

## ZONING BOARD OF APPEALS

January 2, 1962

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

Application of Frank Petote for variance to erect house corner of Weidner and Fisher Rds., lot #3, 50 ft. from front lot line, 17 ft. from rear lot line, B residential zone.

Mr. Petote presented a map showing property at the corner of Weidner Rd. and Fisher, consisting of four lots. His property consists of two lots facing Fisher Rd. and one corner lot, the adjoining lot belongs to Mrs. Longbine.

Mr. Petote: I would like to build with a setback of 50 ft. instead of 60 ft. This would give a back yard of 17 ft. House would face on Fisher Rd. Lot #1 with house was sold to the government. I am going to try to buy the house back and move it to the corner lot. The house next door has a 60 ft. setback.

The Board studied the map and found the lot to be 124 ft. by 114 ft.

Mr. Petote: The vacant lot next door on Weidner Rd. belongs to Mrs. Longbine. There is all farm land toward the back. When I built the two houses on Fisher Rd., I wanted a 50 ft. setback, was refused and had to set them 60 ft. back. I don't want to face this house on Weidner Rd. as the railroad is directly in front of it. If I set the house 60 ft. back from Fisher Rd., there will only be a 7 ft. back yard.

Mr. Pfenninger: I think this man's point is to get room in back between himself and the Longbine property.

Mr. Petote: The older houses along there are less than 50 ft. setback. I haven't bought this house yet. We figure on a 36 ft. house, if we can't buy the one on lot #1.

Frank Breiner, Fisher Rd.: This man was in two years ago when the neighbors were against it due to the fact it does not meet the specifications of the town. I have just completed a 48 lot subdivision on Fisher Rd. They insisted on no lots less than 15,000 sq. ft. This man knew this when he bought these two lots. This was originally two lots, he cut it into 3. A 50 ft. setback would spoil the view of the house on the other side. We are coming across the road filling in vacant land with houses. We know the corner is going to be cut up by the county, but we do not know where. I am going to move my house up next to Mr. Wickins'. We are planning on moving almost opposite to this. There is a proposed runway of 575 ft. out from the railroad right-of-way. I am objecting to his trying to fit a house on this corner when it isn't big enough to start with. He will be hindering himself and will have a job selling it. If he does sell it to anyone who has children, they will be over in my yard most of the time, in the barns, etc.

It was the assumption of the Zoning Board at this time that the map presented had been filed, but later investigation and discussion with Mr. Entress proved otherwise. The map did not have to be approved by the Planning Board as it is under four lots and therefore does not constitute a subdivision. However, the lots as presented on the map have not been filed.

No one else appeared to speak on this application.

Application of Chili Home Builders for variance to erect homes on lots 7 and 8 Chestnut Ridge Rd., variance lot 7 of 37 ft. from rear lot line, variance lot 8 of 16 ft. from rear lot line.

Mr. Peraino appeared and maps were presented.

Mr. Peraino: These are corner lots and we thought they should be set back 60 ft. from each street.

Mr. Davis: They thought in our zoning they had to be 60 ft. back on either street. Come to find out, in doing this, they didn't meet the 40 ft. rear yard requirement. These are at the corner of Chestnut Ridge Rd. and new road named Chestnut Rd. The foundations were in before they realized this.

Mr. Peraino: These houses are there. We didn't realize we were not doing right.

No one appeared to speak on this application.

## DECISIONS OF THE BOARD:

FRANK PETOTE - Denied variance to erect house on lot 3, corner Fisher Rd. and Weidner Rd., 50 ft. from front lot line, 17 ft. from rear lot line. All members voted in the negative.

CHILL HOME BUILDERS - Granted variance to erect houses on lots 7, 8 Chestnut Ridge Rd., lot 7 to 37 ft. from rear lot line, lot 8 to 16 ft. from rear lot line. All members voted in the affirmative.

June Yates, Secretary

## ZONING BOARD OF APPEALS

February 6, 1962

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

Mr. Wickins: Unfortunately, there is quite a lot of illness around. Only two members of the Zoning Board of Appeals are present at this meeting. This has been decided in court and is perfectly legal to do: have the hearing, take the minutes, and at a later date when a majority of the Board is present, decisions will be made. They can't be made tonight. If anyone would rather wait until the next meeting when, I assume, a majority of the Board will be present, they have the right to withdraw their application and take it up at the next meeting.

No one withdrew his application.

Application of Joseph Schuler, 1300 Scottsville Rd., for variance to erect gasoline service station.

Thomas A. McDermott, attorney, 815 Union Trust Bldg., appeared to represent the applicant, Sobmac Inc.

Mr. McDermott, The applicant, Sobmac Inc., has entered into tentative arrangements with Thrifway Gas and Thrifway has drawn up plans of the type of station they have used with success in the county. (Presented plans) This is a very small type of building. There are no liëfs or anything connected with it. It is strictly gas and light service. The dimensions are shown here and the proposed location is immediately adjacent to the establishment known as Olympic Bowl, in the low area between that and the Large Mouse, which is part of Olympic Park. I talked with Mr. Schuler and the lot size is incorrect. I understand the lot is 125 ft. by 125 ft. The building would be set back 100 ft. This is strictly a station utility building for the sale of gas, with no proposed heavy service involved.

Mr. Wickins: How large is the building?

Mr. McDermott: 8 ft. wide by 34 ft. long and one story high. A wing on the side approximately 12 ft. by 14 ft.

Mr. Davis: Is this all one piece of property with Mr. Schuler assigning so many square feet?

Mr. McDermott: Yes.

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

Application of Mary Engels, 3183 Chili Ave., for variance to erect two 4 ft. by 8 ft. illuminated signs, two lights per sign.

Samuel Collari of Genesee Neon Signs appeared to speak on this application, and stated it is right next door to the Carpet Center.

Mrs. Engels: I am working on a beauty parlor right now, opening March 1. This is a new establishment. I don't need a variance for the beauty parlor because it is in a commercial zone.

Mr. Callari: The signs will be mounted on the building itself. The lights are about 6 ft. away from the signs mounted on the ground and shooting up to the signs. The signs will be 4 ft. by 8 ft. They will be lighted up by flood lights from the ground level. We want two signs the same size.

Mr. Bubel: How late would they be lighted?

Mrs. Engels: I would probably be through work at 9:00. I understand they could be kept on until 10:00, but I will go along with the Board. The signs will be a good idea as it is so dark there and children go skating in Chili Center at night.

Mr. Collari: The indirect lighting is much different from having lights shine down on the sign.

Mrs. David Henderson, 795 Paul Rd.: Our property joins this property. I am curious as to the location on the property.

Mr. Callari explained the position of the lights to Mrs. Henderson, one on the front and one on the side of the building, and that the lights would be shrubbed. The signs will be mounted flush with the building. The sign on the side is to catch the traffic coming out Chili Ave. as the house sets in. It improves business.

Mrs. Henderson: We have a terrace on that side, and in the summer we use it quite often. This probably would not be as bright as the Carpet Center sign, which is very bright.

Mr. Callari: It won't be half as bright and the lights will be hidden by shrubs.

Mr. Wickins: What is the lighting power?

Mr. Callari: 150 watt Floods.

Mr. Wickins asked Mrs. Henderson if she would care to express an opinion concerning this application.

Mrs. Henderson: That type of sign would be satisfactory. We were afraid it might be the same as the Carpet Center.

Mrs. Engels: This isn't even a white sign. It is turquoise, very subdued.

No one else appeared to speak on this application.

Application of Phyllis Klimm, 67 Chestnut Dr., for variance to use premises in basement for dance studio, in D residential zone.

Petition was received showing signatures of neighbors in favor of this application, which will be on file in the Town Clerk's office.

Mrs. Klimm presented map of the property. The house is 250 ft. from the road and 200 ft. from the nearest house. Mrs. Klimm stated she would conduct classes in the basement of her home. About four cars could be parked in the front. To the left the lot goes into a wooded section. They plan to create a parking section down there. The driveway couldn't be utilized for parking as it is too narrow.

Mr. Wickins: The Board is interested in no parking on the road itself.

Mrs. Klimm: There would be no parking there definitely.

Mr. Wickins: How late would these classes be?

Mrs. Klimm: The adult classes at night would probably end around 10:00 or 10:30 P.M. Later I would like to incorporate children's classes on Saturday afternoons. I would probably have a few evenings per week for the adults and maybe 1 or two afternoons per week for the children. Noise wise, nothing would be heard other than is normal in your own home. We would use a record player.

Mr. Bubel: How far from Brewster Lane is this?

Mr. Davis: It is 200 ft. to the nearest house.

