used as living quarters, with possibly an office in the house. Mr. Tanenbaum said it was his understanding that the house was approximately 300 ft. back from the Reed Rd., and the two main buildings, barn and house, are 1/4 mile from either side lot line. There are no other present occupants of nearby property who would be affected by this type of operation. At sometime in the future, it might be Mr. Sherman would desire to construct a sign at Reed Rd., along the road, which would not interfere with traffic. This would be to specify where he carried on

234 his business. Mr. Tanenbaum stated he and Mr. Sherman would be glad to answer any questions which might be raised.

Mr. Wickins said as he understood it, this operation is to be conducted in the barn on the premises, with the barn used to store the trucks and to put in freezing equipment, for ice cream, milk products, meats, and other frozen food. He asked if this would be a wholesale and retail business. Mr. Tanenbaum replied the freezing equipment would be cabinets. For this application, they would keep the business as wholesale and retail.

Mr. Wickins asked if they had any idea of the cubic capacity of the freezing units. Mr. Sherman replied they vary in size. There are three mobile custard trucks, and two walk-in-coolers, 8 ft. by 12 ft. There are three trucks in Buffalo and three here. Mr. Wickins asked how many trucks would be stored on the premises. Mr. Sherman said roughly six to eight. The barn would hold all of them. They would all be under cover in the barn, which is about 350 ft. from the road.

Mr. Wickins asked if at this time they are asking for a sign. Mr. Tanenbaum replied they would want to include that in the application now so that the entire use would be covered now rather than having to come back later. This would be the entire scope of the activity.

Mr. Pfenninger asked where the sign would be located. Mr. Sherman said in front of his own property. He might not even put a sign in, but he did want to ask for it.

Mr. Wickins then asked if anyone objected to this application.

Harold McCadden, Reed Rd., stated he lives right across the road from this property. He asked if the Board could tell him the status of the area at present. Mr. Wickins replied residential. Mr. McCadden said if this was granted, it would no longer be residential, and asked if this would open up the area for further encroachments. Mr. Wickins replied he couldn't say. Mr. McCadden stated any deviation is a beginning. He doesn't know Mr. Sherman personally. He said he understood Mr. Sherman has six or eight trucks. No man is in business to stand still, and this man will progress. Though he is asking at this time for the convenience of storing trucks in the barn, having them sequestered to the immediate area, if good fortune should be his, who would stand in Mr. Sherman's way? Any deviation from the present ordinance would encourage other deviations from the same ordinance. This is a beginning for more. This area is growing into a rather attractive residential area, with attractive homes being sold. Stricker Rd., Morgan Rd., and Scottsville Rd., are spreading out. Mr. McCadden said he has lived there 12 years, and other gentlemen in the same area have lived there longer. He doesn't feel this would be an improvement to the community.

William Faber, 243 Reed Rd., also joined with Mr. McCadden. He has lived there 15 years and would like to keep it residential as much as possible.

Howard Greene, Reed Rd., stated he feels exactly the same.

Mr. McCadden's son, Reed Rd., said he lives across the road. He said the attorney had made an erroneous statement, that the nearest house is less than 200 ft. away, that the barn is not 350 ft. from the road, and is parallel to the road. He voted in objection to this variance.

John Goodell, 175 Morgan Rd., stated he lives 1/4 mile down from Reed Rd., and from his living room window there is a good view of the site of this place. There would be trucks going in all the time, and he is very definitely against it.

James Thirtle, 135 Morgan Rd., had the same objections, and felt it wouldn't be very long before Morgan Rd. would have the same thing. There is a housing project going up which is going to come down their way, but not if there was any commercial development. No one could stop it if it got started, and he objected to this variance.

Mr. Tanenbaum then said that in respect to the question about the variance at this time being the beginning of a change, Mr. Wickins and the Board will know and understand, as he does, this type of objection is always raised wherever an application is made for a change in existing use of property. This Zoning Board of Appeals, in considering the application, should consider this specific application, this specific property, and this specific individual. They are not asking to use a small residential lot in the middle of a wholly developed area. They want to use a 118 acre farm; that is not similar to the physical layout involved in a residential area. As far as actual dimensions and distances from the road, he himself did not measure the land. He would certainly be willing, if the board so desires, to have those figures accurately compiled, in letter form, or whatever the board should want.

Mr. Wickins replied in conjunction with that, if there is dispute as to that, they town has their building inspector to look into it. Mr. Bubel wanted to know the frontage on Reed Rd. Mr. Sherman replied about 1/4 mile at least, and Harold McCadden said the frontage is 1/2 mile. He said the attorney made reference to specific cases, but you can't isolate one case. This decision will be made on the basis of what has happened before. The zoning in the area of where they live and where the

ice cream plant is to be established was decided by the board, and they are upholding the board. He then asked when the board will make decision.

Mr. Wickins stated that within two weeks a majority of the Zoning Board of Appeals will be convened, the minutes will be examined by each one of them, and they will apply their knowledge of the property.

Mr. McCadden asked if notices would be sent out regarding this meeting, and Mr. Wickins replied no, this will be an executive Board meeting.

Mrs. Greene, Reed Rd., asked that an answer be given to Mr. McCadden's question as to whether opening the area in this way would open it to further encroachments. Mr. Wickins replied that, as town attorney, he didn't believe this is a legal question, but a matter of common sense. The Board can't see what future applications might be made up there or in any other area. He didn't see how a question could be answered. The Board will use their discretion, as they always do in granting variances.

Mrs. Greene said the area will not remain the same if business enters it. It will change the area from residential to commercial.

Mr. Wickins stated the Town Board only can authorize to re-zone an area from one classification to another. The Zoning Board of Appeals has the right to grant variances in any specific zone if they find it to be in the best interest of that territory.

Mr. Greene asked if the Zoning Board of Appeals approves this application, can it be appealed? Mr. Wickins replied it may be taken into the Supreme Court to be reviewed within 30 days. Mr. Greene then asked if the neighbors could be notified of the decision of the Board, and Mr. Wickins said yes. The following people then asked to be notified of the decision: Mr. & Mrs. Harold McCadden, Reed Rd.; Mr. & Mrs. Howard Greene, Reed Rd.; Mr. & Mrs. William Faber, 243 Reed Rd.; Mr. & Mrs. James Thirtle, 135 Morgan Rd.; Mr. & Mrs. John Goodell, 175 Morgan Rd.

Mr. Faber then said he hadn't received a notice. Mr. Wickins explained that the only notice required by law is that the application be published in the newspaper. This was done. However, some time ago, the Town Board felt people didn't notice the advertisement, and made a ruling that at least six people in the neighborhood should be notified of the public hearings. Of these six, at least three would be at home, and would tell their neighbors. The only requirement in the law is the publication in the newspaper.

No one else appeared to speak on this application.

Application of Gordon Bierbrauer, 3325 Chili Ave., for variance to operate a tool and die shop at 3660 Chili Avenue.

Pat Egan, attorney, 25 Exchange St., appeared to represent Bernard Batz, who is asking for this variance to operate a tool and die shop at 3660 Chili Ave. According to his information, there is a house on the premises, with a rear outhouse, like a garage. He said Mr. Batz has been in the tool and die business for a few years, and is presently operating in a residential area in the city. For the past 12 years there have been no complaints. There is no noise connected with the business, and there would be no large trucks coming onto the premises.

Mr. Wickins asked if this operation would be conducted in the building back of the house, how many employees there would be, and what type of equipment would be used. Mr. Batz replied the business would be conducted in the building back of the house. There would be no employees, this is a one-man operation. The equipment would be small stuff, such as a lathe, drill press, etc. The biggest motor is one-horse power, and there would be approximately 20 motors, but not more than one motor going at one time. The hours would be from 8:00 A.M. to 3:00 P. M.

Mr. Egan then questioned Mr. Batz as to the machines and their time of operation. Mr. Batz said the machines do make a noise, and how often they are run depends on the job, probably about three or four times a month. How long they are run would be hard to answer.

Mr. Pfenninger asked what the building had been used for. Mr. Batz replied he understood it had been used to sell boats.

Gordon Bierbrauer said his father used to sell boats and repair them for a number of years as a one-man operation.

Mr. Wickins asked if anyone had any objections to this application.

John J. Kiergher, attorney, 910 Wilder Bldg., stated he represented the owner of 3662 Chili Ave., which is the property right next door on the west side. This is the old Averbach estate where the shop would be located. Mr. Kiergher said Mr. Batz is a conditional purchaser, and if the variance tonight is granted, he has a contract, if it is not, he is under no obligation, and can't show hardship. Mr. Batz said he wasn't trying to show hardship. Mr. Kiergher then said that secondly, Mr. Batz is coming out to Chili and has selected out of one of the flowering residential areas in Chili a house and lot primarily residential. There is a home on the lot in good condition, and in back are outbuildings. One building is a 2-car garage, and another building is a 1-car garage with storage space.

From outside appearances, this place isn't any different in appearance from any other homes in Chili. Within a stone's throw, there are some of the finest homes in Chili, on Chili Ave. and Brookview Dr. It is a substantial residential area. Thirdly, Mr. Bierbrauer indicated his father operated a boat selling enterprise in these outbuildings. It is Mr. Kiegher's information that Mr. Bierbrauer was a builder, that was his occupation. The boat building was almost a hobby and maybe it expanded. Mr. Bierbrauer stated his father did not do boat building, but sold boats. Mr. Kiegher said the character of that operation was fundamentally different from this. Mr. Batz intends the construction of machines and parts and the tool and die making business. That is his business. If there are no employees now, he would like to find out if he did have employees, having been in business 12 years. He referred to a statement made on the previous application that no man stands still in business. He said Mr. Batz has between 2 and 3 acres of property, and it is not hard to realize this is one step, and then go on into further expansion. Mr. Kiegher said Mr. Batz still can't tell how often the machines are used, it all depends on the particular job. He would like to have clarification on that point. He lives right next door in a fine residential home, which is now up for sale. He said Mr. Averbach had settled in Chili and invested in this residential area. It is entirely out of keeping with sound and fundamental zoning that Mr. Batz should single out this particular property to operate a tool and die making business. Mr. Kiegher felt the application should be denied.

Mrs. George Averbach then stated they could have sold that property for commercial, but did not want to hurt the neighbors, and hoped the board would consider that. Mr. Averbach did not manufacture anything in the building, he only sold boats as an agency, and did some repairs. If this property is turned into commercial, it will not only hurt the neighbors, but Mrs. Averbach also. She will do her best not to hurt the neighbors who came out here in a residential section to retire and live normally, and said she hoped the board would consider that and not grant this variance.

Roy Brierly, 26 Brookview Rd., stated that in the tool and die business, motors would probably be run at night to get the work done as soon as possible. He voted in objection to this application.

Ray Parkhurst, 30 Brookview Dr., asked the present zoning of this property, and Mr. Wickins replied residential. He then asked why it was advertised for sale as suitable for commercial.

Mr. Bierbrauer stated that if the folks on Brookview Dr. would look at their abstract, they would find that lot #12 was set aside from the tract by his father, and listed as commercial. Also, his father did not manufacture boats, he just carried on a substantial business. Mr. Bierbrauer said he did not want anything highly industrial on the property, but this is a one-man operation from 8:00 A.M. to 3:00 P.M. The property is not 2 or 3 acres, but only about 1/2 acre.

Mr. Batz said that for five years, he hasn't worked later than 3:00 P.M.

Mr. Parkhurst asked if the town considers the property residential, no matter what is in the abstract, and Mr. Wickins replied yes, that has nothing to do with the board.

Mr. Parkhurst voted opposed to this application.

Mr. Ward Nichols, 1 Brookview, also voted opposed.

