

ZONING BOARD OF APPEALS

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January 3, 1961

The meeting was called to order, and roll was called with the following members present: Charles Pfenninger, Frank Bubel, Clifford Tomer, and the Chairman, Cornelius Strassner. Also present was the Building Supt., William Davis.

Application of Ben Freedman, for variance to erect sign 24 ft. long by 12 ft. high on west side of Scottsville Rd., south of Paul Rd.

John Mahoney of Rochester Poster Advertising appeared to represent Mr. Freedman, who is the owner of the property.

Mr. Mahoney: I left drawings in the office. However, I have the originals here.

Mr. Strassner: Is this where the dump was?

Mr. Mahoney: Yes. (Presented a plot plan).

Mr. Strassner: Are there signs already in there now?

Mr. Mahoney: Yes. The present sign is facing south. We would like to put one facing north directly behind it. I have here a drawing showing setback, etc., also pictures. This particular sign is for Starkweather Chevrolet Co. of Scottsville. As I understand it, this is an A industrial district. According to the ordinance, posters are only permitted in B district. In view of the fact that currently the property is not used for any purpose, in fact there is no house within 1/2 mile to the south, and the Black Creek Hotel is approximately 1200 ft. north, perhaps the Board might see fit to grant this. The sign would not be lighted. The ones there now are not lighted. The existing sign is 12 ft. from the property line and was put in in 1946, before the ordinance. Actually, the new one would be the same distance from the road. The ordinance calls for 100 ft. setback in commercial and industrial to provide front yard area, which wouldn't apply in this case. The lease with the owner, Mr. Freedman, would be cancelled if this were developed industrially. In the meantime, we would like to add this sign.

Mr. Strassner: This sign wouldn't be too far apart from the other one?

Mr. Mahoney: About 1 ft. from it. It is 12 ft. from the nearest telephone pole.

Mr. Strassner: Your lease with these people automatically ceases if the property is developed?

Mr. Mahoney: Yes. This is just a temporary use. Russell's had it before.

Mr. Tomer: How far from the sign is the nearest house?

Mr. Mahoney: A good 1/2 mile. North of the sign, it is 1200 ft. to the under pass. It is going to be no bother to anybody as far as the neighbors are concerned. Mr. Freedman owns considerable property up there. This is in the airport district. However, there is no increase in height over anything there.

Mr. Strassner: You will have to get that o.k. anyway. It should go to the Airport Authority legally.

Mr. Mahoney then showed pictures as the sign will be approximately.

Mrs. DePascale, 1611 Scottsville Rd.: I have an objection if, coming out of our driveway, this will obstruct our view. The other sign is back farther.

Mr. Strassner: This sign will be parallel with the present one.

Mrs. DePascale: That is o.k. then. I figured if it was closer, it would obstruct our view. I have no objection, then.

No one else appeared to speak on this application.

Application of Albert Armstrong, 32 Ballantyne Rd., for variance to erect house at #6 Black Creek Rd., Lot #106, 40 ft. front line setback, 50 ft. rear line setback.

Mr. and Mrs. Armstrong appeared.

Mr. Armstrong: This lot is on Lester St., not on Black Creek Rd. We have asked to have it changed.

Mr. Strassner: Where is it listed?

Mr. Armstrong: It is listed as Black Creek Rd. on all the records. Also on the map.

Mr. Strassner: How could it be listed there?

Mr. Davis: It was that on the Black Creek lot, which has been re-subdivided.

Mr. Armstrong: The people who once has the property one time bought the house on the corner. The real estate man suggested she buy the other lot and give it to her son. It was listed as two lots. Her address was

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156 Black Creek Rd. When she gave the lot to her son, that lot should have been listed as Lester St.

Mr. Strassner: The Board will make note of that and notify the Town Clerk.

Mrs. Armstrong introduced Mr. Miller of Main Line Homes, who will construct their house.

Mr. Davis: This has definitely got to be on Lester St.

Mrs. Armstrong: We can't have any more waiting on the house, as we have a deadline to meet.

Mr. Armstrong: The lot runs on an angle. The top end is 185 ft. deep and the bottom 88 ft. The front line on Lester St. is 187 ft. The line is north and south. Mr. Crawford has surveyed the property, and made a sketch here one night. I handed it in with the application.

Mr. Strassner: It is not here.

Mr. Armstrong then gave the figures of the lot to the Board, and a sketch was drawn, so that the Board could see the location of the property and the house. The house to the rear of the property sits almost on the rear property line. Mr. Armstrong then requested a map so that he could point out the property to the Board. Mr. Davis got the map.

Mrs. Armstrong: We have to have the house up and be in it by June.

Mr. Armstrong: We want a 2-car garage plus the house. The house will set back 40 ft. from Lester St.

Mr. Miller: The house will be 24.2 ft. wide by 42 ft. long, with a center entrance.

Mr. Armstrong: We want to later put on a patio about 8 ft. wide. The house will be 50 ft. from the rear line, no less than 10 ft. side line.

Mr. Davis: A variance won't be required for the patio if it has no enclosures.

Mr. Strassner: This is in D district.

Mr. Pfenninger: Will there be sewers shortly?

Mr. Strassner: Yes.

Mr. Armstrong: In the meantime, I have to have a leech bed and septic tank to the left of the house, in order to live in it. I rent the house I am in now. I understand it is going to be taken for school property. We have to be out by May.

Mr. Davis: I have been up there.

No one appeared to speak on this application. Mr. Davis then spoke with Mr. Miller regarding building restrictions.

Application of D. D. Davis to operate garage and used car lot at 3780 Chili Ave., in commercial zone. This application had been adjourned since October 4, 1960.

Mr. Carver appeared as attorney for Mr. Davis.

Mr. Carver: We appeared here first hearing on October 4, 1960. This was adjourned until a later date and again adjourned. The question brought up was the fact that Mr. Davis had not prepared a sketch map with distances. We are applying for continued use of property at the corner of Chili Ave. and Union St. for a garage and used car sales. We presented to the Board, although I think we kept them, the various signatures for adjacent property owners which actually covered the whole area. We brought tonight Mr. Tannis, who is in occupancy of the premises and using it. I have prepared a map which shows the distances we were talking about. Looking first at Chili Ave., these distances to the wall of the building are figured from the center line of Chili Ave., assuming that Chili Ave. is a 4-rod road. 56 ft. to the corner of the building, that would be the northeast corner. Then it goes further down to 64 ft., and on the Union St. side, to the center of the road, assuming a 4-rod road, 57 ft. That means on Chili Ave. at the narrowest point, which is the corner of the building, the distance of 23 ft. from the property line, taking off 33 ft. from the line of the road to the building. Further up, within the length of the building, the distance which is 34 ft. wide, it becomes 31 ft. instead of 23 ft. Over on Union St., there is a difference in figures of 1 ft., making it 24 ft. Assuming the pavement is approximately 22 ft. wide, and 66 ft. right-of-way, 42 ft. divided by 2 is 22 ft. left from the pavement section of the road to the actual road line; at the narrowest line with 23 ft. it would mean 45 ft. off the paved part of the road. He is asking for a permit to park cars within a space of 20 ft. from the building on both Chili Ave. and Union St. On Chili Ave. 3 ft. to the property and 25 ft. off the pavement. This would leave a distance of 4 ft. on Union St. plus the distance not covered with pavement.

D. D. Davis: I think the paved part of Union St. is 20 ft.

Mr. Pfenninger: I think so.

Mr. Carver: Then you should have 28 ft. from the pavement.

Mr. Pfenninger: You want to back these cars in, don't you?

Mr. Davis: Yes.

Mr. Strassner: How long is the property on Union St.?

Mr. Davis: About 150 ft. on Union St. In from the center.

Mr. Strassner: That is off 33 ft. then.

Mr. Davis: About 127 ft. then.

Mr. Strassner: How much property line on Chili Ave.?

Mr. Davis: It runs at an angle. About the same. I own the adjoining property there.

Mr. Strassner: Is that property commercial also?

Mr. Davis: Yes.

Bldg. Supt.: I am pretty sure it is. I will check it.

Mr. Pfenninger: Will you use this adjoining lot to park cars?

Mr. Davis: I want to get it while I am getting it. I bought that to expand there. I figured we would move the house back sometime in the future.

Mr. Strassner: How much property have you between the building and your west line?

Mr. Davis: 66 ft.

Mr. Strassner: How much between the north side of the building and the line?

Mr. Davis: 60 ft. and it runs back and then this jog about 300 ft. from the center of Chili Ave.

Mr. Pfenninger: How deep is the lot north of you?

Mr. Davis: I sold that off. That would be the same width.

Mr. Pfenninger: That gives you quite a width back of that house.

Mr. Davis: 66 ft. Goes up to Weidner's. The school goes back halfway on our lot.

Mr. Carver: Figures out 150 ft. line on the corner property. Mr. Menihan, District Supt. of Highways, has no objection. These cars would in no way interfere with the traffic or obstruct the view. I don't imagine any big vans would be parked there.

Mr. Pfenninger: You wouldn't park out any further than the cement posts?

Mr. Strassner: Would there be any objection to not parking any cars out from the corner of the building?

Mr. Tannis: Cement posts in there now. Couldn't park there anyway.

Mr. Davis: No objection.

Mr. Strassner: You could corner it off. State put cement posts out from the corner of the building on Chili Ave. and Union St. How long is a car? About 18 ft.? You've got 31 ft. from the front to the edge of the road.

Mr. Carver: 23 ft. to the road right-of-way and 22 ft. more. I don't think you can really look at just the width of a car either. Experience tells us you're not going to park a car glove tight.

Mr. Strassner: We don't want them out on the road. In our past experience we have granted distances and they go actually out on the road. We are looking at a possible situation.

Mr. Carver: We have talked about this thing on the corner. Upon Chili Ave. it drops back to 64 ft. so that is no problem. Any problem is right on the corner. What distance do you think widest to park a car?

Mr. Davis: We lay out 8 ft. for parking space.

There was more discussion as to the length and width of cars and the parking space available.

Mr. Tomer: Are you going to use all the area back on the west side for parking?

Mr. Davis: I would like to use the front part of it up along that fence which runs parallel there. I would like to amend my application and include it in there. It is all part of our property.

Mr. Tomer: I don't see how you can amend it. How does the application read?

Secretary then read the application, which did not include this property

Mr. Tomer: There is a house on the other side of this?

Mr. Davis: There is a house number. ~~xxxxxxx~~ We own all the property there. The back end of the property is used.

Mr. Strassner: We can only work on the application you come in on. This is listed as a separate piece of property. You've got the front fenced off, which is part of your property now. This has never been combined?

Mr. Davis: No.

Mr. Strassner: We can't act on that then.

Mr. Davis: That piece of property only runs back to the back end of the building. We would not put cars in back of the fence. We park in

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front of the fence.

Mr. Strassner: The front actually belongs to the adjoining property?

Mr. Davis: Yes.

Mr. Strassner: I don't see how we can act then.

Mr. Davis: Disregard it then. This is all leased to Mr. Tannis.

I think the occupancy would be more to go by. I took a piece off the other property and leased it to the building. It has been consolidated but not deeded. But it is used with the driveway and leased as part of the property. It is all in commercial zone, the whole thing.

Mr. Carver: To actually come down to the legal point of view, we haven't asked for any variance, if it is necessary, merely asked, as the application stands, to park cars on Union St. and Chili Ave. in front of the garage, with the exception of the corner, and the piece in back. Then, if it becomes necessary, we can go ahead and ask for a variance on that piece adjoining. We have got to keep within the legal framework at all times.

Mr. Strassner: Is there anyone here in objection to or in favor of this application?

No one appeared.

Mr. Carver: I would like to present this petition signed by neighbors in favor of this.

Mr. Strassner: Will there be any dismantling of cars?

Mr. Davis: No junking or dismantling.

Mr. Tannis: I do car repair work inside of the garage.

Mr. Strassner: Are you going to advertise this is a repair garage?

Mr. Tannis: No, not necessary.

Mr. Davis: We have been operating there 4 months now, and apparently there is no objection to it. We have all the neighbors but two on the petition in favor. These two are Mr. Feeley, across the road, and Mr. Carver second house from the garage. Mr. Goodberlet is the first house. You should keep in mind this is going to be quite a commercial center with the Western expressway interchange within 500 ft. of the place.

#### DECISIONS OF THE BOARD:

ALBERT ARMSTRONG, 32 Ballantyne Rd., granted a variance to erect house on lot #106 of Ballantyne Tract 40 ft. from the front lot line, 50 ft. from rear lot line. All members voted in favor.

BEN FREEDMAN granted variance to erect sign 24 ft. long by 12 ft. high on west side of Scottsville Rd., south of Paul Rd., as per plans presented. All members voted in affirmative.

D. D. DAVIS granted variance to operate garage and used car lot at 3780 Chili Ave., provided no used cars are parked on the south side between the building line and Chili Ave., and no used cars parked on the east side of the building from the north line of the building to Chili Ave. Any used cars parked north of the building line must be parked no closer than 15 ft. from the road right-of-way on Union St. No dismantling of cars, and no repair work on the used cars outside the building. All members voted in the affirmative.

June Yates, Secretary

ZONING BOARD OF APPEALS

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February 7, 1961

The meeting was called to order, and roll was called with the following members present: Clifford Tomer, Frank Subel, Charles Pfenninger, and the Chairman, Cornelius Strassner.

Application of Charles Robinson, 1173 Westside Dr., for variance to renew kennel license, in R residential zone.

Mr. Robinson appeared and stated he would like his kennel license renewed for another year. Mr. Strassner asked if this would be under the same conditions as set down by the Zoning Board the last time the variance was granted, and Mr. Robinson replied yes, there would be no change.

No one appeared to speak on this application.

Application of Thomas Buttarazzi, 10 Adela Circle, for variance to erect houses on lots A, R-6, R-5 Adela Circle, 30 ft. from front lot line, 8 ft. from side lot line, R-5 15 ft. from rear lot line, R residential zone.

Mr. Buttarazzi appeared with his son and presented a map of the property.

Mr. Buttarazzi Jr.: All the houses on Adela Circle have been granted a 45 ft. setback. The house on lot R-5 would line up with the other houses. Two lots of 80 ft. each were facing north on Adela. There was 66 ft. in the back of the school, which was in the rear of the property, so we turned the lots around so that we would get another lot. Also the sewer line will go right in front of the lots now, where the other way, the new road would have to be torn up and also the lots. The lots across the street are 80 ft. wide and about 160 ft. deep. The houses are 30 ft. setback also. Lot R-5, a corner lot, will setback 45 ft. facing north, the other two will face east. The school is set back 30 ft. also. The house on the opposite corner got a variance for 15 ft. rear line setback. That couldn't face north because the law says 20 ft. from the side lot line on a corner lot.

Mr. Tomer: You should have a variance for 45 ft. setback for the corner lot, R-5.

No one appeared to speak on this application.

Application of Michael Truisi, 3270 Chili Ave., for variance to change two-family residence into three-family apartment in R residential zone.

Mr. Truisi: I would like to change a two-family dwelling into a three-family dwelling.

Mr. Strassner: Did you turn in plans?

Mr. Truisi: Yes. The office has the original. This is the same as before. All I did was close the door off.

Mr. Strassner: You originally came up for a two-family dwelling, and then you used it for a four-family dwelling.

Mr. Truisi: It was never made for a four-family.

Mr. Strassner: I know it was used for four-family.

Mr. Truisi: Taxes keep going up, and this would help me out. The other side of Chili Avenue is all commercial, with a warehouse and other commercial enterprises. Also there is Mr. Lusk's proposal for a feeder going through Scottsville rd. If that goes through, it will be a business district on both sides of Chili Avenue. Now it is commercial on one side, and residential on the other.

Mr. Strassner: Is there plenty of room for parking? Do you have a garage?

Mr. Truisi: There is no garage. The lot is 100 ft. by 200 ft., so there is ample off-street parking. This is a two-family dwelling. I have one side, and I want an up and down on the other side. There are bathroom and all facilities. I would just have to close off the doorway. According to the regulations, I would have to have a fire escape and one entrance.

Mr. Strassner: That comes under multiple housing.

Mr. Truisi: Chili Avenue is a business district. There are full facilities upstairs, with one or two bedrooms, depending on what the person wanted.

Mr. Strassner: Does anyone wish to speak on favor of this?

Mrs. Mary Truisi: I vote in favor.

Mrs. Cortash, 3300 Chili Ave.: In favor.

Mr. Strassner: Anyone objecting?

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Robert Looney, 3260 Chili Ave.: I own property to the east of Mr. Truisi. I wish to object to this, this is an E residential neighborhood. I purchased property which was not under multiple housing. External fire escapes are a poor policy in E neighborhoods. Mr. Truisi said he has ample parking space. I think he applied for a variance to build a garage on either side which was denied. (Mr. Strassner said he didn't think this was so) I understood a variance for a garage was denied. He was granted permission to build a double dwelling, which is not multiple dwelling. I believe multiple housing next ~~door~~ to my property will cause serious financial injury. This is true in any E neighborhood. It is a poor policy. It is seen in the city, not in the suburbs.

Samuel Glover, 3250 Chili Ave.: I live next to Mr. Looney. I also object. I feel it would pull the whole neighborhood down.

Mr. Truisi: Can Mr. Looney prove any property has depreciated with multiple dwelling? There are many on East Ave. and other good sections. It makes property more valuable. The double house was there when he moved in. I don't see how another family would depreciate the property. I don't think the law has anything to say about rooming houses. I could use it for that. That would be worse, that would be more detrimental.

Mrs. Glover: If you allowed one dwelling such as this, it would be an opening for others. It is not going to add to the attractiveness of living in this area.

Mr. Truisi: The construction will be the same. The only difference will be a fire escape in the back.

Mr. Looney: There is a major difference between apartments, double dwellings, single residences, and multiple housing. An apartment building is one thing. Multiple housing in homes is very poor. History all through housing proves this.

No one else appeared to speak on this application.

Application of John T. Rowe, for variance to erect house on lot 16 Harold Ave. 50 ft. by 120 ft. lot, 40 ft. from front lot line, 50 ft. from rear lot line, in D residential zone.

Mr. Rowe drew a sketch for the board showing location of lot and position of house.

Mr. Rowe: The house is 28 ft. by 24 ft. All the lots are at a slight angle and the same depth. This will be staying in line with the rest of the houses, which are all less front setback than required by the ordinance.

No one appeared to speak on this application.

Application of Max Conrad to erect house 17 Virginia Lane 45 ft. to front lot line, 50 ft. to rear lot line, D residential zone.

Mr. Conrad presented a map.

Mr. Conrad: The last house has 35 ft. front setback, then my house, then adjoining house of 65 ft. setback. All the setbacks are increased in this way so that in coming down Virginia Lane all the houses can be seen. The street was planned this way, and I want a 50 ft. setback to meet the deed. The houses are staggered according to a pre-arranged plan. The lot is 148 ft. deep, 88 ft. wide at the front. This is an L-shaped house with 10 ft. on either side. I checked with the neighbors on each side and they had no objection. Mr. Ouwelen suggested requesting a 45 ft. setback to allow for any slight variation which might occur. However, the house would be in conformity with the pre-arranged plan of the street.

No one appeared to speak on this application.