The following people voted in favor of this application:

Mrs. Robert Criddle - 15 Brewster La.

Mrs. Walter Baird - 13 Brewster La.

Mr. Davis: How large would the classes be?

Mrs. Klimm: They would have to be limited because of space and also I am the only instructor. There couldn't be more than 12 or 14 per class.

No one else appeared to speak on this application.

Decisions on these applications were reserved until a meeting of the majority of the Board.

June Yates, Secretary

## ZONING BOARD OF APPEALS

March 6, 1962

The meeting was called to order, 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 Supt., William Davis.

Application of Leon P. Morey, 4222 Buffalo Rd., for variance to erect house on 66 ft. wide lot, 50 ft. from front and 5 ft. from north side lot lines, on lot 17 Orchard St., in D zone.

Mr. Morey presented map of the property, showing lot 66 ft. wide by 140 ft. deep. This is 9,240 square feet. The zoning requirement in D residential zone is 12,000 square feet. Mr. Morey stated the whole street is built up, and there is no chance of getting any more land. This lot is south of and adjacent to Bud Rose's, whose house sits way back.

Mr. Strassner asked if Mr. Morey had a map of the street and the area around there, and he replied no.

Mr. Wickins: Have you talked with your neighbors?

Mr. Morey: Yes. Mrs. Dailey said she would be glad to have us as neighbors. There is no way of acquiring footage on either side. I can buy lengthwise, but not in width.

Mr. Tomer: Are these lots all 66 ft. wide?

Mr. Morey: Theoretically, yes, except for one mistake made where a strip had to be sold off, so one lot is narrower. The house will be 35 ft. by 51 ft. including garage.

Mr. Wickins asked Mr. Davis if he had checked the square footage for the house and Mr. Davis replied no, not until a variance has been granted.

Mr. Morey presented plans of the house. The house alone, without the garage, would still be over 1,050 ft. It would be 10 ft. from the line on the other side. The house adjoining the five foot side sits way back, something like 14 ft. or 16 ft. back of proposed Morey house. If the Morey house was 60 ft. back, this garage house would still be in back of it. Mr. Morey said this was built in a hurry as a honeymoon cottage.

No one appeared to speak on this application, and Mr. Morey was informed he would be notified the decision of the Board.

Mr. Wickins then presented a letter from Supervisor Lusk requesting the Zoning Board of Appeals to express approval or disapproval of changing the regular meeting date from the first Tuesday of each month to the fourth Tuesday of each month. This would allow Chili Post #1830 American Legion to use the Chili Administration Building meeting room on the first Tuesday of each month, as their charter calls for that night.

Mr. Bubel stated his shop had set up a schedule to July where he had to work one night a month. He had arranged for the fourth Tuesday to leave the first Tuesday open for the Zoning Board meetings. After July, this fourth Tuesday meeting night would be all right for him. Other members present stated it was agreeable with them. Mr. Tomer suggested perhaps the American Legion could wait until a few more meetings of the Zoning Board. Mr. Wickins stated he would so inform Supervisor Lusk.

## DECISION OF THE BOARD:

LEON P. MOREY, 4222 Buffalo Rd., granted variance to erect house on 66 ft. wide lot, 50 ft. from front lot line, 5 ft. from north side lot line, on lot 17 Orchard St. All members voted in the affirmative.

## DECISIONS OF MEETING OF FEBRUARY 6, 1962

MARY ENGELES, 3183 Chili Ave., granted variance to erect two 4 ft. by 8 ft. illuminated signs, two lights per sign. Lights not to be lit later than 10:00 P.M.

Variance granted for a period of 5 years. All members voted in affirmative.

JOSEPH SCHULER, 1300 Scottsville Rd., denied variance to erect gasoline service station at 1300 Scottsville Rd. All members voted in negative.

PHYLLIS KLIMM, 67 Chestnut Dr., denied variance to use premises in basement for dance studio. Members voted as follows: Clifford Tomer, no; Frank Bubel, yes, Charles Pfenninger, no, Cornelius Strassner, no.

June Yates, Secretary

## ZONING BOARD OF APPEALS

April 3, 1962

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

Application of J. Francis Skelly for variance to erect house on Lot D, 8 Daunton Dr., 22 ft. from the rear lot line.

Mr. Skelly presented plot plans of Lot D Daunton Dr., also plans of proposed house.

Mr. Skelly: Lot D is a triangular piece 156 ft. deep on the south side, only 20 ft. deep at Chili Ave. If we stay 10 ft. away from Lot E and keep 60 ft. front setback, we have only 22 ft. at the rear. The rear corner of the house would still be over 200 ft. off Chili Ave. The Morgan property to the rear has no access. It can never be used for anything.

Mr. Strassner: Is there a house on lot E?

Mr. Skelly: Yes, 18 ft. off the lot line, slightly ahead of my house. It is actually 18 ft. from the side and 35 ft. from the back corner of the garage.

Mr. Strassner: Would anyone like to speak against this application?

Mort McMullen, 2683 Chili Ave.: On the side west of the end of this, I own the adjoining lot. I understand that usually 6 or 7 neighbors are notified of things like this. I heard about it from my neighbors.

Mr. Tomer: Word of mouth is pretty good. This is published in the newspaper. There is no law requiring us to send notices to the adjacent properties, we generally do it anyway. You are a resident on the west side?

Mr. McMullen: I extend practically 99% of the west of that property. I have no objection to his building a home. A house would be better than it is. What concerns me is the ditch, river, sewer, or whatever it is that drains along there. I asked Mr. Skelly by telephone last summer if one of his bulldozers would dredge that out. That ditch is a very serious proposition. That drainage does Chili Ave., Wyncrest, property to the south. When it rains in the summer the water comes through and fills my back yard completely.

Mr. Skelly: I can't speak much about that because the ditch is an easement to the Town, they maintain it and have for almost a year. I did use the bulldozer and the bill was terrific.

Mr. Tomer: Drainage problems have to come before the Planning Board.

Mr. McMullen: I have no objection to building the house. I want to know that that ditch is going to be kept running.

Mr. Skelly: The ditch is maintained by an easement granted to the Town when I bought the property from Mrs. Scott. I know at the moment the Town doesn't have easements from everybody. As far as this house is concerned, it is considerably behind yours. Your lot is 180 ft. deep, this lot is 280 ft. deep on your side and the house will be completely behind your property.

Mr. Tomer: The building of this house won't have any effect on the drainage.

Mr. Strassner: If the Town has an easement through there, there is nothing Mr. Skelly can do to interfere with it.

Mr. Skelly: We are not coming anywhere near this ditch. The ditch is 130 ft. off Chili Ave., the house is 200 ft. A man has contracted to have this house built, he knows about the easement, the deed will read "subject to the Town of Chili to maintain an open ditch".

Mr. McMullen: I have no objection if it stays drained.

Mr. Haag: I own Lot E. Will the contour of the land stay about the same?

Mr. Skelly: I will raise it slightly so that it is flatter from your lot line.

No one else appeared to speak on this application.

Application of James Ferguson for variance to erect house on 9600 square foot lot R23 Chester Ave., Block O, in D residential zone.

Mr. Ferguson presented map. This was three lots split into two lots. Lot R-23 is a revised lot 80 ft. by 120 ft. The original three lots were 50 ft. wide. John Walls, original owner, was granted a variance of 35 ft. setback. Mr. Tomer asked if the lots were changed after or before the variance.

Mr. Ferguson: The combination of lot 23 and part of 24 was done in 1961.

Mr. Tomer: Are there any smaller lots on either side, any 50 ft. lots?

Mr. Ferguson: No.

Mr. Strassner: Those are all plotted lots up in there. During the time when they didn't have water up there, they weren't allowed to build unless they used two lots. Since the water has come in, the Planning Board has allowed them to cut that down.

There was then discussion regarding the size of proposed house. Plans were presented showing size of the house, 48 ft. by 24 ft., a split level, omitting garage on the side. Mr. Ferguson amended his application to request 35 ft. setback also. There was discussion as to keeping in line with the other houses. Mr. Strassner suggested keeping in line with the other houses so long as it was not less than 35 ft.

No one appeared to speak on this application.

Application of Jack Freda, 650 Beahan Rd., for variance to erect house on 80 ft. wide Town Lot 26, north side of Paul Rd., E residential zone.

Mr. Freda appeared and stated he had brought in the map, and it was on file in the Town Clerk's office. The lot is 80 ft. wide, over 200 ft. deep. There is a house on one side, vacant lot on the other side, then another house. This lot has been in existence, an established lot. It is about  $1\frac{1}{2}$  miles from Bausch & Lomb, not too far from Marshall Rd., on the north side of Paul Rd.