Mr. George Ater, 19 Brookview Rd., said he built his own home 12 years ago and dug the cellar by hand. He has often heard this is one of the most beautiful tracts in Chili and would like to keep it that way. He voted as opposed.

Mrs. Donald Gilman, Chili Ave., voted opposed for the same reason.

Mrs. Lawrence Deisinger, 14 Brookview Rd., said if the deed says lot #12 was set aside for commercial, that was when Mr. Bierbrauer was living. The rear of lots #7 and #8 on Chili Ave. run into her lot. If this variance is passed, there could be eight variances passed. The assessed valuation of this property is one of the highest in the town.

John Kelly, 18 Brookview Rd., asked the difference between a commercial lot and an industrial lot.

Mr. Wickins stated this board is not concerned with tract restrictions, only the zoning. This is zoned residential. Before it could be used for commercial, there would have to be granted a variance from the zoning Board of Appeals. Mr. Kelly voted against the application.

Mrs. Raymond Webster, 27 Brookview Rd., voted opposed.

Mrs. Egbert, 3680 Chili Ave., voted opposed.

Mr. Kiegher asked if a vote could be taken to clearly indicate how many people are in objection to this request. Mr. Wickins said their names and addresses would be in the minutes.

Mr. Egan then said they are not putting up any general motors factory. This is only a little tool and die business in the garage. No one would know it was there except for the fact that a variance was required. Variances are granted to many people in residential areas if it doesn't decrease the value of the property. This will not decrease it. The structures are already there. All Mr. Batz is going to do is move into the house and use the barn. There will be no noise. He has been operating the business in his present for the past 12 years and there have been no complaints. There are no employees, and he doesn't work later than 3:00 P.M.

Mrs. Deisinger said her husband is a tool and die maker too, and several times had thought of going into business. If this variance is granted, they would like one also.

Mr. Kiegher asked to be notified of the decision of the Board.

Mr. Egan then submitted a petition signed by four property owners who have no objection to this variance. This will be on file in the town clerk's office.

No one appeared to speak in favor of this application.

Application of Cardella Products, Inc., to erect sign ~~222~~x 8 ft. 9 in. by 12 ft. at 1064 Scottsville Rd.

Mr. George Cardella presented a map showing proposed sign and its structure. The sign will read "Standard Builders Supply 1064". This sign will be right by the entrance, placed so that it can be seen from both ways on Scottsville Rd.

Mr. Pfenninger asked how high it would be off the ground. Mr. Cardella replied about 16 ft. from the ground, inside the fence.

Mr. Wickins asked if he would want the sign lighted, and Mr. Cardella said yes. This all commercial property with no houses.

No one appeared to speak on this application.

Decision was reserved on all applications until a majority of the Board can be convened.

June Yates, Secretary

ZONING BOARD OF APPEALS

JULY 14, 1958

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

At this time, decisions were made on the following applications which had been held over from the previous meeting held on JULY 1, 1958.

JAMES SHERMAN ----was granted a variance to conduct a retail and whole-sale business for dairy products and frozen meats. All equipment including trucks, freezers and coolers to be located in barn on said premises and all business to be transacted from this barn. Said barn being located approximately 300 feet from road. Any lights to be installed on the exterior of the buildings to be installed under the direction and control of the Building Inspector. This variance to be granted for five (5) years. All members voted in the affirmative.

GORDON BIERBRAUER-was denied his request for a variance to operate a tool and die shop at 3660 Chili Avenue. All members voted in the affirmative.

CARDELLA PRODUCTS, Inc. -was granted a variance to erect a sign 8 feet 9 inches by 12 feet at 1064 Scottsville Road, subject to being placed under the supervision of the Building Inspector. All members voted in the affirmative.

Johanna Horstman, Secretary

ZONING BOARD OF APPEALS

August 5, 1958

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

Mr. Wickins introduced himself as town attorney, and said there was not a quorum present of the Zoning Board of Appeals, and it had not been possible to locate them by telephone. He stated that if anyone wished to do so, he could withdraw his application and put it in for next month's meeting, which would be the first Tuesday in September. If not, the hearing would be held, and minutes taken, and a decision would be rendered as soon as a quorum of the members could get together. He also said for the benefit of the attorneys present that by an Appellate Division ruling, this procedure is correct, and asked the attorneys if they agreed to this. Robert Schantz, 716 Times Square Bldg. said he accepted the statement, but would reserve any rights that he had. Dennis Livadas, 45 Exchange St., agreed.

Application of Chili Post 1830 American Legion for variance to use #1 Schoolhouse corner of Beaver Rd. and Chili Rd., #7 Schoolhouse on Union St., for meeting place, located in E residential zone.

Mr. Livadas stated this was two applications. He appeared as attorney for the Chili Post of the American Legion in this matter. Also he is past county commander of the American Legion. It was during his year that the Chili post first became interested in these two buildings. He said he was also appearing personally as a citizen. He explained there are 67 posts in Monroe County. They have had for some years a policy of not issuing a charter. Three years ago a gentleman who was going to speak later in the meeting, asked for a charter for a post in Chili. There is an American Legion Post in every town with the exception of Chili. During the years of 1920 to 1930 not a very large number of veterans were interested, but after World War II there was a tremendous development in the town, and it was thought that a post could be set up, and a charter was issued accordingly. Mr. Livadas said they have in the last three years three posts which have especially distinguished themselves. One is in Scottsville, which is a converted schoolhouse; one in Honeoye Falls which once had 35 members and now has 145. Also there will be a dedication on October 5th in Churchville. This post met for two years at the Midway Restaurant. For the Chili Post to come into its own and do its best job, it should have a place of its own, as in every other town. Last spring they had opportunity to make contact with the local school board and found two possibilities for a post, schools #1 and #7. Applications have been put in for a bond so there is no question of the legality of the position they take. They do not want to be where they are not wanted, but do want people to know the facts, which is their reason for the request for a variance from the Zoning Board of Appeals. Mr. Livadas stated there were present several members of the post, friends and neighbors to speak to the Board about the facts as they exist, to give a better understanding of what the post is trying to do.

Mr. Ray Cooper stated Mr. Livadas had asked him to speak in behalf of the post. He had joined the post about 2½ years ago, and since then they had had a picnic and helped out the wife of Mr. Maloney, who had died. He said he is quite a sportsman and the legion would have a ball team. They are not a bunch of bums and he would like to have a legion in the town, strictly for the town. *Walworth*

Keith Waldron, Treasurer of the Post and a member of the school board of Churchville, stated he had contacted Mr. Olmstead in regard to the schools, and he was 100% for it. He would help out the post, which would mean quite a bit to the fellows.

Mr. Craig, Commander of the post for this year, wanted to clarify Mr. Cooper's statement. He said that among the post activities are Memorial Day Services, a Blue Crutch drive, and helping the boy scouts. He stated the American Legion is a good outfit, although some people don't think so.

Mr. Livadas then stated the work the legion does is helping the veterans' widows and orphans. This post would be a great opportunity for service to ourselves and to our country. This town has increased 50% in 10 years, and a large portion of new residents are veterans. Not 5% of them would have been able to pay for their homes if it weren't for the G. I. Bill of Rights passed in 1954. All of the veterans legislation that has been good has been sponsored and supported by the American Legion. They do a tremendous number of good works such as relief and rehabilitation, all based on the support of the rank and file. In order for them to do this, they have to have a place of their own.

They have under consideration two schoolhouses, neither one of particular credit to the town. It would be possible for the members of the post to improve the buildings themselves. They have from the school board written authorization for one building, No. 1, and are getting it for #7. There is around school #1 vacant area on either side, but the exact facts of the boundaries are not known. According to the school board there is no clear boundary, but it will be found. Going over the property on either side and in the back, there is sufficient room for 40 to 50 cars. Regarding school #7, there is a strip of land on one side and a field on the other, and arrangements can be made for the purchase of additional land, but no investment would be made until they are sure of the variance being granted.

Mr. Lavidas then submitted as part of the record 10 pages of signatures of residents of the Town of Chili in favor of this location. He stated in referring to section 414 of the educational law that there is no question as to the legality of the position they take. This reads that the school board is empowered to make their facilities available to different kinds of groups, including military, naval and marine corp. of the United States. The law says in Section 6 that if 25 citizens wish to meet, (they have more than that), and seek to put together a cultural group, they not only have the facilities of the school board, but expenses of the program are to be born by school authorities. They are not seeking this, and do not want it. However, they would have under section 6, the legal right to set up as that type of group, even though it was not a veterans group, and have it paid for by someone. This is reinforced by the Attorney General of the State of New York. Mr. Livadas said they do not want to proceed on the basis of law. They are perfectly happy to come before the board to have them understand their position and what they are trying to do, and can do for the town. He urged favorable action on both these applications, saying when they see which might be the most suitable, they would take into account all the peoples' opinions.

Mr. Entress then asked whether the legion would buy or lease the property. Mr. Livadas replied they are finding out about school #7. School #1 is so old, no one can tell them exactly where the boundaries are or the chain of title. That question would have to be resolved. Before making any expenditure they would have to know whether or not a variance would be granted. A letter from C. E. Olmsted, Supervising Principal, gives the American Legion, Chili Post, permission to use school #1 for one year.

Mr. Entress then asked if they could use either school. Mr. Livadas said it is a question of which is more suitable. They have been using #1 for 2 or 3 months.

Mr. Strassner asked whether this would be a meeting place or a club house. Mr. Livadas replied it would be a meeting place. They have an executive committee meeting each month. The total number of meetings might be 30 or 40 a year in the average well-run post. There are 3 or 4 events of a social nature, such as a children's Christmas party, Memorial Day services, and Armistice Day. They would have traffic a total of about 50 times a year.

Kenny Woodman, 3690 Chili Ave., stated the Legion helps out with Christmas funds. They took care of five families last year with a basket and gifts for children. They have been active since they have been in the town.

Mr. Lavidas then said that 12 members of the Chili Post were present at the meeting.

Lester Gubb, 17 Sierra Dr., said many times people not with the Legion think in terms of parades, but there are service aspects. They assist families with relatives lost in the service, helping many bereaved families. They also help along financial lines. The benefits to veterans and non-veterans is very great through the American Legion funds.

William Kelly, 23 Madeira Dr., voted in favor of this application, and said the establishment of this in the town would be a good thing. This application as requested, with proper safeguards, should be good.

Robert Schantz, attorney, appeared to represent the property owner directly across from school #1, Martin Owellen of 3444 Chili Avenue.

Mr. Schantz stated 9/10 of the remarks that had been made were correct about the good work the Legion does and the service benefits, etc. However, none of that is in issue. He said on behalf of Mr. Owellen and his wife, and probably a few neighbors, their objection was to the use of the school building at the intersection of Beaver Rd. and Chili Ave. for the purposes laid before the board. Many who served in the armed forces are not in the American Legion, but joined the Veterans of Foreign Wars. However, this is a question of law and its proper application by the Town Board. He then referred to a case where the New York State of Appeals advised every town board to take full and sufficient evidence so that no citizen feels deprived of his legal rights. Many courts have said not enough particulars were taken and ruled another meeting should be held. He suggested to the board that a minimum of important data had not even been taken. Statements had been made of the good work of the legion, but this is an application for a

variance with the town people present. The property owned by Mr. Owellen is zoned E residential, and he has lived there for 38 years. The schoolhouse was used as a school for 35 years as a school. Three years ago the school district was organized and the school moved out.

