

ZONING BOARD OF APPEALS

January 6, 1959

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

Application of Joseph Freda for variance to build house on lot 80 ft. wide at 650 Beahan Rd.

Mr. Freda appeared and stated he would like to amend his application to read lot 85 ft. in width instead of 80 ft. as advertised. Mr. Wickins asked when he had purchased the lot, and Mr. Freda replied he had just purchased it, the papers are not quite through yet. This is an existing lot, the remaining land between two existing houses.

Mr. Entress asked how close the neighbor is. Mr. Freda said his own house will be 19 ft. from the lot line, and the neighbor must be about 30 ft. or 40 ft. from his lot line. The house will be 37 ft. by 26 ft., attached to an existing garage.

Mr. Entress asked how far the garage is from the lot line. Mr. Freda replied about 4 ft. or 5 ft. The owner who had it before purchased a permit. It is of block construction, and is already up, but he didn't know when it was built.

Mr. Wickins asked if he had purchased this lot from either of the adjoining owners, and Mr. Freda replied no.

No one appeared to speak on this application.

Application of Howard Woodworth, 3127 Chili Ave., for variance to erect garage 20 ft. from the front lot line.

Mr. Woodworth presented a sketch.

Mr. Wickins said this has been checked, and the variance should be amended to read 30 ft. from the front lot line instead of 20 ft. He asked if Mr. Woodworth would so amend his application.

Mr. Woodworth replied that if this was true, he so amended his application. He asked how soon he could get this variance, as he has been held up 8 to 10 weeks now. He had a verbal permit.

Mr. Wickins replied the Board has got to decide whether the variance will be granted.

Mr. Strassner asked why the garage would be so close to the road. Mr. Woodworth replied so that it will look nice with the house. The garage will be 3 ft. back from the front of the house, and 30 ft. from the west side lot line. The ground falls off in the rear. The garage is built 8 blocks high on one corner in the back.

A letter from Frank L. Citro, next door neighbor, was presented which stated he had no objection to this garage as planned. Mr. Woodworth said he was told several weeks ago to get that note, and he could go ahead with the garage. This note will be on file in the Town Clerk's office.

No one appeared to speak on this application.

Application of Melvin B. Maddock, 7 Chestnut Dr., for variance to remodel home into two-family apartment.

Mr. Maddock said he has just recently purchased the place. The roof was raised on it some time ago, before he took it over.

Mr. Entress asked the purpose of this request. Mr. Maddock replied they don't need the room at the present time, and the purpose is income. This would be temporary, until the children get bigger and need the room.

Mr. Entress asked if there was a common entrance. Mr. Maddock said there is a small hallway coming into the house, and a stairway going upstairs.

Mr. Entress asked if this was already built into an apartment. Mr. Maddock replied the upstairs is partitioned off, but no walls are up. This was done before he purchased it. Mr. Entress then asked how big an area was upstairs. Mr. Maddock presented a sketch not drawn to scale, showing an area 31 ft. 0 in. by 26 ft. There would be a living room, kitchen, bedroom, and bath. Mr. Entress asked if it would be rented out to other than the family, and Mr. Maddock said his mother-in-law had inquired about renting it, but that is not certain. He is not building it actually for that purpose. There is a single entrance, but another entrance could be put on, as there is a backporch 14 ft. 5 in. by 10 ft. There would be room for a stairway from that.

No one appeared to speak on this application.

application of Michael Truisi, 3270 Chili Ave., for variance to change two-family dwelling into three-family dwelling.

Walter M. Pelkey, attorney, appeared to represent Mr. Truisi. Mr. Pelkey said this is a re-hearing of the same application made in August. They are re-applying on two grounds: 1. The neighborhood has changed considerably since the application of August. This house is approximately across the street from where Hathaway parks trucks and runs a gas station and bakery service. The south side of Chili Ave. from approximately the center to the tracks is zoned commercial, while the north side is residential R. Mr. Truisi is in a position where he is directly opposed from an industrial and commercial area and his application will in no way affect the rights on the north. This is at present a two-family dwelling. There will be no structural changes except the addition of a fire escape. From the street or from the neighbors, this would not be an eye-sore. At the last hearing, notice was given to the parking of cars. Mr. Truisi has two driveways with one car for each tenant, this would only be three cars to two driveways. The house is designed so that it can easily be converted to a three-family house. Due to a misunderstanding, at one time there were three families. He was notified by the Building Superintendent that this was not allowed, and so discontinued. This house can hold three families without additions to the shell. They feel they should be given a three-family variance because of the fact the neighborhood has changed considerably.

Mr. Wickins asked if they realized that a three-family house would come under the Multiple Housing. Mr. Pelkey replied they had checked into that, and the front stairway would have to be 6 in. wider and it would conform with multiple dwelling requirements.

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

Fred Golisano, 3304 Chili Ave., stated he thinks we need this and voted in favor of it. He lives two houses away on the west.

Angelo Golisano of the same address also voted in favor.

Robert Looney, 3260 Chili Ave., the neighbor to the east, voted in objection. He has the same objections as at the previous meeting. He feels they will suffer a financial loss in that they purchased their property 3½ years ago in a residential zone. If this is made a multiple dwelling, with the addition of an exterior fire escape, it is not good in an R residential area. Their property will be depreciated. Also, the attorney mentioned the change of character of the neighborhood because of granting a variance to Hathaway Bakeries, (to which he also objected) in the newspaper, that was granted for one year only. At the end of that time, the variance could be not granted, and the neighborhood would then revert to its original character. The attorney also mentioned that property on one side of the street is commercial in character. In the town there must be commercial and residential zones side by side, but that doesn't give one or the other lee-way to transgress. There must be a dividing. Mr. Looney said his previous objections are all a matter of record.