DECISIONS OF THE BOARD:

CHARLES ROBINSON granted variance to operate dog kennel for 1 yr. Dogs are to be kept in an area enclosed by tight wire fence 4 ft. high, to be located on west side of property, built under direction and control of Bldg. Dept. not to be more than 6 adult dogs at any one time. All members voted in the affirmative.

THOMAS BUTTARAZZI granted variance to erect houses on lots A, R-6, R-5, Adela Circle 30 ft. from front lot line, 8 ft. side lot lines; lot R-5 15 ft. rear lot line, 45 ft. north front lot line setback. All members voted in affirmative.

MICHAEL TRUISI, 3270 Chili Ave., denied variance to change 2-family residence into 3-family apartment. All members voted in negative.

JOHN T. ROWE granted variance to erect house on lot 16 Harold Ave., lot 50 ft by 120 ft., house 40 ft. from front, 50 ft. from rear lot line. All members voted in affirmative.

MAX B. CONRAD granted variance to erect house at 17 Virginia Lane 45 ft. to front lot line, 50 ft. to rear lot line. All members voted in affirmative.

June Yates, Secretary

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ZONING BOARD OF APPEALS

March 7, 1961

The meeting was called to order, and roll was called with the following members present: Charles Pfenninger, Clifford Tomer, Cornelius Strassner, the Chairman, and Frank Bubel. Also present were the Building Supt., William Davis, and the Town Attorney, Ralph Wickins.

Application of Suburban Flamex to erect 30,000<sup>gallon</sup> propane gas tank, 62 ft. long, 9 ft. high, at 3325 Chili Ave., in Industrial zone.

Gordon Bierbrauer appeared to represent Suburban Flamex.

Mr. Bierbrauer: The reason we are asking for another tank the same size as the present one, is the storage there represents only about 4 days supply. We have about 100 districts. At a given comparison, the average supply in the other districts is around 9 days. The one here is considerably below that. As most of this comes in by rail freight, we have to have more storage or find another location. If there are any derailments or strikes, we can't take care of our customers. This tank would be the same size as the other, installed according to Pamphlet 58 of the National Board of Fire Underwriters.

Mr. Wickins: This is an additional tank?

Mr. Bierbrauer: Yes.

Mr. Tomer: Where would this be built in relation to the other?

Mr. Bierbrauer: Just east of the one there now. Pamphlet 58 calls for 5 ft. in between tanks. This would be 5 ft. this side of the present storage, parallel with the other tank.

Mr. Strassner: Are there any objections to this?

Mr. Pfrengle, 3316 Chili Ave.: The question I raise is, is this variance for a gas tank not conforming to industrial zoning? What is the setback?

Mr. Bierbrauer: The setback is 100 ft. A variance had been granted previously for the existing tank. This is the same setback as the present one. less than

Mr. Pfrengle: Wouldn't a setback of 100 ft. from the road be detrimental?

Mr. Bierbrauer: It wouldn't do much good to shove this back. The others were already there. The back end of the property is bordered by the railroad. Unless you folks want to move the railroad.

Mr. Pfrengle: It is the idea of the zoning laws to improve the township and to have standard regulations.

Mr. Bierbrauer: The tanks are about 20 ft. back right now.

Mr. Pfrengle: This is two tanks. There could be 10 or 12 out there.

Mr. Bierbrauer: There isn't room for any more.

Mr. Pfrengle: The only reason I object is that it is setting up new setbacks again in spite of the zoning established.

Alfred Kunz, 3326 Chili Avenue: I live directly across from this. I am against the third tank in spite of the fact that a variance has already been granted. There were no dwellings across the road then, just a vacant field. There are three new houses there now.

Mr. Wickins: I don't believe a variance was granted on the other tanks. I believe they were in existence before the zoning went into effect.

Mr. Kunz: There are dwellings now immediately across the street. If the tanks are eyesores, why add a third?

No one appeared to speak in favor of this application.

Application of Douglas Benedict for variance to erect two-family home at 2793 Chili Ave., in E residential zone.

Mr. Benedict presented a map to the Board.

Mr. Benedict: At present there is a woodworking shop on this lot, which is only used for storage at present, but due to zoning, cannot be used for anything other than woodworking. We have been unable to sell this for a number of years, and feel this would be more proper as a two-family house than the present building. I would like to submit this tentative sketch, showing a 40 ft. front on Chili Ave., setback 130 ft.

Mr. Pfenninger: How many square feet of lot area?

Mr. Wickins: You realize the zoning calls for 15,000 square feet for a lot for a single house, even with sewers and water. I don't think there is anywhere near that in there, do you?

Mr. Benedict: We have around 7200 sq. ft.

Mr. Wickins: That has no consideration then. It is 15,000 sq. ft. for a single house.

Mr. Benedict: Would an application for a single dwelling be in order?

Mr. Wickins: Not at this hearing. It would have to be re-advertised and re-submitted. You are asking to develop a house for two families on a lot for which you couldn't get a permit for a single house.

Mr. Benedict: There is the whole piece. It is just separated by the driveway.

Mr. Wickins: You might need even a side line setback variance. What is the side line setback?

Mr. Benedict: Not more than 5 ft. at one point.

Mr. Wickins: I would like to point out to you that a two-family house on a lot only half the size allowed for a single family house is out of the question.

Mr. Benedict: Would the total area as a lot as such be considered?

Mr. Strassner: You can't call the driveway living space. The driveway is already in there.

Mr. Benedict: The shop and sheds take up almost the whole lot right now.

Mr. Strassner: Don't you use the shop any more?

Mr. Benedict: There are woodworking machines there, but dad is going to the lake.

Mr. Strassner: Does anyone wish to speak on this in favor?

Ralph Romberg, 2787 Chili Ave.: It would improve property to see this type of building rather than the shop. I don't think the shop is maintained as well as a home would be. Also there are fire insurance advantages. One corner of my property bounds on this.

Mr. Strassner: Does anyone wish to speak in objection?

Mrs. Brewer, 717 Marshall Rd.: The shop is back of my property. I object.

Mrs. Fred Greenfield, 715 Marshall Rd.: I am definitely against this. I would like to say this property has outgrown its usefulness. They have never maintained the building, there is broken glass, etc. Two of us women went to Mr. Benedict and asked for permission to paint his barn. He bought the paint, and we painted it, and the neighbors were amazed. The building is infested with rats. We have a dirt cellar and have muskrat traps set. Some rats are as large as cats.

Mrs. Greenfield stated they had some dealing with Mr. Benedict regarding buying some property, but Mr. Wickins informed her that had nothing to do with the Zoning Board of Appeals.

Mrs. Greenfield: I am definitely opposed to this. It is a health menace.

Fred Greenfield: I am also opposed.

Howard Davidson, Benedict Dr.: I would like to know how many square feet are required. I am joining this property.

Mr. Wickins: 15,000 sq. ft. for a single house. Mr. Benedict has estimated this at around 7500 sq. ft. He doesn't know exactly.

Mr. Davidson: I have a diagram here. It is 8000 sq. ft. I am opposed. I don't consider this a proper place to put a house.

Oscar Brown, 719 Marshall Rd.: I am opposed.

Frank Daley, 2797 Chili Ave.: I am opposed, mainly because this would be an income-producing house. I object to their renting and probably not taking care of the property.

Ferdinand List, 713 Marshall Rd.: I would like some information about the plans.

Mr. Wickins: This will be a two-family house, facing on Chili Ave., about 150 ft. back.

Mr. Benedict: It is approximately only 5 ft. from the east side line, 10 ft. from the other side.

DECISIONS:

SUBURBAN FLAMEX granted variance to erect 30,000 gallon propane gas tank, 62 ft. long, 9 ft. high, at 3325 Chili Ave., to be erected at the same setback as existing tanks. This variance granted subject to any requirements of the Fire Marshal. All members voted in the affirmative. DOUGLAS BENEDICT denied variance to erect two-family home at 2793 Chili Ave. All members voted in the negative.

June Yates, Secretary



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ZONING BOARD OF APPEALS

April 4, 1961

The meeting was called to order, and roll was called with the following members present: Charles Pfenninger, Frank Bubel, and the Chairman, Cornelius Strassner. Also present was the Building Inspector, William Davis.

Application of John Fuller, 4 Dallas Dr., for variance to erect 6 ft. fence.

Mr. Fuller: This would be a stockade type fence and would run 43 ft. altogether, 15 ft. off the garage, 13 ft. off the house, with a rose hedge already in existence as the rest of the fenced area.

Mr. Strassner: Is there any particular reason for this fence?

Mr. Fuller: Just for privacy. It would keep our child in, and the dog.

Mr. Strassner: Are there any objections to this application?

Albert Gerber, 6 Dallas Dr.: I am the next door neighbor. I object inasmuch as the fence will come within 6 ft. of my property line. I have an extremely narrow lot, only 68 ft. wide. This fence will make the lot appear even narrower and lower the re-sale value of my property. There is no other fence of that type in the neighborhood.

Mr. Strassner: Mr. Fuller, would you object to a 4 ft. fence?

Mr. Fuller: If worse came to worse, I would have to do that.

Mr. Gerber: I would not object to a 4 ft. fence.  
No one else appeared to speak on this application.

Application of John T. Bauerschmidt, 120 Woodbine Ave., for variance to erect 30 ft. by 60 ft. steel building 12 ft. high, 50 ft. from front lot line.

A map was presented. This property is located on Scottsville Rd. next to Spector's.

Louis Bauerschmidt appeared to represent the applicant, as attorney.

Attorney: Mr. Bauerschmidt bought the property a short time ago. Unfortunately, he got off to a bad start with the town by not applying in the beginning. He had things stored on there. He has cleaned up the property. Presently there are 3 houses there, a frame house, a frame and stucco house, and a stucco house. I understand these are in fair to good condition except one. He intends to renovate and possibly rent them out. He proposes to erect a steel building. (presented picture). Mr. Bauerschmidt is in the gas station construction business. He would also like to have a fenced in storage area for tanks which will be used in the construction business. He intends to put quite a bit of money into this property. This would be a nice looking building, located a little bit off center of the property. I understand the setback requirement is 100 ft. We need a variance for that reason. He owns the entire piece of property. In the rear are 3 small homes. I am under the impression this property is zoned light industrial. We are asking that we be able to carry on Mr. Bauerschmidt's type of business, gas station construction, and store materials used in the business. This is on Scottsville rd. on the other side of the Spector property. We will be glad to answer any questions.

Mr. Pfenninger: Will these trucks be parked inside, is there off-street parking?

John Bauerschmidt: There would be parking room. It will be graded off in the front if permissible. We could use the point of the property. Whatever the Board's decision is. There is a tentative driveway at the other end. We could swing in from there.

Mr. Strassner: Is the other house going to be torn down?

John Bauerschmidt: If we have to. We might renovate. We plan to fix them all up if permitted.

Mr. Strassner: Would there be gas stored on the property?

John Bauerschmidt: We would possibly come up with a tank for my own use, for the trucks. Nothing else.

Mr. Strassner: What about machinery and equipment?

Mr. John Bauerschmidt: There would be compressors and trucks. That is all. Nothing in the nature of a machine shop.

Mr. Strassner: Would you want any signs in there?

John Bauerschmidt: If the Town permits, later on we would erect a sign.

Mr. Davis: How many trucks?

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John Bauerschmit: 4 3/4 ton trucks. About 2 compressors.

Mr. Davis: How many tanks at one time?

John Bauerschmidt: That is a question. For example, Socony might want to store 4 months or so. That is why we want that area back of the building.

Mr. Davis: How about piping?

John Bauerschmidt: That would be back in that building and wouldn't show from the road.

Mr. Davis: Would you have many big tanks?

John Bauerschmidt: No, that is rare. 4,000 would be the largest.

Mr. Bauerschmidt then asked concerning the relocation of a drain pipe running across the property, and was advised that if it belonged to the state, he would have to see them about it.

No one appeared to speak on this application.

Application of George Phaff Jr., 1311 Scottsville Rd., for variance to use present building for ice cream stand, 65 ft. from front lot line, located in B zone.

Mr. Phaff presented a map and asked that his application be amended to read ice cream and hamburger stand, that is a refreshment stand. This property is directly across from Schuler's.

Mr. Phaff: I want to use the building presently located there, my office building, which is 9 ft. by 9 ft.

Mr. Strassner: Do you intend to grade the surface for off-street parking?

Mr. Phaff: I am going to use all the extra land. About 200 ft. of land for parking. I would put crushed rock over the whole front. It has been ripped all up with the sewers.

Mr. Strassner: Would you eliminate the used cars?

Mr. Phaff: I go back and forth to the auctions. I don't sell much anyway. They would be out in back anyway. I won't be selling many of them out there. It wouldn't interfere with that. I never have more than 4 or 5 anyway.

The Board studied the map, and Mr. Phaff pointed out part of the property shown which was owned by another person. The Board informed Mr. Phaff they could only consider in this application property owned by himself. In considering any additional property, the owner of that property would also have to be included in the application.

Mr. Strassner: How late would you like to be open?

Mr. Phaff: Probably about 11:00 P.M.

Mr. Strassner: How about signs?

Mr. Phaff: I would want a sign out there. I amend my application to include a sign. It could be located about 20 ft. from the building.

Mr. Strassner: The lot lies 50 ft. from the center of the road. The present building is only about 15 ft. from the lot line now.

Mr. Phaff: I was told to measure from the concrete. I would have about 45 ft. across the front for parking, and the cars could drive right around the building.

There was discussion regarding measuring for the front lot line, and Mr. Phaff was informed it had to be measured from the center of the road, or the road right-of-way.

Mr. Phaff said the building has been there about 10 years.

No one appeared to speak on this application.

Application of Salvatore Latragna, 3196 Chili Ave., for variance to 8 ft. by 4 1/2 ft. sign neon on front of building, located in B residential zone.

Mr. Beagle, who runs the garage, appeared and stated there was a mistake in the application. It should read letters 8 in. high and 4 1/2 in. high, instead of sign 8 ft. by 4 1/2 ft. He presented a sketch showing letters to read: "Bob's Garage, Wheel Alignment", which would be right against the building. They would be lighted not later than 9:00 P.M. and probably earlier.

No one appeared to speak on this application.

Application of Charles Sage, 72 Ballantyne Rd., for variance to erect dwelling on lot 90 Ballantyne Acres, lot 72.5 ft. wide, in D zone.

Mr. Sage appeared and presented map, and said this is a corner lot 300 ft. deep by 72.5 ft. wide. It hits on the Black Creek rd. also. The house is 60 ft. back, 20 ft. from Theron St., facing Ballantyne Rd., 16 ft. from the other side. The lot line is about 30 ft. from adjoining house.

Mr. Strassner: Do you intend to use the back at all? (Subdivide the lot into two lots).

Mr. Sage: Yes, some day.

Mr. Strassner: If you divide the lot in half, it would give you two lots 72 ft. 6 in. wide by 150 ft. deep, 10,800 sq. ft.

Mr. Davis: In the new zoning ordinance, the requirement is 12,000 sq. ft.

Mr. Strassner: I was just figuring if he did subdivide the lot, whether the present house would be located all right. If he did want a second house, he would have to come before the planning Board.

No one appeared to speak on this application.

Application of Kenneth Fleischauer, 22 Keith Terr., for variance to convert single family dwelling into 2-family apartment, in E zone.

Mr. Fleischauer: When we built our house, we had two rooms with a private bath and entrance finished off for my father-in-law. Since then he has married and has his own home. We would like to put in a two-burner stove and refrigerator so we can rent it out to someone else. It would actually be for only one person. All we want to do is put in a little 2-burner stove and refrigerator and sink combination. We don't really want to convert it, just rent it and a person can get his own meals. This is between union St. and Hubbard Dr. It is a ranch type house, and is finished off over the garage.

Mrs. Fleischauer: What we have in mind is a small unit which is portable. No one appeared to speak on this application.

Application of Spolton Construction Co., lot 51 Hilltop Dr., for variance to erect house 57 ft. from front lot line.

Raul Latone appeared to represent Spolton Construction Co. and presented a map. The lot is 80 ft. wide.

Mr. Strassner: Would this be in line with the others alongside?

Mr. Latone: This is the last house on an existing subdivision. The house on the adjoining property is probably about 1½ ft. forward of this. The house is 61.4 ft. back right now, 58 ft. to the vestibule. Due to tract restrictions, which we were unaware of, we failed to meet the square footage required. By enclosing this stoop, it will meet the requirements. The others all have them, but not enclosed. This will be set back further than any other house.

No one appeared to speak on this application.

#### DECISIONS OF THE BOARD:

JOHN FULLER granted variance to erect 4 ft. fence on his property. All members voted in the affirmative.

JOHN T. BAUERSCHMIDT: Decision was reserved on this application.

GEORGE PHAFF JR denied variance to use present building for ice cream stand. All members voted in the negative.

SPOLTON CONSTRUCTION CO. granted variance to erect house on lot 51 Hilltop Dr. 57 ft. from front lot line. All members voted in affirmative.

SALVATORE LATRAGNA granted variance to place neon sign on building at 3196 Chili Ave., letters 8 in. by 4½ in. Sign not to be lighted later than 9:00 P.M. All members voted in the affirmative.

CHARLES SAGE 72 Ballantyne Rd. granted variance to erect dwelling on lot 90 Ballantyne Acres, lot 72 ft. 6 in. wide. All members voted in the affirmative.

KENNETH FLEISCHAUER, 22 Keith Terr., denied variance to convert single family dwelling into two-family dwelling. All members voted in negative.

June Yates, Secretary

ZONING BOARD OF APPEALS

May 2, 1961

The meeting was called to order, and roll was called with the following members present: Charles Pfenninger, Donald Slate, Clifford Tomer, and the Chairman, Cornelius Strassner. Also present were the Building Superintendent, William Davis, and the Town Attorney, Ralph Wickins.

Application of John Syracuse, 2711 Chili Ave., for variance to operate coin-operated laundry and dry cleaning establishment, in E residential zone. Bob Morgan appeared as agent and attorney for the proposed lessee of the premises, The lessee is Richard Miles of Gates. This will be a coin-operated laundry in the two stores owned by Mr. Syracuse. There is a possibility in the future there will be a coin-operated dry cleaning establishment. There will be 15 coin-operated machines. Sewers and water are immediately available.

Mr. Strassner: Is there sufficient off-street parking? 15 machines means 15 customers.

Mr. Morgan: Yes. The dry cleaning store will be in the same building at the other end. The proposed laundry will be on the western end. There can be parking in the rear and side as well as some in front. In the course of the day, the only other parking would be for the grocery store. The furniture people don't get busy until after the downtown stores are closed.

Mr. Strassner: How late would this be open?

Mr. Morgan: 11:00 P.M. I reside only 5 doors from it. I have never seen any crowded parking.

No one appeared to speak on this application.

Application of John Merkel, 40 Laredo Dr., for variance to erect a garage and breezeway 7 ft. from west side lot line, in E zone.

Mr. Merkel presented sketch.

Mr. Pfenninger: How far is the house next to this from the side line?

Mr. Merkel: Probably 10 ft., 17 ft. in all from me. The lot is 80 ft. wide by 164 ft. deep. The house is 50 ft. from the front lot line; about 60 ft. from the lot line the garage.

No one appeared to speak on this application.

Application of Kenneth Fleischauer, 22 Keith Terr., for variance for a separate apartment in a single family dwelling, in E zone.

Mr. Fleischauer presented a sketch.