Mr. Schantz stated the board has no legal authority to consider this proposition tonight. There is nothing before the board to determine the limits and confine the boundaries of the American Legion Post. Zones are set up in the town, such as Class E, D, B, etc. This is a town zoning law for which we all vote. He then said the property in question is zoned Class E residential, and quoted from the Zoning Ordinance of the Town of Chili the structures allowed in an E residential zone, and then read the special provision as follows: "SPECIAL PROVISION: Before any land shall be used or building or structure constructed, special application must be made to, and a special permit granted by the Zoning Board of Appeals, subject to the following general provisions: (a) That an adequate and sufficient off-street parking space is provided on the premises. (b) That 4,000 sq. ft. of land be required above the minimum size lot for each additional apartment in excess of one. FOLLOWING USES ARE SUBJECT TO PRECEDING SPECIAL PROVISION: School or college, public library, etc. numbering from 8 to 20." He then referred to the back of the ordinance book with regard to the power of the Zoning Board of Appeals as to exceptions. Mr. Schantz said Mr. Owellen has lived on a residential street for 35 years and paid his taxes. If someone should put up a sign to sell gas or add a room and have a grocery, this would be a creeping thing, and would reduce residential worth by half. This board has no power under the law to change the zoning. This would have to be done by legislature. They do have the power to grant exceptions for not more than five-year periods. A County engineer had stated Chili Avenue to be a 3-rod road. At the south side of Beaver Rd. is a dangerous intersection. This is a narrow street and the traffic is heavy and fast. The speed zone is not restricted to under 40 miles an hour. Mr. Schantz stated there is no evidence of the dimensions of the property, so this is not a legal case. They don't ask for generalities, but want the area defined. That particular schoolhouse has a reversionary clause in the deed that it would revert to the heirs of the owner if no longer used as a school.

Bruce Erbelding of 411 Beaver Rd., said he understood the property is not for sale. If they get that particular piece of property, it is in a very restricted area, and the dimensions were not produced at this hearing. He said there is a lane directly across from his house with a big tree right at the corner, leaving about 8 ft. to get behind the schoolhouse. There is some similar restriction on the other side. The building on the northeast corner is 15 ft. from the paved portion of the road and on the other side roughly 20 ft. The area in the rear is 10 ft. He said the legion would have to spend money to get the dimensions to the board. He also said the legion is a fine outfit, but this would be a traffic hazard with no parking facilities. There is also the reversionary problem.

Mr. Schantz then asked who had given the legion the authority to go in there in the first place. He also asked the town attorney to please take note of his statement there is no legality showing tonight on which the board can make a decision. He said the legion has only looked at the two school properties, when there are many other places in the town more suitable.

Mr. Lochmeier, 3445 Chili Avenue, said he has two children aged 3 and 5 and owns the property immediately to the west of the schoolhouse. He said the board could not be familiar with the layout of the property when no photographs or surveys had been submitted. The legion has chosen two school properties out of the thousands in the town. This cannot be a hardship case as they have not as yet bought the property. The Court of Appeals has said when applying for a variance, a hardship has to be shown. He then said the people present are not anti-legion.

Mr. Schantz then stated Mr. Livadas had quoted section 414 of the educational law saying if you people don't like this request, this is what we are going to do to you. He said the people are in favor of the zoning law and the man he represents wants to uphold it. The law of New York does not give carte blanche to any legion post to say if you don't like this, this is what we are going to do to you.

Mr. Owellen said he owns on the land around that schoolhouse and has lived there 38 years and paid taxes.

Don Woodworth said it is a traffic hazard at that point. There were 16 cars at the last meeting that had parked on Beaver Rd. and on the highway. Trailer trucks go by there at 50 miles an hour. He said he doesn't want to see someone killed, and voted very much against this request.

Charles Wenheloz, 3448 Chili Ave., voted opposed because of the traffic. His wife was also very much opposed.

Joseph Lichanata, 3445 Chili Ave., stated he lives next door on the west side, and the school is not fit for people. Also that is a dangerous corner.

Mr. Owellen voted definitely opposed and said according to what measurements he had taken, the property is not large enough to park cars. Only four cars could be parked across the front of the school.

Mr. Livadas stated they do not want the record to be incomplete, but they do not have more specific details as to the size of the property. They have not yet been given a description by the school board. He said statements had been made by the opposition which were impromptu and made in self-interest. He did not know there was a reversionary clause in the deed. He said the motives behind this get them opposition from a particular segment of people.

One of the legion members remarked that Mr. Owellen had stormed into a post meeting one night in front of the Vice Commander and the Treasurer and said he didn't want them there across the road from him and wants them 20 miles away.

Mr. Owellen replied he had gone to the schoolhouse and asked Mr. Craig about permission to take it over and told him he had to have a variance to get in there. Mr. Owellen said that is not a spot for a legion post as there is no parking around there, but denied he had said anything about moving 20 miles away. When the meeting is over at 11:00 it is noisy.

Mr. Schantz then stated he would like to point out again that no evidence had been presented of lease or purchase; no specific data of the specific piece of land with specific dimensions.

Mr. Livadas said their application was for the school building, and the area around it belongs to the school whatever the reversionary interest. Also they had presented sufficient information for the board to determine the varied use for which they are asking. He also recalled that any opposition had been against school #1. There had been no opposition for school #7. He then stated the legion members present all were in favor of this request.

No one else appeared to speak on this application.

A copy of the letter from Mr. Olmstead will be on file in the town clerk's office.

Application of Wendell McNall, 19 Benedict Dr., for variance to erect garage 3 ft. to the west side line, 4 ft. to rear lot line.

Mr. McNall presented a sketch and said a mistake had been made in the application. His request was to build 4 ft. to the north side lot line, 3 ft. from the rear lot line. The lot is narrow and this is the only way a garage can be built on it. The lot is 50 ft. wide, the house is 30 ft. from Benedict Dr., and the garage will be 16 ft. from 22 ft. The present garage is changed into a dinette.

Mr. Wickins asked how close the neighbors were. Mr. McNall replied Mr. Schwartz is next door, and Mr. Hart in back, both quite a ways away.

No one appeared to speak on this application.

Application of Donald Batz, 117 Chestnut Dr., for variance to erect addition to house 25 ft. from front lot line.

Mr. Batz presented a map and said the application was mis-read. The original application was dated May 26 but was omitted from the advertising for public hearing. The request has been changed to 35 ft. from front lot line, and building is already up. This is an addition ^{not} in line with the present building, but 10 ft. behind it. The lot is 121 ft. wide. There is no house to the left or the right.

No one appeared to speak on this application.

Application of Ernest R. Rubenstein, 33 Yolanda Dr., for variance to erect garage 5 ft. to north side lot line.

Mr. Rubenstein presented a map and said he would like to attach a garage with the same setback as the house. The lot is 78 ft. wide, and the front of proposed garage would be parallel with the house, 60 ft. from the front lot line. The garage would be the same as the present garage, 14 ft. by 24 ft., 5 ft. 6 in. from the sidelot line. The adjoining house is 10 ft. from the lot line, making the distance between the two buildings 15 ft. 6 in. The old garage would be converted into a breezeway.

No one appeared to speak on this application.

Application of Carl S. Sutter, 2709 Chili Ave., for variance to erect 3 ft. by 36 ft. neon sign attached to building, in E residential zone.

Mr. Sutter presented a sketch of the sign and said the building was in the Syracuse block. The sign would read "DRACOOOL AWNING CO.", and he presented a pamphlet of the company. He said the sign won't extend above the structure, but just be attached across the front, and lined with neon.

Mr. Entress asked how late the sign would be lit. Mr. Sutter replied it would shut off at 11:00 P. M. They stay open until 5:00 or 6:00 P.M. The sign would go on automatically at dark. Mr. Entress asked if he would object to a time limit, and Mr. Sutter said he would have to go by the Board.

No one appeared to speak on this application.

Application of Claude J. Parr, 50 Hubbard Dr., for variance to erect garage 5 ft. to north side lot line.

Mr. Parr presented a sketch showing proposed garage 22 ft. by 22 ft. and said it has to be placed there because of the leech field. There is a tract restriction stating garage could be 5 ft. from the side lot line, and when he started building, he was told there was no town restriction. Now when the house has been built, he has found out differently. The lot is 75 ft. wide and the leech fields are in.

Mr. Entress asked how far back the house is. Mr. Parr replied the house is back about 50 ft. and is 34 ft. deep by 43 ft. wide. He is limited as to the back because of the leech field. There is 22 ft. between the house and the side lot line. He said the adjoining neighbor's house lines up with house and is about 18 ft. from the lot line.

Floyd Holmes, 55 Hubbard Dr., stated he is the neighbor and has no objection.

No one else appeared to speak on this application.

Application of Morris Spector, 1456 Scottsville Rd., for variance to erect weighin scale 16 ft. from front lot line, in A district.

Mr. Spector presented a blue print and stated this would be a platform scale to weight trucks and would be 30 ft. from the edge of the pavement.

Mr. Entress asked where the dials would be, and Mr. Spector replied there would be a 5 ft. by 7 ft. small building, right in the center of the scale. The scale is 10 ft. wide and the building would be 26 ft. from the property line. The new building would be between the scale and the present building. The present building is setback 100 ft. from the front lot line.

No one appeared to speak on this application.

Application of Michael Truisi, 3270 Chili Ave., for variance to change two-family dwelling into 3-family apartments and add carport 3 ft. to west side lot line, in E residential zone.

Mr. Truisi stated he would like to change his two-family house into a 3-family house. He said there would be less children in a three-family house and it would be less noisy. He is living on one side and would like two up and down apartments on the west side.

Mr. Strassner asked if the side Mr. Truisi is living in was built for two apartments. Mr. Truisi replied no.

Mr. Entress asked if the house was originally built for four families with four bathrooms. Mr. Truisi said no, there are lines running up on his side, but there are just his son's bedrooms up there.

Mr. Wickins asked how large the carport would be. Mr. Truisi said 20 ft. 3 ft. to the lot line, which is 23 ft. from the house. The trellis would be attached to the house. It wouldn't extend out in front of the house, but just about to the middle. He lives across from a commercial zone with a gas station. He lives there himself and doesn't want noisy people.

Robert Loony, 3260 Chili Ave., stated he is against this variance because this is an E residential zone, regardless of the commercial across the road. He purchased his house 3 years ago in an E zone. Three apartments are now wanted in the double house next door. He said he was given to understand there are four apartments, but a variance was granted for two. A short time ago Mr. Truisi had three families in there. Mr. Looney said he is against this because this is an E zone and multiple housing is undesirable. There is nothing to say Mr. Truisi would not sell out in a month and move away, meaning there would be an absentee landlord. Mr. Loony said this variance would grant permanent injury to his property. He then asked the board about minimum lot size. Mr. Entress replied 90 ft. wide, 60 ft. front line setback and 70 ft. back line setback. With a house on the lot, it would make the depth about 160 ft.

Mr. Looney then spoke regarding off-street parking, and said not more than two cars are supposed to be parked on one lot in the town. If the carport is granted, there will be a third car parking on the premises. Right now there are three cars on one lot, with one garage. This is not desirable. He also questioned whether there would be adequate sewage considering the minimum lot size.

Mr. Truisi replied it was all inspected by the Town Inspector, and is really adequate for a four-family dwelling.

Mr. Loony stated he objected to multiply housing. It would be a financial injury. There were three families living there previously.

Mrs. John C. Lindner, 3250 Chili Ave., said she was given to understand only one-family homes were allowed in E zone and objected to the application. What he is going to do isn't going to increase the value of her home. When they built, they were restricted, as only one-family homes are allowed.

Mr. Truisi said she lives about 500 ft. from his house, and this wouldn't hurt her property any.

Mrs. Lindner said people move to get away from apartment houses with

244 fire escapes and carports.

No one else appeared to speak on this application.

June Yates, Secretary

ZONING BOARD OF APPEALS
August 12, 1958

This was a special meeting for the purpose of making decisions on the applications of August 5, 1958. Roll was called, and the following members were present: Cornelius Strassner, Frank Bubel, Charles Pfenninger, Warren Beeman, and the Chairman, Bernard Entress.