Mr. Tomer: Will you build the house yourself?

Mr. Freda: Yes, with a partner.

No one appeared to speak on this application.

Application of Francis Farara, 3158 Brockport Rd., for variance to erect house on 60 ft. wide 12,000 sq. ft. lot, Paul Gardens Subdivision, south side of Paul Rd., in E residential zone.

Mr. Golisano appeared to represent Mr. Farara and presented a map. He explained this 60 ft. lot had actually been designed as a road to come out on Chili Ave. as requested, but then the Planning Board didn't want to open this road, so the land is still there. The rest of the lots are 100 ft. wide. There are houses on the adjoining lots. Wills Rd. runs parallel with Paul Rd. and will eventually continue to Chili Ave.

There was then discussion regarding the rest of the property and Mr. Davis presented a plot plan from the office.

Mr. Strassner asked if he would need a side line variance as the requirements are 10 ft. Mr. Golisano decided he would like an 8 ft. side line variance, and so amended his application.

Mr. Strassner asked if there were any objections.

Donald Wilbert, 945 Paul Rd.: I object. The Zoning Board drew up the zoning law for 90 ft. The seller of this property has been made two offers to sell this property. I offer letters from law firms in proof of this. If we have zoning laws, we should stick to them. Every house down there is at least 100 ft. minimum width within this particular tract. I don't know what it is farther down Paul Rd. This is not a case of any hardship. The two offers that the seller had were good offers.

Mr. Freitas: When I bought my property which is kitty-corner from this, they specified 100 ft. I object.

Henry Robbin: I live in the back of the property. I would like to keep it the way it is now. I object.

Peter Decker, 941 Paul Rd.: I live adjacent to the lot. I would like to see it stay the way it is. If you give a variance closer than 10 ft. to the side line, it will bring the two houses too close together. I am one who offered to buy the lot at one time. I am still interested if we could make a deal.

Mr. Morgan: I live next door to Mr. Robbins, diagonally across from the lot in question. I don't see any reason for building a house on a 60 ft. lot when every other lot is 100 ft. wide. There are plenty of other lots in the tract just sitting there. My own house had to be on a 100 ft. wide lot. I don't see why anyone else should be allowed to build on a 60 ft. lot.



Michael Truisci, 3270 Chili Ave.: This is a hardship case. This land was allowed for a road, which was changed later by the town. These 100 ft. lots were before the sewers and water. If the sewers and water come in, you will see lots getting smaller. As far as a man being offered a price, it is up to him as to whether he sells or not.

Mrs. Perna, 849 Paul Rd.: It is nicer to have a house than weeds. This may be serving some family who needs a smaller home.

There was then discussion regarding the upkeep of the property. No one else appeared to speak on this application.

The Public Hearing was then closed.

Mr. Battista appeared for a discussion with the Board regarding property in Creekview. On August 1, 1961, he made application to build on a 75 ft. wide lot with 7 ft. side line. He was denied. He now wants to build on this lot with the proper 10 ft. side line setback, and would like to get started. He was advised for his own safety to look into the tract restrictions, etc. He was also informed he would have to make application for this request, it would be advertised, and he would appear before the Zoning Board of Appeals.

#### DECISIONS OF THE BOARD:

J. FRANCIS SKELLY granted variance to erect house on Lot D, 8 Daunton Dr., 22 ft. from rear lot line. All members voted in affirmative.

JAMES FERGUSON was granted variance to erect house on 9600 sq. ft. lot, R23, Chester Ave., Block O, not less than 35 ft. front line setback, and not to project beyond the front lot line of the adjacent houses. All members voted in affirmative.

JACK FRED A: Decision reserved on this application until Board can study map.

FRANCIS FARARA: Denied variance to erect house on 60 ft. wide, 12,000 sq. ft. lot, Paul Gardens Subdivision, south side Paul Rd. All members voted in the negative.

June Yates

#### ZONING BOARD OF APPEALS

April 4, 1962

The following members of Board were present: Cornelius Strassner, Chairman, Clifford Tomer, Frank Bubel.

The Board studied map of Jack Freda whose application was presented on April 3, 1962, and the following decision was reached:

JACK FRED A: Granted variance to erect a house on 80 ft. wide Town Lot 26, north side of Paul Rd. All members voted in affirmative.

June Yates, Secretary

## ZONING BOARD OF APPEALS

May 1, 1962

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

Application of Waltrus L. Livingston, 53 Yolanda Dr., for variance to enlarge present garage 6 ft. from north side lot line. Mr. Livingston presented a sketch of the property on the west side of Yolanda Dr. The lot is 78 ft. wide.

Mr. Livingston: The neighbor is 8 ft. from the side lot line. There would be 14 ft. between houses.

Mr. Strassner: How wide is the garage?

Mr. Livingston: The garage inside now is 10 ft., 14 ft. from the line. I would like to enlarge it to 6 ft. from the line, an extra 8 ft. making a double garage, a standard 16 ft. door.

Mr. Pfenninger: How about the neighbors?

Mr. Livingston: The one across the street called me up and said it would improve the house a lot.

Mr. Bubel: Is this an attached garage?

Mr. Livingston: All under one roof, a hip roof. I will cut the present roof off and move it over.

No one appeared to speak on this application.

Application of Humble Oil & Refining Co., 2930 Chili Ave., for variance to install tire merchandiser.

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

Application of Michael Truisi, 3270 Chili Avenue, for variance to operate used car lot at 3201 Chili Ave.

Mr. Truisi appeared and stated this is located between Mr. Palmer and the Blue Sunoco Station.

Mr. Pfenninger: Is this vacant land?

Mr. Truisi: Yes. Right across from Bob's gas station, right on Chili Ave., 500 ft. from Paul Rd.

Mr. Pfenninger asked if this was next to the Voke property and Mr. Truisi replied no. There is a gas station on the corner of Paul Rd. and another station down about 700 ft. This is next to that one. There is a factory across the street.

Mr. Strassner: What type of used cars?

Mr. Truisi: New and used cars. No junks in there that I know of.

Mr. Strassner: How many cars do you expect to handle?

Mr. Truisi: I don't know. It will hold about 15 or 20.

Mr. Strassner: How far off the road?

Mr. Truisi: I don't know the ordinance.

Mr. Strassner: There are variances near there for 35 ft. to 40 ft. setbacks for other businesses. Unless you get a variance, you will have to be back 100 ft. You can amend your application now.

Mr. Truisi: I would like to amend the application now.

Mr. Davis: How large is the lot?

Mr. Truisi: 100 ft. by 200 ft. deep.

Mr. Strassner: Any buildings on it?

Mr. Truisi: There is a little shack on it about 100 ft. back, not really a building. The kids have torn it apart.

Mr. Strassner: How late would this be open?

Mr. Truisi: About 9:00 or 10:00 P.M. Part-time operation.

Mr. Pfenninger: Would there be lights on strings?

Mr. Truisi: In the front of it. I am renting it to another interested party who works. He will do this part-time, afternoons or evenings, whenever he has off. There will be new and used cars.

Mr. Strassner: Do you know how many?

Mr. Truisi: Maybe 10 or 15 to start with. It depends on how many sell.

Mr. Pfenninger: Any repairing on those cars?

Mr. Truisi: Maybe a small amount, just to start up. They are coming out of another garage, all inspected cars.

Mr. Pfenninger: You don't intend to put any building there?

Mr. Truisi: Just board up the shack the way it was. The cars come from another dealer, all inspected. Anything done to them would be minor. No wrecking.

Mr. Davis: Did you ask for a setback?

Mr. Truisi: I will amend my application to request a 15 ft. setback.

Mr. Strassner: Any objections to this application?

Richard Palmer, 3197 Chili Ave.: I am speaking for my mother who owns the property adjoining the Truisi property. She would like me to express her opinion on this as she is unable to be here. She thinks the Zoning Board of Appeals is doing a fine job and attracting good business. Look at Monroe County at the different car lots. You won't find any new business near a used car lot. It is an undesirable business to be in. I don't think the taxes will do any good. We will go by the Board's ruling. She would like the Board to think it over very carefully before putting a used car lot in. She objects.

Charles McCall, 3202 Chili Ave.: I live directly across from this. I object to this for the same reason. It is unsightly. They take trade-in cars. These are going to be on the car lot. It will be unsightly as far as I can see. The Zoning Board should object to this. It will devalue the property around it. When there is a used car lot, you don't see new business. We want good business out here. A used car lot would be an eye-sore right in Chili Center.