Mr. Wickins asked if the gas station across the road where the bakery is now was in existence at the time Mr. Looney bought his property. Mr. Looney replied that is correct, also a two-apartment dwelling, not a multiple dwelling.

Mrs. John Lindner, 3250 Chili Ave., agreed with Mr. Looney, and objected on the same basis.

Edward Ball, as a tenant of the apartment, voted in favor of this application.

Mr. Pelkey stated that whether or not Hathaway Bakeries has a one-year permit, it is there and anybody coming out to purchase property realizes that property is commercial. The north side of Chili Ave. is more or less of a buffer zone. This house will not be an eyesore. There will be no structural changes except for a fire escape.

Mr. Entress asked where the fire escape would be located. Mr. Pelkey replied he believed the fire escape could be put in the back as a second means of egress, using the front as a first means of egress.

Mr. Truisi then stated that as the town grows and industry and schools come in, there will be a need for places to rent. Everyone isn't here to buy, some want to rent. There are a lot of fellows from the University of Rochester looking for a place to rent. This is convenient for them. There is going to be a new school at Chestnut Ridge Rd. and there will be teachers looking for places to rent. As

the town grows, there will always be a demand.

Mr. Strassner said that when people want to come out here to build, they look into the situation instead of coming before the Zoning Board later on.

Mr. Truisi said that situation Mr. Strassner was speaking of was a misunderstanding between Mr. Steckel, Mr. Lusk, and himself. That has no bearing on this case, as he is asking for a new application. No one else appeared to speak on this application.

The secretary was then instructed to send a letter to the Town Board regarding their recommendations on the Master Plan, a copy of which will be on file in the Town Clerk's office.

DECISIONS OF THE BOARD:

JOSEPH FREDA was granted a variance to erect a house on lot 85 ft. wide at 650 Beahan Rd. All members voted in the affirmative.

HOWARD WOODWORTH, 3127 Chili Ave., was granted a variance to erect a garage 30 ft. from the front lot line. All members voted in the affirmative.

MELVIN B. MADDOCK, 7 Chestnut Dr., was denied a variance to remodel home into two-family apartment. All members voted in the negative.

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

June Yates, Secretary

ZONING BOARD OF APPEALS

January 27, 1959

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

Mr. Wickins stated there was not a majority of the Zoning Board of Appeals present. He said it has been the practice in the past, and would be tonight, that they will hear the applicants and make decision at a later date when a majority of the Board are present. At that time, they will review the minutes and consider the property in question. If anyone should want to withdraw his application and wait until the next hearing, he would be perfectly free to do so. Speaking as town attorney, Mr. Wickins stated this is legally a correct procedure which has been upheld by a Court of Appeals decision saying this is proper to do. No one wished to withdraw his application until a later date.

Application of Gerald J. Derleth, 3374 Chili Ave., for variance to service lawn mowers, located in B residential zone.

Mr. Derleth appeared, and Mr. Wickins asked where he planned to conduct this business. Mr. Derleth replied in the garage and shed out in back. Mr. Strassner asked if he would have power tools. Mr. Derleth said only some small gasoline engines. Mr. Strassner asked how much parking space there would be, and Mr. Derleth said not too much, he could accommodate four cars. Mr. Strassner asked if the customers would call for things. Mr. Derleth replied that if the variance was granted, he would like to have a pick-up and delivery service within a certain radius of the property. He then amended his application to request a small sign 12 in. by 24 in. on the front lawn. There are neighbors on both sides of the property, Mr. Colvin on one side and Mr. Beach on the other.

A letter to the Zoning Board stating he had no objection to this request was received from Mr. Beach and will be on file in the Town Clerk's office.

Mr. Derleth stated the hours of operation would be approximately from 4:00 P.M. to 8:00 or 8:30 P.M. This would just be on a part-time basis. He is handicapped because of a disc operation and is not capable of doing heavy work. This would be a hobby in the evenings and Saturday. Very seldom on Sunday, only in the case of an emergency.

Mr. Strassner asked if anyone was in favor of this application.

The following people voted in favor:

Mr. and Mrs. Charles Loomis, 3370 Chili Ave.

Mr. and Mrs. Kenneth Dennis, 3379 Chili Ave.

Mr. Robert Haver, 3390 Chili Ave.

Mr. Strassner asked if anyone objected.

Mr. Ronald Downs of the Chili Trading Post, said that if this was allowed to go through, it would be showing precedent. It would be waiving the people's rights to allow that property to be zoned commercial.

Mr. Loomis then said he didn't think this was any concern of the Chili Trading Post. The neighbors know the condition of Mr. Derleth. He was laid off last year for some time and couldn't do hard labor. Mr. Downs doesn't know the conditions.

Mr. Downs replied that although he has only moved here for the past five months, he is a resident of the town. If any Tom, Dick, or Harry wanted to make his property commercial, that should concern the people in any area of the town. The people don't want that sort of condition.

Mr. Wickins then stated it has been the policy of the Zoning Board of Appeals on any application to listen to any resident of the Town of Chili.

No one else appeared to speak on this application.

Application of Salvatore Latragna, 3196 Chili Ave., for variance to operate garage and salesroom, in E residential zone.