CHILI POST 1830 AMERICAN LEGION - Decision was reserved on this application until further data is received in regard to specific boundary lines, the location of the buildings on the properties, and parking areas.

WENDELL MC NALL, 19 Benedict Dr., was granted a variance to erect a garage 4 ft. to north side lot line, 3 ft. from the rear lot line. All members voted in the affirmative.

DONALD BATZ, 117 Chestnut Dr., was granted a variance to erect addition to house 35 ft. from the front lot line. All members voted in the affirmative.

ERNEST R. RUBENSTEIN, 33 Yolanda Dr., was granted a variance to erect garage 5 ft. to north side lot line. All members voted in the affirmative.

CARL S. SUTTER, 2709 Chili Ave., was granted a variance to erect 3 ft. by 36 ft. neon sign attached to building; sign not to be lit later than 11:00 P. M., lighting to be continuous, no flashing. All members voted in the affirmative.

CLAUDE J. PARR, 50 Hubbard Dr., was granted a variance to erect a garage 5 ft. to north side lot line. All members voted in the affirmative.

MORRIS SPECTOR, 1436 Scottsville Rd., was granted a variance to erect weigh-in scale 16 ft. from front lot line, as per plans presented. All members voted in the affirmative.

MICHAEL TRUISI, 3270 Chili Ave., was denied a variance to change two-family dwelling into three-family dwelling. All members voted in the negative. Mr. Truisi was granted a variance to erect a carport 3 ft. to west side lot line. All members voted in the affirmative.

June Yates, Secretary

ZONING BOARD OF APPEALS

September 2, 1958

The meeting was called to order, and roll was called with the following members present: Cornelius Strassner, Charles Pfenninger, Frank Bubel, Warren Beeman, and the Chairman, Bernard Entress. Also present were the town attorney, Ralph Wickins, and the building superintendent, George Lusk.

Application of Clarence R. Tomb, 51 Springbrook Dr., for variance to erect $9\frac{1}{2}$ ft. by 14 ft. addition $50\frac{1}{2}$ ft. from front lot line in E zone.

No one appeared on this application, and the chairman announced it would be called again later in the meeting.

Application of William Graham, 385 Morgan Rd., for variance to construct 18 ft. by 36 ft. swimming pool in E zone.

Mr. Graham appeared and stated the swimming pool would be 16 ft. by 32 ft. at the time of the application, he wasn't sure of the size.

Mr. Entress asked where the pool would be in relation to the house, and how close the neighbors were on either side. Mr. Graham replied the pool will be 75 ft. behind the house. He has 126 acres and the closest neighbor would be $\frac{1}{4}$ mile away. The boundary lines are about $\frac{1}{4}$ mile on each side; 1000 ft. to the west, $\frac{1}{4}$ mile up the hill.

Mr. Entress asked if the pool would be fenced, what type of fence, and how high. Mr. Graham said he would have a link chain fence 40 inches high. The fence could be higher if needed, but he has seen some around which are 40 inches high.

No one appeared to speak on this application.

Application of Edmond Fraser, 29 Sequoia Dr., for variance to construct 16 ft. by 32 ft. swimming pool in E zone.

Mr. Fraser said the pool is 40 ft. from the house, 27 ft. from the fence line, 20 ft. from the fence line in the back. There is a 4 ft. fence by Empire all around the whole lot, rear, sides and front. The only way in is through a gate which is now always locked.

Mr. Strassner asked if the pool is filtered, and Mr. Fraser replied yes. The pool is already in.

No one appeared to speak on this application.

Application of Joseph Fazio, 26 Tarrytown Dr., for variance to build garage 5 ft. to north side lot line in D zone.

Mr. Fazio presented a sketch and stated the lot is 70 ft. by 200 ft., the garage would be 17 ft. by 24 ft. The front of the garage would sit back near the stoop of the side entrance.

Mr. Entress asked how close the nearest neighbor is, and Mr. Fazio replied his house is 22 ft. from the side line, the neighbor's house is 10 ft. from the side line. There would be 15 ft. between the garage and the neighbor's house. The houses are in line with 60 ft. setbacks.

No one appeared to speak on this application.

Application of Harold C. Voke, 3196 Chili Ave., for variance to use present garage building for woodworking shop in E zone.

Mr. Entress asked which building was to be used, and Mr. Voke replied both of them might be used, the main part for the woodworking.

Mr. Wickins inquired if a variance was asked on both buildings, and Mr. Voke said yes. Mr. Wickins then asked what kind of machines would be used and if there would be much noise. Mr. Voke replied there would be sanding machines for bowling pins, they lacquer and paint the pins. There would not be too much noise. Mr. Latragla, who would run the shop on Mr. Voke's property, said they rough the old pins down and re-finish them. There would be an automatic sander and an automatic belt to convey the pins.

Mr. Strassner asked if this was a fire-proof building. Mr. Latragla replied it is a concrete building as far as he knows. Mr. Entress asked if he would be using any shapers. Mr. Latragla said yes, for roughing up the pins. One would be a sander and one a shaper.

Mr. Wickins asked what the hours would be, and Mr. Latragla said during the day. Mr. Entress asked if he was going to retail any products. Mr. Latragla replied yes, bowling pins and supplies. Mr. Wickins said the application for a variance was for woodworking and asked if they would be doing anything but bowling pins. Mr. Latragla replied it would be only bowling pins right now, and supplies to sell from there.

Mr. Entress asked how many employees there would be. Mr. Latragla said he didn't know, about 5 to 10. Right now there are 2 or 3.

Mr. Entress asked about parking facilities, and Mr. Voke said his land goes back to Paul Rd. Mr. Wickins said that isn't fixed for parking and Mr. Voke said no. Mr. Wickins asked how many cars could be parked in front off the road. Mr. Voke said 15 - 20; there is parking on the east side and in between the buildings. There is room for two rows of cars from the front line to the back shed, which would accommodate at least two dozen cars.

Mr. Strassner asked how close the neighbors are. Mr. Voke said 75 ft. or 100 ft. away. Mr. Strassner asked if this building was equipped with automatic sprinkler system over the lacquer outfits. Mr. Voke said there is no place now to put sprinklers. Mr. Strassner said lacquer is highly explosive and safeguards should be used.

Charles McCall said he lives right next to the garage. He asked if machines would be run in both cement buildings or would the one next to him be used for storage, and if saws would be used. Mr. Latragla replied they would use the one cement building right now, but it might be more later on. Mr. Entress asked which building would be used for manufacturing. Mr. Latragla said he hasn't looked at it too much, but would probably use the one where the lights are in, the showroom, but they might want to fix up the other building. There would have to be special wiring.

George Seibold spoke for the Chili Baptist Church which owns property adjoining the property in question. There are plans for a future church building on their property and the church is interested in just what this business will be. There is a big barn behind the Voke property which is not fit for manufacturing.

No one else appeared to speak on this application.

Application of John P. Woodfill, 1152 Scottsville Rd., for variance to erect 26 in. by 10 ft. sign on front lot line in A zone.

Mr. Woodfill presented a plan showing existing building and proposed sign. He appeared for the Genesee Valley Petroleum Corp. He said the sign would be on a pole and would be 9 ft. from the ground to the bottom of the sign. The sign would not be electrified, but would be illuminated by extensions over the top, called goosenecks. Mr. Strassner asked if it would be parallel with Scottsville Rd., and Mr. Woodfill replied it would be at right angles to Scottsville Rd.

No one appeared to speak on this application.

Application of Charles Glidden, 4358 Buffalo Rd., for variance to build house on Lot R-25 Sunnyside Lane, 85 ft. in width, in B zone.

Mr. Glidden presented map of re-subdivision of lots 24 and 25 Reddick Acres into lots R-24 and R-25. He had built a house on lot 24 10 ft. 6 in. from the side lot line. When he had the lots surveyed, he found he had encroached on the line of lot 25. He re-subdivided those two lots and moved the side line over, making lot R-25 85 ft. in width at the building line. This lot is approximately 21,900 sq. ft., leaving plenty of area. The side line setbacks would still be 10 ft. Mr. Strassner asked about the location of a garage, and Mr. Glidden replied there would be 35 ft. at the front edge of the house. The house on R-24 is further than 10 ft. from the side line.

No one appeared to speak on this application.

Application of Ethel W. Foster, for variance to build house on lot #51 Tarrytown Dr., 70 ft. in width in B zone.

Mrs. Foster presented a map showing lot 70 ft. by 215 ft. This is adjoining the DiFiore tract. She had bought 15 ft. from Mrs. Morgan making the lot 15 ft. deeper. The house would be 24 ft. by 40 ft., with a 60 ft. setback, and 10 ft. from either side lot line. Mr. Entress asked if there was a garage attached, and Mrs. Foster said she hadn't seen the plans and couldn't say, but there might be. The property is south of Mr. Palmer.

M. C. Palmer said he had no objections to the building as long as it is 10 ft. from the side line and the grading does not destroy his property or the trees along the edge. Mr. Wickins said the house would have to be 10 ft. from the side line or Mrs. Foster would have to get a variance, and she is not asking for one. The grading has nothing to do with the Zoning Board. Mr. Palmer said he has no objections.

Mrs. Foster said it would be a ranch type house. Some people named Pepper would buy the lot, and the house would be built by Norman Ball.

No one else appeared to speak on this application.

Application of Nicholas Pascarella, corner Buffalo Rd. and Ramblewood Dr., variance to erect 4 ft. by 10 ft. sign in B zone.

Mr. Pascarella said this would be a wooden tract sign for Morabito's Homes. He amended the application to a 4 ft. by 6 ft. sign. Mr. Entress asked for how long a period he would want the sign. Mr. Morabito said until he filled up the tract, and he has about 50 more homes to go. It is hard for people to find Ramblewood, and they drive past it. Mr. Wickins asked if he had land, and Mr. Morabito replied this would be on Mr. Pascarella's land, who lives right on the corner. It is a nice looking sign.

Mr. Pascarella said it didn't hurt him. He is not being paid for this, but the homes are needed out there. Mr. Morabito said he has a nice tract, with about 25 homes there now, and about 50 to put up. There will be a road through to Westside Dr.

Mr. Strassner asked if the sign would create any hazard. Mr. Pascarella replied it is about 10 ft. from each side of the corner. He took some trees out, and the sign doesn't bother anyone. The bottom of the sign is about 3 ft. from the ground and is 4 ft. high, making a total of 7 ft. It doesn't block the view at all.

No one appeared to speak on this application.

Application of Ray Hylan, 790 Beahan Rd., for variance to erect swimming pool 15 ft. by 35 ft. in E zone.

Mrs. Hylan presented plans. Mr. Entress asked if the pool was enclosed. Mrs. Hylan replied if it is not required, they would like to leave it open, but if required, they will enclose it. Mr. Wickins stated that so far they have required that for every swimming pool. This is for the protection of the owner as much as the town. A pool is an attractive nuisance for people.

Mrs. Hylan asked what height, and Mrs. Wickins replied usually 4 ft., but not over 4 ft.

Mr. Strassner asked about the little building on the property. Mrs. Hylan replied it is a heater for heating the water. Mr. Strassner said they have been building this pool for quite a while. Mrs. Hylan replied they thought Mr. Whiting had taken care of the permit. There are not too many children near them, only the Longbines, and so far they have not come over. They are pretty well isolated, the Henninger children next door being pretty well grown up, but personally she wouldn't object to a fence.

Mr. Entress said fences have been required for all other swimming pools. The fence would be included in the permit for the pool.

No one appeared to speak on this application.

Application of Lovella Bracht, 721 Scottsville Rd., for variance to erect garage 4 ft. 3 in. from side lot line.