Mrs. Whelpton, 3187 Chili Ave.: We own the Chili Carpet Center and feel the same as the others. It is not advantageous to the community to have a used car lot. We would like to see the Center built up into good, desirable businesses. A used car lot would be degrading for the community.

No one else appeared to speak on this application.

Application of Irvin Crowell, 4351 Buffalo Rd., for variance to erect 20 ft. by 24 ft. garage with apartment on second story, B zone.

Mr. Crowell presented maps, and stated this would be a 3-room apartment over the garage. The lot size is 56.48 ft. wide across the front, 83.15 ft. across the rear, 201.83 ft. on one side, 200.38 ft. on the other side. The garage would be 50 ft. from the rear lot line, 10 ft. from side lot line on one side, 43 ft. from side lot line on the other side, 20 ft. back from the house.

Mr. Strassner: What kind of apartment would this be?

Father of Mr. Crowell: 3 rooms and bath. My wife and I are retiring and want a place to stay.

Mr. Crowell: The garage is of no value to us without the apartment.

Mr. Strassner: How big is your house?

Mr. Crowell: 7 rooms.

Mr. Crowell's father: He is going to move into the big house. He owns it now.

Mr. Pfenninger: Are there any more apartments along here?

Mr. Crowell: Yes. Two doors up from Kreckman's store. There is another garage with apartments near us, Roushey's. He has had it 10 years. There is another down on Union St. towards Spencerport from Westside Dr, built since we came 11 years ago.

Mr. Strassner: I don't remember issuing any variance and I have been on the Board 10 years.

Mr. Pfenninger: There was no building code at that time.

No one appeared to speak against this application.

Bennett Kreckman, 4357 Buffalo Rd.: I looked over the area where he plans to put this and I can't see where it would be obnoxious or undesirable in any way. I am perfectly satisfied this should go in there.

Application of Patsy Battista, 152 Locust Hill Dr., for variance to erect house on Lot 21 Creekview Subdivision, 75 ft. wide lot, E residential zone.

Ralph Wicks, Realtor, appeared to represent Mr. Battista and presented map of the property.

Mr. Wicks: The lot is 75 ft. wide by 242 ft. deep. The house is 54 ft. wide. This is on the north side of Chili Ave. in the D. D. Davis tract. The houses adjacent were built on 75 ft. wide lots. This was approved as a subdivision. The side, rear, and front setbacks will all conform with the zoning ordinance.

No one appeared to speak on this application.

Application of Ogden Telephone Co., Spencerport, N.Y., for variance to erect 23 ft. by 27 ft. 9 in. addition to rear of present building, 42½ ft. from rear lot line, 3 ft. from west side lot line, B zone.

John Stone appeared to represent Ogden Telephone Co. and presented maps.

Mr. Stone: This will be a 23 ft. addition, 42½ ft. from rear lot line, 3 ft. from west side lot line, 1 ft. from east side lot line. There is a vacant lot next to this, with a house on the adjacent lot, about 75 ft. away. This will be an all cement block building housing all telephone equipment. There are two men working in there. We will have a standby power unit for emergency power. There is hardly ever more than two cars there. This will be just following the existing building in the rear. We have to have it for new equipment going in in June.

Bennett Kreckman, 4357 Buffalo Rd.: This is just a short distance from my place. They've done a good job in our neighborhood. They need more facilities. I have no objection. There will be more taxes coming in if the building is larger. I am interested in the kind of service they will be able to give when they have the proper facilities. I would like to see them have the variance.

No one else appeared to speak on this application.

Application of Winsor Ireland, 268 Archer Rd., to renew variance to use existing building as living quarters.

Mr. Ireland appeared and presented map showing location of building on the property.

Mr. Ireland: The lot is 201½ by 240 ft. There is a little house in the back remodeled from a chicken house. My mother lives there. I had a variance for 3 years which has now expired. I would like to get a variance for as long as I own the property. All the neighbors were notified and nobody objects to it. It's way back away from anybody.

No one appeared to speak on this application.

Application of Harold J. Vogel, 36 Fenton Rd., for variance to erect addition to north side of lot 22 ft. by 11 ft. 8 in., 5 ft. from north side lot line, D residential zone.

Mr. Vogel drew sketch showing proposed addition.

Mr. Vogel: The lot is 60 ft. by 250 ft. All the structures at the present time are built within 5 ft. I want to build an addition on the side, the house is about 24 ft. by 36 ft. The addition would be 22 ft. by 12 ft.

Mr. Bubel: How far away is your neighbor?

Mr. Vogel: His garage is 5 ft. from my lot line. There would be 10 ft. between us. It is like that all the way down the street. I have a fence which just comes to the back of the house at the present time.

Mr. Bubel: Could you build the addition on the back?

Mr. Vogel: Not for convenience. We have a utility room there, and we wanted to make a family room in the bottom. The house is 1½ story with bedroom upstairs. All the rest of the lots are 50 ft., mine is the only 60 ft. lot up there.

Charles Everett stated he has an offer in on the house next door and was interested in whether the addition would be farther back than the house is now. Mr. Vogel assured him it would be and he had no objection.

Herman Stoe, 44 Fenton Rd.: The houses up on Fenton Rd. are 8 ft. apart. Mr. Vogel is not asking anything out of proportion. I am in favor of this.

No one else appeared to speak on this application.

Application of Humble Oil & Refining Co., 2930 Chili Ave., for variance to install tire merchandiser.

William Shannon appeared to represent Humble Oil Co. and presented maps, also pamphlet showing tire merchandiser.

Mr. Shannon: There are two island pumps in front of the station. This is not a building. It is on a concrete slab and is movable. It is 15 ft. wide, and is for storage and displaying tires. It can be moved at any time. We can put it back 60 ft. as required by the ordinance.

No one appeared to speak on this application.

#### DECISIONS OF THE BOARD:

WINSOR IRELAND granted variance to use existing building at 268 Archer Rd. as living quarters for a period of 5 years. All members voted in affirmative.

HAROLD J. VOGEL, 36 Fenton Rd., granted variance to erect addition to north side of house 22 ft. by 11 ft. 8 in., 5 ft. from side lot line. All members voted in affirmative.

PATSY BATTISTA granted variance to erect house on Lot 21 Creekview Subdivision, lot 75 ft. wide. All members voted in affirmative.

IRVIN CROWELL, 4351 Buffalo Rd., denied variance to erect garage with second story apartment. All members voted in negative.

MICHAEL TRUISI, 3270 Chili Ave., denied variance to operate used car lot at 3201 Chili Ave. All members voted in negative.

HUMBLE OIL & REFINING CO. granted variance to install tire merchandiser at 2930 Chili Ave. All members voted in affirmative.

WALTRUS L. LIVINGSTON, 53 Yolanda Dr., granted variance to enlarge presented garage 6 ft. from north side lot line. All members voted in affirmative.

OGDEN TELEPHONE CO. granted variance to erect 23 ft. by 27 ft. 9 in. addition to rear of present building, 42½ ft. from rear lot line, 3 ft. from west side lot line, 1 ft. from east side lot line, as per plans presented. All members voted in affirmative.

June Yates, Secretary

## ZONING BOARD OF APPEALS

June 5, 1962

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

Application of Southern Oil Co. of New York, Inc., for variance to erect gasoline station and living quarters at the corner of Beahan and Scottsville Rds, 60 ft. from front lot line, sign 5 ft. from front lot line, islands 20 ft. from front lot line.

Harold Rappaport, Attorney, 612 Wilder Bldg., appeared to represent Southern Oil Co. of New York, Inc., with headquarters at Horseheads, New York, and presented map and pictures.

Mr. Rappaport: This is not a big company like Standard Oil Co. It is locally controlled from Horseheads in the state of New York. This is a different type of operation than the big companies, and every station is important and well taken care of. They are built with a home for employees. They take part in the activities of the community. They are always under constant supervision. I have some pictures showing the type of building we build and maintain. The property we are contemplating to tear down is a single house at the corner of Beahan and Scottsville Rds. We will have a 3 or 4 bay building and another single house. The other house will serve as living quarters for the employee until the station is built. The building we intend to tear down had a variance on Dec. 12, 1957, to be used as repair shop for auto body work and also for the sale of used cars and public garage. We will do something in betterment of the area. We also have received signatures of the neighborhood in consent to this. (Presented petition which will be filed in the Town Clerk's office). We understand there is a station in the neighborhood owned by a large oil company not rented as yet. Their policy is to rent at high rental to pay for some expenses. Our policy is not that sort. We rent at a modest figure. All stations are immediately occupied. I am sure the Town of Chili would be benefitted by the erection of this station. It will be a place of beauty in the neighborhood, and an increment to the town. (He presented pictures showing present buildings to be torn down and the type of station to be erected. These will be on file in the Town Clerk's office.) This is a Rotary gas station.