Mr. Latragna stated this is the building where the garage was originally. Mr. Wickins inquired about his variance for woodworking and Mr. Latragna replied the business has fallen apart and is not as big as he had expected. However, he would still want to do woodworking. He has a party who wants to rent the first building on the east as a garage for repairs and as a salesroom. Mr. Wickins asked if this would be back to the same use as it was years ago, and Mr. Latragna replied yes. The buildings were built for that kind of business. He then asked if there was any way he could get the property made commercial or industrial. Taxes have to be paid on it, and he has had chances to rent it before this.

Mr. Wickins replied a Master Plan is being prepared for the town, but is not adopted yet. There will be a hearing very shortly, in about 6 weeks more or less. The Town Board is getting a sufficient number of the plans printed to make them available to the town. When the Master Plan is adopted, the town will be re-zoned. If Mr. Latragna thinks his property should be zoned commercial, he should appear at that hearing. There is nothing the Zoning Board of Appeals can do.

Charles McCall, 3202 Chili Ave., voted in favor of this application, with one request. In the past waste oil was dumped in the back which would run into his yard, and he would dislike that happening again. Outside of that, he would have no objection to this garage. Mr. Latragna said that would not happen. The garage would be open until about 9:00 P.M. or 10:00 P.M.

Mr. Lusk asked how many pumps there would be. Mr. Latragna said there was a possibility of four, one on each end of the building and two in the middle. There wouldn't be room to drive between the pumps and the building.

Mr. Howard Whelpton, 3187 Chili Ave., voted in favor of this request and said he would like to see that business moving.

Michael Truisi, 3270 Chili Ave., voted in favor and asked the location of the imaginary line between residential and commercial property.

Mr. Wickins replied this is not an imaginary line, and Mr. Truisi could come to the Town Office any day and look at the town zoning map which would show him all the residential, commercial, and industrial properties.

There was then some discussion as to the location of the center of Chili Ave., and Mr. Strassner said that had nothing to do with the Zoning Board of Appeals.

No one else appeared to speak on this application.

Application of Charles W. Lortscher, 412 Ballantyne Rd., for variance to operate dog kennel, in a residential zone.

Mr. Lortscher appeared, and Mr. Wickins asked what type of kennels these would be, and how many dogs there would be. Mr. Lortscher replied the dogs would be English bulls and pugs. The number of dogs would vary, sometimes 15 or 20, sometimes less.

Mr. Wickins asked what type of building would be used for the kennels. Mr. Lortscher replied the building is already erected, and there would be 22 kennels. He converted a cottage over down on Black Creek. This application was requested by Charles Lortscher, Jr.

Mr. Lusk stated Mr. Lortscher was changing the use of a building from one use to another. In order to do this, a variance would have to be obtained. Mr. Lortscher then amended his application to request this variance.

Mr. Wickins asked if he would be boarding dogs, or just raising them for sale. Mr. Lortscher said he would sell the dogs. This property is right on Black Creek. The cottage formerly belonged to Attorney Clay, and the property belonged to his father. He bought the cottage from Mr. Clay and is buying the property for himself.

Mr. Strassner then asked if there were any objections to this request. Edward Gould of Hubbard Dr. asked if this party was any relation to the Lortscher who was convicted in the Court of Chili on an animal cruelty basis. Mr. Wickins replied that has no part of this application. Mr. Gould said he objected to the variance on that basis.

Herbert Schmidt, Jr., 367 Archer Rd., objected to the variance because of former experience with the Lortschers with cattle and horses. He wanted to know if Mr. Lortscher would keep the dogs housed as he claimed. Mr. Wickins asked if his objection was based on the fact that animals previously located there were not properly taken care of, and Mr. Schmidt replied yes.

Richard Decker, 170 Brook Rd., said a person can't be condemned for his father's actions. If Mr. Lortscher should start a kennel, it should be inspected at some unknown time. Mr. Decker had no objection if the kennels and the animals were taken care of.

Mr. Pfenninger asked if there were dogs there now. Mr. Lortscher replied there were 5 there now. Mr. Pfenninger said he got in business before a variance was granted.

Mr. Lortscher said he didn't think he should be condemned on his father's past performance. His father has no control over dogs. He hired help, and he had no control over what the help did with the cattle. He wasn't even in the city at the time the alleged things happened.

Mr. Wickins stated they were not talking about Mr. Lortscher Sr. Mr. Lortscher said he has raised dogs and has been registered in "Dog World" for a long time. He has been given good reviews for raising this breed. He raised a black pug female noted as one of the best in America today.

No one else appeared to speak on this application.

Mr. Wickins then announced that there was one other application, that of Roberts Wesleyan College, North Chili, for variance to use quonset buildings on campus as temporary headquarters for office space and installation of molding machines, in a residential zone. The applicants had called and said that, because of another meeting, they would not be present at the public hearing until 8:30 P.M. or 8:45. Mr. Wickins said the people present were welcome to wait if they so desired. The Zoning Board would adjourn until the applicants for this variance appeared.

When the representatives of Roberts Wesleyan College and Chili Plastics appeared, Mr. Wickins stated there was not a majority of the zoning Board present, but they would hear the applicants and make a decision at a later date when a majority of the Board were present. He said this procedure had been upheld by a Court of appeals decision.

Application of Roberts Wesleyan College, North Chili, for variance to use quonset buildings on campus as temporary headquarters for office space and installation of molding machines, in a residential zone.