No one appeared to speak on this application. The Board received a letter from Mrs. Dorothy Hodges stating she had no objection to this request. This will be on file in the Town Clerk's office.

Application of Frank Petote, for variance to build on lot #39 Marshall Rd., setback of 35 ft. from front lot line.

Mr. Petote presented a sketch and said this is on the Marshall Rd. extension north of Chili Ave. All the other houses are setback 35 ft. and he would like to keep in line with them. He bought the lot from Mr. Lusk. It is a V-shaped lot, with 179 ft. in front and 135 ft. along one side. It is located about 3 houses from the woods. He would build the house in the center of the lot.

No one appeared to speak on this application.

The application of Clarence R. Tomb was called again at this time, but no one appeared, so this application was rejected.

The application of Earl DePascale, 1611 Scottsville Rd., for variance to operate used car and parts lot in B zone was rejected at this time because of non-appearance.

The application of Lovella Bracht was again called, but no one appeared, and this application was rejected.

DECISIONS OF THE BOARD:

CLARENCE R. TOMB - Denied because of non-appearance.

WILLIAM GRAHAM was granted a variance to construct 16 ft. by 32 ft. swimming pool at 385 Morgan Rd., to be enclosed by fence 4 ft. high. All members voted in the affirmative.

EDMOND FRASER, 29 Sequoia Dr., was granted a variance to construct 16 ft. by 32 ft. swimming pool, to be enclosed by fence 4 ft. high. All members voted in the affirmative.

JOSEPH FAZIO, 26 Tarrytown Dr., was granted a variance to build garage 5 ft. to north side lot line. All members voted in the affirmative.

EARL DE PASCALE - Denied because of non-appearance.

HAROLD C. VOKE, 3196 Chili Ave., was granted a variance for re-shaping and re-finishing bowling pins in the main building on the property, and a variance for the remaining buildings for the sale of bowling supplies and storage. Equipment to be used to be installed under safeguards to be determined by the Building Inspector and the Fire Marshal. Machinery is not to be operated except between the hours of 7:00 A. M. and 6:00 P. M. Monday through Saturday. This variance is granted for a period of 3 years. All members voted in the affirmative.

JOHN P. WOODFILL, 1152 Scottsville Rd., was granted a variance to erect 26 in. by 10 ft. sign on front lot line, as per plans presented. All members voted in the affirmative.

CHARLES GLIDDEN, 4358 Buffalo Rd., was granted a variance to build house on lot R-25 Sunnyside Lane 85 ft. in width. All members voted in the affirmative.

FOSTER, ETHEL W. was granted a variance to build house on lot #51 Tarrytown Dr. 70 ft. in width. All members voted in the affirmative.

NICHOLAS PASCARELLA was granted a variance to erect 4 ft. by 6 ft. sign at the corner of Buffalo Rd. and Ramblewood Dr., bottom of sign to be 4 ft. from the ground. All members voted in the affirmative. Sign to be 10 ft. from each side lot line.

RAY HYLAN, 790 Beahan Rd., was granted a variance to construct 15 ft. by 35 ft. swimming pool, to be enclosed by fence 4 ft. high. All members voted in the affirmative.

LOVELLA BRACHT - Denied because of non-appearance.

FRANK PETOTE, granted a variance to build on lot #39 Marshall Rd., setback of 35 ft. from front lot line. All members voted in the affirmative.

The Zoning Board of Appeals has now been informed that the variance granted on July 14, 1958, to James Sherman, in which business was to be carried out 300 ft. from Reed Rd. has been corrected as to distance. The correct distance is approximately 180 ft., and the variance is hereby amended to read approximately 180 ft.

June Yates, Secretary

ZONING BOARD OF APPEALS

September 23, 1958

The meeting was called to order, and roll was called with the following members present: Cornelius Strassner, Frank Bubel, Charles Pfenninger, Warren Beeman, and the Chairman, Bernard Entress. Also present were the town attorney, Ralph Wickins, and the building superintendent, George Lusk.

Application of Lee Halperin, 935 E. Main St., for variance to erect 50 ft. by 120 ft. two-story medical professional building, 300 ft. west of intersection of Chili Ave. and West Side Drive, located in E zone.

Carmen Leone, attorney, of Winchell, Macken and Goldwater, 45 Exchange St., appeared to represent Mr. Halperin, who could not attend because this was a holiday for him. Mr. Leone stated his client wished to ask for the variance to allow him to build and erect a medical and professional building on Chili Avenue. He said there would be objections from individuals around that area, and presented a water color drawing to show the type of building proposed. A building of this type would enhance the value of the surrounding property and not depreciate it. He was authorized by Mr. Halperin, for the benefit of individuals from around both sides of Westside Dr. on the back of the building, to state that if this variance is granted, houses will be built on the seven lots owned by him behind the proposed building to act as a buffer. These houses would be of the same value and type as those built on the other side. In respect to the actual size of the building, the dimensions were in the application (50 ft. wide by 120 ft. long. As to the number of offices, Mr. Halperin had told him the walls would be movable so that a doctor could be allowed what he wanted to set up an office. Mr. Leone didn't know the exact number of individuals who would be in this building. He presented a map to the board.

Mr. Wickins asked about provisions for off-street parking, and Mr. Leone replied there would be facilities for 200 cars surrounding the building. Mr. Wickins said he understood what was meant by movable walls, but asked if Mr. Halperin could tell the board the maximum amount of offices in the building, and Mr. Leone said he imagined he could.

Mr. Entress asked the approximate size of the area for which the variance is asked. Mr. Leone replied about 210 ft. on one side, he wasn't sure of the other dimensions, but said it is all the property owned by Mr. Halperin facing on Chili Ave. He stated to assure the individuals that houses would be built on the seven lots to the rear, Mr. Halperin has an agreement with the sewer department to put in sewers, and then he will immediately start building on these seven lots. There is a pharmacy ready to move in the building. This would be nothing else but a pharmacy to supply the doctors, etc.

Mr. Entress asked if the property would be provided with an entrance and an exit, and approximately how wide. Mr. Leone replied he didn't know the exact specifications, but if the board wanted exact specifications or alterations, Mr. Halperin would go along with that.

Mr. Entress then asked if anyone wished to oppose this application.

W. Robert Morgan of Newton, Morgan & Morgan, 400 Terminal Bldg., stated he was appearing personally, and also for some of the people who adjoin the property, in objection to this proposed plan. He said this was the third application made for the use of this property for other than residential. First it was a shopping center, then a medical center, as is this one. The first two were rejected because of the objection of the neighbors, which were well set forth at the other meetings. This is no different in its character than the others. The fact that Mr. Halperin is willing to build seven houses on Westside Dr. across the north end of the property is an indication he believes this is good residential property. The people who adjoin it and live in the neighborhood, himself included, bought the property for residing in a good residential district. When Mr. Morgan first moved out here, he found three doors from where he proposed to purchase, a flower store. He checked and found that the flowers sold were those grown on the land by Mr. Scott. Since then, there have been applications for grocery stores and dog kennels. This project is no different, no better, no worse, than the flower store. With movable walls, this building could become a warehouse in five years, if the offices don't pay off. The pharmacy can be changed. Drug stores these days sell gardening tools and everything else. The area is residential and that is all it is. Houses on both sides are residential. If this variance is granted, the next movement is for the property next door to apply for a business. Mr. Morgan said Mr. Wickins could recall from law school, there

was a case in the law books which said the start of the downfall of an area was the introduction of doctors' offices. This resulted in a decrease in the value of the surrounding area. The board should give serious consideration that this is a small area, but it is residential on both sides of westside Dr. and Chili Ave. If Mr. Halperin can build on Westside Dr., he can build on Chili Ave. Mr. Morgan said Mr. Halperin made a bad buy and found out he couldn't build on it originally. With sewers and water coming in, there is no reason he can't build houses on that property. Mr. Morgan presented a petition to the board signed by the people in objection to this application, which will be on file in the town clerk's office.

Arthur Buelte, 2640 Chili Ave., said this property has been residential for 23 years out there, and the people have paid their taxes. This man has been turned down twice, once on a shopping center and once on a medical center. Now it comes up again. It is wrong for a man to approach the board for a third time when he has been turned down twice. Mr. Buelte stated he is against any commercial or medical building or anything on Chili Ave. that is not residential in the residential section. He didn't know why the people have to come up to the town hall three or four times to vote against commercial applications. They have more to do at home. In reference to the picture of President Eisenhower on the wall, he said that it had better be removed, as there might be a change in politics.

George Spiegel appeared for the Town of Gates and for Mr. Finch, who is ill. The town of Gates is in the same position and has the same objections as the last time with reference to Westside Dr. When Mr. Halperin developed this area, he promised Gates the area would remain residential. This variance would depreciate the property of the surrounding Gates residents. To keep and preserve the tranquility of the area, Gates requests that the change in the classification be denied.

Robert Hart, 142 Westside Dr., said that when he bought his home, Mr. Halperin promised that the area across the street would remain residential. He voted against this application.

A. McCauley, 211 Westside Dr., stated he had attended the last two meetings. He said, assuming the seven houses were built, why would anyone want to buy a house in back of the medical center. It would be difficult to sell those seven houses. It doesn't make much sense to promise to build seven houses, when Mr. Halperin won't be able to sell them anyway. If he built all houses, it would be better than the medical center.

A. O'Brien, 108 Westside Dr., had the same objections as the others.

A. Minoia, 2648 Chili Ave., objected for the same reasons. When Mr. Halperin bought that property, he said it would be all residential, no commercial.

Angelo Francesco, 154 Westside Dr., said making this property commercial would set a precedent. If the seven houses don't sell, what would stop someone from applying for a variance in back of the center.

Alfred Fisher, 2652 Chili Ave., stated his property adjoins the property in question. For all the reasons given at the previous hearings and those given tonight, he objects to this application.

Mr. Morgan that parking space for 200 cars would cover an area of about 38,000 sq. ft. Parking spaces such as this are usually littered, which would be an eyesore in a residential area.

No one else appeared to speak on this application.

Application of Clarence R. Tomb, Jr., 51 Springbrook Dr., for variance to erect 9½ ft. by 14 ft. addition, 50½ ft. from the front lot line.

Mrs. Tomb presented a sketch showing present house and proposed addition.

Mr. Entress asked if there were houses on the adjoining lots. Mrs. Tomb replied no, there are two vacant lots and then a house on one side, and on the other side there are no homes down to Orchard St. The lot is 108 ft. by 180 ft. The house now sets back 60 ft., and the addition would be 9½ ft. on the front. Mr. Wickins asked if this addition would come out in front of the house which is three lots down, and Mrs. Tombs replied she imagined it would, as that house is the same setback as theirs. Mr. Wickins then asked if because of the construction of the house it would be impossible to add this addition at any other place. Mrs. Tombs said they want a larger dining room, and they have no vestibule or coat closet. This would be an addition to their present dining room. They live on Springbrook Extension, right in back of the college barn and workshop.

Mr. Entress then read the names of the immediate neighbors who were notified. Mrs. Tomb said Rev. Parmerter is two houses to the one side, all the others are across the street and around the circle. Mr. Wickins stated Rev. Parmerter had told him he had no objection to this request.

No one appeared to speak on this application.

Application of Lovella Bracht, 1721 Scottsville Rd., for variance to erect garage 4 ft. 3 in. from side lot line in B zone.

September 23, 1958

- 2 -

Zoning Board of Appeals

Mr. McCombs appeared for Mrs. Bracht, who was not able to come to the meeting. He presented a tape location map showing the present garage, and said this garage is not adequate. Mrs. Bracht would like to tear down the present garage and erect a new one in the same place 4 ft. wider. The lot is only 50 ft. wide. Mr. Entress asked how far back from the road the garage would be, and Mr. McCombs replied 85 ft. from the road.