Mr. Rappaport then presented Harvey Dunbar, Vice President of Southern Oil Co. of New York, Inc.

Mr. Dunbar: Ours is the largest and first independent oil company, incorporated since 1923. We have had the same supplier since 1928. There is no product finer. We stress the beauty of our station. This Independent oil company sells for 2cents under the major companies. We have employees and their families living in the station. This will be 1½ stories with a dormer in the rear, shrubbery and wide curbs. It is kept better because the families live there. There will be two bays. There will be 7 pumps and an oil dispenser. No major repair work will be done. It will be open no later than 10:00 P.M.

Mr. Strassner: Would the sign be illuminated all night?

Mr. Dunbar: No. This is just the Rotary sign, our trademark, lighted only during the darkened hours. We have station on East Henrietta Rd., in Batavia, and Albion. This one will be directly opposite Logan's on the west side of Scottsville Rd.

Mr. Rappaport: Mr. Slatter, attorney representing the seller was going to be here tonight, and to bring up the matter of the need of the sale.

No one appeared to speak on this application.

Application of Michael Truisi, 3270 Chili Ave., for variance to operate used car lot at 3201 Chili Ave., lot 100 ft. by 200 ft., 20 ft. from front lot line., commercial zone.

Mr. Truisi: There has been a place across the street for 20 years or more. It is now a manufacturing plant. I don't think this would depreciate any property. The gentleman interested in this property would have 12 or 15 cars there. He would not be open too late at night.

Mr. Strassner: How late?

Mr. Truisi: Until 10:00 P.M., just a few nights. If a few of the neighbors think this would depreciate their property, I could have a variance for 2 or 3 years to show if there is any change in valuation in that time.

Mr. Wickins: This is just for sale of cars, no repair work?

Mr. Truisi: All maintenance is done in another shop. All the cars are run-able. He would just bring them here for sale, new and old cars. Old cars would be taken in and put in the back of the lot. There would be no burning. We could have the variance for 2 years to show the people. There would be no junk cars.

Mr. Strassner: Would this be open Sundays?

Mr. Truisi: I don't know about Sundays.

Mr. Schleuter: Would this be illuminated?

Mr. Truisi: I don't know about that. Probably a light in the front. What are the requirements for that?

Mr. Strassner: Would there be any signs?

Mr. Truisi: He might want signs, I don't know. I could look into that. I know he wanted lights across the front

Mr. Strassner: You want a setback of 20 ft.?

Mr. Truisi: That is room enough to pull off the road. There won't be any maintenance work done there, just minor work. All inspected cars ready for sale.

Angelo Golisano spoke in favor of this application.

Richard Palmer speaking for Mildred C. Palmer, 3197 Chili Ave.: I don't believe this would be any good for the Town. I am speaking for my mother. Most of the neighbors in that area object to it. I don't think the tax assessment is going to make up for the hindrance. It will devalue the property. We own the property adjoining this.

Charles McCall - 3202 Chili Ave.: I live directly across from this. This would be a very unsightly thing. I was talking to Mr. & Mrs. David Henderson who live at the corner of Paul and Chili. They also object. Mr. Truisi talked about a car lot across the road. This was sold to Brown Chevrolet, and they didn't sell any cars at all. This is going to be unsightly. They have commercialized my area. Now is the time when it is clean to start good clean building and keep it that way. In time, Mr. Truisi wants a barber shop. Not one neighbor would object to a barber shop. We object very much to a used car lot in the Town of Chili.

Howard Whelpton, 3987 Chili Ave.: We consider this area, generally speaking, the Center of Chili if it expands to that point. This area is all zoned commercial for the purpose of building stores. I have traveled through towns and seen used car lots and I don't like the looks of most of them. We should put them outside the village. We should sell to just certain things to build up the town, not tear it down.

Samuel Slater, Attorney, 45 Exchange St., appeared at this time and Mr. Wickins informed him the application of Southern Oil Co. of New York, Inc., had already been covered. Mr. Wickins said Mr. Slater might speak at this time if he cared to.

Mr. Slater: I appear in behalf of the owner of the property in question, Mr. and Mrs. Merton Stricker. who feel theirs is a hardship case. No one could use this property as a residence other than the owners, who want to get out because of traffic conditions. This property has been up for sale for some time without success. Now there is a bona fide offer in the form of an option by the Southern Oil Co. for \$18,900. The heavy traffic makes it inhabitable for residence.

Application of James Cassidy, 8 Jemison Rd., for variance to erect addition to front of existing building 45 ft. from front lot line, D residential zone.

Mrs. Cassidy Presented map of the property. She was asked if this was already started with the foundation in, and replied yes. Mr. Strassner asked how this happened. Mrs. Cassidy explained they had contracted to have a room built on the front. The contractor took down a porch to do this and put in about a 4 ft. foundation. He didn't realized we needed a variance because it was an existing porch. The new room is 4 ft. closer to the front lot line. Mrs. Cassidy presented petition signed by neighbors in favor of this application which will be on file in the Town Clerk's office. Following appeared to speak on this application:

Barbara DeGroot - 16 Jemison Rd.: When we came out there to live over 30 years ago, our deeds called for no more than 50 ft. front line.

June 5, 1962

Now we understand the requirement is 60 ft. Why should they be allowed to build 45 ft.? If that is the way, why can't we all do as we please?

Mr. Strassner: They have the right to apply for a variance.

Mrs. DeGroot: I can't see they have a leg to stand on. They should live up to the rules. Do we have a zoning law or not?

Mr. Wickins: The purpose of the Zoning Board of Appeals is for people to ask for a variance.

Mr. Strassner: Your objection will be recorded.

Mrs. Cassidy: This will greatly improve the looks of the house. The contractor went ahead and did the job before we realized we needed a variance.

Lois King - 15 Jemison Rd.: I am in favor of this request.

No one else appeared to speak.

Application of Howard Strassner, 970 Coldwater Rd., for variance to build garage and breezeway 3 ft. to south side lot line.

Mr. Strassner, Chairman of Zoning Board, turned over the Chairmanship to Frank Subel for this application because the applicant is his son.

Howard Strassner appeared and stated he would like to build 3 ft. to south side lot line, with 16 ft. wide garage and 10 ft. wide breezeway. In order to do this, he would have to build 3 ft. to side lot line.

Mr. Wickins asked if he had talked with his neighbors. Mr. Strassner said they have no objections. One neighbor voted in favor, stating he is not opposed as long as it is not living quarters. No one appeared in objection.

Application of Sterling Peckham, 7 Miller Dr., for variance to erect garage on 66 ft. wide lot, D residential zone.

Mr. Peckham presented map of the property showing location of 24 ft. by 28 ft. garage on 66 ft. wide lot. This would be a two-car garage. There is no house on the lot. His lot is next to this. The garage will be used for a boat, etc., and there will not be a house on this lot.

No one appeared to speak on this application.

Application of Donald Leiske, 4 Ronnie Lane, for variance to erect garage and breezeway 4 ft. from east side lot line, D residential district.

Mr. Leiske presented map of the property. The house is facing Ronnie Lane on lot 170 ft. deep and 80 ft. wide. He presented plan showing relation of his lot to existing lots around there. The proposed addition will be located on the west side. All four houses face on Union St., his house faces Ronnie Lane. This building would be about 80 ft. or 90 ft. away from these houses.

No one appeared to speak on this application.

Application of Peter Trenton, 28 Indian Hill Dr., for variance to build house on 80 ft. wide lot, Lot 56 Indian Hill Dr., E residential zone.

Mr. Trenton appeared and stated he would like to build on existing lot 80 ft. wide by 275 ft. deep, maintaining required side line setbacks.

Mr. Schleuter: What style house?

Mr. Trenton: Ranch style same as on the side. There would be 60 ft. setback at least, probably a little more. I would keep in line with two houses already there.

No one appeared to speak on this application.

Application of Ronald J. Weathers, 43 Mercedes Dr., for variance to erect garage 35 ft. from front lot line. No one appeared. Secretary was instructed to call this application later.

Several people appeared in regard to application of Reginald Zornow which had been scheduled for this meeting, but was cancelled.



Mr. Wickins: I will make a report to the town Board at their meeting tomorrow night. There was a variance granted in June 1952 to enlarge this hot stand 30 ft. on one side and 15 ft. in depth. This was taken into Court and upheld, and therefore the variance is still in effect and can be used. A variance is always in effect. It is granted to the land. That is a state law.