Mr. Fleischauer: I would like to put a portable combination stove, refrigerator and sink in an apartment we had finished off for my father-in-law over the garage. I am not changing anything. He has since been married. We intend to rent this out to single persons. The house is a little bit more than we can manage and we would like to be able to rent out to single people. It takes my wife and I both to support the house and the taxes.

Mr. Strassner: Does anyone wish to speak in favor of this?

The following people registered in favor of this application:

- David Lockridge - 29 Ronnie Lane
- Virginia Lockridge - 29 Ronnie Lane
- James Neuert - 30 Iva Mae Dr.
- Eva Henderson - 32 Keith Terr.
- Howard Henderson - 32 Keith Terr.
- Frances McAvoy - 31 David Dr.
- Helen Lockridge - 31 Iva Mae Dr.
- David Lockridge - 31 Iva Mae Dr.

A petition was presented signed by people in favor of this request, which will be on file in the Town Clerk's office.

Oliver Perry - I own the lot next door to this and would like to speak. I built the house for this man. It was built with the father-in-law in mind. He has since got married. This man is assessed almost double the other people on the tract. His wife was advised to quit working a couple of years ago. She can't quit. This is really just a fixture that he wants. The house is much bigger than the others there. It would hold about 10 kids. This is almost two houses and is taxed as such. The lady doesn't have any children and she even helps out with the Scouts. If they can't get this, they are going to have to sell the house. We would lose good citizens.

Mr. Strassner: Does anyone wish to speak against this application?

Douglas Levy - 21 Ronnie Lane: This is a case of showing Mr. Perry the futility of building homes in that area. People can't keep their homes and then have to rent them. If he is going to build houses of that size, they will have to have a family that can support them. They are taxed double thus obligating two families to maintain the taxes. In one of the Kiplinger reports was a letter stating the value of real estate is lowered by the presence of apartments. I object to this variance.

Mary Loeper - 27 David Dr.: I feel this apartment will set a precedent in our tract. This is E zone and we want to keep it that way. I also have a petition which has been notarized, with 28 names representing 21 families against this application and any future applications for a variance of this type. (This will be on file in the Town Clerk's office).

William Horton - 18 David Dr.\* I object.

Jack Madigan - 15 Ronnie Lane: We have got to make up our minds whether to re-zone the area. We moved into an E residential neighborhood, and have been up here three times now. I object.

The following also voted in objection:

John Frascino - 19 David Dr.

Vincent Velito - 20 David Dr.

Shirley Thompson - 9 Ronnie Lane

George Patrick - 18 Ronnie Lane

Mr. McMillan - 7 Ronnie Lane: Isn't this variance the same thing as spot zoning?

Mr. Wickins: The Zoning Board of Appeals has nothing to do with re-zoning. That is up to the Planning Board and the Town Board. The Zoning Board listens to variances to existing districts.

Mr. McMillan: E zoning is the highest. 6 years ago I worked two jobs to keep my place. We want single homes in that tract.

Donald Leiske - 4 Ronnie Lane: If the Zoning Board turns this down, does the Town Board act on it?

Mr. Wickins: No.

Mrs. Fleischauer: Our house is actually larger in size than any other in the tract, and has brought their valuation up considerably. We did build it with the idea of my father living with us. He is now married. I do not understand. We could rent out every room to 10 or 12 people, which would degrade the neighborhood. We would like to keep up the neighborhood. We have no idea of degrading it. Renting out an apartment would be better than renting out bedrooms. Parking is no problem with our garage. There are no cars left out around. We would like to keep the house we have. We like it. If we can't get this, there is no other way than to move out of Chili.

Mr. Perry: Does not this Board act on hardship cases? These people had every intention of providing for her father. Life has to go on, and taxes have to be met. This is a hardship case. This still is a single house.

Douglas Leroy - There also was a hardship case on East Avenue in which stocks were lost. There is no hardship in a single dwelling in an E zone. We don't want apartments in the area. I have to object to more apartments in our town.

Mr. Neuert - 30 Iva Mae Dr.: Gas tanks were wanted once right across the street from Mr. Fleischauer.

Mr. Strassner: We will have no personalities brought into this.

Mr. McMillan - 7 Ronnie Lane: He is putting in a stove, putting in separate plumbing, and a bathroom.

Mr. Wickins: That is why he needs a variance.

Mr. McMillan: Looking to the future, if we once start this, we are open for more. People will buy with the idea of renting as multiple dwellings. Why does this have to keep coming up this way? This is E zoned.

Mr. Strassner: That is the reason for this Board. If anyone wants anything outside of the district, they have to come before us to see whether they can. That is the law, and that is it.

Mrs. Fleischauer: We applied for this variance last month. Nobody was here last month. There were no objections as far as we know. We don't know why the Board turned it down. Now suddenly they all object to it. Last month, no one objected to it.

Mrs. Loeper: As far as I know, no notices were sent out. This month I received on, last month I did not. (Letter on file from Mrs. Loeper) (Also letter from John I. Loeper).

Mr. Wickins: The law requires publishing in the newspaper. This is in the Times Union on the Thursday before a public hearing. This is all that is required.

Mrs. Fleischauer: The exterior is not going to be changed one bit.

Mrs. McAvoy: Notices, as far as I understand, are sent to the nearest people.

Application of Alfred E. Caccamise, 3315 Chili Ave., for variance to erect 16 ft. by 70 ft. addition to present building 84 ft. from front lot line, in B commercial zone.

Mr. Caccamise presented a map.

Mr. Caccamise: This would be used as a front counter for paint and builders hardware. I measured this out and the building would be back 87 ft., 3 ft. more than I am asking for.

Mr. Strassner: How about off-street parking?

Mr. Caccamise: I will have considerable room in the front with 87 ft. There is a parcel of land on the west side which could be utilized for parking.

Mr. Strassner: Would you blacktop?

Mr. Caccamise: Some day. Not right now.

Mr. Strassner: How late would this be open, and do you want any signs?

Mr. Caccamise: I would only want a sign on the front of the building. I would like a sign up on the top of the building, about 30 in. high and a minimum of 10 ft. long, illuminated. If necessary, I could do without the illumination.

Mr. Frengle: I own directly across the street. I would like to comment on the 84 ft. Up here with Flamex 100 ft. setback has been established. The next fellow would have the same opportunity for coming closer to the road if this is granted. There was going to be a 30 in. by 30 in. sign, but it got bigger. The same thing would develop here. I am aware one side of the street is commercial, but it is E residential across the street. I would like to encourage 100 ft. setbacks as long as it has been established.

Mr. Caccamise: I am back 100 ft. now. This is only a 16 ft. building.

Mr. Frengle: The present building looks good. Then you built a shed in back of it. If this goes through, shouldn't plans be considered for appearance?

Mr. Wickins: That would be up to the Planning Board.

Mr. Caccamise: I will make it look darned good. It will be vertical panelling.

Mr. Frengle: About the sign idea. If he is not open nights, why does he need lights on the sign?

Mr. Caccamise: If it came to a showdown on lighting the sign, I could always turn the lights out.

No one else appeared to speak on this application.

Application of Charles Glidden, 4358 Buffalo Rd., for variance to build house and garage on 60 ft. wide lot at 3226 Union St., 4 ft. from north lot line and 2 ft. from east side lot line, in E zone.

Mr. Glidden presented a map and said the application should be amended to read 2 ft. from the south side lot line instead of east side lot line.

Mr. Glidden: The lot is over 200 ft. deep and adjoins the property of F. Hawley. There is a house on the other side about 10 ft. from side lot line.

Mr. Strassner: Could you decrease the size of the garage from 16 ft. to 14 ft.?

Mr. Glidden: Yes, if it has to be. It still leaves room enough though with a 16 ft. garage.

Bernice Hoze: I live to the left of this. If this house is put up, it will make our house so dark. That lot is very narrow. We are about 60 ft. back from the road, and about 6 ft. to the side lot line.

Mr. Strassner asked Mr. Glidden if there was any objection to putting the garage back of the house. Mr. Glidden replied he can do that if he has to.

Mrs. Hoze: We had it measured, and our house is back 60 ft. We just don't want a house right smack up next to us.

Mr. Strassner: If the garage was moved back, it would be more than 2 ft. from the side lot line.

Mr. Glidden: This house should sit in line with the rest of the houses.

No one else appeared to speak on this application.

Application of Bennett Kreckman, 4357 Buffalo Rd., for variance to erect 2 ft. by 12 ft. lighted sign on roof of building, in B zone.

Mr. Doren of Doren's Cleaners appeared to speak on this.

Mr. Doren: This is on Buffalo Rd. near Union St. It is a 2 ft. by 12 ft. sign mounted to the building.

Mr. Pfenninger: Isn't the sign already up?

Mr. Doren: We had it made not realizing a variance was necessary.

No one appeared to speak on this.

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Application of Robert P. Flesch, 59 Ballantyne Rd., for variance to build a house on 73.65 ft. wide lot, southerly part of lot #54, 50 ft. from front lot line, Ballantyne Acres, in D residential zone.

Elwood Hamill appeared to represent Mr. Flesch and presented map.

Mr. Hamill: This is a map which we got from Mr. Crawford. This has been subdivided. The application is actually for Names Rd., which is where the house will be situated. There is no other land available to expand.

Mr. Wickins: Do you anticipate a garage?

Mr. Hamill: In the future, probably in the rear. The lot is 147.86 ft. deep.

No one appeared to speak on this application.

Application of Walter Regan, 260 Stryker Rd., for variance to convert single family dwelling into 2-family apartments, in E zone.

No one appeared to speak on this application.

Mr. Wickins: This will automatically go down. We have not the right to consider anything when no one is here to present it.

DECISIONS OF THE BOARD:

JOHN SYRACUSA: Granted variance to operate coin-operated laundry and dry cleaning establishment at 2711 Chili Ave. with the following restrictions: No Sunday operation; not to be open later than 11:00 P.M.; off-street parking must be provided in the business block for 25 cars. All members voted in the affirmative.

JOHN MERKEL - Granted variance to erect garage and breezeway 7 ft. from west side lot line. All members voted in the affirmative.

BENNETH FLEISCHAUER - Denied variance for a separate apartment in a single family dwelling. members voted as follows: Donald Slate - yes; Charles Pfenninger - no; Clifford Tomer - no; Cornelius Strassner - no.

Alfred Caccamise - Granted variance to erect 16 ft. by 70 ft. addition to present building at 3315 Chili Ave. 84 ft. from front lot line, as per plans presented. Also granted variance for sign on the top of the building, 30 in. high, 10 ft. long, not to be illuminated. All members voted in the affirmative.

CHARLES GLIDDEN - Granted variance to build a house 4 ft. from north side lot line on 60 ft. wide lot at 3226 Union St. All members voted in the affirmative. Denied a variance to erect a garage on the same property. All members voted in the negative.

BENNETT KRECKMAN - 4357 Buffalo Rd. - Granted variance to erect 2 ft. by 12 ft. lighted sign on top of building, not to be lighted later than 11:00 P.M. All members voted in the affirmative.

ROBERT FLESCH, 59 Ballantyne rd., - Granted variance to build a house on 73.65 ft. wide lot, southerly part of lot #54, 50 ft. from front lot line, in Ballantyne Acres. All members voted in the affirmative.

WALTER REGAN - Denied variance to convert single family dwelling into 2-family apartments at 260 Stryker Rd. because of non-appearance.

At this time, the Board made decision on application of April 4, 1961, of John T. Bauerschmidt, 120 Woodbine Ave., for variance to erect 30 ft. by 60 ft. steel building 12 ft. high, 50 ft. from front lot line, on property located on Scottsville Rd., next to Spector's. The Board granted this variance with the following restrictions: Building to be erected as per picture presented at the hearing; 3 buildings presently on the property be razed; no equipment, tanks, pipes, or other miscellaneous items be stored or kept in front of the building or on the sides thereof; any unused property surrounding the building must be graded, seeded, and suitably shrubbed. All members voted in the affirmative.

June Yates, Secretary

Zoning Board of Appeals  
June 6, 1961

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The meeting was called to order, and roll was called with the following members present: Charles Pfenninger, Frank Bubel, and the Chairman, Cornelius Strassner. Also present were the Building Supt., William Davis, and the Town Attorney, Ralph Wickins.

Application of John Syracuse, 2713 Chili Ave., for variance to operate coin laundry 24 hours a day, 7 days a week, E residential zone.

Robert Morgan appeared for Mr. Syracuse, owner, and Richard Miles, proposed lessee of the premises.

Mr. Morgan: We already have permission to operate the coin laundry on the premises, given last month, with the restriction that it couldn't be used on Sunday or all night. It is my understanding the restriction on Sundays was because of the feeling the Parkminster Church across the street might have some objection to it. I have talked with several influential members, I am a member myself, and it is my understanding there is no objection to the operation on Sundays. I was unable to get a written statement from these members as they felt they might offend some members of the church. Certainly the church knows about it, as do the surrounding territories. There is no objection from the church. Sunday is one of the largest days of business there is. The hours are for people working 6 days a week. They go there on Sunday, throw in their laundry, come back in an hour and pick it up. All night operation is an advantage of the coin-operated laundry. Once again, it takes people who are unable to do laundry during the day. It is my understanding Mr. Miles and Mr. Syracuse intend to keep the lights softened. Nothing about the place is obnoxious to anyone. For that reason, we want the variance to operate 24 hours a day, 7 days a week.

Mr. Wickins: Will you want a sign?

Mr. Morgan: A neon sign in the window, with a venetian blind or something. A small neon sign such as in a beer joint, "Genesee Beer", hanging in the window with just the word "Laundromat".

Mr. Strassner: How big?

Mr. Miles: 24 in. by 15 in., illuminated plastic sign.

Mr. Wickins: Would you have venetian blinds to cut off the glare from the inside?

Mr. Miles: I am willing to work within anyone's wishes.

Mr. Strassner: Are there any objections?

Carl Minoia, 2704 Chili Ave.: I object to 24 hours 7 days a week. I feel that 12:00 P.M. is good enough, 6 days a week. This is not because of the lights or the church, but because of the traffic and the people themselves, the cars and the noise involved.

Mr. Miles: As far as this objection, I completely agree with Carl in many instances. After midnight there are actually very few customers. We may have as customers people who maybe get off work at midnight, who are working trick work. The reason coin laundries stay open all night is from the fact that they want to. It has been figured out it is more economical to leave the neon lights on than for the owner to get out of bed to turn them off. In this particular neighborhood, I can understand the feelings of everyone. In many communities this goes on all the time. The 24 hours is not because they want to, just the inconvenience of the owner who has to every night go down at 12:00 to lock the doors. I agree with Mr. Minoia 100%. In many cases, you sometimes do have teenagers who have caused a little commotion, with vandalism, noise. However, this is down to a minimum. We have the police and the sheriff. I am one of the first ones to object to this type of operation, being a distributor, but it has been proven that it is more practical and economical.

Mr. Morgan: I live 5 doors from this place across from Carl. I understand his viewpoint. As far as vandalism, delinquency, this is on a main highway which is patrolled hour after hour. This is a business. For one to get up to shut off lights and lock the door is in effect creating additional expense. With the sewers and water, it is too much for any business to operate. For that reason, I see no valid objection to putting this thing on a 24 hour basis. We can put in a venetian blind and subdue the lights. As far as Sunday, there is no objection from the church, so I see no reason why this should not be granted.



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John Syracuse, 2713 Chili Ave.: I am the son of the property owner and I speak on the basis of this. To give comparisons with this laundromat, there are coin-operated milk machines on the corners. People pull in 24 hours a day. Also, another point of thought, we are getting over 100 apartments across the street, with cars going in all hours of the night. This will not make any more noise than any of the other places. I will not try to tell you the hours.

No one else appeared to speak on this application.

Application of Glenn A. Madison, 7 Charmaine Dr., to erect patio 7½ ft. from west side lot line.

Mr. Madison presented a map.

Mr. Madison: This will be adjacent to the garage. The lot is 73 ft. wide, the patio 9.7 ft. wide, which leaves 7 ft. 6 in. to side lot line. It is also 7 ft. 6 in. from the neighbor's house to the lot line, leaving 15 ft. between us.

Mr. Wickins: Have you talked with your neighbors?

Mr. Madison: Yes, they do not object. This will be a screened patio.

No one appeared to speak on this application.

Application of Archie Everett for variance to erect house 30 ft. from front lot line, lot #3 Everett Dr.

Mr. Everett presented map, stating this was what he had discussed with the Board at the previous meeting, when the map had not been advertised. No one appeared to speak on this.

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

Mr. Potter stated this was the same operation as granted before, with no changes and no additions.

No one appeared to speak on this.

Application of James Alexander, 4391 Union St., for variance to build golf course, including club house, on 230 acres, in EE residential zone.

Mr. Alexander: I just want to go ahead and put in a golf course and a new club house. There are no near residences, this is out in the open. Mr. Pfenninger is the nearest neighbor.

Mr. Wickins: Will you furnish off-street parking?

Mr. Alexander: Yes. I figure we can park 100-150 cars, with room for more if it gets that big. This will be an 18 hole course. That will be on about 133-134 acres. This is on the east side of the road, north of the house.

No one appeared to speak on this application.

Application of Cornelius Cummings, 1791 Scottsville Rd., for variance to erect 20 ft. by 4 ft. planter and 5 ft. by 2 ft. sign, 1½ ft. from front lot line, in D zone.

Mr. Cummings: I tried to remove the two gas pumps before, but could not unless I put something else there. I thought I could get rid of the pumps by putting in this planter with trees.

Mr. Strassner: Will the sign be illuminated?

Mr. Cummings: I would like to have some lights inside of the planter, just at the root of the trees. This would reflect on the sign itself.

No one appeared to speak on this application.

Application of Glenn Sickles, 17 Audabon Terr., for variance to erect addition to garage 5 ft. from north lot line.

Mr. Sickles: I would like to add 8 ft. on the garage and have a 2-car garage, 23 ft. wide overall. This adjoins a 40 ft. strip where there is no house, Mr. Gerwicks owns it. It is not for a road, just a 40 ft. right-of-way.

Mr. Gerwicks: I have no objections. This map was drawn up in 1954. When I laid out the subdivision, I allowed 40 ft. in case, if anyone was interested, they could add on to the 124 ft. lots. No one has shown any interest. Mr. Sickles wants 5 ft. off this lot line. Even if the strip was bought, it would not interfere with this garage.

Application of Alice R. Cornell, 27 Creekview Dr., for variance to operate dog kennel in a residential zone.

Mr. Cornell: We have a dog run in the back, but the western feeder is going to take it. It will have to be moved back up in the lot. We would like a variance to have a place to keep the dogs at night. I have a letter from the neighbors, two on each side and two across the street, who have no objections to putting the building up. There are only 4 dogs. We have two dogs now. I believe anything over two dogs is considered a kennel. This is for our own personal use, just for field trial purposes. They are all pedigreed dogs, Brittanies. This will be far enough from the lot line next door, and far away from everyone. It is 12 ft. from the lot line, I could move it over a couple of more feet. It is 58 ft. behind the house. It will be a 12 ft. by 20 ft. building, including 4 runs. There is nothing in the back. The feeder will go through there. We plan on shingling, painting, and shrubbing, the same as the house.

Mr. Strassner: Are there any objections?