No one appeared to speak on this application.

Application of Earl DePascale, 1611 Scottsville Rd., for variance to operate used car and parts lot and junk cars.

Mr. Pascale appeared and stated this was a request for a renewal.

Mr. Entress then read to Mr. Pascale the terms of the last variance granted on June 19, 1956, as follows: 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. of 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. Variance was also granted 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.

Mr. Entress then stated he had been over there today and counted 11 cars in the front, with not a "For Sale" sign on any of them. Mr. DePascale said he attaches them with Scotch tape and it doesn't hold very well. Mr. Entress said there was a row of junk cars about 400 ft. from Scottsville Rd., not in the area for which the variance was granted. Mr. DePascale replied he hadn't decided what to do with them, and if they were back any further, the rats eat the upholstery. Mr. Entress said the rats would eat as much where the cars are now. Mr. Wickins stated Mr. DePascale has not lived up to the conditions that were put in the previous variance. Mr. DePascale said he has probably relaxed on it a little bit, but he can put the signs there and move the cars back. Mr. Entress said they were definitely too close to the road, and were supposed to be on the other side of the swamp, and asked about the road supposed to be there. Mr. DePascale said he has always been able to use the road across the swamp.

Mr. Strassner said a lot of the cars were not runnable. Mr. DePascale said everything runs out there. Perhaps sometimes they can't be started, but that happens to a lot of people.

Mr. Wickins then asked for a report from Mr. Lusk. Mr. Lusk stated he had been out to the property and talked with Mr. DePascale's nephew about the condition of the place. There was wrecking of cars near the building, and there was a scrap pile there. This was cleaned up after that, but there had been a complaint about it, also about the cars in the front. There were 11 cars that don't run, with either no wheels or motors. He said he was over there later and asked to have "For Sale" signs put on the cars. Six complaints had been received on that ground. Also the road requested has never been completed. There is supposed to be a row of trees 100 ft. back of the road to divide the burning area from the selling area which have never been put in. This hasn't been completed today.

Mr. DePascale then replied he did plant trees which are all growing on the far side of the swamp; also there are 25-30 cars on the other side of the swamp which can't be seen at all. Also the road is in and can be used 12 months of the year. It has to be ploughed as there are ruts in there. He can put "For Sale" signs on the cars. The road is in, the trees have been planted and will be up high enough within a year. Mr. Entress asked what type of trees, and Mr. DePascale said he didn't know one kind from another, but thinks they are willow.

Mr. Lusk said he further stated the provisions of the variance were violated in that there were cars in the for sale area in front which were not runnable. Mr. DePascale replied he disagreed, this was not true. He had cars with dead batteries. As far as cars in front, every one is saleable. Mr. Beeman asked what he meant by saleable. Mr. DePascale replied every one in the front of the garage would meet the New York State inspection. If he sells a car, he has it inspected.

Mr. Lusk stated he could present the board with a sworn statement from the fire marshal in town that cars were dismantled in the for sale area, about 6 - 8 months ago. If wheels are off and the motors are off, a car is not saleable.

Mr. DePascale then said he does take the wheels off and put others on and then put the cars in the back lot. He removes the generators, starters, carburetors, fuel pumps, radiators at the garage.

Mr. Entress then said that means he does part of the dismantling at the garage, and Mr. DePascale replied yes, but the cars do not stay up there for more than a couple of days. Mr. Wickins said under the variance granted he was not supposed to dismantle cars up there, but at least 800 ft. back. Mr. DePascale said he misunderstood. Mr. DePascale asked if it would be dismantling if he took parts off the cars. Mr. Wickins replied the only cars to be up in front must be used cars, runnable and for sale. This is probably where his trouble has come in. Mr. DePascale said he has to cut the motors out in the garage and then take the cars down in the back. Mr. Wickins said when an engine is removed and the wheels taken off, that is dismantling, not repairing. Mr. DePascale asked if he can't take any parts off in the garage, does he have to do it all in the back lot. Mr. Wickins replied yes, under the variance previously granted, it would have to be done in the back.

Mr. Wickins stated all during this variance the town has received complaint after complaint regarding dismantling cars in the front of the garage, and dozens of inspections have had to be made.

Mr. Strassner said nothing looks any worse than junk cars. Mr. Entress asked if Mr. DePascale thought he could rectify that, and he replied that if he has to, he will take the parts off out in the back.

Mr. Wickins said the people come to the town hall to complain, and Mr. Lusk then has to investigate, and sometimes found them to be wrong, and sometimes right. Mr. DePascale said he has to remove the wheels because the kids take them and other things, they have even stolen an engine. He asked the board just to let him know just what he can do and what he can't do. Mr. Entress asked if there was any way he could dismantle these cars inside. Mr. DePascale replied he has to do it all outside because he works with a torch, cutting out the engine, which then just has to have the bolts disconnected.

Mr. Wickins said Mr. DePascale would have to realize people don't like junk car places. When the board granted this variance two years ago with safeguards put around it, they felt there wouldn't be a lot of objections, but the restrictions have been violated.

Mr. DePascale replied there was a misunderstanding on his part, which can be corrected. Mr. Strassner asked if he had gotten rid of any of the old cars. Mr. DePascale replied all the parts get junked, there is a lot of steel piled up with a few old cars way in the back where no one can see them. Mr. Entress said that one row of cars is about 400 ft. from Scottsville Rd. and can be seen from the road. Mr. Wickins said if he would keep them back 800 ft. and those trees grow up, it would be better. Mr. DePascale said the swamp water has taken them out and then they come back. Now that the dump is closed and the water stays where it should be, they will come along good.

No one else appeared to speak on this application.

DECISIONS OF THE BOARD:

LEE HALPERIN was denied a variance to erect 50 ft. by 120 ft. two-story medical professional building 300 ft. west of intersection of Chili Ave. and Westside Dr. All members voted in the negative.

CLARENCE R. TOMB JR. 51 Springbrook Dr., was granted a variance to erect 9½ ft. by 14 ft. addition, 50½ ft. from front lot line. All members voted in the affirmative.

LOVELLA BRACHT, 1721 Scottsville Rd., was granted a variance to erect garage 4 ft. 3 in. from side lot line. All members voted in the affirmative.

EARL DE PASCALE, 1611 Scottsville Rd., was granted a variance to operate used car and parts lot and junk 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 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 six months. Above conditions must be complied with within 10 days or variance will be revoked. Used car 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 six months. Above conditions to be complied with within 10 days or variance revoked. All members voted in the affirmative.

June Yates, Secretary

ZONING BOARD OF APPEALS

OCTOBER 21, 1958

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

Application of F. A. Leibert, 2033 Westside Dr., for variance to erect garage 6 ft. to side lot line.

Mr. Leibert presented a map and said the lot is 70 ft. wide by 280 ft. deep. The garage would be 14 ft. wide by 22 ft. deep, set away from the house 12 ft., which would be a breezeway later on. The house is set back 65 ft., the garage would be setback 84 ft. All the houses line up together. The map shows the proposed garage to be in line with the house, but this is incorrect. The neighbor on the east is 6 ft. from the lot line, so there would be 12 ft. between structures. His garage is attached to his house on the west side.

Mr. Strassner asked if Mr. Leibert would have any objection to a 10 ft. breezeway. Mr. Leibert replied no, that would be 8 ft. from the lot line.

Mr. Entress asked Mr. Lusk if the houses in that area were set at 10% of the lot line on 70 ft. lots, and Mr. Lusk replied yes. Mr. Entress if the garage was set back 7 ft. from the line that would be 11 ft. between the house and garage for a breezeway, which would be 10% of the lot width.

No one appeared to speak on this application.

Application of Glenwood Stubbe, 110 Chestnut Ridge Rd., for a variance to remodel present building and erect addition.

Mr. Stubbe presented a map. The present building is 16 ft. from the side lot line. This is on Fred Jensen's old place. Mr. Entress asked if he is going to keep the present 20 ft. by 28 ft. building, and Mr. Stubbe replied yes. Part of the old building will be torn down, and the proposed addition will be 20 ft. by 30 ft. The overall building after remodeling will be 20 ft. by 58 ft., made into a home. This will be a one-story building all the way through. Mr. Entress said 20 ft. by 58 ft. would be 1160 square feet.

Mr. Stubbe stated there is a house on the property now. He plans to use the present driveway, but if necessary there is room for another one. This is all one lot 125 ft. wide by 415 ft. deep.

Mr. Entress asked if he plans on renting or selling. Mr. Stubbe replied he doesn't know, he has to have some income as he won't be working much longer. He presented a petition in favor of this application signed by adjoining neighbors on Jensen Drive. This will be on file in the Town Clerk's office.

Earl Hibbard, who was present, showed a map of his property which abuts Mr. Stubbe's in the rear, so the board could see their relation and location.

Mr. and Mrs. Clarence Young, 15 Jensen Dr., voted in favor of this application. No one else appeared to speak.

Application of Earl Hibbard for variance to erect houses on Lonran Dr. 8 ft. from side lot line on lots 1-16, 45 ft. from front lot line on lots 9-16.

Mr. Hibbard presented a contour map and stated he needs the 45 ft. front line setback on lots 9-16 on the one side of the street because the land falls away in the back. The houses on Kuebler Dr. are all setback 60 ft. He said he had a flat variance of 7 ft. side line on all of them because they were 70 ft. lots. These lots 1-16 are approximately 80 ft. wide, and the 8 ft. side line setback would be about 10% of the lot width.

Voting in favor of this application were:

- Mr. and Mrs. Clarence Young, 15 Jensen Dr.
- Mr. Glenwood Stubbe, 110 Chestnut Ridge Rd.
- Mr. Fred Jensen

No one else appeared to speak.

260

Application of Earl Hibbard, for variance to erect houses on Kuebler Dr. with 45 ft. setback on lots 238 and 237.

Mr. Hibbard presented a map showing a turn-around at the end of Kuebler Dr. taking part of lots 237 and 238. The 45 ft. setback will put the houses in line with the others set back 60 ft., and when the turn-around eventually runs through, the setback on these two lots will also be 60 ft. The circle is back as far as it can go now.

No one appeared to speak on this application.

DECISIONS OF THE BOARD:

F. A. LEIBERT, 2033 westside Dr., was granted a variance to erect a garage 7 ft. to the side lot line. All members voted in the affirmative.

GLENWOOD STUBBE, 110 Chestnut Ridge Rd., was granted a variance to remodel present building and build addition as per plans on property at 110 Chestnut Ridge Rd. All members voted in the affirmative.

EARL HIBBARD was granted a variance to erect houses on Lonran Drive as follows: Setback of 8 ft. from the side line on lots 1-16; setback of 45 ft. from the front lot line on lots 9-16. All members voted in the affirmative.

EARL HIBBARD was granted a variance to erect houses on Kuebler Drive with 45 ft. setback on lots 237 and 238. All members voted in the affirmative.

June Yates, Secretary

ZONING BOARD OF APPEALS

November 12, 1958

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

Application of John Conway, attorney, 21 Westland Ave., for variance to use farm house located at 223 Fisher Rd. as an office and to use the barns as storage for the period of one year; said house and barns to be used by Fago Bros. Contracting Co. Inc.

John J. Conway, Jr. appeared as attorney for Fago Bros. Contracting Co., Inc. who are doing the work on the sewer job in Chili and Gates. The sewer district has compelled them to set up office storage place within the sewer district. Up to now they have stored on Mt. Read Blvd. In order to get payment for the material which the sewer district pays for as delivered, it has to be delivered within the sewer district. They have secured property at 223 Fisher Rd., the old Wright farm which raised poultry on the west side of Fisher Rd. In addition there are various outbuildings, such as chicken houses. They are asking for permission to use the farmhouse itself, which has been vacant for over a year, for an office. They would use the chicken-houses and the land around them for storage and the materials necessary for the project. This would be a temporary variance for one year, when the contract will be terminated.