There was then some discussion regarding this.

Application of Mr. Weathers was again called and Mr. Weathers appeared. He stated he would like a variance to erect a garage at 43 Mercedes Dr. to construct a garage 35 ft. from front lot line. Mr. Davis said he had looked at the property in question. Mr. Weathers presented letters signed by neighbors (3) stating they were in favor of this request.

No one appeared to speak on this application.

DECISIONS OF THE BOARD:

SOUTHERN OIL CO. OF NEW YORK INC. granted variance to erect gasoline station and living quarters at the corner of Beahan and Scottsville Rds., 60 ft. from front lot line, sign 5 ft. from front lot line, islands 20 ft. from front lot line. Sign not to be illuminated later than 10:00 P.M. Two existing houses on premises to be demolished within 2 yrs. from June 5, 1962. All members voted in affirmative.  
MICHAEL TRUISI denied variance to operate used car lot at 3201 Chili Ave. 20 ft. from front lot line. All members voted in negative.

JAMES CASSIDY granted variance to erect addition to front of existing building 5 ft. from front lot line at 8 Jemison Rd. All members voted in affirmative.

HOWARD STRASSNER granted variance to erect garage and breezeway 3 ft. to south side lot line at 970 Goldwater Rd. All members voted in affirmative.

STERLING PECKHAM granted variance to erect garage on 66 ft. wide lot as per map presented, Lot #24 Miller Dr. All members voted in affirmative.

DONALD LEISKE granted variance to erect garage and breezeway 4 ft. from east side lot line at 4 Nonnie Lane. All members voted in affirmative.

PETER TRENTON granted variance to erect house on lot 80 ft. wide, Lot #56 Indian Hill Dr. All members voted in affirmative.

RONALD J. WEATHERS granted variance to erect garage 35 ft. from front lot line at 43 Mercedes Dr. All members voted in affirmative.

It was the decision of the Board that a special meeting be held on June 26, 1962.

June Yates, Secretary

ZONING BOARD OF APPEALS

June 26, 1962

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

Application of Bernard Strubel, 950 Morgan Rd., for variance to remodel single dwelling into two-family apartment, EE zone.

Mr. Struble presented map. He said the house is on the hill on the old Morgan Rd. on about  $4\frac{1}{2}$  acres of land. It is a very big house, too big for one family. He will put on an outside stairway.

Mr. Strassner: How about the side lines?

Mr. Struble: It has a side line of 200 ft. on one side and about 400 ft. on the other side. There is plenty of room. There are no plans for subdivision of the property.

Eugene Huck, 930 Morgan Rd., voted in favor of this application. No one else appeared to speak.

Application of John Meter, 16 Tarrytown Rd., for variance to erect garage 4 ft. from north side lot line, D zone.

Mr. Meter presented plans and said the lot is 70 ft. wide, 10 ft. setback on one side and 22 ft. setback on the other side. It is 192 ft. deep.

Mr. Strassner: How wide is the proposed garage?

Mr. Meter: 18 ft.

Mr. Strassner: Would it be possible to cut it down 1 ft.?

Mr. Meter: I don't think one foot would make that much difference.

Mr. Strassner: We are trying to hold the distance between you and your neighbor to 15 ft.

Mr. Meter: There would be one 10 ft. garage door plus another regular door. The garage will be back farther than the front of the house. The house is in line with the others.

No one appeared to speak on this application.

Application of Alvin Blair Co., Inc., 244 Paul Rd., for variance to erect 3 ft. by 5 ft. sign 20 ft. from front lot line, A zone.

No one appeared to present this application.

Application of Richard Root, 18 Grayson Rd., for variance to erect house on 50 ft. wide lot, 4 ft. from west side lot line, D zone.

Mr. Root presented plot plan and said the lot is 50 ft. wide by 250 ft. deep. He had talked with neighbor, Mr. Totten, who has no objection to this, and who also owns vacant lot between the two properties. There is 70 ft. between the two houses.

Mr. Strassner: How wide is the house?

Mr. Root: 36 ft. There is a driveway on the left. If I build a garage, it will be in back of the house.

Mr. Strassner: Isn't there a house on that property? Will you tear that down?

Mr. Root: Definitely. The setback will be in line with the other houses on each side. Is there any objection to leaving the other house up until I build the new one?

Mr. Strassner: No objection.

No one appeared to speak on this application.

DECISIONS OF THE BOARD:

BERNARD STRUBLE granted variance to remodel single dwelling into two-family apartment, EE zone. Members voted as follows: Mr. Bubel yes, Mr. Pfenninger yes, Mr. Strassner yes.

JOHN METER granted variance to erect garage 5 ft. from north side lot line at 16 Tarrytown Rd. Members voted as follows: Mr. Bubel yes, Mr. Pfenninger yes, Mr. Strassner yes.

ALVIN BLAIR CO., INC. - Denied application to erect 3 ft. by 5 ft. sign 20 ft. from front lot line because of non-appearance. Members voted as follows: Mr. Bubel no, Mr. Pfenninger no., Mr. Strassner no.

RICHARD ROOT - granted variance to erect house on 50 ft. wide lot 4 ft. from west side lot line at 18 Grayson Rd. Members voted as follows: Mr. Bubel yes, Mr. Pfenninger yes, Mr. Strassner yes.

June Yates, Secretary

ZONING BOARD OF APPEALS

July 24, 1962

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

Application of Lee Halperin and William Paul Harris, Lee Gardens, Chili Avenue, for variance to use one two-bedroom apartment for dental office, E residential zone.

W. Robert Morgan appeared to represent the applicants. Their request is to have Mr. Halperin rent space in Lee Gardens for the occupancy of a two-bedroom apartment as a dental office and the erection of the minimum sign prescribed by the American Dental Association, 6 in. by 24 in. There is adequate available parking. The office would be open during the daylight hours. The sign would not be lighted. It would probably be in a window facing Chili Avenue. Dr. Harris stated there would be no evening hours. He has not yet worked beyond 6:00 P.M. The hours would probably be from 9:00 to 6:00, the same as now.

Mr. Hunter: How many patients would you have at one time?

Dr. Harris: About one every  $\frac{1}{2}$  hour. These are strictly scheduled appointments, not more than one patient at a time, and no more than one chair. The office would be open 5 days a week and Saturday until noon.

No one appeared to speak on this application.

Application of William McCoy for variance to construct two-family house on the northeast corner Springbrook Dr. and Orchard St. South, E residential zone.

Regis Mooney appeared to represent Mr. McCoy.

Mr. Mooney: Mrs. McCoy works evenings. The McCoy's have for 7 years been residents of North Chili. They presently live on Buffalo Rd. They wish to construct a two-family residence. The property is zoned E residential at the present time. They are members of the First Memorial Church out there. They would like to provide living quarters for a faculty member and his family. I am submitting pictures of proposed house along with the application, which will be 1800 sq. ft. It will cost between \$25,000 and \$30,000. The property has been inspected and the mortgage application approved. I have a letter from the Monroe County Savings Bank. Mrs. Robbins supplied us with names in the immediate area. I have eight of the nine who voiced no objection.

Mr. Pfenninger: Is this opposite the telephone building?

Mr. Mooney: This is on the northeast corner. It is now used as a dumping lot with rodents. The people would be more than happy to have anything there. Along with this request, we have a setback and side line request.

Mr. Strassner: What is the actual size of the lot?

Mr. Mooney presented plan, showing 160 ft. frontage on Orchard St.

Mr. Mooney: We request a 50 ft. setback to keep in line with existing property on the corner which is a barber shop. The property across the street is zoned commercial and also contains residences. (Presented pictures which will be on file in the Town Clerk's office). This is two units which will include a washer, drier, built-in oven, disposal. There is ample parking.

Mr. Davis: Which way does the lot face?

Mr. Mooney: This is lot #5 of Springbrook Subdivision. The front would be on Springbrook Dr. We would build facing Orchard St.

Mr. Davis: The front of the house should be facing Springbrook.

Mr. Mooney: We are continuing from the barber shop. Along with the 50 ft. front line we are requesting a 6 ft. side line variance. This would actually be the rear lot line. Because of the frontage we refer to it as the side line.

Mr. Mooney presented a plot plan showing all the lots. The Board studied map to see whether or not this could be moved over to allow more side line setback. Because of an existing gully, this would not be too feasible.

Rev. Beeson, 37 Springbrook: They rented from us for some years right across the road. They liked the area so much they wanted to

build there. We liked them as tenants and would like to see them get this variance.

No one else appeared to speak on this application.