Louis Roy, 25 Indian Hill Dr.: My objection is not to the proposed dog house. I may even rent space myself. It is the implication attached to a dog kennel that there is no restriction as to number of dogs, nor any restriction that the property owners must own the dogs. I submit to the Board that in granting permission that it be stipulated that it be for the housing of their own dogs and limited to a certain number.

Peter Trenton, 28 Indian Hill Dr.: I don't object to keeping these dogs. My objection is to granting a variance to operate a dog kennel. Mrs. Cornell knows there is a tract restriction against operating dog kennels.

Mr. Wickins: That has nothing to do with this board. They would have to consult their own attorney. The Board does not grant more than is asked for, and they are not asking for a commercial dog kennel.

Mr. Trenton: I have no objection to the dog kennel as long as it is not commercial, with restrictions imposed.

Mr. Cornell: I present a map of the lot showing approximately where the building will be. There will not necessarily be puppies. These dogs are just for field trials. We don't plan on a lot of puppies.

Mr. Wickins: What would be the maximum?

Mr. Cornell: With only 4 runs, the maximum would be 4 dogs. I might borrow another one during the hunting season, or have small puppies. We have had them there for a number of years and have had no complaints. The only time they get out is when we put them in the car for training in the back lot. We want to put up the building, not only for our own benefit, but for the neighbors too. Otherwise, we will have to move the coops up on the lot. We still can have two dogs. It is misleading when this is called a kennel.

Mr. Pfenninger: How many females?

Mr. Cornell: Only one now, a pup.

No one else appeared to speak on this application.

Application of Paul Jones, 1345 Scottsville Rd., for variance to park house 50 ft. from front lot line in A commercial zone.

Mr. Jones: I think I should state this first. We have used that land for 15 years for display of movable vehicles. This one can be installed in one day and go out in one day. This is for display by appointment only.

Mr. Wickins: The Town Board asked me to look into this house when it first went up. After discussing it with the Town Board, they felt that Mr. Jones should apply to the Zoning Board as it is somewhat different from a trailer. It is set in the same manner as a mobile home with wheels. It is put on blocks for appearance. It is just for display and sale the same as a mobile home. When it is sold, it is put on a regular home foundation.

Mr. Jones: This is not a trailer. It is just a matter of putting it where a trailer can be put. We had a variance for this some years ago. You don't think of this as a permanent fixture. It is temporarily wired, just for sale purposes. It can be moved and delivered within a day. As soon as we sell this, we will have another one. Not more than one at a time.

Mr. Wickins: How far back is this from the road?

Mr. Jones: 84 ft. from the edge of the pavement. I don't know how far from the center of the road.

The Board instructed Mr. Davis to ascertain this distance.

Application of Ronald Smith, 35 Names Rd., for variance to erect house on lot R-9 1 B Black Creek Rd., 72½ ft. wide lot.

Mr. Smith presented map, and stated the lot has been subdivided.

Mr. Wickins: They will have to go before the Planning Board next week, but in order not to hold him up for a month, we slated the hearing for tonight.

Mr. Smith: The lot is 72½ ft. wide by 150 ft. deep. We will set back whatever the requirements are.

Mr. Strassner: 60 ft. is required. There are two or three houses on the street which are set back 45 ft.

Mr. Wickins: It seems you ought to amend your application and ask for a variance for a 45 ft. setback to conform with the other houses. Otherwise you will have to come back in here.

Mr. Smith: We do ask to amend our application and ask for a setback of 45 ft.

Mr. Wickins: If the Board granted the variance, you will be able to set back as far as you want, but no closer than 45 ft.

No one appeared to speak on this application.

#### DECISIONS OF THE BOARD:

JOHN SYRACUSE - Granted variance to operate coin laundry, further variance to operate said laundry 24 hours a day 7 days a week, but said variance as to the operation of laundry 24 hours a day, 7 days a week, is to be reviewed by this Board at the expiration of 3 years, and with the further restriction that venetian blinds must be installed in the <sup>front</sup> window, closed at night to cut down any glare, and that off-street parking for a minimum of 25 cars be provided. All members voted in the affirmative.

GLENN A. MADISON - Granted variance to erect patio 7½ ft. from west side lot line. All members voted in the affirmative.

ARCHIE EVERETT - granted variance to erect house 30 ft. from front lot line, lot #3 Everett Dr. All members voted in the affirmative.

HAROLD POTTER - granted variance for renewal to operate radio and television repair service for a period of 3 years. All members voted in affirmative.

JAMES ALEXANDER - granted variance to build golf course, including club house, on 230 acres at 4391 Union St. All members voted in affirmative.

CORNELIUS CUMMINGS - granted variance to erect 20 ft. by 4 ft. planter and 5 ft. by 2 ft. sign, 1½ ft. from front lot line, at 1791 Scottsville Rd., with restriction that gas pumps be removed. All members voted in affirmative.

GLENN SICKLES - 17 Audabon Terr. - granted variance to erect addition to garage 5 ft. from north lot line. All members voted in affirmative.

ALICE R. CORNELL, 27 Creekview Dr. - granted variance to operate dog kennel with following restrictions: Limited to 4 adult dogs, not more than 2 females; any puppies to be disposed of by the time they reach the age of 3 months; not to be a commercial kennel, only for the use of Mr. and Mrs. Cornell. Variance granted for 3 years. All members voted in affirmative.

PAUL JONES, 1345 Scottsville Rd. - granted variance to park house <sup>50'</sup> from the front lot line. This for sale and display purposes only. ~~all members voted in the affirmative.~~

RONALD SMITH - granted variance to erect house on lot R - 9 1 B Black Creek Rd., 72½ ft. wide lot, 45 ft. setback from front lot line. All members voted in the affirmative.

June Yates, Secretary

## ZONING BOARD OF APPEALS

July 11, 1961

The meeting was called to order, and roll was called with the following members present: Frank Bubel, Clifford Tomer, Charles Pfenninger, and the Chairman, Cornelius Strassner. Also present was the Building Superintendent, William Davis.

Application of Sam Damico, 55 Creekview Dr., for variance to erect garage 3 ft. to east side lot line, E residential zone.

Mr. Damico presented a map showing adjoining property.

Mr. Damico: Originally, there was a proposed street on the west side of my property, so the house was planned 20 ft. from that lot line, as it would be a corner lot. The Western Expressway in the back eliminated the street, so the house was moved over 10 ft. This left 25 ft. on the east side. In order to build a two-car garage, you need 22 ft. This leaves 3 ft. to the side lot line. The next door neighbor is 46 ft. from this lot line, making 49 ft. between us.

Mr. Strassner: Does anyone wish to speak on this application?

Sanford Lewis, 59 Creekview Dr.: I own the house adjacent to this and I am in favor of it.

No one appeared to speak on objection.

Application of Peter Trenton, 28 Indian Hill Dr., for variance to erect house on lot #42 Brookview Rd. 45 ft. from front lot line, D residential.

Mr. Trenton: The lot number should be 23 instead of 42. All the houses on Brookview Dr. are setback 45 ft. The side line would be 10 ft. on the north side. This would put my house in line with the others.

No one appeared to speak on this application.

Application of Page Airways, Inc., 1265 Scottsville Rd., for variance to erect sign 11 ft. by 7 ft. high, 25 ft. from front lot line.

James Wilmot appeared to represent Page Airways, Inc., and presented a map of the property.

Mr. Strassner: Is this 25 ft. from the property line or from the edge of the pavement?

Mr. Wilmot: It is measured 25 ft. from the front property line to the center of the sign. The sign is 11 ft. long.

Mr. Strassner: That would make the sign  $18\frac{1}{2}$  ft. from the front lot line. Would you like to amend your application to read that way?

Mr. Wilmot: Yes, I do amend the application to read  $18\frac{1}{2}$  ft. from the front lot line. The sign is located next to the propeller.

Mr. Tomer: Who owns the property immediately north?

Mr. Wilmot: That is owned by Kodak.

No one appeared to speak on this application.

Application of Donald Radtke, 2426 Monroe Ave., for variance to build and operate 40 ft. by 50 ft. concrete building for storing building equipment and trucks, located in D residential zone, at 16 Stallman Dr.

Donald Radtke appeared to represent Arthur Coit, owner of the property, and presented a map.

Mr. Radtke: I am only negotiating a purchase on this, pending the decision of the Board. This is right adjacent to Cummings. I have it marked 50 ft. back, but can comply with the town ordinance. I have 350 ft. of depth toward the railroad property.

Mr. Strassner: Mr. Cummings has a building there now facing the street. Would there be any objection to having your building in line with Mr. Cummings'?

Mr. Radtke: He is back more than 50 ft. He has cars there and is using the front area for outside storage.

Mr. Strassner: Not for long.

Mr. Radtke: This building is primarily for storage of building material. I don't plan to use any storage outside, just inside the building.

Mr. Strassner: These storage buildings get to be pretty much of a mess if there are not certain restrictions to keep them looking suitable.

Mr. Radtke: That wouldn't conflict with any of my plans.

Mr. Tomer: Does a driveway come in from Stallman Ave.?

Mr. Radtke: Yes. There will be 3 openings in the front of the building with 11 ft. doors, and storage in the rear. The property runs back to the railroad. There is a 25 ft. side line setback on each side.

The lot is 100 ft. wide. There will be no sales. There might be something coincidental to customers. I have an office on Monroe Avenue for sales purposes.

Mr. Strassner: Will there be any machines and equipment?

Mr. Radtke: Just storage, nothing to operate. Storage of windows, shingles, roofing.

Mr. Strassner: Will there be bricks in the back?

Mr. Radtke: No, I don't expect to have any.

Mr. Strassner: Can you foresee it in the future?

Mr. Radtke: No, I don't think so. I have a garage in the downtown area in Rochester which is being taken by the inner loop. I am losing that in a few months. All materials are stored inside in that location also.

Mr. Strassner: How about keeping the area cleaned up?

Mr. Radtke: Whatever the town feels is best in the interest of the area will be agreeable to me.

Mr. Pfenninger: Some of these buildings grow up into weeds.

Mr. Radtke: The back is in weeds now. I am trying to clean up the area.

No one appeared to speak on this application.

Application of John Erbelding, 375 Chestnut Ridge Rd., for variance to erect 24 ft. by 32 ft. tool shed, in a residential zone.

Mr. Erbelding presented a map.

Mr. Erbelding: This will be used for storing a boat, garden tractor, hand tools, and garden tools.

Mr. Strassner: You will not be running a garage?

Mr. Erbelding: No. This is 170 ft. back.

Mr. Strassner: Does anyone wish to speak on this application?

Mrs. I. D. Cramer: I live next door and I am in favor.

James Hanson, 299 Chestnut Ridge Rd.: I am in favor.

No one else appeared.

Application of Edwin Kintner, 139 Morgan Rd., for variance to erect 6 ft. fence, in a residential zone.

Mr. Strassner: What is the reason for this request?

Mr. Kintner: I want to use it for protection against snow and wind and to build it around a patio. It would be just around the house, approximately 18 ft. from ~~front~~ lot line, about 10 ft. on the other side, and 115 ft. from the road. (Mr. Kintner drew sketch) This would be a basket weave fence (showed picture of proposed fence).

Mr. Tomer: Is the patio in now?

Mr. Kintner: No. I brought slides to show the relationship of the house to the neighbors, also to show the snow we get out there.

Mr. Pfenninger: How far is your house from the railroad?

Mr. Kintner: There is one house to the east and then the railroad. We are the old Stevens farm right up on the hill.

Mr. Pfenninger: Why not a 4 ft. fence?

Mr. Kintner: After being there 3 years, we don't feel anything other than a 6 ft. fence would do it.

Mr. Strassner: Are there any objections?

Mr. Cornell, 141 Morgan Rd.: We live one house to the east. We are objecting on the basis that we have a severe drift problem. In the back yard we have a hedge which barely survives the drifting. It looks as though the drifting from this fence will fall where we have pretty nice shrubbery and flowers. I checked with the town and found the drifting from a 6 ft. fence can be as deep as 6 ft. There is a natural drift now. One year we lost a quince tree. The average depth of drifting is 3 ft. to 6 ft., depending on the snow.

Mrs. Cornell: Would this be in the front of the house also?

Mr. Kintner: Just in the back.

Mr. Cornell: I have a possible suggestion. Because of the drift problem, perhaps Mr. Kintner could work out taking down the fence in the winter.

Mr. Kintner: That wouldn't make first rate installation. It would just be like a snow fence.

No one else appeared to speak on this application.

Application of Blanche Bertrand, 249 Paul Rd., for variance to erect 30,000 sq. ft. plating shop 80 ft. from front lot line, 25 ft. from east side lot line, in part A and E zones.

John R. Lenzi of Lenzi Plating Co. Inc., presented sketch.

Mr. Lenzi: This is right along the railroad track. We would like to have an 80 ft. setback because of the shape of the lot. We will eventually tear down the old brick house. The building will be approximately 30,000 sq. ft. total, off street parking on the side, and landscaped in the front. It would be receiving and shipping commercial plating, which is allowed in industrial zone. The water and the sewers are there. This would run into the disposal plant.

Mr. Tomer: How many employees?

Mr. Lenzi: Right now 15. Somewhere around 25 total. There is plenty of room for offstreet parking.

Mr. Strassner: How many trucks of your own?

Mr. Lenzi: One, which I can house. I generally drive it home.

Mr. Strassner: How many cars do you figure to be using in there?

Mr. Lenzi: Probably a total of 12 cars, and probably not more than 2 - 3 trucks at one time. Very rarely a trailer truck; just small pick-up trucks. Part of the property was industrial and the other was not.

Mr. Strassner: Our Master Plan calls for all industrial there now.

Mr. Tomer: Your office space is in the front, facing Paul Rd.?

Mr. Lenzi: Yes. The 30,000 sq. ft. includes office space.

Mr. Strassner: What about drums?

Mr. Lenzi: Nothing outside, all inside. There is no storage of anything outside, there is no need for it. The empty drums are disposed of or are kept in the plant until they are picked up. I have a plating shop right now on Canal St. There is a house and an oil company across the street from this property, another brick house about 1500 ft. down.

Mr. Strassner: Does anyone have any objections?

Joseph Gartland, 320 Paul Rd.: What type of plating is this? I have a background of my family in the plating business and I know a lot of objectionable points to it.

Mr. Lenzi: Copper, nickel, chrome, zinc oxide forms, phosphate forms, aluminum conversion coatings. Stripped before plating. Preparatory acids.

Mr. Gartland: This is bad as far as ventilation and exhaust systems. We have a problem at our plant. The noise and exhaust would be detrimental to the area.

Mr. Lenzi: We are right in the center of the city now. On Canal St. 2 years, on Water St. 6 years. We passed all ordinances required.

Mr. Gartland: What are the approximate dimensions of the 30,000 sq. ft. building?

Mr. Strassner: There are no given dimensions on that. It will go approximately 30,000 sq. ft. The building would come under the Building Code.

Norman Burgess, 436 Paul Rd.: What would it look like, like Bausch & Lomb?

Mr. Lenzi: Similar, only brick. It would be 80 ft. from the front.

Mr. Gartland: I object for 2 reasons: 1) I would like to see all industrial variances stopped until the Master Plan is adopted. A few neighbors in the area have been fighting that particular thing. I object to plating. I know a little about it. 2) The people in the area would like a buffer zone in the area. Bausch went through. We don't mind industry, we object to spot zoning. There is no established plan. This will affect future housing. There is no Master Plan officially. I would like to see all variances withheld in that particular area until that happens.

Norman Burgess: I say the same thing. I have no objection to industry coming into the town. The problem is in terms of residential. There are 700 ft. across the street between Bausch & Lomb and this place. What will become of it. This town really has to have a forward look and adopt a Master Plan. There should be a 200 ft. buffer zone to protect the people. You shouldn't just say 80 ft. and have these places abutting up to our homes.

Mr. Gartland: I am not against industry in the town. It is the method it is used and where. I am in sympathy with a buffer zone. This is not a hardship case.

Mr. Burgess: Is it your wish that you accept anything without even knowing what the building looks like?

Mr. Strassner: We know the size of the building and the ground covered on the property. As to the shape of the building, it has to meet the building code.

Mr. Gartland: When granted, is that for the life of the property?

Mr. Strassner: in this case, yes.

William Spahn, 300 Paul Rd.: Where is the A zone and the R zone?

Mr. Strassner: The industrial runs about 50 ft. to 100 ft. along the railroad. The other half of the lot seems to be in residential. The lot is split. The frontage is 159 ft.

Mr. Spahn: What is the setback on Bausch & Lomb?

Mr. Strassner: 100 ft.

Mr. Spahn: I object to 80 ft. frontage and industrial without a buffer zone.

Mr. Strassner: This has the R G & E right-of-way on the other side of the property.

Mr. Pudup, 330 Paul Rd.: When Bausch & Lomb came in, you gave them 100 ft. instead of 200 ft. This man wants 80 ft. I object to 80 ft. Where is it going to stop?

Mr. Gartland: Is this property going to be resold after the house is torn down? The present owner is asking for a variance to transfer to a new owner. I would like to see this particular thing stop. Let it be known that the new owner wants the variance ahead of time. The same thing happened with Bausch & Lomb. I am against your approving these things when we know they could be objectionable.

Mr. Strassner: If a variance is granted, anything else needs a variance too.

Mr. Gartland: Once industrial, it is open to anything.

Mr. George Bertrand: I live on the property and am now representing my mother, who owns it. We are selling the property. Part of it is industrial now. Just want a variance granted to use the other part. Mr. Gartland lives way down the street from us. I don't think he would get any fumes. There is no one close enough for it to bother.

Mr. Gartland: Although I am 200 yards from it, I am interested in the lot in general and in the Town of Chili.

No one else appeared to speak on this application.

Application of Howard Burrows, 22 Hubbard Dr., for variance to erect 6 ft. lot line fence, in residential zone.

Mr. Burrows: My lot is 75 ft. wide. I want the fence mainly to discourage children from climbing the present fence. Got a 4 ft. fence now. I have tried to do some planting along the fence for 3 or 4 years and everything got destroyed. It seems to me the only way to overcome it is this fence. I will increase the height of the present fence. This fence is on the rear of the lot, where it is thickly wooded. It is mostly inconspicuous, a wire fence. I have used chicken wire in a little different manner, stretched with cedar posts. Not a bad looking fence. I want to increase the height of it with chicken wire. If that is not desirable, I can use something else. I know with children a woods is quite a temptation. We have tried to protect the wild life. The lot is 331 ft. deep. The fence starts about 100 ft. from the street and runs to the rear of the lot, about 230 ft. It is just on the two sides and rear, all in the wooded area of the lot. The children come from the woods into the yard. The property back of us towards Union St. is all built up now. All the yards have woods on that end of the street.

Mr. Pfenninger: Have you spoken to the neighbors?

Mr. Burrows: I have spoken to one of them. The other objected to the 4 ft. fence.

Mr. Pfenninger: Can't the children come around the fence?

Mr. Burrows: I have a short section of picket fence on the south side and have that connected to the house with a gate. Across the center of the house is another section of fence. It is not too easy to get in, not without being seen. We can't see the rear part. The posts are 10 ft. apart. The children are all sizes. Part of the chicken wire is on the ground. I have stretched one strand of solid wire and pulled the chicken wire up to it and staked the chicken wire to the ground.