Mr. Wickins asked if there would be provision for trucks to be off the road. Mr. Conway replied there is no contemplation of any materials being stored any closer than 100 ft. back from the road, so trucks would immediately go off the highway. They would use the regular farm driveway.

Mr. Strassner asked if some materials were already stored. Mr. Conway that was because they did not realize a variance was required. There are five acres of land, so there is ample room for the job.

Mr. Pfenninger asked about trucks at night. Mr. Conway replied most of the equipment is stored on the side. Vehicles left overnight would be parked to the rear of the farmhouse.

Mr. Strassner asked if the place would be messy. Mr. Conway said it is their intention to keep it as neat as possible. It is in a residential district, and will look more attractive than it has been. They will have an attractive office in the house, as they will have engineers, etc. coming in. There is already a radio station and there will be heat and water. They can keep a 100 ft. setback as an absolute minimum.

No one appeared to speak on this application.

Application of Clinton B. Baker, 729 Westside Dr., for variance to erect house on lot adjacent thereto; lot being 70 ft. in width by 148 ft. in depth located in D residential zone.

William Kelly, attorney, appeared for Mr. Baker, and said this is an existing 70 ft. lot on Chestnut Drive. He presented a plan on which the lot was shown as parcel B, located on the east side of Chestnut Dr. He said he had a purchase offer signed by Mr. Baker, who proposed to purchase the property from Delfine F. Brennan, the present owner. The lot is 70 ft. by 148 ft., which is not sufficient size according to the existing zoning law. Mr. Baker does not immediately propose to locate a house thereon. There would be no need for a variance in setback. Mr. Wickins asked if most of the lots are 70 ft. Mr. Kelly replied no, this is in the new section off 284 Westside Dr. Mr. Wickins asked if this was on a filed map, and Mr. Kelly said he didn't know. Those two parcels came out of an old estate.

Mr. Wickins asked if Delfine Brennan owned Parcel A so that perhaps Parcel B could be enlarged, but Mr. Kelly replied that Parcel B is the only property owned. There is no possibility of adding to it. That is the reason for this request.

No one appeared to speak on this application.

Application of David W. Binn, 2675 Chili Ave. for variance to operate beauty shop in E residential zone.

Mr. Binn appeared and said he would like to operate a beauty shop in the building at 2675 Chili Ave. Mr. Strassner asked how many operators there would be. Mr. Binn replied that would depend on the business. At the most there would be four.

Mr. Wickins asked about parking facilities. Mr. Binn replied he intends to put fill in the back for parking, and also the front can be used. He will provide off-street parking.

Mr. Wickins asked if he was planning a sign. Mr. Binn replied there is at present a sign with the address number for which a variance has been granted, out by the tree, illuminated. Mr. Wickins asked what size and Mr. Binn said he didn't know.

Mr. Scharvogel said the sign is about 5 ft. high and 10 in. in diameter, and he was granted a variance for the sign. There is a television shop there now.

No one appeared to speak on this application.

Application of Daniel M. Beach, attorney, 425 Beach Avenue, for variance to erect an administration building and residential buildings on part of town lots 147 through 149 located on the west side of Scottsville Rd. east of Pennsylvania Railroad tracks, located in E residential zone. Elliott Horton appeared as attorney for the Hospital.

Mr. Horton presented plans and said the Convalescent Hospital for Children is requesting permission to build a residential treatment center on the property shown on the plans as approximately 2055 West Scottsville Rd. This comprises 40 acres, 30 acres owned by the Rochester Gas and Electric Corp., 10 acres owned by Mr. McKercher. They have agreements and understandings with these parties that if this variance is granted they will convey to the Convalescent Hospital for Children this land. They are joining in this application. Mr. Horton then presented Ralph Scofield, president of the Board of Directors of Convalescent Hospital for Children to explain the proposed nature of this operation.

Mr. Scofield stated the Convalescent Hospital for Children has existed since 1890 and has served this area since then. They are a member of the Council of Social Agencies which is supported by the Community Chest. They have received subsidies but always returned them.

There is a need for an emotional treatment center to be developed in the county, as pointed out in research made headed by Kent Damon. The Hospital is endorsed by the Council of Social Agencies because they had the abilities and facilities to undertake this program. Two other agencies were turned down. The Board of the Hospital agreed to undertake the program. This is a new program and a new type of treatment. There are two in New York State subsidized by the state.

This center will have at the maximum 25 children between the ages of 6 and 12 years. No one is admitted over the age of 11 years, for the average stay is over one year and comes close to two years. The treatment is with the children and families. They try to simulate home conditions. This area should look like a country day school. There would be no massive buildings, all the buildings would be one-story. There would be an administration building and two cottages for 12 - 14 children. In the future they would like an additional two cottages. The Town of Chili is fulfilling the needs of the county in considering this application. Mr. Scofield said he thinks the town will be proud and will contribute a lot to the emotional needs of the children of Monroe County. It is universally recommended that a treatment center not be undertaken for more than 25 children. There would be school teaching on the premises. The children will live there 24 hours a day, seven days a week. Toward the latter part of their treatment, they may be allowed to go home. The Convalescent Hospital for Children emphasized they will continue their present hospital on Beach Avenue to meet the physical needs of children. This treatment center is to try to prevent children from becoming juvenile delinquents. It is less costly to treat children for one or two years than to have to take care of a man or woman who would have to be in an institution.

Mr. Wickins asked the reason for wanting 40 acres.

Mr. Scofield replied one practical reason is that they will be able to acquire 40 acres. They want to isolate themselves. These children are not

children who have done wrong. They are maladjusted either in classrooms or in the family. The treatment wants to provide a home atmosphere, and this can be done on large acreage. Mr. Wickins asked if all the acreage would be taken care of. Mr. Scofield replied some will be left in the natural state in the beginning, but would be used as play areas were needed. It will not be allowed to go wild.

Mr. Strassner asked about the age of the children, and Dr. Korat, who will be in charge, said none will be admitted who are past their 11th birthday. Mr. Scofield said that under the maximum of 25 children, there would be 50 other people to supervise around the clock. The children would not be off the area unless under supervision. Mr. Strassner then asked about protection along the railroad track. Mr. Scofield replied there is no planned protection. There is no sense of running away. That does not pose a problem, nor does the river.

Mr. Wickins inquired regarding parking, and Mr. Scofield pointed out on the map parking area set forth. He said some could be leveled off for more parking.

Mr. Strassner asked about signs along the road. Mr. Scofield said they haven't thought about it, but perhaps there would be a sign indicating the place by the driveway. Mr. Strassner suggested they include this in their application. Mr. Scofield then amended the application, requesting a variance for a sign at the entrance, just a simple sign like an entrance to a school.

Mr. Horton then introduced Dr. Sidney Koret, who will be the Director of the center.

Dr. Koret stated this treatment center is for children between the ages of 6 and 12. Children entering at 11 years, will be around 12 when through. They will be children of average intelligence, not court commitments or delinquents. They are children who at home, in school, or in the community show an inclination towards becoming state care. The center tries to come in prior to this rehabilitation. They will have the services of psychologists, social workers, psychiatrists. They will have a liaison with Strong Memorial Hospital. They will try to move the child back to his family. They will try to construct a special kind of society for a child on a 24 hour basis. They do not want these children wandering out into society who do not know how to handle society. They will provide something isolated from the community. They will eventually provide something for the Town of Chili, in terms of out-patient facilities, etc.

No one appeared in favor of this application.

Mr. Horton then said he had been approached earlier by Mr. and Mrs. Rakus and their attorney, William Gough, who had proposed something.

Mr. Gough then stated he was representing Mr. and Mrs. Rakus who own the property immediately to the south of the property for which the variance is being asked. Their homestead is 25 ft. from the land to be acquired. They are in favor, but would like to ask if a variance could be granted on condition there are no buildings or no roads or parking lots within 200 ft. of their property line. The plans for cottages are a considerable distance from his clients' property. They would like the 200 ft. setback because of the fact their home is right there and faces across the property to be acquired. Mr. Gough said they had another thing in mind, but would like to make a reservation on it, which is a fence around the property. However, it appears after talking, there shouldn't be a fence around it, to give the children stability. They would like to reserve the right at a later time, if there are more children, to ask for a fence. Right now it is not necessary.

Mr. Horton replied they would be very happy to comply with the 200 ft. setback. He also assured Mr. Gough that because of the expensive nature of this program, they can't have more than 25 children there without spoiling the type of treatment given. This will not grow into a large operation, but always remain a fairly small one.

No one else appeared to speak on this application.

Application of Hathaway Industries, Inc. 3265 Chili Ave., for a variance to park cars and trucks in B zone.

Dominick Faraone stated he is manager of Chili Branch for Hathaway Industries, Inc., and they have gas station, surplus store, and operations for three bakery routes. They park 13 trucks, 2 spare trucks, way in back of the building. They are approximately 60 ft. from the road, and cars are mostly parked on the property and by the road.

Mr. Wickins asked Mr. Lusk if he had received any complaints on this. Mr. Lusk replied yes, about the noise handling trays at about 5:00 A.M., and bad language being used.

Mr. Faraone replied they unload from Syracuse to the two small trucks. He has been there, and there is no bad language. They do the loading inside. He hasn't heard any bad language, but that could be corrected.

Mr. Wickins inquired about parking. Mr. Faraone said there is sufficient ground for trucks to be parked off the street. All the trucks could be put off the road. When there is a high snow, some would be along the road. Mr. Wickins replied that is just when they don't want them on the road. Mr. Faraone said he would have to make provision to get them off the road.

Mr. Strassner asked about junk trucks on the property. Mr. Faraone replied there are two trucks at the present time used for parts in the rear of the building. He didn't believe they can be seen from either side of the road. They aren't pulled apart, but look like two trucks parked.

Mr. Pfenninger asked if there is any chance of more trucks. Mr. Faraone replied no, at the most there are 12 route operations out of that branch, making a total of 14 trucks. There is unloading at 5:45, but there is not too much noise. There may be some when the transport is unloading. It pulls up to the large doors, but there is only one man.

Mr. Bubel asked if there is any parking on the north side. Mr. Faraone replied at the most one truck, but if it is not all right he can remove it. None are parked away from the building, all are close to the building and do not block the view.

Mrs. John Lindner, 3250 Chili Ave., said she objects to the noise. Also it is not very pretty scenery to look at trucks all day long. They are waked up early every morning.

Robert Looney, 3260 Chili Ave., said he lives directly opposite, and is in objection. In parking the trucks, they are using the site as a freight terminal. With more than 6 people employed, this is industrial rather than commercial. Maybe this will change the character of the neighborhood. The E zone must be kept up, and not let commercial drift into industrial zones. Also, there is the noise, when the truck comes in, there is banging, clanging, etc., also shouting, every morning except Sundays. Also Mr. Looney wondered if the Town Board of Health would approve of the loading of food in the same area where there are repairs going on. Also there are radios blaring in the afternoon. At 10:00 A.M. Sundays radios go on until 3:00 P.M. There are apparently repairs going on, which is regular commercial.

Mr. Faraone said that as far as industrial is concerned, this is an outlet at 3265 Chili Ave. At any time during the day from 8:00 A.M. on there are only 2 or 3 more people there all day long. He hasn't noticed the type of noise spoken, but he can take care of the noise. There are no radios when the trailer truck comes in, as he has been there a number of mornings. There isn't enough noise at 5:45 A.M. to wake anyone up. The radio spoken of can be stopped. The corner now looks lit up and does not deteriorate the property. He said if there were any more objections, he would like to answer them and correct anything wrong.