Martin Brandt, Business Manager and Treasurer of Roberts Wesleyan College, stated that on Sunday morning at 4:00 A.M. there was a fire and Chili Plastics went up in smoke, leaving about 106 students out of jobs. Some thought they would have to go home. Mr. Voller, President of the college, the Dean of Academic Affairs, the Director of public relations, and Mr. Brandt met with officials of Chili Plastics and talked the situation over. The college decided it would like to offer Chili Plastics the privilege of using quonset huts, which they had got from Canandaigua and constructed on the campus for recreation and student business, for offices and to put in machines temporarily. On the Monday following the fire, a new machine was delivered at a saving of several thousand dollars which might have been in the fire. The college is making this gesture so that Chili Plastics can continue business. They have a sizable amount of orders. The College board of Directors has agreed to re-build, and Monday two Butler buildings, a total of 80 ft. by 120 ft., will be delivered on the site. It was thought that in about three weeks Chili Plastics would be housed in Butler type buildings. Dow Chemical have shipped enough installation free of charge, the only cost being the freight, a \$4,000 gift.

Mr. Wickins asked approximately how long they would want this temporary variance. Mr. Brandt replied 3 months would be a safe estimate.

Mr. Strassner asked how close the quonset huts were to other buildings. Mr. Brandt said 70 ft. to 80 ft. from the science building. They are two huts about 10 ft. apart and connected. Mr. Strassner asked if there were any other residences near. Mr. Brandt said over on Orchard St. about 600 ft. away. The barracks building for single students and some apartments would be 500 ft. away. The students would not be allowed in these quonset huts, only those working. These buildings are actually students offices, etc., but they met and voted unanimously to take their affairs out of these buildings and let Chili Plastics use them in this emergency.

Mr. Strassner asked if there was any chance of a re-occurrence of the fire. Mr. Voller, president of the college, replied there is a night watchman on patrol all night long within the campus. There are regular checking spots. The outside of the buildings is metal. They are taking every safeguard possible, and they feel satisfied.

Mr. Roth, the Fire Marshal, asked how many machines would be in these buildings. Mr. Voller replied three at the most. Mr. Roth said they are not supposed to have more than 1/2 day's material for work in the building at any time. Mr. Wickins said this is a temporary variance for three months, and the college and Chili Plastics would follow any recommendations of the Fire Marshal. Mr. Roth said there are trailer parks and barracks there. Mr. Brandt told Mr. Roth he had charts ready for him to use in the event excavation was necessary.

Mr. Gould voted in favor of the variance, and asked what would happen if at the end of three months something had happened so the new buildings weren't completed. Would they have to apply again?

Mr. Wickins replied yes, if the variance is granted. That is their reason for asking for three months, as they feel they can do it in six weeks. Mr. Gould said if this is granted, it would allow light industrial in a residential area. As long as there is a time limit, he voted very much in favor of it.

No one appeared in objection to this application.

Mr. Wickins stated that if the variance is granted, any requirements of the Fire Marshal and the building inspector would have to be complied with.

Michael Truisci asked if Chili Plastics would have to apply again for their new buildings. Mr. Wickins said that is in the town of Ogden. Mr. Voller said the buildings they plan to put up are on the same site in Ogden.

ZONING BOARD OF APPEALS

February 6, 1959

The meeting was called to order, and roll was called with the following members present: Charles Pfenninger, Cornelius Strassner, and the Chairman, Bernard Entress.

At this time, decisions were made on applications of the meeting of January 27, 1959, at which a quorum of the Board were not present. The secretary read the minutes of that meeting, and the following decisions were made:

ROBERTS WESLEYAN COLLEGE was granted a variance to use quonset buildings on campus as temporary headquarters for office space and installation of molding machines for a period of three months. All members voted in the affirmative.

SALVATORE LATRAGNA was granted a variance to convert building at 3196 Chili Ave. to garage and sales room. Gasoline pumps are to be installed under the direction and control of the Building Inspector. Waste oil is to be disposed of in a proper manner. All members voted in the affirmative.

CHARLES W. LORTSCHER JR. was granted a variance to operate a dog kennel at 412 Ballantyne Rd. for a period of one (1) year. All members voted in the affirmative.

GERALD J. DERLETH was denied application for variance to service lawn mowers at 3374 Chili Ave. All members voted in the negative.

June Yates, Secretary

ZONING BOARD OF APPEALS

March 3, 1959

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

Application of John Scharf, 3431 Union St., for variance to operate kennel located in a residential zone.

Mr. Scharf appeared and stated he is operating on a variance now, but the permit has expired.

Mr. Wickins asked if there was any change in the situation since the last time he appeared before the Board, and Mr. Scharf replied no.

Mr. Entress asked how many dogs he has, and Mr. Scharf said right now he has two, but he may have four. The dogs are housed in the back of the barn on the rear of the property. He didn't think there had been any complaint from the neighbors, and some of them don't even know he has the dogs.

No one appeared to speak on this application, for or against.

Mr. Scharf stated he would like to ask for the variance to be granted for five years instead of two years, as they have to call an extra meeting every two years. He said he knew there won't be any trouble, but he would like the variance for five years. Mr. Entress said the Board would consider his request.

Application of Walter Andreas, 3274 Buffalo Rd., for variance to erect frozen custard stand on lot located at the corner of Buffalo Rd. and Union St. 75 ft. setback from Buffalo Rd., and for removal of a sign located on the southwest corner of existing building known as Hilltop Dairy Bar, sign to be moved 90 ft. to the west on Buffalo Rd., located in B commercial zone.

Mr. Andreas presented plans including a plot map showing location of existing building and proposed new structure. Also with Mr. Andreas was William Kelly, attorney.