Petition was presented signed by people in favor of this application which will be on file in the Town Clerk's office.

Application of Mrs. Francis Farrara for variance to build house on 60 ft. by 200 ft. lot located between lots 9 and 10 Paul Rd., Chi Paul Gardens Subdivision, E residential zone.

Angelo Golisano appeared to represent Mrs. Farrara.

Mr. Golisano: I was in about this two months ago. This is a 60 ft. by 200 ft. lot, where a street was going to be at one time. Then the town said they didn't want a street there.

Mr. Pfenninger: Don't you have any more land so that you could make the lot wider?

Mr. Golisano: The front is all filled up already.

Mr. Strassner: Are there any more variances you want on this other than to build the house?

Mr. Golisano: No more variances.

Mr. Robbins, 26 Wills Rd.: This lot is only 60 ft. wide. All the other lots are 100 ft. by 200 ft. Mr. Golisano has a lot of room to build on any other lot up there. As far as the house goes, a small house would have to be built there.

Mr. Wickins: We do have regulations on the size of the house.

Mr. Robbins: We were down here a couple of months ago. I don't know what to say about it. He has enough room to build some place else.

Mr. Moffett, 24 Wills Rd.: I am against building on that lot. It sets a precedent. My lot is 100 ft. by 200 ft. All the men here have lots 100 ft. by 200 ft. If a variance is granted for a 60 ft. by 200 ft. lot, it sets a precedent for the rest of the lots down there. If you grant this variance there is no reason why he can't build on any 60 ft. lot in the tract.

Mr. Freitas, 20 Wills Rd.: I am against this. My lot is 100 ft. by 200 ft. I moved out here to have space between houses. That's why I moved out to Chili.

Mr. Donald Wilbert, 945 Paul Rd.: I object to this. As I stated at the previous hearing, I feel there is a reason for the 90 ft. minimum and it should be kept that way. There is no hardship involved.

Peter Decker, 941 Paul Rd.: I object to this. The same reasons as the other gentlemen: I think if this is erected next door to my house it will be pretty close quarters. The reason I moved from the city out here was to have room. I was mowing this lot 60 ft. by 200 ft. until I was told to stay off it. I would rather have the weeds than the house.

Mr. Hunter: Have you decided what size the house will be?

Mr. Golisano: Four rooms with expansion attic.

Michael Truisci, 3270 Chili Ave.: I am in favor of this. According to the regulations of the town he can build a 40 ft. by 30 ft. house and have 10 ft. on each side. If the town hadn't changed the ordinance, he could have built on this lot. This lot happened to be stuck out there. He is not going to subdivide the other one. One lot happens to be there. The town changed the plans for a road. This is a hardship case. It would not hurt anyone. There are lots in the town which are 60 ft. by 100 ft., maybe some less than that.

Mr. Decker: If he puts in a 40 ft. by 30 ft. house with a minimum setback on each side, what about a driveway? Does the driveway have to be so many feet from each line?

Mr. Wickins: The setback is for the building. If he put in a garage it would have to be 10 ft. from the line.

No one else appeared to speak on this application.

Application of Alvin Blair Inc., 244 Paul Rd., for variance to erect 3 ft. by 5 ft. sign 20 ft. from front lot line, A zone.

Loretta Simmons appeared to represent Alvin Blair Inc.

Miss Simmons: The only reason for wanting the sign is to identify the company. It will not be lighted. It will be a black and white sign right by the railroad.

No one appeared to speak on this application.

Application of Norbert Spitz, 14 Chestnut Ridge Rd., for variance to erect garage 4 ft. from west lot line, D zone.

Mr. Spitz presented a map of the property. This garage will be 24 ft. by 24 ft., two-car garage, two overhead doors. This will be a back yard garage, 25 ft. from the back lot line, 4 ft. from the west side lot line. The houses are all in line.

Mr. Strassner: Is there any reason you couldn't move that over a little more?

Mr. Spitz: The lot is only 60 ft. wide.

Mr. Spitz presented letters from the three adjoining property owners stating their approval which will be on file in the Town Clerk's office. The garage will be concrete block. The roof will shed towards the back of the lot. It will be of fireproof material other than the roof. This is strictly for cars.

No one appeared to speak on this application.

Application of Herbert Maul for variance to erect 1½ story dwelling on 75 ft. wide lot, #14 Charles Avenue, D zone.

No one appeared to represent this application.

#### DECISIONS:

HERBERT MAUL - Variance denied because of non-appearance. Members voted as follows: Mr. Hunter, no; Mr. Bubel no, Mr. Schlueter no, Mr. Strassner no, Mr. Pfenninger no.

LEE HALPERIN - Granted variance to use one two-bedroom apartment in Lee Gardens, Chili Avenue, as a dental office for a period of 5 years. Hours are to be Monday through Friday 9:00 A. M. to 6:00 P.M. Saturday 9:00 to 1:00 P.M. This will be limited to one chair. Also variance granted for an unlighted sign not larger than 6 in. by 24 in. to be located under the direction and control of the Building Supt. Members voted as follows: Mr. Hunter yes, Mr. Bubel yes, Mr. Schlueter yes, Mr. Strassner yes, Mr. Pfenninger yes.

WILLIAM MCCOY - Granted variance to construct two-family dwelling on the northeast corner of Springbrook Dr. and Orchard St. South, 50 ft. from front lot line, 6 ft. from side line. Members voted as follows: Mr. Hunter yes, Mr. Bubel yes, Mr. Schlueter yes, Mr. Strassner yes, Mr. Pfenninger yes.

MRS. FRANCIS FARRARA - Denied variance to build house on lot 60 ft. by 200 ft. located between lots 9 and 10 Paul Rd., Chi Paul Gardens Subdivision. Members voted as follows: Mr. Schlueter no, Mr. Hunter no, Mr. Pfenninger no, Mr. Strassner no, Mr. Bubel no.

ALVIN BLAIR INC. - Variance granted to erect 3 ft. by 5 ft. sign unlighted 20 ft. from front lot line at 244 Paul Rd. Members voted as follows: Mr. Hunter yes, Mr. Pfenninger yes, Mr. Strassner yes, Mr. Schlueter yes, Mr. Bubel yes.

NORBERT SPITZ - Granted variance to erect garage 4 ft. from west side lot line at 14 Chestnut Ridge Rd. Members voted as follows: Mr. Bubel yes, Mr. Hunter yes, Mr. Schlueter yes, Mr. Strassner yes, Mr. Pfenninger yes.

June Yates, Secretary

ZONING BOARD OF APPEALS

August 28, 1962

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

Application of Emma Weigand, 949 Coldwater Rd., for variance to build house on lot 68 ft. in width in D zone.

Mrs. Weigand presented a map showing 3 lots, lot 68 ft. in width in the middle.

Mrs. Weigand: I own the whole piece of property and gave my son part of it. Three lots were made out of it, two pieces 100 ft. in width, and one piece 58 ft. in width.

Mr. Weigand-son: I would like to give her back 10 ft., making my lot 90 ft. and her lot 68 ft. This would leave my house 10 ft. from the line. Her house is 8 ft. - 10 ft. from the line now. It would be 10 ft. to the new line. The lots are 676 ft. deep. We will meet the zoning rules, building the house longer than wide. It will be just a four-room house.

Mr. Hunter: Will this be back 40 ft. from the road?

Mr. Weigand: The new house will be back 90 ft. from the road.

Mr. Pfenninger: How far is this from the throughway?

Mr. Weigand: About 600 ft. - 700 ft.

No one appeared to speak on this application.

Application of Paul R. Peraino, 982 Portland Ave., for variance to convert 14-room frame structure located at 1035 Paul Rd. into a convalescent home in E zone.

Mr. Peraino appeared and stated he had no plans or specifications.

Mr. Peraino: I would like to be granted a variance to convert this home into a convalescent home subject to the State approval for a variance.

Mr. Strassner: How many patients?

Mr. Peraino: 15 - 20.

Mr. Strassner: Elderly people?

Mr. Peraino: Yes, mostly elderly.

Mr. Strassner: Of course this has to be approved by the State of New York. Would you alter the outside?

Mr. Peraino: Probably the outside and the inside, plumbing and kitchen facilities will be necessary. Also larger hallways. It depends on what the State would want. Fire escapes would be required.

Mr. Strassner: How far from the road is this?

Mr. Peraino: About 60 ft. from Chestnut Ridge Rd. and 30 ft. from Paul Rd. A one acre lot for parking. If necessary, we would have more land.

Fred Stoffel, 580 Chestnut Ridge Rd.: What is the zoning there?/

Mr. Strassner: E district.