Mr. Looney asked when a variance was granted, if it didn't have to be a hardship case. Mr. Wickins replied to a certain extent. Mr. Looney wondered if these people had tried to find a more favorable location. This hardship has been of their own volition. Mr. Wickins pointed out that all cases did not necessarily have to be hardship cases. In preparing a zoning law, one cannot specify each particular use of the land, but application may be made to the Zoning Board of Appeals. That is the reason a lot of these applications have a variance.

No one else appeared to speak on this application.

Application of Larry Dowdell, 3965 Union St., for variance to operate picnic grounds in E residential zone.

Mr. Dowdell stated this is a request for a renewal of variance granted with no change in operation. He still hasn't got a road through the lot and needs quite a little fill. It might take another year, and he would like to have the variance granted for five years.

No one appeared to speak on this application.

Application of James Neuert, 30 Ivamae Dr., for variance to install 1000 gallon gas tank in E residential zone.

Mr. Neuert presented a sketch and said the tank would be for his own private use. It would be a buried tank, installed under Underwriter's specifications, and there could be no sale from the tank. The nearest house is about 125 ft. from the tank itself. It would be about 35 ft. from his house, approximately 10 ft. from the garage, 84 ft. from the road. The tank would be equipped with an electric pump.

No one appeared to speak on favor of this application.

John Loeper, 27 David Dr., stated this pump would be about 75 ft. from a house which will be built on a vacant lot to the rear of this property. He objected stating the tank would be a fire hazard.

Mr. Pfenninger asked why the tank had to be so big. He has a 280 gallon tank and has five tractors and two cars. He uses 16,000 gallons a year. The tank is filled once a week.

Mr. Wickins asked if there would be any objection to cutting down the size of the tank, and Mr. Neuert replied no. He wanted the large one for convenience, and also he would be able to buy in quantity.

Mr. Loeper said he had checked with insurance agents and around the town, and there is nothing the neighbors can do about his having the tank, but he felt it should be cut down to 200 or 300 gallons. His main objection is the size of it.

Harley Derleth, 25 David Dr., said his objection is to the size of the tank. Also a further objection, he sees no reason why there should be this type of thing in the neighborhood. He asked if there was some limitation on the size of a tank in a residential zone.

Don Allen, 21 David Dr., objected to the size.

Peter Sherlock, 17 David Dr., also objected to the size.

Mr. Roth, the Fire Marshal, said Mr. Neuert would be getting commercial equipment in a residential section, and the insurance company wouldn't stand for it. As Fire Marshal, Mr. Roth felt it would be a fire hazard. He would go along with a 300 gallon tank if it was put in the ground properly.

Mr. Wickins asked if those in objection would be satisfied if the tank were limited in size, and they replied yes, if it was limited to 200 or 300 gallons. Mr. Roth said it would have to be put in properly and gave specifications.

No one else appeared to speak on this application.

DECISIONS OF THE BOARD:

JOHN CONWAY, ATTORNEY FOR FAGO BROS. CONTRACTING CO., who were granted a variance to use farmhouse located at 223 Fisher Rd. as an office and to use the barns as storage for a period of one year, with the following conditions: Off-street parking to be provided for all trucks and equipment. Trucks and equipment to be parked at least 100 ft. back from the front property line. Material and supplies to be kept in an orderly fashion. All members voted in the affirmative.

CLINTON B. BAKER was granted a variance to use existing lot, 70 ft. by 148 ft., on the easterly side of Chestnut Dr. and immediately adjacent to the south of property located at 729 Westside Dr., for residential purposes. All members voted in the affirmative.

DONALD W. BINN was granted a variance to operate a beauty shop at 2675 Chili Ave. for a period of 3 years, with the condition that sufficient off-street parking be provided. All members voted in the affirmative.

CONVALESCENT HOSPITAL FOR CHILDREN was granted a variance to erect administration building and residential buildings on part of Town Lots 147 through 149, located on the west side of Scottsville Rd. east of Pennsylvania RR tracks. No buildings or parking areas to be located within 200 ft. of the present Rakus property line. Variance also granted to erect a sign on the property, size and location to be under the direction of the Building Inspector. All members voted in the affirmative.

DOMINICK FARAONE, HATHAWAY INDUSTRIES, INC., was granted a variance to park cars and trucks on property at 3265 Chili Ave. All trucks and cars to be parked 10 ft. from road right-of-way. No parking except to the south and rear of existing gas station. All loading to be done within the building. Variance granted for one year. All members voted affirmative.

LARRY DOWDELL was granted a renewal of existing variance with the same terms and conditions, for a period of 5 years.

JAMES NEUERT, 30 Ivamae Dr., granted a variance to install gas tank on his property not to exceed 280 gallons, to be installed under the direction and control of the Building Inspector and the Fire Marshal.

June Yates, Secretary

ZONING BOARD OF APPEALS

December 9, 1958

The meeting was called to order, and roll was called with the following members present: Charles Pfenninger, Frank Bubel, Cornelius Strassner, and the chairman, Bernard Entress. Also present was the town attorney, Ralph Wickins.

Application of Harmon Redmond, 1143 Westside Dr., for variance to conduct television repair business located in D residential zone.

Mr. Redmond stated this would be on a part-time basis. He plans to build a garage in the spring and convert half of it into a shop. The outward appearance would be no different than it is now. There would be no sales, strictly repairs.

Mr. Strassner asked if he would want a sign. Mr. Redmond replied he would like a small sign in the front, whatever would be allowed.

Mr. Wickins suggested that he amend his application to ask for a sign, giving the board the dimensions and where it would be located. He said that according to the law, no sign is allowed unless a variance is granted. Mr. Redmond replied he would like a sign about 24 in. by 30 in. out in the front yard. Mr. Entress told Mr. Redmond to be sure that would be large enough, for if a variance was granted for that size, it could not be any larger. He then asked about the location. Mr. Redmond said he would like the sign 1 ft. from the property line. Mr. Wickins said if he amended his application at this time, he would not have to come before the board for a second hearing. Mr. Redmond said he would like to have the sign, and it would be on a small pipe frame, or whatever the board wanted.

Mr. Strassner asked how late he would operate. Mr. Redmond replied it might be one night a week until about 10:00 P.M., as he is out most of the time now on calls. Mr. Strassner then asked if this would be detrimental to the television reception of the neighbors. Mr. Redmond said no, there is no transmitting, and no machines. Most of the work is pickup, repair, and deliver. Mostly television repair work, sometimes radios, and eventually color television work.

There will be on file in the town clerk's office a letter from John R. Riedman, 1125 Westside Dr., regarding this application.

No one appeared to speak on this application.

Application of Robert Carter, 3328 Union St., for variance to erect 8 ft. wide by 13 ft. high sign, in E residential zone.

Mr. Carter appeared and said this would be a larger and more modern sign, replacing the present sign on the property. He presented a sketch and specifications. It would be an overall total height of 13 ft. from the ground, and sits up on a little hill. There would be four reflector lights.

Mr. Entress asked how late this would be illuminated. Mr. Carter replied they close at 7:30 and the sign would be off at that time. The lights would affect his home mostly, as he lives across the street and is the nearest house. The reflectors would be placed to shine down on the sign.

Mr. Entress asked how far from the road the sign would be. Mr. Carter replied approximately 25 ft. from the pavement, and it would be placed in the same spot as the present sign.

No one appeared to speak on this application.

Application of Joseph L. Wyand, for variance to conduct machine shop business property located at 3196 Chili Ave. in E residential zone.

Mr. Wyand stated this would be on the property of Volk's garage, in the smaller building on the west side. Mr. Entress asked if there would be heavy machinery. Mr. Wyand replied basically they do tubing. There would be small machines that bend the tubing. Their machinery would be like that in a basement workshop. They have two drill presses, a band saw, and small tools like that. They do small diameter automotive tubing.

Mr. Entress asked how many men were employed. Mr. Wyand said three, he has two partners. They may have one, two, or three others if busy, but most of the time there would be just the three. They work from about 7:00 or 8:00 A.M. to about 4:00 - 6:00 P.M. Mr. Entress asked if there would be any night operations, and Mr. Wyand replied possibly in an emergency. This is a full time year-around operation. Mr. Entress then asked about a sign. Mr. Wyand said there is a used car sign there now which they plan to paint off and would eventually like a small sign in its place. The sign would not be big because they do not want salesmen

stopping in. They would paint over the old sign and put up a sign not more than a couple of feet over the door. They don't do any advertising, and no retailing at all.

Mr. Strassner asked if there would be any large motors with big horsepower. Mr. Wyand said there is one fair-sized horsepower motor. The owner is having all new service put into the place, and this motor would not affect any of the neighbors. There would be no problem with television sets or anything like that. The work wouldn't be as noisy as a basement workshop, as sawing wood makes more noise than sawing steel. Occasionally there would be welding. There is an acetyline outfit which is used sometimes. Mr. Wyand then presented the board with a letter from Mr. McCall, 3202 Chili Ave., who lives right next door to the building, and has no objection. This letter will be on file in the town clerk's office.

No one appeared to speak on this application.

Application of Theophil Brauch, 551 Paul Rd., for variance to erect a 20 ft. by 40 ft. swimming pool located in a residential zone.

Mrs. Brauch appeared and said she is not quite sure whether this pool would be on the east side or the west side of the lot, but it would be as far back from the front lot line as the house, which is about 500 ft. back from the road. It would be about 300 ft. from the side lot line.

Mr. Wickins said there have been prior applications for swimming pools in the town, and when granted, the board has put certain restrictions around them. He asked if Mrs. Brauch if there would be any objection, if the board should grant the variance, to a restriction that the pool be fenced. Mrs. Brauch replied she would have no objection. The contractor, who was also present, stated they normally erect a 4 ft. chain link fence with a gate which would be locked when not in use. He presented the plans for the pool. There was then a discussion regarding the construction of the pool and the filtering system.

No one appeared to speak on this application.

DECISIONS OF THE BOARD:

HARMON REDMOND, 1143 Westside Dr., was granted a variance to conduct a television repair business on his property for a period of one year. A variance also granted to erect a sign, not to exceed 24 in. by 30 in., to be placed under the direction and control of the Building Inspector. All members voted in the affirmative.

ROBERT CARTER, 3328 Union St., was granted a variance to erect sign 8 ft. wide by 13 ft. high, to be placed on the same site as the present sign, according to the plans presented. Sign not to be illuminated after 10:00 P.M. All members voted in the affirmative.

JOSEPH L. WYAND was granted a variance to conduct machine shop on property located at 3196 Chili Ave. for a period of 3 years. All members voted in the affirmative.

THEOPHIL BRAUCH, 551 Paul Rd., was granted a variance to erect 20 ft. by 40 ft. swimming pool, to be enclosed by a fence 4 ft. high. All members voted in the affirmative.

It has been called to the attention of the board that the variance given on November 12, 1958, to the Convalescent Hospital for Children for property at 2055 Scottsville Rd. was not clear in certain respects of said variance. It is now therefore determined that in order to make said variance clear and in conformance with the request made by Mr. and Mrs. Rakus through their attorney, William Gough, that the following sentence shall be deleted from said variance: "No buildings or parking areas to be located within 200 ft. of the present Rakus property line", and that this sentence shall be substituted, and therefore the variance shall read as follows: "This variance is granted with the condition that no building, road or parking area be located within 200 ft. of the north line of the former Norman L. Whyte property, and further that no building, road or parking area be located within 50 ft. of certain lots now owned by Mr. and Mrs. Rakus facing on Scottsville Rd. on the southeast corner of the property in question." All members voted in the affirmative.

June Yates, Secretary