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Ernest Dimor, 24 Hubbard Dr.: I have the lot next to his. I present a petition in objection to this with the signature of the present owner of the property east of his against it, my signature and my wife's signature against it, also 6 signatures of residents in the vicinity of his house that object. A 6 ft. fence is not allowed in the Town of Chili in D zone. There are 40 other names of people on the street that object to any 6 ft. fence on Hubbard Dr. He says he has a decent fence. My yard is clear, his is not, it is not a decent fence. He put barbed wire up, against the code. I had to come up to the town. There are approximately 19 children in the six houses. I feel sorry for him in this section with children. As far as I can see, it is not a hardship case.

Elizabeth Latina, 17 Hubbard Dr.: I object.

Lewis D'Aurigio, 106 Hubbard Dr.: I object.

Mr. Corlett, 25 Hubbard Dr.: I object.

Robert Schrader, 32 Hubbard Dr.: I object.

Ralph Hotchkiss, 31 Hubbard Dr. I object.

Mr. Burrows: As I said before, this fence is in the wooded area of the lot. He mentioned barbed wire put on top. When I put this up, I was unaware it was not permitted in the town. The Building Inspector came up and told me it wasn't permitted. I asked him if it would be all right if I cut the barbs off, he said yes, so I did this, so it cannot be called barbed wire at the present time.

Mr. Dimor: One week ago, before you asked for this variance, you did string another strand of barbed wire. I thought I would just let it go, so did not come to the town about it. However, when he applied for the variance, he probably said it had come down. That's a pretty dangerous thing. we don't want children hurt.

Mr. Burrows: That barbed wire was up there a day or two. The records show the barbed wire was down before the variance was applied for. There is a lot of ball playing and the ball comes over on my property. My wife saw Mr. Dimor lift a child over the fence and back again to get a ball. I am responsible for anyone injured on my property.

No one else appeared to speak on this application.

Application of John Fantigrosse, 170 Brook Rd., for variance to operate roofing and sheet metal business, in E residential zone.

Mr. Fantigrossi: I would like a variance to use existing buildings, a barn and garage, for storage of roofing and equipment. The barn is about 100 ft. from the road. The type of roofing is in the commercial line, not like shingles. It is tarred felt, asphalt, etc. The sheet metal work will be mechanical and manual. I am self employed. There is no one working there except me and maybe sometimes one helper.

Mr. Strassner: How far from the nearest neighbor?

Mr. Fantigrossi: Right across the street is Wehle's woods. On the right is the radio station. On the left is the railroad. 1400 ft. back is the other house. There are 40 acres.

Mr. Tomer: Are you going to transact business?

Mr. Fantigrossi: There might be salesmen coming to call on me. I am in the roofing business. I just moved there in April. In a little while, it will look as it did before. I have to make a curve in the driveway to the barn, and I'm trying to fill in front of the barn so I can drive in straight.

No one appeared to speak on this application.

#### DECISIONS OF THE BOARD:

SAM DAMICO granted variance to erect garage 3 ft. to east side lotline at 55 Creekview Dr. All members voted in the affirmative.

PETER TRENTON granted variance to erect house on lot #23 Brookview Rd. 45 ft. from front lot line. All members voted in the affirmative.

PAGE AIRWAYS INC. granted variance to erect sign 11 ft. by 7 ft. 18½ ft. from front lot line, as per plans presented. All members voted in the affirmative.

ARTHUR COIT granted variance to build 40 ft. by 50 ft. concrete building for storing building equipment and trucks at 16 Stallmen Dr. with following restrictions: No storing of materials outside of building; no parking of vehicles outside of building; shrubbery from the front of the building to the side lot line and the lot kept clear; suitable offstreet parking to be provided; front setback to be on the same line with the existing building on the south side. All members voted in the affirmative.



JOHN ERBELDING, 375 Chestnut Ridge Rd., granted variance to erect 24 ft. by 32 ft. tool shed, as plans presented. Members voted as follows: Tomer - no; Pfenninger - yes, Bubel - yes; Strassner - yes.

EDWIN KINTNER, 139 Morgan Rd. denied variance to erect 6 ft. fence. All members voted in negative.

BLANCHE BERTRAND, 249 Paul Rd., granted variance to erect 30,000 sq. ft. plating shop with following restrictions: Front building setback to be 100 ft. from front lot line; no storage outside; front to be shrubbed and seeded; all parking to be on the west side of the building for a minimum of 20 cars. Members voted as follows: Tomer - no; Pfenninger - yes, Bubel - yes; Strassner - yes.

JOHN FANTIGROSSI, 170 Brook Rd. - granted variance to operate roofing and sheet metal business for a period of 3 years. There is to be no storing of materials outside the building. Members voted as follows: Tomer - no; Pfenninger - yes; Bubel - yes; Strassner - yes.

HOWARD BURROWS, 22 Hubbard Dr. - denied variance to erect 6 ft. fence. All members voted in negative.

June Yates, Secretary

August 1, 1961

A Zoning Board Meeting was held in the Chili Town offices, 3235 Chili Avenue, Rochester 24, N. Y. on August 1, 1961 at 8 O'clock P. M. Roll was called with the following members present: Cornelius Strassner, Charles Pfenninger, Clifford Tomer and Frank Bubel. Also Building Inspector, William Davis.

Application of Patsy R. Battista for variance to erect house on 75 ft. wide lot #21 Creekview Sub. 7 ft. to east and west side lot line located in "E" Residential Zone.

Mr. Battista submitted plan of house and single garage. Mr. Battista stated he wished to build 2 car garage. Mr. Strassner asked how close neighbors house is on each side, and size of lots. Mr. Davis stated they vary and that he would check map.

Mr. Sartino Attorney for Mr. Seamons whose property is west of lot in question stated that Ordinance of Town of Chili requires 10 ft setback from side lot line and they feel Mr. Battista must show undue hardship in asking for this variance.

Mr. Rycraft, 3720 Chili Avenue also objected to variance being granted. stating he owns lot to the east of one in question. on which he plans to build someday. Mr. Rycraft in favor of Mr. Battista holding to 15 ft. setback required by tract. He stated he was against 7 ft and 10 ft. setbacks Attorney Wickins stated Town had nothing to do with tract restriction. There was no one to speak further on this application.

Application John Bernhard for variance to erect a house 50 ft. from front lot line on 74.83 ft. wide lot, located in "D" Zone at 93 Names Road.

There was no one to speak in favor or against said application.

Application of Michael Truisi, 3270 Chili Ave. for variance to change a 2 family into 3 family apartment, located in "E" Zone.

Mr. Truisi. " I have appeared to present case for past 6 years" am across street from Commercial or light industrial.

Mr. Strassner. "Aren't there 3 families in there now?"

Mr. Truisi stated no.

Mr. Robert Loomey, 3260 appeared and objected to this application stating it would alter the valuation of property and of his house. He also inquired about ordinance pertaining to fire escapes for multiple buildings.

Samuel Grover, 3250 Chili Ave., appeared and objected to Mr. Truisi's application stating he had moved to location for reason of having a home where there was no multiple housing etc. He felt this would detract from neighborhood.

Mrs Cortash, 3300 Chili Ave. stated that she lived next door to Mr. Truisi and was in favor of variance.

Angelo Golisano, 3302 Chili Ave. also was in favor of of variance for Mr. Truisi stating that "it makes no difference whether there were 2 or 3 families.

Application of F. W. Moffett, 3021 Chili Ave., to erect multiple Housing Units Town Lot #23, Town of Chili on 100 Acre tract east side of Archer Road in "E" Zone.

tentative

Mr. Moffett appeared and summarized/ plans for Multiple housing units for the elderly and answer questions regarding said plans.

According to Mr. Moffett these would be built for people over 62 years of age and would be a garden type of house, and he wished to know if the Town would have an interest in this type of housing which they proposed for 100 acres on the east side of Archer Road. He further stated since his father's retirement from Railroad Signal he had been deeply interested in helping the blind and handicapped and had helped in these area in School for blind in Batavia and in Florida, and now would like to do something in home town. The federal government is much aware of need of developments for elderly people because they are living longer. The federal and state governments have made funds available for this, and both governments would like to see outstanding examples of housing for the elderly. The agency has been approached to see if there was a need for this type of housing in the area. Outside of State of Florida, Monroe County has more elderly people than any other place in the Country. Funds for this project <sup>are</sup> made available by the government. The state has a law that town reduce taxes on a project of this type. Can make \$20.00 difference in rate in School tax. You are not allowed to have people in under 62 years of age and only couples or single, so there would no children and no school load. Any taxes would be velvet in school district where assessed. Normally there would be 2 houses built on an acre of ground for \$40,000 value, whereas under this program there would be \$200,000 worth of construction per acre, so if town reduced tax rate to 40 % of normal, they would still be collecting double amount of tax. Mr. Moffett compared this to having industry in the Town where people would be interested in moving near to their work, and resulting in more children and more school load. The Town, Mr. Moffett stated gets \$3.55 for every person in Town from the state so the more people, the more the town takes in, and elderly people aren't constituting a load on the Town. In answer to inquiry about welfare load for Town due to this type of housing, Mr. Moffett answered that we have county welfare, not town, so any welfare problems existing would be for county and not town. In addition people applying for apartments are required to give financial information about themselves and whether they can pay rent. Also can have endorsement of family. Mr. Moffett stated that Mr. Sturant of the agency would be glad to give any further information on this to those interested. Mr. Moffett said these homes are considered depression proof as elderly people can now live on social security and pension as the system is to-day.

Mr. Strassner: "How many units.

Mr. Moffett: " 1200 to 3,000 units depending on whether it be single story structure or multiple floor.

Mr. Strassner: "How much would rentals be?

Mr. Moffett: About \$70.00. Single unit would be less than double.

Mr. Strassner: What about recreation?

Mr. Moffett: Would be something like Danforth Center.

Mr. Tomer: "Would these have garage.

Mr. Moffett: "no" Figures show only 25% of this age group drive." Would be parking" "City has several with no parking".

Strassner: How would people get back and forth?"

Mr. Moffett: "Federal Government considers bus transportation."

People at Danforth Center and visitors use public transportation.

At Cobbs Hill, the nearest bus is Monroe Avenue. We have talked with them and they don't consider this a burden." I would expect bus to run through this project."

Mr. Sam Grover: " Would there be more expense to Town for Medical service etc."

Mr. Moffett: " You are right in the need for medical service" but there would be limited Medical care at Medical Center included in this plan, as well as laundry . These would be in area of recreation center.

Charles:Costanza: Doesn't the tract in question touch Paul Road.

Mr. Moffett: "Yes, and Chili Road also".

Mr. Costanza asked why more residents were not notified.

Attorney Wickins stated only necessary to notify six. Legal notice was in paper.

Mr Balsom, Creekview Drive "Will you be reimbursed by Federal Government" Attorney Wickins stated question out of order.

Mr. Balsom: Would you say there would be 3000 people?"

Attorney: That information, Mr. Moffett will submit at next meeting. Zoning Board meets every month. At that time he will have plans and Specs. He said that 100 acres would accomodate 3,000 people."

Mr. Wilcox, Paul Road: " Could this mean segregation?"

Attorney: " Wouldn't think it would be possible."

Mr. Wilcox: "What are you going to do with disposal?"

Mr. Moffatt: " I invite you to look at other projects in city. They are the neatest dwellings. From Sewage standpoint, elderly people create less of load."

Mr. Wilcox: " City of Rochester gives Public Service. Would this be problem for Town"?

Attorney: "Would be up to the project."

Mrs. Frank Johnson: "Would it be 2 Story?"

Mr. Moffett: We are studying it.

Discussion of more than one story

Also discussion of exact location of property, and in answer to inquiry of residents of Janice Drive, Mr. Moffatt stated project would face Janice Dirve. There would be an outlet to Archer Road, but would not front on that street, Would not be objectionable as would be park like and attractive.

Mr. Norman Katner, 53 Laredo Dr. asked about changing zoning from "E" to Commercial.

Mr. Strassner: "This Board has no right to change Zoning".

Mr. Katner Presented the following questions which he asked Mr. Moffatt to have answers for at next meeting.

1. What are the maximum and minimum number of bedrooms in each unit?
2. Will all acreage be consumed with this project?
3. Is there any plan to have any stores closer than Westgate to meet the needs of residents of such a project?
4. Is the Construction under New York State Housing Agency?

Mr. Moffatt stated there was no plan for stores in the area. and that re: question 4, would depend on what was available. Some funds might be used up at time it would be needed.

Mr. Katner further question what specific taxes can be levied and if he could be assured that this type of apartment would not have school children.

Residents asked if possible that status of apartment might not change especially if they became vacant in next ten years.

Mr. Moffatt: "Mortgage runs for 50 years and it will have to be run by the regulations, It wouldn't change in that time."

Bernice Wilcox, 516 Paul Road "How would this effect value of surrounding properties?"

Mr. Moffatt: "My own opinion, it would enhance value of properties around it.

Mrs. Samuel Grover, 3250 Chili Ave. asked to compare size with Cobbs Hill and Seth Green in City of Rochester.

Mr. Moffatt: " Cobbs Hill has 60 units, Seth Green a little larger.

Attorney: " Would like to clear one thing. This is not an informational meeting. It is a regular Zoning Board meeting. The decision on Mr. Moffatt's application will be reserved until next meeting at which time Mr. Moffatt will submit further information. Arrangements to be made for larger meeting Place, possible Fire House #1. Notice will be in paper.

Mr. Harry Shemanski, 15 Janice Drive: "1200 to 3000 units. that would mean Approximately 2400 to 6000 people. These would not all be from town?"

Mr. Moffatt: No.

Paul 542 Paul Road asked Mr. Moffatt what he intended to do with water that stood on land.

Mr. Moffatt: that is no problem. Have to grade land

Bernice Wilcox, 516 Paul Road: "Would you tell me specifically what taxes they would be exempt from?"

Attorney Will check further on this" They are not exempt from school and water. Will be exempt from part of real estate tax.

Mr. Norman Katner: "Be deasible to check laws governing it and have at next meeting?"

Attorney Wickins: Will exam laws pertaining to it.

Mr. Wilcox: Who will furnish Ambulance and Fire Protection.

Mr. Strassner: Town Will have to furnish it."

Mr. Robinson 8 Janice Drive and Wm. Raetz, 19 Janice Drive inquired about facilities for next meeting.

Residents again told by Mr. Tomer that everything would be done to insure every interested party can get in to the meeting on September 5th.

Mr. Katner states the Gates Chili Board had passed a resolution allowing facilities at Schools in District to used for such meetings and suggested using Florence Brassier Auditorium.

Luraina Robbins  
Recorder of Minutes

#### DECISIONS OF THE BOARD

1. PATSY R. BATTISTA Denied variance to erect house on 75 ft. wide lot at #21 Creekview Sub. 7 ft. to east and west side lot lines, located in "E" Residential Zone. All members voted in negative.
2. JOHN BERNHARD Granted variance to erect a house 50 ft. from front lotline on 74.83 ft. wide lot, located in "D" Zone at 93 Names Road. All members voted in the affirmative.
3. MICHAEL TRUISI, 3270 Chili Ave., Granted Variance to change a 2 family into 3 family apartments subject to the conditions that all cars must be parked in back of front of house, and that each apartment have two separate entrances. Mr. Strassner, Mr. Pfenninger and Mr. Bubel voted in the affirmative. Mr. Tomer voted in the negative.
4. F. W. MOFFATT, 3021 Chili Ave., decision withheld on application to erect Multiple Housing Units, Town Lot #23, Town of Chili on 100 acre tract, east side of Archer Road in "E" Zone. To be further discussed at meeting on Sept. 5, 1961.

ZONING BOARD OF APPEALS

September 5, 1961

The meeting was called to order, and roll was called with the following members present: Frank Bubel, William Tomer, and the Chairman, Cornelius Strassner. Also present were the Building Inspector, William Davis, and the Town Attorney, Ralph Wickins.

Application of Jesse & Jean Schieven and Rochester Telephone Corp. for variance to construct a telephone exchange building at the northwest corner of Stottle and Morgan Rds., 30 ft. from rear lot line, in EE residential zone.

Daniel G. Kennedy, Attorney, 31 Exchange St., appeared to represent Rochester Telephone Corp. Maps were presented.

Mr. Kennedy: This is an application of the Rochester Telephone Corp. and Mr. & Mrs. Schieven asking for a variance to construct a telephone exchange building at the northwest corner of Stottle and Morgan Rds. in residential area EE under your ordinance. This is now an unused parcel of land owned by Mr. and Mrs. Schieven, who join in this application. The Rochester Telephone Corp. has a purchase contract with the Schievens upon the condition of approval of this application by the Zoning Board. The variance sought by the corporation is three-fold. 1. A variance in use, since the ordinance does not permit a telephone exchange building in a residential area without approval. 2. There is a rear yard requirement in EE districts of 90 ft. in depth which the Telephone Corp. would not be able to meet. The rear yard under the present plans would be only 70 ft. deep, and it is entirely possible as the area grows, they might need an extension of that building. Plans submitted to this Board show possible extension in later years. It would require a building 40 ft. extending to the rear, which means a rear yard of 30 ft., which would require a variance. The side and front setbacks meet the requirements of the ordinance. It is proper planning, if there is an extension, to plan on the rear. 3. There is also a height variance. The ordinance in EE districts limits the height to 21 ft. This building will be 26 ft. high, a 5 ft. variance from the requirement. This building will be part of the general over-all plan of the Rochester Telephone Corp. to convert their entire system to dial phones. This would serve a substantial portion of Chili & Scottsville, for those familiar with the territory. This would include all of Murray and parts of Beverly, Idlewood and Fairview. The new office exchange would be Tuxedo. The building will be of reinforced steel construction with brick veneer front and steel panelling, similar to the Webster or Ridge Rd. office. We believe it will be an addition to the neighborhood and will not in any way split the residential character. It will be an unmanned building with no permanent employees. In these days of automation, the building will be served by 2 or 3 maintenance men during the day. There will be no traffic hazards. This will be a substantial addition to the tax rolls. When you build a telephone exchange building, you are not absolutely free to build wherever you wish. It is necessary to pick out the geographical place where most of the wires will converge. That then becomes the most economical place to build the exchange. I have here Mr. Poplotto, Chief Engineer of the Rochester Telephone Corp. to explain why these height and area variances are necessary, as it is rather technical.

Mr. Poplotto: As far as the height variance, this building in the basement will house our battery motor, generator, equipment to change the batteries, and emergency diesel, plus the heating plant. On the first floor, we require 16 ft. 6 1/2 in. from the finished floor of the first floor to the parapet on the roof. From the grade to the top of the parapet is 26 ft. as far as the size of the building, we lay out the frames in the most economical manner in order to use the smallest amount of cable possible. We set up the frames and build the building around it. The building is approximately 78 ft. wide and initially in the neighborhood of 80 ft. long. The office will cut over, and we plan to have this occur about the first quarter of 1963. If you are interested in the area the office will serve, it will be all of the area presently served by Scottsville or Murray, plus a peninsula of parts of Beverly, Idlewood, Fairview, to the Churchville boundary. It will go east to about Coldwater and run in a ragged line along the New York Central tracks, to the westShore and B R & P tracks, over to Jefferson Rd., or Brighton-nenrietta Town Line Rd.

Mr. Strassner: What about parking facilities, for trucks etc.?

Mr. Poplotto: We initially intend to blacktop on the side of the building in order to back up with trucks to put in the initial equipment and to provide parking for the people who install. After the office is cut into operation, there would not be more than 5 or 6 cars during the daylight hours.