Mr. Andreas said this property is Oliver Perry's and is next to the shopping center. He would like to move the sign which now sits on a pole in the front of the existing building. A variance was granted for the sign which is neon, about 6 ft. by 10 ft. - 12 ft. The existing building will still be used.

Mr. Entress asked in relation to the new stand where the sign would be. Mr. Andreas replied directly in front of it, as near to the road as possible. In this location it could be viewed from all directions, whereas in its present location this is impossible. There is plenty of parking area now around the present building, and there would be ample parking area around the proposed building, which would be eventually black-topped. About 100 ft. back of the building would be used as parking area.

Mr. Entress asked if he had any set distance from the street property line he would desire the sign. Mr. Andreas replied he would like to keep it out as far as it is now. Mr. Strassner asked if he would mind having the sign where the road commissioner would like it, and Mr. Andreas said no, not at all, so long as it could be well seen from Buffalo Rd. whatever the Board should say. However, if it was set back too far, it would be right in the middle of the parking lot.

Mr. Entress asked how far the proposed building would be from the existing building. Mr. Andreas replied the lot is approximately 223 ft. wide, and there would be more than 100 ft. between the two buildings.

Mr. Ed Gould voted in favor of this application.

Mr. Kelly stated he would like to point out one thing and draw it to Mr. Wickins' attention that on this plan they show the proposed custard stand as being on an 80 ft. lot for the reason that any lease they might negotiate in this particular piece ^{they} might have to arrange for an option to buy the parcel.

Mr. Wickins then inquired if they were asking to erect this building on an 80 ft. lot. Mr. Kelly replied yes, if they have to re-apply for that purpose, they would have to do so.

Mr. Wickins stated he thought they would have to re-apply as the application as advertised in the paper was not worded right. It would be illegal for the Board to act without its being set forth properly.

No one else appeared to speak on this application.

Application of Anthony Palumbo, 11 Elgin St., for variance to erect a house on lot #5 Maureen Dr., said lot being less than 90 ft. in width at front building line, located in E residential zone.

Mr. Palumbo presented a map showing five lots on Maureen Dr. around a turn-around. He said he is building a smaller house and would have more than a 60 ft. front line setback and would not be in violation of the side line setbacks required. The lot is 89 ft. plus at the building line and he is lacking less than 1 ft. to meeting the zoning ordinance. All the rest of the lots are built on, #5 is the only one left.

John Boychek, 27 Chestnut ridge Rd., said that would be coming right to his property almost. The park in the back between Chili Ave. and Chestnut ridge Rd. belongs to Mr. Reynolds. He asked if Mr. Palumbo's lot did not meet the specifications to build. Mr. Wickins said it was lacking less than ~~xxx~~ 1 ft. Mr. Boychek said he would rather have a home in there instead of weeds, and sand, and problems. Mr. Reynolds does not take care of his property. If this man builds, it would clear up a certain amount of the situation. He voted in favor of this application.

Application of Mrs. Charles Mannix, 711 Marshall Rd., for variance to add 3 ft. by 3 ft. addition to existing garage, 7 ft. from south side lot line, in E residential zone.

Mrs. Mannix presented a sketch of proposed addition, also a letter signed by Mr. and Mrs. F. List, 713 Marshall Rd., stating they are in favor of this application. This will be on file in the Town Clerk's office.

Mrs. Mannix explained this addition will extend the garage 3 ft. in width and 3 ft. in depth. The only variance needed is a side line setback. Mr. and Mrs. List are the next door neighbors involved. Mr. Entress said their side line setback must be about 15 ft. or 16 ft., as they have no garage. Mrs. Mannix said her side line setback is at present 10 ft, if the variance is granted it will be 7 ft. The garage would not extend any further than the existing building line, in the front. They will just move the garage door to center it.

No one appeared to speak on this application.

DECISIONS OF THE BOARD:

JOHN SCHARF, 3431 Union St., was granted a renewal to operate a kennel located in a residential zone. All members voted in the affirmative. This renewal was granted for a period of two (2) years.

WALTER ANDREAS, 3274 Buffalo Rd., was granted variance to erect frozen custard stand on lot located at the corner of Buffalo Rd. and Union St. 75 ft. setback from Buffalo Rd., as per ^{application} plans presented. Variance also granted to relocate sign on the southwest corner of existing building known as Hilltop Dairy Bar, sign to be moved ^{90 ft. to west} no closer than 30 ft. from the front property line. Bottom of the sign is to be a minimum of 6 ft. off the ground. All members voted in the affirmative.

ANTHONY PALUMBO was granted a variance to erect a house on lot #5 Maureen Dr. said lot being less than 90 ft. in width at front building line. All members voted in the affirmative.

MRS. CHARLES MANNIX was granted a variance to add 3 ft. by 3 ft. addition to existing garage at 711 Marshall Rd., 7 ft. from the south side lot line, as per plans presented. All members voted in the affirmative.

June Yates, Secretary

ZONING BOARD OF APPEALS

April 7, 1959

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

Application of Nicola Girolamo, 4 Tarrytown Dr., for variance to erect garage 8 ft. to north side lot line.

Mr. Girolamo presented a sketch and stated the garage would be 12 ft. by 24 ft. and attached to the house. Mr. Strassner how close the neighbor would be. Mr. Girolamo replied there is an empty lot on the south side. on the north side, where the garage would be located, the neighbor is perhaps 15 ft. or 20 ft. from his property.

No one appeared to speak on this application.

Application of Peter Trenton for variance to erect house on lot 1 Brookview Subdivision, said lot being 77.83 ft. in width, in E residential zone.