Mr. Strassner: Would you keep up the grounds, shrubbery, etc.?

Mr. Poplotto: Naturally, we want to keep them up, but not more than necessary. We are in the business of telephone service, not nursery.

Mr. Wickins: Would there be any noise from this operation?

Mr. Poplotto: No noise. If it comes in, we can run our emergency generator for diesel, through a muffler. If there is a bad noise condition, we can put in a silencer. We have one at Butler-Hubbard exchange. This is only 30 ft. from the next door neighbor, and you can't hear a sound.

Mr. Tomer: Would there be trucks overnight?

Mr. Poplotto: Not unless there is an emergency. It will not be used for parking trucks or cable reels or anything. If you have seen the Henrietta office or Rochester-Pittsford or Webster, that is an example of the number of cars, 4 or 5.

Strassner: Does anyone wish to speak in objection to this?

Arthur Beyor, 656 Morgan Rd. - My only objection is asking for a variance for rear lot line, bringing them within 30 ft. of the line. There is actually no need of a variance as there is land available to build that within the requirements. I believe the Zoning Board regulations say a building should not cover more than 25% of the land. With the extra proposal this will cover more than that and there is land available to build within the regulations.

Mr. Kennedy: In reply, we are aware that that land is for sale, Mr. Beyor is the owner. It would be possible to purchase that land and the Telephone Corp. has the money to do it. However, the attitude of the Telephone Corp. is to be as economical as possible. The extra cost of any of these constructions is not born by the Telephone Corp. only. It goes into the rate base and is paid for by the subscribers. This job can be done efficiently, attractively, and without detriment to the neighborhood, and that is the reason we are asking for this variance.

No one else appeared to speak for or against this application.

Application of F. W. Moffett, 3021 Chili Ave., to erect multiple housing units, Town Lot #23, Town of Chili, on 100 acre tract east side of Archer Road in E zone.

Francis J. D'Amanda, Attorney, appeared to represent Mr. Moffett.

Mr. D'Amanda: As you know, this application by Mr. Moffett is for a variance to construct a series of apartments for housing the elderly. This is a very critical problem today. Mr. Moffett is ready to construct these apartments, and he will tell you what you want to know. You realize this is a humanitarian project. No one will get rich. It is controlled by the government. The most that anyone can make is to get 6% under the rate invested. If you are looking for a motive, no one will make any money on this. This is something very necessary.

Mr. Moffett: Many of you were here at the last meeting at the Town Hall where there was not room enough. At that time we presented this in order to get the Town officials and the people to know about this project. It looked like a good thing for the Town, and we wanted to call it to the attention of the town, so that if the town would like the project, it would not go by default. The monies available are fast being taken up by municipalities and New York State. We would like to make application as soon as possible. This is not a money making scheme. I would make more money developing for regular housing. The government permits a 6% return, but there is no assurance that you get 6%. There were a lot of questions at the last meeting. A number of people approved, many since the last meeting. In order to attempt to answer these questions, I have prepared these sheets which you have (referred to papers passed out before the meeting, a copy of which will be on file in the Town Clerk's office). You all have a copy, if not, I have a lot of extra copies here. This project will not be all built at once. We need a variance to know that we can go through with the entire project and build as fast as demand requires. I have persuaded some people to come to this meeting who are familiar with this project. They have had experience with them in other areas. I would like to call on Mr. Sturant, head of Council of Social Agencies for Rochester and Monroe County, who will tell you of the need for this kind of thing.

Mr. Sturant: I am willing to answer questions later. I will first state how I am involved. I have been in this work many years, and in particular as president of our Board, I have been connected with similar projects. There are not many of these yet outside the city. In the city are Cobbs Hill, Seth Green apartments, and Plymouth Gardens. There is not yet one in the county. I think there is a great need. The town of Chili could be a pioneer. Right this minute, there are about 64,000 people over 65 years old in Monroe County, and the number grows daily. Whether we like it or not, statistics show we are all going to live to an average age of 71. We are not all going to be up and about. I am not going to quote many statistics. We are one of the highest here in the county and state of people over 65 years. I think it is the fact that people like to stay in Monroe County. Really 11% of the population is over 65. At the turn of the century, the average age of death was 48, now we live to 70. I know from experience that Seth Green and Cobbs shows the elderly are inclined to live with the elderly. I don't know whether one of the residents from Cobbs Hill or Seth Green would be present here tonight to tell his story. I will try to show the need for this from these figures: In 1900 21% of the people were over 65, in 1960 57% are over 65. They have a moderate income level and also make taxes available to the County of Monroe. There will be a big population increase in the under 14 age group who will live to be over 65. I am concerned whether there won't be a need for this in the future. The biggest single increase in age groups are the young ones. 40 years from now, there will be a tremendous increase. Fellowship takes place. We are interested in nursing service and transportation and reasonable access to shopping will be available. There will be on-the-spot recreation. There is a need and residents of the present projects have testified in its behalf. The sheer fact of people living longer and being less mobile poses a special need for this type of housing.

Mr. Moffett: I would like to call on Mr. Charles Lovell of the Cobbs Hill project and ask him to tell you what it is like to live in one of these

Mr. Lovell: Statistics are boring and confuse me, and I am not going to talk statistics. I am one of the old-timers and I can't put into a few words telling you what this means to me. It gives me dignity to feel I am living in comfort, independence, and maintaining that dignity. I talk as to a neighbor. I am a man who had a large family, a working man who worked in a factory all my life. I raised 8 children. I didn't have a very happy future financially after raising 8 kids. Then the time comes to be put out to pasture. I wonder what we will do. Times change. There is an upward trend of costs. A year later, what are we going to do. Two years ago, I was put to pasture. There was a family consultation. The children are all married. There was a consultation; what are Mom and Dad going to do? We look around at decent living quarters. I have my Social Security, Company pension, and a moderate savings. We get an apartment suitable for us and we are subsidized. We've got good kids. That doesn't fill something in here. Maybe we might live a year, maybe 10 or 15 years. We can be subsidized. What is the alternative? We raised 8 kids. 8 kids can't raise a couple. The old and the new won't mix. When the opportunity came to get into Cobbs Hill, you can imagine how we felt. We made out just fine. We have life among our own in comfort and the conditions that we enjoy. The atmosphere is fine, and we are independent. It is a happy thing for me and for my wife and for the rest of my family. We are grateful to the man who, a few years ago, thought up this thing. We are living in times now where you have to go fact it, these are changing times. These are men of foresight who are doing this in terms that are suitable to the people of Chili. There is not another project that I know of this side of New York to I don't know how far west that is being done privately. The citizens should be proud to be pioneers. It is coming. The figures the man gave you are astronomical. We are the result of progress. It is coming to all of you too. It is a nice feeling to you in looking to old age to know that your parents at least will be happy. There is not a better place to live in or under better systems. My wife and I are happy.



Mr. Moffett: I would like to call on Edward Bott, President of Danforth House, which is the largest recreational center for the elderly at this time. He will tell us what goes on at the Danforth House and the need for such a program.

Mr. Bott: At Danforth Center you have to be 60 years or older. In attendance, there are better than 200 on Tuesdays and Fridays. We see people come in real down in the mouth, who are living with a daughter, son, or other relative, where they don't fit in. They have got to get out and get away. They mix in with people their own age, meeting old friends and making new ones. They go out with a smile on their faces. This happens day after day. They are just enjoying themselves to the full, even up to age 95. There are no rocking chairs at the center. You see them out there dancing all afternoon, and even sometimes into the evening. They are keeping themselves fit, and not only that, but they are trying to keep up with the Joneses, trying to outdo each other. It is a treat there for down and out people. You don't need to be afraid of the class of people. This would do a wonderful thing for the town. As president of Danforth Center, I believe you will never be sorry if you manage to take care of your old people in a place of that kind.

Mr. Moffett then introduced Jack Moore, President of Recreation for the elderly at Edgerton Park.

Mr. Moore: This is the Edgerton Park Senior Citizens Group Branch of the Danforth Club. That has become so large it has overflowed, so we have this branch. I have been a tenant at Seth Green Park for a number of years and I must tell you people this is the finest place I have lived in my whole life. The location is perfect, the apartment is perfect, the surroundings are wonderful. Mainly and chiefly is the rent. Elderly people, senior citizens, in a project of that kind are able to live there independent of their families. I assure you people in the town if this project is put across, it will be an asset to this community which won't be a burden. God Bless the fellows who are trying to put over this project for the help it is going to do for people like you and me.

Mr. Moffett: Perhaps you would make another comment. People in apartment houses in general may not know their next door neighbors. I suspect this is different in these projects for the elderly. Would you like to comment on the neighbors.

Mr. Moore: On Nov. 15 the Seth Green Park will be 2 years old, and I have been there that long. Just a few weeks ago, we organized a picnic for the whole project, and there were some folds in that project that did not know their neighbors. There are 75 apartments, 75 different families. To make a long story short, I was fortunate or unfortunate enough to be Chairman of the picnic. That was one of the greatest picnics ever, with bingo, an orchestra, prizes, etc. You can get acquainted if you try, and it becomes more or less a one family affair. The following week I was called upon to participate in a picnic at Cobbs Hill. That project is simply beautiful. The young folks should go out to see either one of these projects. If this project goes across, you can be proud of it.

Mr. Moffett: I talked with one of the heads of St. Johns Home for the Aged. I said to him that with elderly people, there must be a certain number of them dying, it must happen more often than in a community of young people. I asked him the attitude of the people in the Home. He said this did not bother the elderly people. If someone is sick, the neighbors pitch in and help. They are more interested in their neighbors than the people in a subdivision.

Mr. Moffett then introduced Fred Bode, Secretary of Danforth House.

Mr. Bode: It gives me great pleasure to be here to speak in behalf of this project. My duties are assistant to the Director, Mr. Snyder, of Danforth House. I am engaged primarily in research work. I get information about recreation programs, about senior citizens housing, etc. I also do counseling work at the Center. Problems are referred to me, such as how to change a will, how to obtain glasses when they can't afford to pay, false teeth. I have been asked a number of times by people in our Center "are there any senior citizens housing developments outside of Rochester similar to Seth Green or Cobbs Hill?" I have to answer an honest no. We hope some day one of the 19 towns in Monroe County will have a housing development similar to Seth Green or Cobbs Hill. People are looking forward to centers in rural areas. I am interested because of the fact Mr. Cobb came to the Center and talked to Mr. Snyder, and they called to give me information. According to the plans this project calls for, this is going to be one of the finest and outstanding centers in the State. I have read through this folder; one that the people are asking for. I sincerely hope this town will be the first one of the 19 towns to take advantage of this opportunity. If this ~~center~~ <sup>project</sup> has all its plans, it will

probably steal half of our population at the Center. We have 1500 members at the present time, under State administration and city supervision. We cannot limit to the city of Rochester only. Members come from a number of the towns around. I don't doubt there is someone right in this room. We will share our information with you. We have built another center, called Stardust Center, to help out. You can find out about these projects; take the White House Conference Procedure, turn to "Housing for Senior Citizens"; go to Rundel Library and check what has been done and what is going to be done here, and you will find out you are planning to build one of the finest senior housing projects right in your own town.

Mr. Moffett: This is the type of project. We are being pushed very hard by President Kennedy, and Governor Rockefeller for the State. Both Federal and State have made legislature to enable this type of housing to be built. I will answer any questions. One of the most important aspects of this project is written up in the green sheet that you have, that is the tax aspect. We must have low rent project in order to make it work. With low rent you have two things. Low cost finance through the Federal or State Government and low taxes. It is necessary to have 50% reduction in taxes on this type of project to get rents down. Section 320 of the Public Housing Law enables the Town Board to do this. We are not concerned with that because this Board only handles requests for variances, and a request for reduction in taxes has to come before the Town Board. With 50% reduction in taxes, a great deal more taxes are paid than would be paid with regular housing, as the value per acre would be more. Mr. Sturant quoted statistics regarding people over 65 in the county. These figures are from the last census. There are probably more at this time. For people living in the school district, when this was completed, if no other construction built in the town, we maintain that their school taxes might be reduced by about 50%, or could be. This is described in the green sheet. There is an average of 2.6 children per home. This varies greatly. In a subdivision such as Benedict Dr. which has been in existence for some time, there would not be too many of school age. In the new subdivisions, with young people moving in, such as Howard Rd., the figures then would be 2.6 or 2.7 children per home on the average. Presumably in a new area such as this, with an average of 2.6 children per home, this would greatly add to the school load. If you read the sheet, it describes what would happen to your taxes.

Mr. Wickins: Do you wish to submit this sheet to the Board?

Mr. D'Amada: I hereby give this official memorandum in evidence.

Norman Pierson, 6 Janice Dr., asked if the legal notice could be read again. The secretary read the legal notice.

Mr. Pierson: There is nothing in that notice stating these would be homes for the elderly.

Mr. Wickins: If granted, the Zoning Board would put that restriction in it.

Mr. Strassner: Are there any people in favor of this application?

William Dries, 30 Tarrytown Rd., in favor.

Roland Gaebeline - I am impressed by the humility of underwriting this cost and by the hard work in the preparation of the tax figures. I believe the Town of Chili should make a contribution for aiding elderly people. Let me make this recommendation. As such, the project undertaken should be in proportion to the town's ability to support it. In the city, there are 1000 units for the elderly of a similar type, the rest of the voters number 150,000, which is a case wherein you have 11% of elderly. However, in the town, if we adhere to about 11%, we will find that 3,000-5,000 elderly would be much greater. The elderly voters would be so large in proportion to the property paying voters, they would be out-voted. If we are to be in favor, it should be more in proportion to what we are able to sustain.

Winsor Ireland, 268 Archer Rd.: I would just like to say the same thing. I wish to say I am in favor of this idea. I think perhaps this project might be a little large for the town. The proportion of the existing population to the new elderly population would be off balance.

Jim Eckland, 32 Jensen Rd.: I have studied the green sheet and it makes very good points for this project.

Mr. Strassner: Does anyone wish to speak in objection?

Norman Katner, 53 Laredo Dr.: I have a series of questions. On the back of the green sheet. How were the taxes computed where there will be a drop of 54% on one-story and 69.35% on 2½ story buildings? How was this computed? The people are interested.

Mr. Moffett: These figures were prepared by George Cobb, Realtor.

Mr. Cobb: Those figures were obtained from the assessment rolls. The proportion is figured according to the cost of construction. In Chili you have 27% equilization rate. In the cost of a one-story building there is a 54% tax burden the housing project would carry. In a 2½ story, 69.35%. This is district 21.

Mr. Katner: There is no district 21.

Mr. Cobb: I got my information from the Citizens Tax League. School district 11 is on the west side of Archer Rd., school district 21 is on the east side of Archer Rd.

Mr. Katner: The base rate in the Gates-Chili School District in which this will be built ranges from \$40.85 to \$48.00 per thousand. This was centralized 5 years ago. Any new buildings would be in the entire school district. In district 11, they would be assessed for the old bond. In district 2, a major portion there is in previous bonded indebtedness. I am questioning whether this would lower the taxes in that particular area, whether there would still be a reduction in the entire school district of 69.35%.

Mr. Wickins: You are opposed to the project?

Mr. Katner: Yes, on the basis that these figures do not represent a true picture, especially in the Gates-Chili school district in abatement. It would not cut the taxes 69.35%. ~~This would have to be assessed to the entire Gates-Chili school district in addition to Nos. 11 and 2.~~

Mr. Wickins: This would have to be assessed to the entire Gates-Chili school district in addition to Nos. 11 and 2.

Mr. Katner: I would like to know the cost and the number of units presently proposed.

Mr. Wickins: We cannot require him to give us the cost. He can give us the number of units.

Mr. Moffett: As I stated in the beginning, we will not build them all at once. We will build as needed. We are asking for a variance so we can plan for the overall use of the property.

Mr. Cobb: In the one-story buildings, 1500 units would eventually be completed. In the 2½-story buildings, there would be 3,040 units that would be completed over a period of time.

Mr. Wickins: You have got to ask for one or the other. If the Board did grant this, it would have to know whether it would be for 1500 or 3000 units. If you don't ask for one or the other, then the Board itself will have to do so.

Mr. Moffett: There might be a problem as time goes on as to whether we would want some 2½ story and some single story. We had hoped for the allowance to be granted to us to make decision as to the best use of the land and the best use for the elderly.

Mr. Wickins: It has got to be one or the other.

Mr. D'Amanda: That is right.

Mr. Moffett: Then it will be the 1500 single units.

Mr. Katner: In the neighborhood of about a fifteen million dollar project.

Mr. Wickins: I have already ruled that price is not involved.

Mr. Katner: I am wondering, if we do not have the cost, how can we assess this and its validity by comparison?

Mr. Wickins: Cost basis is no reason for any variance granted.

Mr. Katner: I would like to ask the Board, are Cobbs Hill and Seth Green Park membership organizations? These people are coming into Chili talking about particular projects. It is my contention they are talking about a different type of project than what is being considered here tonight. I would also like to know whether this is going to be built under the New York State law.

Mr. Moffett: The Limited Project Housing Law.

Mr. Katner: There is no restriction in this law that limits this to the elderly. I talked with Mr. Roglin of New York City of the Division of Housing, and he told me there is no restriction on this.

Mr. Strassner: If Mr. Moffett brings before the Board, it is only granted as written.

Mr. D'Amanda: It is my understanding, if the variance is granted, it will be limited to the elderly.

Mr. Katner: Would the applicant mind writing that into the application that this is to be exclusively housing to the elderly?

Mr. Moffett and Mr. D'Amada agreed to this.

Mr. Katner: Will you read the application with this stipulation in it?

The secretary then read the application as follows: Application of F. W. Moffett, 3021 Chili Ave., to erect multiple housing units, exclusively for the elderly, on Town Lot #23, Town of Chili, on 100 acre tract east side of Archer Rd. in E zone.

Mr. Katner: Would this be over 62?

Mr. D'Amada: Yes.

Mr. Katner: We can't get into the cost. We are talking about in the neighborhood of a million dollar investment, but we can't talk about the cost. Fifteen million project for the town, but we cannot talk about the cost. I would like to know, does the applicant have any intention in this or any nearby area for a shopping center to handle these elderly people?

Mr. Moffett: No.

Mr. Katner: I heard about 2-story construction in the Archer Rd. plans. I would like to quote to you from an article written by Mr. Dale from the Post dated Sept. 1957.

Mr. Strassner: As we said before, the applicant has modified that to read 1500 single story units.

Mr. Katner: I am aware that these people need a place. I am also concerned about we who have built 6 new schools. I would like to know if there is any possibility, if these people who come into the town have enough to meet their daily needs, what about a long hospital bill. Who pays?

Mr. Wickins: I don't think that is our concern.

Mr. Katner: I think it should be.

Mr. Moffett: Mr. Sturant can answer that.

Mr. Sturant: The Rochester Hospital Service Dept. is extending its contract to include all kinds of chronic diseases. These will be extended further and further. Welfare is a county wide dept. and people are taken care of wherever they are, in any town. The same laws apply throughout the county.

Mr. Katner: Would these people be eligible for home relief?

Mr. Sturant: No. Either for Old Age System or they would be eligible for Medically Indigent. The budget can support them except for catastrophes. There is also the Blue Cross.

Mr. Katner: Are they eligible at 62?