Mr. Trenton presented a plan of proposed house, which would be 10 ft. from the side lot line. He spoke about tract restrictions, but Mr. Wickins said that has nothing to do with the Zoning Board.

Mr. Trenton said the house would be at least 60 ft. from the front lot line. He only requires a variance because the lot is too small.

No one appeared to speak on this application.

Application of Albert Gerwicks, 60 Toni Terr., for variance to erect house and attached garage 8 ft. to north side lot line.

Mr. Gerwicks presented a map and said a mistake was made when the lot was laid out. He has 20 ft. on one side and 8 ft. on the other. The house is already built. The lot is 97 ft. wide, also the lot adjoining. He owns the vacant lot next door so that if it were built on, the house could be kept far enough away from his present house. This is not a corner lot.

No one appeared to speak on this application.

Application of Francis R. Tracy for variance to install gasoline pump on lot 126 Black Creek Rd., located in D residential zone.

Mr. Tracy presented a sketch. He stated the pump would be put in near the creek, and be used just for motor boats, not for autos. The tank would not be more than 500 gallons and would be buried.

Mr. Entress asked about the sale of gas to automobiles. Mr. Tracy replied this is white gas, and the pump would be restricted to boats at the present time. If there should be a change, he would come over again.

Mr. Wickins asked if he would place the pump any place the Building Inspector felt it should be, and Mr. Tracy replied yes. His present plans are for about 125 ft. from the road.

No one appeared to speak on this application.

Application of Theophil Brauch, 551 Paul Rd., for variance to erect 8 ft. by 12 ft. utility building, located in E residential zone.

Mrs. Brauch presented a sketch of the proposed building and said this would be in connection with the swimming pool, which is already built.

Mr. Strassner asked what it would be used for. Mrs. Brauch replied for a dressing room mostly, and to house the motor for the filter. The pool is not yet fenced in, but they have the fencing. This building will be outside the fence.

No one appeared to speak on this application.

Application of Louis J. Ackerman, 1280 Scottsville Rd., for variance to operate used car lot 35 ft. from front lot line, 20 ft. from rear lot line, in A industrial zone.

Mr. Ackerman presented a sketch. Mr. Strassner asked if this would extend as far as the street in the rear, and Mr. Ackerman said no. He wants to build the car lot out in front so that it can be seen by cars coming down the road. He would like to park the cars up to 35 ft. from the front lot line, otherwise he would be blocked by the gas station. He would just use the building which is on there, which was Pauline's Gift Shop. This would be used as an office or maybe to pull off fenders inside the building. There would be no outside repair work, all repairs within the building. There would be no rubbish outside.

Mr. Wickins asked if he would want some lights. Mr. Ackerman said there are lights on the building, and he would want to put in a string of lights. He also amended his application to asked for a sign approximately 10 ft. high and about 12 ft. by 15 ft, which is the present sign. Mr. Lusk said the sign was now about 8 ft. by 12 ft.

Mr. Strassner asked how many cars there would be. Mr. Ackerman replied about 10. There would be no junk.

Mr. Wickins said the variance asked for only 40 ft. frontage and asked if he wanted more, and if so how much. Mr. Ackerman replied that about 100 ft. would be better.

No one appeared to speak on this application.

Application of Charles W. Lortscher, Jr., 412 Ballantyne Rd., for variance to erect 50 ft. by 16 ft. dog kennel in a residential zone.

Mr. Lortscher said this would be down on Black Creek adjoining the kennel that he already has. The present place is not adequate and he would like a larger space. This would be a kennel and runway. He has already taken a cottage which was there and turned it into a kennel, but it is not going to work. He doesn't have the exercise run for the dogs. The location is about 1/4 mile in from Ballantyne Rd. The 50 ft. by 16 ft. would be the size of the building, with 4 ft. by 8 ft. runs on both sides.

Herbert Schmidt Jr., 367 Archer Rd. asked when Mr. Lortscher got permission to have the dog kennel. Mr. Wickins replied January 27, 1959. Mr. Schmidt said he thought there were objections at that time. He asked if Mr. Lortscher was going to give the dogs better protection than the cows had. Mr. Wickins replied that had nothing to do with this request. Mr. Schmidt then asked if Mr. Lortscher would keep the dogs on his own place and not let them run all over. Mr. Wickins replied there was such a restriction in the variance granted. Mr. Schmidt said he didn't know he had a dog kennel back there. At the hearing in January people were opposed to this, he was opposed at that time. According to the letter he received in the mail, Mr. Lortscher wants to erect a dog kennel 50 ft. by 16 ft.

Mr. Wickins replied he has a dog kennel, and this is an additional building to that dog kennel, also runs to keep the dogs confined. The variance that was granted was granted for one year. At the end of that time, Mr. Lortscher has to come back before the board. If he has not lived up to the conditions set forth by the board, they don't, as a rule, renew the variance.

Mr. Buckman, 550 Ballantyne Rd., asked if the dogs would be kept quiet. There has been barking that has disturbed them. He lives possibly 1/2 mile away, and his land joins Lortscher's land. He objected to this request.

Mr. Buckman's father of the same address also objected to this request for the same reason.

No one appeared to speak in favor of this application.

Mr. Lusk asked Mr. Lortscher asked how large his lot is and where it is located. Mr. Lortscher replied this is a separate piece of land, he himself owns 6 acres.

Application of Sterling Peckham, 7 Miller Drive, for variance to erect radio tower 1 ft. in width by 100 ft. in height, 75 ft. from front lot line, 65 ft. to rear lot line, in D zone.