Mr. Sturant: Social Security is 62 for women, and will be for men. Old Age is 65. Increasingly people are being provided for by Social Security and some of their own plans and savings and pensions.

Mr. Katner: I understand that Plymouth Gardens cost \$9,520 for a 3-room apartment. This is \$3,140 per room. Seth Green and Cobbs Hill were built for more than \$3,000 per room.

James E. Powers, 33 Sunnyside Lane: I am opposed to it. On this information sheet. On the first page it states it should be pointed out there is no way for the owner and developer to get rich. I quote from the second page: " We are investigating building nursing homes as a part of this project. We are planning on a medical center staffed at least part time and near the recreational center when the project is completed. We do not ask for any commercialization of this property. In other words we are not asking or planning on stores as part of the project. The stores in the Howard Road area and such as may be built in the Chili Center area will take care of the commercial needs." Note the "may be built". These Chili Center stores, which do not exist, are proposed on the Master Plan which will be discussed tomorrow night. They are in excess of a mile. The Howard Rd. stores are in excess of 2 miles. As has been explained, this will be a home for the elderly of moderate price range. There will be a moderate number of autos. Where are they to find the necessities of life? A barber shop. A barber can cut 125 heads a day. With approximately 3000 men, they would have to wait 3 weeks for a haircut. There would have to be a minimum of 5 barbers. A beauty shop for women. A drug store. There would be a nursing area, but for aspirin and such, a drug store would be needed. There should be laundries in the project. The closest Food Market is the Super Dupor which handles 3500 per week. If we had 6000 people in this area, we would need a super market close to the size of North Chili. These people do not drive for the most part. I teach at East High School. Our new auditorium can only hold 1500. They would need a 5 and 10. These people do not have a home to have gardens, etc. What do we have along these lines? One of two things happen. Either the buses will be running every 5 minutes (this is going to be hard to believe, we've been trying for years) or we have no choice but to assume they will need these things provided. Then the applicant

will ask for a humanitarian variance to construct all these buildings, naturally. There would be no choice but to pass it at that time.

Henry Versus, 40 Jensen Dr.: I would like to inquire about the nursing home and medical center.

Mr. Moffett: I explained at the first hearing. I thought this project would be an opportunity for the town. It was my hope the Board and the people would say it was a good idea, and it could be developed the best way. I did not anticipate opposition to it. As far as the nursing homes, they should be part of it, but I haven't made a study of how many we need. I couldn't give specific information at this time.

Mr. Katner: This variance would be given in Class E residential area. The applicant must have second sight. Across the road from this is a 400 acre tract classified tentatively as industrial. I won't go into the ownership, but we have 100 acres of prime residential area and this industrial development across the road. People will want to reside as close as possible to their place of business, which would be across the road. We have been in the process of developing this Master Plan for 3 years. It comes up at a Town Board meeting tomorrow night. I am wondering how this 100 acres fits into the Master Plan. The night before we meet on the Master Plan, we have this application for an apartment project. I realize the Zoning Board always meets on this Tuesday. It is my opinion would be no, this should be stopped or postponed until the Town Board acts on the Master Plan for industrial and commercial areas in the town. I am a school teacher. I leave you with one thought. If I were putting in a fifteen million dollar project, I feel I would be able to answer every specific question there was.

Mr. Versus: I think we ought to decide whether or not the questions have all been answered. This sheet, on the back, on the taxes. Now for proposal is first 1500 single units. Does this sheet still hold?

Mr. Cobb: As stated before. The tax rate given to us by the Citizens Tax League shows this area in School District 21.

Mr. Wickins: It is in the Gates-Chili School District.

Mr. Cobb: Under that rate \$53.10 of that is the tax rate to be worked from supplied by the Citizens Tax League which all real estate men have to work from in every town, county, village and city.

Mr. Wickins: His question is, is the 2½ story now out.

Mr. Cobb: As far as 1-story, those are still the correct figures as far as the figures we have been supplied.

Mr. Versus: This will be one-story buildings of 1500 units?

Mr. Cobb: With 1500 units, there is definitely going to be tax relief. It is worth while.

Mr. Wm. Geist, 542 Paul Rd.: Has a plot plan been submitted showing the location?

Mr. Wickins: Yes.

Mr. Geist: Approximately what percentage of the grounds do these units cover?

Mr. Wickins: He doesn't know. (Mr. Wickins held up the map)

Mr. Geist: How many acres on that plot?

Mr. Wickins: 100 acres.

Mr. Geist: That is the entire tract?

Mr. Wickins: 100 acres is what he is applying for.

Mr. Geist then read a petition in objection to this application signed by a number of neighbors immediately east of this project. This petition will be on file in the Town Clerk's office.

Mr. Geist: Since this was written, he has changed the variance so that there is a guarantee it is for the aged, but there is no guarantee that the tax rate will be improved. There is no consideration taken of the topography of the region. There are 35 names on this petition.

Mr. Versus: This map, is that for 1500 units?

Mr. Wickins: It would be. It was just a question of 2½ story or 1 story units. There is no difference in the number of buildings.

Mr. Katner: (Showed map to the people) District #11 does have a previous bonded indebtedness. It is my contention that the entire Gates-Chili Central School taxes would not be reduced as indicated. We are centralized, and any new construction must be applied against the whole Gates-Chili District. In District #2 we have no previous bonded indebtedness. There are two basic rates. On any new property built, this town would be assessed over the entire Gates-Chili District.

Mr. Wickins: Yes.

Mr. Katner: Then the people around Howard Rd. or Hinchey Rd. would have their taxes reduced approximately 54%. This project would pick up 54% of the property tax levelled in the school district. They receive a loan of over one million dollars in State Aid. A twelve million dollar project assessed at 6%. Using 1/4 of six million, would be one and one half million. How much is the assessed valuation of the Bausch & Lomb plant?

Mr. Wickins: That has nothing to do with this.

Mr. Katner: We are talking about \$500,000 assessed valuation of Bausch & Lomb. This project at one and one half million is 3 times as great. I did not notice a 1/3 reduction in my taxes from Bausch & Lomb. I question these figures and the validity of them. I would like to see these figures as related to Gates-Chili School District, not on districts 2 and 11.

Mr. Geist: What will be the construction of the buildings?

Mr. Cobb: Brick over concrete block.

Norman Burgess, 436 Paul Rd.: I am opposed. Much in this sheet is misleading. We are interested in maintaining the suburban residential identity of where we live. We would like to prevent commercializing around our block. Unless it is commercialized, the elderly people will think it is a prairie.

Mr. Katner: Mr. Randolph in New York City has done work for the elderly. He told me of one such dwelling in farm country miles from the nearest town. The people have nothing to do all day long but look at the scenery. We have been promised bus service. I wonder how 11,000 people in the town have been unsuccessful in this. I am a former welfare worker. We have to look at it from the young persons point of view. 3/4 of these people will unfortunately become senile in 5 years. Also it is not good for the elderly to be so far out from the city. In the University of Michigan press, you will find older people expressed a preference to live in the areas where they had grown up and knew people. I am just stating what I read. I don't feel that this is good for the town. It is not good for the aged. If we have a snow storm and are tied up for 3 or 4 days, which has happened, what are these people going to do? If this project is being considered, why not ask the old people what they want. We should have here tonight such people as Mr. Dale, Mr. Roglin, and Mr. Gainer, Commissioner of Housing. I stand opposed to this. I can't impress on you that this is a young community where 90% own their own homes. People don't understand what this project is.

Mr. Pudup, 830 Paul Rd.: What about the recreation area?

Mr. Moffett: That would be in the center of the project, inside of the circle.

Mr. Pudup: What would be in that recreation area?

Mr. Moffett: The type of thing they have in Danforth Center, which you can visit.

Mr. Geist: 25% of the people living there would have cars. Where are they parking them, is there any provision?

Mr. Wickins: That was covered at the previous hearing.

Mr. Geist: That should be anchored firmly.

Gordon Bartlett, 23 Janice Dr.: He is applying for 1500 units. If I understand, he can build 50 or 150. We have all the disadvantages for having this type of unit. It has got to be built somewhere. It is a little large for this area. They say 25% have cars. I lived a block from the Seth Green project and 50% to 75% of the people there parked cars there. - I highly doubt that out here they could go without a car.

Mr. Pudup: Will these all be done at one time?

Mr. Moffett: This will be built as the demand requires.

Mr. Pudup: How come? If you don't finance it all at once, you might miss out on the Federal appropriation.

Mr. Wickins: The application for a Federal appropriation has nothing to do with this.

Mr. Pudup: I am opposed.

Mr. Katner: It says on the green sheet "funds are fast disappearing". The State will have credit to the tune of 525 million dollars for these projects, and this man is saying "get in there, the funds are fast disappearing".

Mr. Wickins: - That has nothing to do with us.

Mr. Katner: Why was he allowed to present these facts? This statement is made that the funds are fast disappearing, whereas the State has given their sanction for 525 million dollars.

Mr. Moffett: There are 4 ways the project can be built. Under the State, the Mitchell Homer Housing Act. Federal money is fast disappearing. The State may not necessarily. We have not decided exactly under which auspices to build this.

Charles Lewis, 17 Toni Terr. : On this green sheet, nothing is mentioned about the sewer taxes. There is already talk that some of the lines are overtaxed. Is there a line across Archer Rd. large enough to handle a project like this?

Mr. Wickins: That is the engineer's problem. It was probably set up for that number of people, but I am not sure.

Mr. Lewis: I haven't seen a line that would carry it.

Mr. Cobb: The town put the sewer lines in, and they know what they can handle. In the average home, there are 4 to 5 people per home. In these apartments, there would be two people. This project could not use as much sewer line as in a home. The sewer line was put in to take care of every lot. Chili is going to grow.

Mr. Lewis: Chili will grow if we can keep out the big promoters. According to the figures on this green paper, you could put 200 houses on there; with 4 people per home, there would only be 800 people. They want 1500 units. That would give us 3,000 people. I doubt of any of the apartments would have one person.

Mr. Wickins: Are you opposed?

Mr. Lewis: I am opposed.

Mr. Katner: Five hundred twenty-five million dollars is available from the State. The F.H.A. will mortgage that up to fifty million dollars if the mortgage is one of regulated companies. Perhaps this money is fast disappearing. If they are anticipating some projects at fifty million dollars, they must have considered more than one; considered many at twelve million five hundred thousand dollars. Can't see any logic. The elderly are going to be with.<sup>us</sup> Rochester has not developed a project half as big as this. The money has to be there. Apparently no application has been made to any specific authority for these funds.

James Powers: I asked 57 different people for their thoughts on this project. Many people, because of work, etc., could not be here tonight. I explained the plan in fairness. I brought out some of the information mentioned on the sheet. In this survey, three people were indifferent, one person was in favor of it, the rest were in objection. There were a number of reasons for objections. To summarize, there is the feeling we are living in Chili and like suburban, private dwellings. Most of us work in Rochester. We came out here, not because the school taxes were lower, but because we like the general environment of the town. We like to be private. Perhaps that is why the majority oppose, why most of us in this room oppose it.

Mr. Taylor, 8 Janice Dr.: Assuming this variance was granted, what if the monies were not available from the State? Would a re-application be necessary?

Mr. Wickins: Not unless such a condition was put into the variance. If the monies were not available, it looks like this would be philanthropic. There could be such a condition put in the variance if it were granted.

The following people were in opposition to this variance:

Joe Oldson - 579 Paul Rd.

Mr. Carr - 31 Jenson Dr.

Bob Nothnagle - 24 Clifton St.

Mr. Pudup - 830 Paul Rd.

Mr. Malczewski - 23 Scott La.

Mr. & Mrs. Versluys - 40 Jenson Dr.

Bill Lynch - 12 Edward Dr.

Mildred Sigelow - 253 Archer Rd.

John Fyler - 6 Archer Rd.

Charles Kostanza - 84 Archer Rd.

Caroline Ritzenthaler - 18 Jenson

Jacqueline Katner - 53 Laredo Dr.

Frank Gaelen - 24 Scott La.

Jim McKay - 24 Janice Dr.

Gene Scutty - 29 Janice Dr.

Mr. & Mrs. Sam Grover - 3220 Chili

Mrs. Styles - 2865 Chili Ave.

Jos. Guinan - 47 Mercedes Dr.

Paul Riley - 179 Chestnut Ridge

Paul Strassner - 12 Janice Dr.

Ken Ritzenthaler - 18 Jenson Dr

Harold Munger - 292 Chestnut Ridge R

Joan Donnelly - 45 Jenson Dr.

Ralph Mitchell - 56 Chestnut Dr.

Eugene Simpson - 41 Jenson Dr.

Bill Wilcox - 516 Paul Rd.

John Polermo - 19 Entress Dr.

Lester Kelchner - 8 Archer Rd.

John Kaufman - 401 Stottle Rd.

Don Palmer - 884 Archer Rd.

Anne Raetz - 19 Janice Dr.

Harold Donnelly - 45 Jenson Dr.

Ed Beckman - 10 Scott La.

Joe Firpo - 38 Janice Dr.

John Duvall - 44 Adela Circle

Howard Styles - 2865 Chili Ave.

Lee Carr - 40 Adela Circle

Mr. Burgess - 436 Paul Rd.

Don Craig - 116 Chili-Scottsville Rd

Louis Flint - 8 Toni Terr.

## Opposition Cont.:

Charles Statt - 18 Toni Terr.  
 Tim Tatlock - 52 Sequoia Dr.  
 Mr. Calahan - 50 Sequoia Dr.

Joe Moira - 38 Adela Circle  
 Mr. Szmanski - 15 Janice Dr.  
 Mrs. Leo Davin - 85 Archer Rd.

Mrs. Holderle - 24 Grenell Drive voted in favor of this request.  
 No one else appeared to speak on this application.

Application of William F. Griehs, 30 Tarrytown Dr., for variance to erect 15 ft. by 26 ft. garage 7 ft. from north side lot line, D residential zone.

Mr. Griehs presented a map, and stated he had talked with the Board about this two months ago. He would like a two-car garage 15 ft. wide. The house is 22 ft. from the side lot line, which would leave a 7 ft. side line setback.

No one appeared to speak on this application.

Application of Kenneth Osterberg, 7 Lonran Rd., for variance to erect garage and breezeway 6 ft. from west side lot line, D residential zone.

Mr. Osterberg presented a map. The lot is 80 ft. wide. He would like a 10 ft. breezeway and a 14 ft. garage.

Mr. Strassner: How far is your neighbor from this?

Mr. Osterberg: 9 ft. 3 in. His house is the same setback as mine.

No one appeared to speak on this application.

Application of Paul Mears, 2103 Scottsville Rd., for variance to operate Travel Trailer Agency and service, in E residential zone.

Mr. Mears: This is next to Wehie's, 400 ft. south of Brook Rd. It would be only for travel trailers, just a sales place.

Mr. Tomer: would you have trailers on the lot?

Mr. Mears: Yes.

Mr. Tomer: How many?

Mr. Mears: Maybe 15 at the most. I will start out with about 6. The travel trailers are about 10 ft. to 16 ft. This is not a mobile home, just a vacation idea.

Mr. Strassner: How much room have you for parking?

Mr. Mears: I have 1/2 acre. This would be 60 ft. to the road. I could even go into the back. I thought this property was commercial because it was a cattle farm, but I found out it was residential.

Mr. Strassner asked if anyone wished to speak in favor or in opposition to this request.

George Smith, 2171 Scottsville Rd., voted in objection.

No one else appeared to speak on this application.

Application of Renard D. Smith, Union St., North Chili, for variance to erect a church chapel 28 ft. by 50 ft. in size on lot C west side of Union St., corner of proposed Slate Dr., in E residential zone.

Mr. Smith appeared and stated he was the brother of Renard Smith, but not representing him.

Mr. Smith: I don't know who is representing him.

Mr. Wickins: We can't accept the application unless someone is here to represent him. We will have to turn it down and it will have to be re-advertised. You can represent him if you wish.

Mr. Smith: Very well, I will represent him.

Map was presented showing 3 lots owned by the church. The variance is requested for the chapel to be built on Lot C. Lots A & B are for expansion and offstreet parking eventually. Mr. Smith said this will eventually be converted into a home the same as other Lutheran churches. It will be a parsonage eventually. It would not go into apartments, not on church property.

Mr. Wickins: How many would there be in the parish?

Mr. Smith: This is newly organized, we don't know as yet.

Mr. Strassner: You have got to have car parking.

Mr. Smith: I understood plans were submitted.

Mr. Strassner: In order to build the chapel, you have got to have some parking area.



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Mr. Tomer: Do you plan to hold services?

Mr. Smith: Yes.

Mr. Tomer: What is your proposed congregation?

Mr. Smith: Probably around 70 or 80, drawn from this area.

The lot is 200 ft. by 90 ft.

Mr. Strassner: Are these all the plans you have?

Mr. Smith: - That is all that I know of.

He then read from letter attached to the application received from Church of the Nazarene and signed by Renard Smith, Supt. Albany District Office. The letter states off-street parking would be on lot E, but that is not stated in the application.

Mr. Tomer: Do you want to re-word the variance to include lots D and D?

Mr. Smith: Yes. It would be the entire property that he wants.

The variance was so amended to include lots D & E.

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

Calvin Towne - 3115 Union St. voted against.

John Madigan, 15 Ronnie Lane: I object. There are no plans. I am leery of anything with Oliver Perry involved. He is always trying to slip in apartments.

Mr. Smith: This would be definitely a single dwelling building. It has nothing to do with Oliver Perry.

Mr. Madigan: I oppose only because there are not definite prints. There is just not enough before the board to act on this.

No one else appeared to speak on this application.

#### DECISIONS OF THE BOARD:

ROCHESTER TELEPHONE CORP.: Granted variance to construct a telephone exchange building at the northwest corner of Stottle Rd. and Morgan Rd. 30 ft. from the rear lot line, 26 ft. in height, as per plans presented. The surrounding property is to be graded, seeded, and suitably shrubbed. All members voted in the affirmative.

F. W. MOFFETT - Denied variance to erect multiple housing units, 1500 single story units exclusively for the elderly, on Town Lot #23, Town of Chili, 100 acre tract on the east side of Archer Rd. All members voted in the negative.

WILLIAM. H. GRIEHS - Granted variance to erect 15 ft. by 26 ft. garage 7 ft. from the north side lot line. All members voted in the affirmative.

KENNETH OSTERBERG - Granted variance to erect garage and breezeway 6 ft. from west side lot line. All members voted in the affirmative.

PAUL MEARS - Denied variance to operate a Travel Trailer Agency and service at 2103 Scottsville Rd. All members voted in the negative.

RENARD D. SMITH - Denied application for variance to erect a church chapel 28 ft. by 50 ft. on Lot C on west side of Union St., corner of proposed Slate Dr. All members voted in the negative.

June Yates, Secretary

## Zoning Board of Appeals

October 3, 1961

The meeting was called to order, and roll was called with the following members present: Frank Bubel, Clifford Tomer, and the Chairman, William Tomer. Also present were the Building Inspector, William Davis, and the Town Attorney, Ralph Wickins.

Application of Harvey Friday, 51 Fenton Rd., for variance to erect 20 ft. by 25 ft. garage 5 ft. from north side lot line, D residential zone.

Mr. Friday appeared and drew a sketch of his proposed garage.