Mr. Peckham presented a sketch showing the location of the tower on his property. There are two lots owned by his father, each lot 66 ft. wide, 140 ft. deep. The tower would be 75 ft. back from the front lot line and would be used for Civil Air Patrol and Civil Defense work. He is just going to use it for himself and only for this purpose. The guy wires would be 15 ft. from the front lot line, made of steel. There would be three guys in sort of a tripod location. There would be about three guys at each of the three locations, coming from separate anchors. The tower would withstand 100-150 mph winds.

Mr. Wickins asked if this would interfere with television or radio. Mr. Peckham replied no, he is using one now on top of the house. It is a different frequency.

Mr. Entress asked if there would be any chance of children running into the wires or trying to climb them. Mr. Peckham replied if there was, he would be willing to put a fence around them, a four foot wire fence around each of the guys. This is licensed under the U. S. Air Force Auxiliary, the Civil Air Patrol.

No one appeared to speak on this application.

Application of James Travers and Mrs. Neil Barton for a variance to erect and operate a pre-cast concrete plant on a plot of land located on Union St., said plot of land fronting approximately 575 ft. on west side of Union St., and being approximately 1,000 ft. in depth. Said plot of land being adjacent to the northerly line of the West Shore Branch of the New York Central Railroad and to be taken from a farm now owned by Mrs. Neil Barton at 1476 Davis Rd.

Mr. Travers presented plans and a drawing of the proposed building. He said this is the type of thing used in building the addition to the fire house at the corner of Chestnut Dr. and Chilli Ave. The building is one-story, 100 ft. long and 73 ft. deep. They do not manufacture blocks. The blocks are brought in and then assembled.

Richard Tanner, 3555 Union St., asked if this would be done outside. Mr. Travers replied no. The plot of land is about 10 acres, with about 575 ft. fronting on Union St. The plant will not use the whole frontage. Storage would be a minimum of 180 ft. off Union St., nothing stored in front of the building.

Mr. Wickins asked if being back 100 ft., any storage and parking of trucks would be in back of the building, and Mr. Travers said yes. In line with modern development, it is best to move back. Appearance sells the product also. There would be a dust collector on top of the building, as dust is their enemy. The product has to be dust-free before it can be used.

Mr. Entress asked if this would be a 24-hour operation. Mr. Travers replied no. They should average out to be 8 hours. They hope to see a two-shift operation. This would be no noisier than a gas station. This type of grinding is not more than a dull hum. They get the block from the plant. This is light-weight concrete. This is ground on both sides and then compressed under pneumatic pressure. There would be kilns, probably heated by oil. If and when the sewers go through, they would tap into them.

Mr. Strassner asked if there would be any parking in the front for employees. Mr. Travers said they would try to keep out in front in the driveway. Any loading or unloading would be done in the rear. They take the planks off the kilns and set them as close as possible to where they can be loaded on the trucks. There is a siding there now, and they are interested in this particular plot because someday they might need it. This is a new situation and has nothing to do with any block plant in town now. It is an entirely new operation and new ownership. Mr. Entress asked if they were connected with Schaeffer Bros., and Mr. Travers replied no, they have not manufactured this for 8 or 9 years. They will not manufacture any tile. That requires a pretty big sized operation. This is an entirely different operation and is much more attractive. Mr. Entress asked if it does make noise, and Mr. Travers said yes, it does.

Mr. Tanner then asked if this property is zoned residential or commercial. Mr. Wickins replied it is residential now, but in the proposed master plan under consideration, it is a section that is recommended to be industrial.

Mr. Entress asked if this land is north of the railroad. Mr. Travers replied yes, it is north of the railroad and west of Union St. There is approximately 550 ft. between the railroad and the first house to the north. The plant is located more toward the south than toward the north, approximately 200 ft. from the railroad. Mr. Strassner inquired about a sign, and Mr. Travers said they would probably have a masonry sign about 3 ft. high on the lawn. Mr. Wickins asked if he would like to amend the application to include the sign, but Mr. Travers said he would rather wait as he hasn't really considered it yet.

Mr. Entress asked how many employees there would be. Mr. Travers said at least 5, if things go good there will be 15 exclusive of erection crews.

They hadn't thought of bringing an office out here, as it is so far out. It might be different when the throughway goes through. At present, they are renting office space downtown. They are actually saving 200 ft. of the property for an office.

No one appeared to speak on this application.

Application of John Syracuse, 2713 Chili Ave., for variance to erect and operate warehouse and sell power equipment on north side of Paul Rd., in A industrial zone.

Thomas White, attorney, 706 Wilder Bldg., appeared to represent Mr. Syracuse.

Mr. White presented maps and stated he didn't know whether the official notice gave everything. This is a request to erect this concrete building on the area, part of 13 acres of land, which has been zoned industrial on the north side of Paul Rd. This is property directly across from the sewer district sewage plant. The property runs east down to Black Creek. The purpose of this building is to store and maintain a sales office for the sale of heavy industrial power equipment. There would be dismantling of cranes, shovels, bulldozers, etc. Mr. Syracuse has been in the heavy equipment and contracting business and maintains heavy equipment himself. He has found that within the past few years whenever he needs parts for his equipment, they are not available at once through local supply houses and he has to travel to Ohio, Pennsylvania, Maine, etc. to pick up parts. These places maintain the same type of operation. Proximity to the airport makes it a wise business venture in that prospective purchasers can come into the airport and be at his place in a few minutes, see what he has in stock, buy what they need, and get out of the city. In order to store these parts that he would salvage, he would have to have an area to dismantle in back of the building. He found out from the building inspector the setback here is 100 ft. because of the possibility of widening Paul Rd. That would give this building sufficient setback. Mr. White then stated he or Mr. Syracuse would be glad to answer any questions.

Mr. Wickins asked where the dismantling would take place. Mr. white replied behind the building or in the area in the back. There is a low grade to the creek 300 ft. in depth, so there is more land available. Dismantling would not take place in the front as this would make an unsightly area. He doesn't intend to maintain used equipment. The purpose of this is to bring in the equipment and dismantle it. They would store booms, drums, blades, etc. These would be stored back of the building, nothing in front of the building.

Mr. Entress asked if there would be parking or machinery southeast of the building. Mr. Syracuse replied he has about from 500 to 700 ft. in the rear of the property. It is very low there, but he would still have maybe 250 ft. to 300 ft. or 350 ft. to 400 ft. before he hit the creek.

Mr. Entress asked if he was planning on confining his operation to the 200 ft. by 300 ft. plot laid out on the map. Mr. Syracuse replied yes, as far as this operation is concerned. There is additional space in the back if necessary. At not more than 300 ft. back there is a $3\frac{1}{2}$ ft. to 4 ft. drop. There is water there now. Mr. Wickins said the town wouldn't want the type of operation that he had across the road where there were old abandoned buses right on the road. Mr. Syracuse said there wouldn't be anything like that.

Mr. White said all they need is a driveway back 30 ft. wide to get the equipment in the back. enough to go in and turn and use the crane. He then asked Mr. Syracuse if he would be willing to shrub from the front line setback so that the shrubs would block the sight from the road. There would be 55 ft. of shrubbery even with the building, leaving room for a driveway in between.

Mr. Entress asked the height of the building. Mr. Syracuse replied there would be steel trusses on cement block. The side walls will be approximately, then 7 ft. trusses. Not more than 25 ft. height overall.

There was then some discussion as to the height of the shrubbery. Mr. Entress said the board wouldn't go along with seedlings.

Mr. Bubel inquired if a sign would be wanted. Mr. Syracuse he wouldn't want to be in violation of the ordinance and would be glad to put a sign on top of the building. Mr. Wickins replied he would have to have a variance for a sign. Mr. Syracuse said that could be asked for later.

No one appeared to speak on this application.

Mr. Entress said this would be 40 ft. by 100 ft., with a 60 ft. by 40 ft. wing added to the rear.

DECISIONS OF THE BOARD:

NICOLA GIROLAMO, 4 Tarrytown Dr., was granted a variance to erect garage 8 ft. to north side lot line. All members voted in the affirmative.

PETER TRENTON was granted a variance to erect house on lot 1 Brookview Subdivision, said lot being 77.83 ft. in width. All members voted in the affirmative.

ALBERT GERWICKS was granted a variance to erect house and attached garage 8 ft. to north side lot line at 16 Toni Terr. All members voted in the affirmative.

FRANCIS TRACY was granted a variance to install gasoline pump on lot 126 Black Creek Rd., not to be used for the sale of gasoline to automobiles. Pump is to be located under the direction and control of the Building Superintendent. All members voted in the affirmative.

THEOPHIL BRAUCH was granted a variance to erect 8 ft. by 12 ft. utility building at 551 Paul Rd. All members voted in the affirmative.

LOUIS ACKERMAN, 1280 Scottsville Rd., was granted a variance to operate a use car lot 35 ft. from front lot line, 20 ft. from rear lot line, frontage of 100 ft. along Scottsville Rd. Variance granted for a period of three years. Variance also granted to erect 8 ft. by 12 ft. sign 85 ft. from the center of Scottsville Rd. Variance also granted to erect and maintain string of lights to be located 85 ft. from the center of Scottsville Rd. All members voted in the affirmative.

CHARLES LORTSCHER JR., 412 Ballantyne Rd. was denied a variance to erect 50 ft. by 16 ft. dog kennel. Members voted as follows: Mr. Pfenninger - no, Mr. Bubel - no; Mr. Beeman - no; Mr. Strassner - no; Mr. Entress - no.

STERLING PECKHAM, 7 Miller Dr., was denied a variance to erect radio tower 1 ft. in width by 100 ft. in height. All members voted in the negative.

JAMES TRAVERS AND MRS. NEIL BARTON were granted a variance to erect and operate a pre-cast concrete plant on a plot of land located on Union St., said plot of land fronting approximately 575 ft. on the west side of Union St. and being approximately 1,000 ft. in depth. Said plot of land being adjacent to the northerly line of the West Shore Branch of the New York Central Railroad and to be taken from a farm now owned by Mrs. Neil Barton at 1476 Davis Rd. The following provisions are required: All unloading, loading and storage to be in the rear; building to be located 100 ft. from the front property line. All members voted in the affirmative.

JOHN SYRACUSA was granted a variance to store and maintain a sales office for the sale of heavy industrial power equipment on the north side of Paul Rd., as per application, with the following provisions: All storage of equipment and parts is to take place at least 100 ft. from the front property line; any dismantling is to take place in the rear of the building. There is to be planted and maintained a cedar hedge, said cedars to be spaced 3 ft. apart and to be at least 6 ft. high at the time of planting. Said cedar hedge to extend from the front of the building easterly to the property line, as shown on plot submitted, with the exception that there can be a driveway through said hedge not to exceed 20 ft. in width. All members voted in the affirmative.

June Yates, Secretary