Mr. Friday: There is a garage there now attached to the house. That is coming down, and the new garage will be back to the end of the concrete of the present garage. The lot is at an angle to the road, as the house and garage are. I want to make a double garage instead of a single garage. It will be to the rear of the people next to me. Actually, the garage is about 15 ft. from the other house now, as there is  $7\frac{1}{2}$  ft. on each side of the lot line. Their garage is on the other side of the house.

Mr. Tomer: Are there any other double garages on that street?

Mr. Friday: There is only one on the other side of the street. The garage will be separate from the house, about 15 ft. in back of it. I am taking the benefit of the present concrete, which will be covered with blacktop after the garage is finished. The whole lot is diagonal, 55 ft. wide and 295 ft. deep. The present garage is 12 ft. by 20 ft. I will use the 20 ft. sides for the ends of the new garage, which will be 20 ft. by 25 ft. We need the variance as we couldn't get by the house with the required side setback unless we went back farther, which would be more expensive.

Mr. Tomer: You wouldn't need too much more driveway. The reason you want the variance is because you don't want the expense of a longer driveway?

Mr. Friday: Yes. I need to make the driveway wider now, as it is only 9 ft. wide.

Mr. Strassner: Have you spoken to your neighbors?

Mr. Friday: Yes, on both sides. They said they didn't care. No one appeared to speak on this application.

Application of Eugene Evangelist, 2707 Clover St., Pittsford, N.Y., for variance to erect 5 ft. by 12 ft. sign 30 ft. from front lot line on property located at 2141 Westside Dr., in B residential zone.

Mr. Evangelist presented a drawing of the proposed sign reading "Westside subdivision, by Eugene Evangelist, Builder". This would be one sign with lettering on both sides.

Mr. Tomer: Will this be illuminated?

Mr. Evangelist: Yes, just with a shadow light. There would be a timer on it.

Mr. Strassner: How long do you figure on having the sign?

Mr. Evangelist: Probably a couple of years anyway. Once I get established and get going, I won't need it. Mr. Ireland said I could get a permit to build two houses on Westside Dr. The sign will be like the sketch, perhaps even more attractive.

Sketch will be on file in the Town Clerk's office.

No one appeared to speak on this application.

Application of William A. Kohn, 3700 Union St., for variance to erect garage  $1\frac{1}{2}$  ft. from north side lot line, in B residential zone.

This application was denied, as no one appeared to present the request.

## DECISIONS OF THE BOARD:

HARVEY FRIDAY denied variance to erect 20 ft. by 25 ft. garage 3 ft. from north side lot line. All members voted in the negative.

EUGENE EVANGELIST granted variance to erect 5 ft. by 12 ft. sign 30 ft. from front lot line at 2141 Westside Dr., as per sketch presented. Sign may be illuminated by shadow light only, not to be lighted after 12:00 O'clock midnight. Variance granted for a period of two years. All members voted in the affirmative.

WILLIAM A. KOHN denied variance to erect garage  $1\frac{1}{2}$  ft. from north side lot line because of non-appearance.

June Yates, Secretary

## ZONING BOARD OF APPEALS

November 14, 1961

The meeting was called to order, and roll was called with the following members present: Charles Pfenninger, Frank Bubel, Clifford Tomer, and the Chairman, Cornelius Strassner. Also present were the Town Attorney, Ralph Wickins, and the Bldg. Insp., William Davis.

Application of Harvey Friday, 51 Fenton Rd., for variance to erect 26 ft. by 20 ft. garage 3 ft. from north side lot line, in D residential zone.

Mr. Friday presented map of the property. This application was presented at the October meeting, but there were no maps available at that time. Mr. Harvey Friday presented a petition with 10 names in favor of this request. This will be on file in the Town Clerk's office.

Mr. Friday: This garage will be 17 ft. from the house, 3 ft. from side lot line. The house is parallel with the house next door.

Mr. Tomer: The time before when you were here, we couldn't find the maps. When you drew a picture of the house and garage, you neglected to show a porch on the back of the house which would make it impossible to build the garage nearer, or farther from the lot line. We were unaware of this.

No one appeared to speak on this application.

Application of Anthony R. Regoni, 12 Sunnyside Lane, for variance to operate a nursery school in residence in a residential zone.

At this time, no one appeared to speak on this, and the secretary was requested to call this later on in the evening.

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

Mr. Binn: I have a variance for this and would like to get a renewal.

Mr. Wickins: Have any of the neighbors objected?

Mr. Binn: No.

Mr. Wickins: I don't think we have had any notice in the town hall.

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

Mr. Binn: That runs for 3 years. Can that run longer?

Mr. Wickins: The Board uses its discretion.

Mr. Davis: He now has a parking lot on the rear.

Mr. Binn: This will accommodate approximately 30 cars. We are just in the process of finishing it.

Application of Peter Trenton, 28 Indian Hill Dr., for variance to erect house 40 ft. from front lot line, lot 29 Brookview Rd.

Mr. Trenton: All we are doing is keeping the house in line with all the other houses on the same side of the street. The side lines, etc., are all o.k. but we would like a 40 ft. setback.

Mr. Davis: This is the last lot on the street. They are 40 ft. setbacks.

No one appeared to speak on this application.

Application of Chili Home Builders for variance to erect signs at the corner of Paul Rd. & Maplewood, one sign 4 ft. by 8 ft., 10 ft. off the ground on a pole, one sign 6 ft. by 10 ft. to be lighted. Both signs located 10 ft. from either street.

Mr. Peraino appeared for Chili Home Builders: We would like two signs at the corner of Paul Rd. and Maplewood. The 4 ft. by 8 ft. sign is for advertising the tract, "Chestnut Ridge Manor", and will not be lighted. The 6 ft. by 10 ft. sign is for K. G. & E. Corp. advertising their Silver Star wiring, and will be lighted. These will be temporary signs.

Mr. Strassner: How about the sign you already have there and have a variance for?

Mr. Peraino: We will take down the one on Paul Rd. and Chestnut Ridge Rd.

The light will be directly on the illuminated sign. It will be shut off at night, probably have a time clock. The tract sign will not be lighted. The one that is lighted will ~~be~~ not be on a pole. We need the signs until it is built up there, just for the property on the corner, but not the ground west. That will be a variance for another sign. We have a picture of the sign, but not with us. We are applying for a variance on a 15 ft. pole because it is already up there. What we need is one more sign, a 6 ft. by 10 ft. sign directly opposite about 3 ft. off the ground, about 9 ft. to the top. That will be lit, also a temporary sign until it is built up on that one corner, probably about a year. One of the signs is already there at the corner of Paul Rd. and Chestnut Ridge Rd., that says "Chestnut Ridge Manor". We need variance for this sign, plus the 6 ft. by 10 ft. sign.

Harry Pikuat, 460 Chestnut Ridge Rd.: I object if this is lit all night. I live right on the corner. 10:00 or 11:00 P.M. would be o.k.

Mr. Peraino: The one going up will be the R.G. & E. sign. Our sign there now has no light and will not have any. Just the R.G. & E. sign. There will be no spot light from the ground. 10:00 P.M. would be plenty late enough.

No one else appeared to speak on this.

Application of Anthony R. Regoni, 12 Sunnyside Lane, for variance to operate nursery school in residence in E residential zone.

Petition received from Morderick McCleod, 11 Sunnyside Lane, signed by people against this application. This will be on file in the Town Clerk's office.

Mrs. Bailey, 9 Sunnyside Lane, appeared to present this application.

Mrs. Bailey: We want to run a nursery school 3 hours a day for ages 3, 4, 5, on an educational basis, about the same as a kindergarten program.

Mr. Strassner: What hours?

Mrs. Bailey: It more or less depends upon the desires of those who want to come. We plan from about 1:00 to 4:00 in the afternoon.

Mr. Strassner: How many?

Mrs. Bailey: We hope to get about 15. We don't expect to start with that many

Mr. Strassner: Would that be your limitation?

Mrs. Bailey: I can't say. It depends on how our program is adapted. We have found no requirements from the State or the County. There would be two adults in charge.

Mr. Wickins: This is in a private home? Where in the home?

Mrs. Bailey: In the basement. The basement is being done over and have petitioned off one area which would give each child, on the basis of 15 children, a ratio of 20 sq. ft. This will be petitioned off, putting in a floor, putting in a ~~skinning~~ ceiling, etc.

Mr. Wickins: What about a toilet?

Mrs. Bailey: There is not one downstairs. There is one directly at the top of the stairs, which meets the health requirements.

Mr. Strassner: How about parking?

Mrs. Bailey: There is a large driveway big enough for 5 cars. We don't expect parking. The parents will bring and get the children, but most of the parents in the area are within walking distance. The parents leave the children and then pick them up. There are parking facilities for about 5 cars.

Mr. Wickins: The kinds would probably be all let out about the same time. There would be 8 or 9 cars to pick them up.

Mr. Pfenninger: Has this been passed by the fire inspector?

Mrs. Bailey: No.

Mr. Wickins: You will have to look into this if the Boards grant this.

Mrs. Bailey: We tried to find out different types of inspection but we couldn't find out much.

Mr. Wickins: We have our own fire marshal. If this is granted, the Board would put such a restriction in.

Mr. Strassner: How about noise?

Mrs. Bailey: Not more noise than any other group of children. There is no fenced in area. This is a double lot which gives them a good area to play in. They are supervised at all times by one of us. This is restricted to one class per day.

Mr. Strassner asked if anyone wished to speak on this.

Chet Woodhams, 24 Sunnyside: I feel we have a residential area and a thing of this sort infringes on that status. I don't know what limitations there ought to be. I am not in favor of 15-20 kids in the yard down the street. I can sympathize with what they want to do, however I do not feel this is conducive to residential status. I think it can snowball.

Mr. Bailey: What are the rules and regulations concerning residential area? The reason I ask is I was told I could start a dental office in that area. How does that differ?

Mr. Strassner: It still has to come before the Board.

Mr. Wickins: Nothing is allowed in a residential area except a home unless the zoning board gives a variance.

Mr. Schroeder, 18 Sunnyside: One reason we are here tonight is to find out if it is legal to have this in our tract. I feel like Mr. Woodhams.

Mr. Wickins: Not without a variance. That is up to the Zoning Board of appeals. We have a zoning ordinance which states this.

Mr. Wilson, 8 Sunnyside: Supposing you grant a variance for this nursery. How long would that be?

Mr. Strassner: That would be up to our discretion.

Mr. Wilson: If granted for say 5 years, after 5 or 6 months it was beyond tolerability, is there any possibility of revoking it?

Mr. Strassner: If the people don't live up to the variance, then it is reported, and the Town Board handles that.

Mr. Tomer: If the Board grants a variance to permit the nursery school, if after 5 or 6 months you feel it is not such a good idea, the Board could not revoke the variance unless some restriction has been violated. If no restriction has been violated, the Board cannot revoke it.

Joseph DeGormeau, 56 Sunnyside - opposed.

Bruce Barton, 11 Wesley Ave. - opposed.

No one else appeared to speak on this application.

#### DECISIONS:

HARVEY FRIDAY GRANTED variance to erect 25 ft. by 20 ft. garage 3 ft. from north side lot line, as per plans presented. All members voted in affirmative.

renewal

DONALD W. BINN, 2675 Chili Ave., granted variance to operate beauty shop for period of 5 years. All members voted in affirmative.

PETER TRENTON 28 Indian Hill Dr., granted variance to erect house 40 ft. from front lot line, lot 29 Brookview Rd. All members voted in the affirmative.

CHILI HOME BUILDERS granted variance to erect signs at the corner of Paul Rd. and Maplewood, one sign 4 ft. by 8 ft., unlighted, 10 ft. off ground, ~~xxxxx~~ on a pole; one sign 6 ft. by 10 ft. to be lighted. Both signs located 10 ft. from either street. Variances granted for a period of 1 year. ~~Members voted as follows:~~ Lights to be turned off at 10:00 P.M. Members voted as follows: 4 ft. by 8ft. sign, all members voted in affirmative. Lighted 6 ft. by 10ft. sign: Mr. Pfenninger, yes; Mr. Bubel, yes; Mr. Strassner; yes; Mr. Tomer, no.

ANTHONY R. REGONI, 12 Sunnyside Lane, denied variance to operate nursery school. Members voted as follows: Mr. Pfenninger, no; Mr. Strassner, no; Mr. Bubel, yes. Mr. Tomer refrained from voting and did not participate in the discussion.

June Yates, Secretary

## ZONING BOARD OF APPEALS

December 5, 1961

The meeting was called to order, and roll was called with the following members present: Frank Bubel, Charles Pfenninger, Clifford Tomer, and the Chairman, Cornelius Strassner. Also present were the Town Attorney, Ralph Wickins, and the Building Inspector, William Davis.

Application of Lee Halperin, 935 Main St., East, for variance to erect one 30 unit carport 40 ft. by 120 ft. and one 18 unit carport 72 ft. by 40 ft. at Lee Gardens Apartments, south side of Westside Dr.

Alexander Morganti appeared to represent Mr. Halperin and presented a plot plan. Mr. Wickins remarked the cars now parked close to Chili Avenue and for purposes of snow removal should probably be back farther. They should be back far enough so they are not ploughed under.

Mr. Morganti: The 30 unit carport will be on the west side and the 18 unit carport on the east side. They are parking along the building right now. There are 132 apartments there.

Mr. Tomer: Is this blacktopped?

Mr. Morganti: It is not blacktop, but is prepared for blacktop. It will be blacktopped in the spring. It is all stone based right now. The carport on the west side will be 30 ft. from the side line.

Mr. Tomer: Are they parking in here now?

Mr. Morganti: Yes. (Presented sketch of proposed carport) These will be of steel framework and aluminum top, open underneath.

Mr. Strassner: Will they be painted?

Mr. Morganti: There was no discussion about that. They will probably be plain.

At this time several late arrivals came forward to study the map. The adjoining neighbor on the west was concerned with the setback from Westside Dr., which will be 200 ft. He did not object to this.

No one appeared in favor or in objection.

Application of Carmen Natalello, 4 Chestnut Dr., for variance to build house 54 ft. from front lot line, lot 1, Section 2, Chestnut Dr., lot 72 ft. wide by 180 ft. deep.

Guy Vito appeared to represent Mr. Natalello. Mr. Davis got the town map and Mr. Entress and Mr. Wickins explained the situation to the board. Mr. Vito represented the owner of lot #2 on the corner and adjoining lot #1, which is actually landlocked. The purpose is to straighten out the property for the owner of lot #2, who wishes to buy it. Mr. Entress said this situation has been going on for more than 10 years. It has already been approved by the Planning Board. This is a hardship case.

Mr. Strassner asked if there were any objections.

F. T. Keenan, 2852 Chili Ave.: I understand they are going to build another house. I think the property is too narrow.

Mr. Strassner: That is the reason for asking for this variance. The lot is laid out, plotted and approved. This case is a hardship to the property.

Mr. Keenan: I object to this.

No one else appeared to speak on this application. Mr. Wickins asked to be disqualified because of a personal interest in this request.

Application of John Syracuse for variance to erect building 75 ft. from front lot line in industrial zone at 148 Paul Rd.

Mr. Syracuse: I didn't think you wanted a map because you are familiar with the property. There is a house on the corner of Fisher Rd. 35 ft. from the edge of Paul Rd. There is a vacant lot next to it owned by the same people. I own the balance of the property to Little Black Creek. No one else can build there on that side of the road. I own all that property. If I had been told to bring a map, I would have. The house next door to this building belongs to me and that is 100 ft. setback from the center of the road. We followed that thinking it was 100 ft. from the edge of the road. We are about 27 ft. in violation, as that is a 66 ft. road. We have our foundation in for it at the 100 ft from the center of the road.

Mr. Wickins: Then your application is wrong. Shouldn't it be 67½ ft? Do you want to amend your application?

Mr. Syracuse: Yes, I will so amend it.

Mr. Pfenninger: How far back is the house?

Mr. Syracuse: It now is 67 ft. from the road right-of-way. This building would be in line with the house. The Fisher Rd. house on the corner is only 35 ft. or less from the edge.

Mr. Tomer: What kind of building?

Mr. Syracuse: 58½ ft. by 140 ft. deep with an ell shape of 30 ft. by 100 ft.

Mr. Tomer: An industrial type of building?

Mr. Syracuse: Yes. I got a permit for this over a year ago. It will be mostly heavy equipment and parts for it. I had a variance for it.

Mr. Pfenninger: Yes, two years or more ago.

Mr. Syracuse: Before it became industrial, then it all became industrial. This would be no harm to anyone. The road runs straight, then there is a bend way down in Black Creek. The closer to the creek, the narrower the property becomes.

Mr. Tomer: You are asking for a variance so that the front of that building will sit square with the house next door?

Mr. Syracuse: Yes.

Mr. Strassner: Are there any objections?

Joseph Gartland, 320 Paul Rd.: I object to his going ahead with the footings when he knew he should have a 100 ft. setback. Right now it is being used like a dump yard. I called Mr. Lusk who claimed Mr. Syracuse didn't know that. They had a great fire there. There are piles of junk. He is not using the land according to his variance. I object.

Leo Pudup, 330 Paul Rd.: What was the original variance?

Mr. Strassner: 100 ft.

Mr. Pudup: How come he is not living up to it?

Mr. Strassner: Anyone can come in for a variance at any time. If a person decides to change his mind at any time after a variance is granted, he has the right to apply for another variance.

Mr. Pudup: But he wouldn't build on it and then claim hardship. I am opposed to it on the setback. We should stick to the laws in this town.

Glen Wilday, 314 Paul Rd.: I feel the setback should remain 100'.

Mrs. Wilday: I object. There is no hardship.

No one else appeared to speak on this application. There was personal discussion between Mr. Syracuse and Mr. Gartland.

Application of Gerald L. Henry, 3103 Union St., North Chili, for variance to operate beauty shop in residence, a residential zone.

Mr. Henry appeared and presented two signed statements from the immediate neighbors in regard to this application. These will be on file in the Town Clerk's office.

Mr. Henry: The operator would be my wife, there would be no other operator.

Mr. Strassner: Any advertising?

Mr. Henry: If anything, just a very small nameplate sign. I doubt even that. She will try to get a Harper license and I wouldn't know what they would advocate.

Mr. Pfenninger: Off-street parking?

Mr. Henry: On Thanksgiving Day, there were 12 cars parked there. I am going to have a double driveway and have a turning circle.

Mr. Strassner: What hours?

Mr. Henry: Mostly days and possibly one or two evenings. The only equipment would be driers. We presently have a double garage and breezeway. This would be in the back bedroom, right off the breezeway. I will cut a door through. We have to have permission from the Board of Health, etc.

No one appeared to speak on this application.

#### DECISIONS OF THE BOARD:

LEE HALPERIN granted variance to erect one 30 unit carport 40 ft. by 120 ft. and one 18 unit carport 72 ft. by 40 ft. at Lee Gardens Apts., south side of Westside Dr., as per plans presented. All members voted in affirmative.

GARMEN NATELELLO granted variance to build house on lot 1, Section 2, Chestnut Heights Subd., 72 ft. by 180 ft., house 54 ft. from front lot line. All members voted in affirmative.

JOHN SYRACUSA denied variance to erect building 67 ft. from front lot line at 148 Paul Rd. All members voted negative.

GERALD L. HENRY, 3103 Union St., denied variance to operate beauty shop in residence. All members voted in negative.

June Yates, Secretary