Mr. Stoffel: Is that strictly residential?

Mr. Strassner: Yes.

Mr. Stoffel: If you give a variance for this wouldn't you be setting a precedent for other outfits to come in such as gas stations, grocery stores, etc.

Mr. Wickins: All farm areas are E district. As the Town grows, E districts can be brought down. A lower classification cannot be brought up. This is just a request for a variance. The property would not be rezoned.

Mr. Stoffel: The only question I am raising is if a variance is allowed, in the future someone could approach the Chairman of the Board and say "you allowed so and so in, I want to put up this". I moved out here, bought a farm and want to keep it residential. I would not like to see any changes come along that road. I will listen more before I voice an opinion.

Mr. Hunter: What are the dimensions of the lot that the house is on?

Mr. Peraino: About 300 ft. on Chestnut Ridge Rd. and 200 ft. on Paul Rd. We have 74 more acres. We are developing that property out there now.

Mr. Strassner: Are there any objections?

Mr. Stoffel: My only objection would be if it changed the zoning to the effect that someone else could come along and want to establish some other kind of business later on.

No one else appeared to speak on this application.

Application of Mrs. Gurnsey Simmons, 172 Columbia Ave., for variance to erect house 40 ft. from front lot line, 10 ft. from west corner and 4 ft. from east side lot line on lot #15 Morrison Ave. lot 50 ft. by 120 ft., D zone.

No one appeared to speak on this application.

#### DECISIONS:

MRS. EMMA WEIGAND - Granted variance to erect house on lot 68 ft. wide at 949 Coldwater Rd. Members voted as follows: Mr. Pfenninger no, Mr. Bubel yes, Mr. Hunter no, Mr. Schlueter yes, Mr. Strassner yes.

PAUL R. PERAINO - Granted variance to convert 14-room frame structure located at 1035 Paul Rd. into a convalescent home. Members voted as follows: Mr. Hunter yes, Mr. Bubel no, Mr. Schlueter yes, Mr. Pfenninger yes, Mr. Strassner yes.

MRS. GURNSEY SIMMONS - Denied variance to erect house on 50 ft. by 120 ft. lot, 40 ft. from front lot line, 10 ft. from west corner lot line, 4 ft. from east side lot line, lot #15 Morrison Ave., because of non-appearance. Members voted as follows: Mr. Schlueter no, Mr. Hunter no, Mr. Bubel no, Mr. Strassner no, Mr. Pfenninger no.

June Yates, Secretary



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

Application of Paul Peraino for variance to erect house on Lot 15 Paul Rd. 16 ft. from rear lot line.

Mr. Peraino appeared and stated there is a map in the office. The Board had discussed this with Mr. Peraino previously. Mr. Strassner asked the size of the lot. Mr. Peraino said the lot is 102 ft. wide. This is a corner lot and there will be a setback of 60 ft. from each road.

No one appeared to speak on this application.

Application of Terry R. Sullivan for variance to install swimming pool 10 ft. to back lot line at 2343 Westside Drive.

Mr. Sullivan presented a map and a plan of the pool.

Mr. Strassner asked how far this would be from the house to the rear and Mr. Sullivan replied 78 ft. The pool will be 28 ft. by 36 ft. The property to the rear is on Irvington Drive.

No one appeared to speak on this application.

Application of William B. Hendrickson for variance to operate air strip at location of Golden Rd. and Westside Drive.

Mr. Robert Hendrickson appeared to represent William Hendrickson. He stated he is re-applying for a variance for an air strip now in existence at the corner of Golden Rd. and Westside Dr.

No one appeared to speak on this application.

Application of Wesley J. Parmarter, 57 Springbrook Dr., for variance to build two-family house at 59 Springbrook Dr., N. Chili, N.Y.

Rev. Parmarter presented petition signed by 10-12 neighbors in favor of this. This was not up for a variance before.

Mr. Hunter: Is this house under construction now?

Rev. Parmarter: Yes. I live at 57 Springbrook Dr., this is 59 Springbrook Dr.

Mr. Hunter: Are you building a double house now?

Rev. Parmarter: I am building it with the idea of rooms, but this room idea with the college may not be too permanent. I would like an apartment upstairs. It would be more permanent.

Mr. Pfenninger: You would rent to someone other than college students?

Rev. Parmarter: Yes.

No one appeared to speak on this application.

Application of Patsy Pilato for variance of setback on lots 1 to 45 inclusive, Fisher Heights Subdivision, to 50 ft. from front lot lines.

Mr. Pilato said he had no map. Mr. Davis said he didn't have anything on it yet, but it has been approved. These are interior lots. There are maps here. Mr. Pilato drew a sketch showing layout of property. This is part of old St. Mary's farm running west from Fisher Rd. There are no other houses in there yet. The lots are 136 ft. deep and 116 ft. wide. If we can have a 50 ft. setback, we will have a 56 ft. back yard. There are going to be 107 lots altogether. There is a proposed State road going in back of these lots. There will be two entrances in the future. They anticipate extending this later.

Mr. Strassner: Have you said anything to the Planning Board about the 50 ft. setback?

Mr. Pilato: No, we didn't think of it. The average house is about 30 ft. If we set back 60 ft., the back yard would only be 46 ft., if 50 ft. setback, the back yard would be 56 ft. These are all new houses on the street. We have one house on Fisher which will comply with the houses on Fisher Rd. The lots are all approved. The 45 lots are on both sides of the two streets.

No one appeared to speak on this application.

Application of Corgan E. Balestiere for variance to erect 10 ft. by 20 ft. sign 36 ft. from front lot line at 3230 Chili Ave.

Mr. Balestiere appeared with Glen Shawman of Shawman Signs. They presented plans of proposed sign for shopping center at 3230 Chili Ave.

ZONING BOARD OF APPEALS

September 25, 1962

Mr. Balestiere: We would like the sign approximately 36 ft. from the front so that it will be readable to people passing in cars. If it is set back too far, it will be difficult to read the message on it. This is a temporary sign used only during construction on the project, after which it will be removed. It will be parallel with the road.

Mr. Hunter: What is the estimated construction time?

Mr. Balestiere: Loblaws will start construction within 60 days. The total time should not be over one year.

Mr. Strassner: Will this be illuminated?

Mr. Balestiere: No.

Samuel Grover, 3250 Chili Ave.: I object to any large signs.

Mrs. Grover: What way will the sign be facing, and how much larger is it than the town ordinance allows?

Mr. Strassner: It will be facing Chili Ave. The town ordinance allows a 2 ft. square sign unless a variance is applied for.

No one else appeared to speak on this application.

Application of Rueben Hansen for variance to erect addition to porch 24 ft. to front lot line at 137 Chestnut Ridge Rd.

Mr. Hansen presented map.

Mr. Hansen: The porch is only  $4\frac{1}{2}$  ft. wide and we would like to make it larger.

Mr. Strassner: How close is your neighbor?

Mr. Hansen: His lot is 90 ft., mine is 125 ft. He is setback 60 ft. The neighbor on the other side is back 75 ft. It is 52 ft. from the front of our house to the center of the road.

Mr. Strassner: That would be 27 ft. from the road line.

Mr. Hansen: I would like to come out 3 ft. to build it to 24 ft. It would be an open porch. The porch is pretty narrow and doesn't give much room.

No one appeared to speak on this application.

Application of Eugene Evangelist for variance to erect two 3 ft. by 5 ft. lighted signs on lot line, one corner westside Dr. and Evergreen Rd., one corner of Evergreen Rd. and Brion St.

Mr. Evangelist presented sketches of proposed sign. These would be signs identifying the tract and the roads therein. Tract is Westwood Hills.

Mr. Strassner: How far back do you want these?

Mr. Evangelist: I will put them back where you want them, ~~but~~ I don't want to block the intersection, but I want them to be seen. There would be one on each corner as you come in the tract.

There was then some discussion as to where the signs should be located.

Mr. Hunter: How would they be lighted?

Mr. Evangelist: They would have a clock timer to turn them off at 10:00 P.M. or 11:00 P.M.

Mr. Strassner: Who would keep up the signs after you sell the houses?

Mr. Evangelist: I don't know. I could keep them until the tract was completed, 4-5 years.

After discussion, Mr. Evangelist amended his application to request two 3 ft. by 5 ft. lighted signs on bases 7 ft. by 16 in., one corner Evergreen Rd. and Brion St., one corner Evergreen Rd. & Westside Dr.

Mr. Schleuter: How do you plan to illuminate them?

Mr. Evangelist: Spot lights from the base.

Mr. Hunter: White background with colored letters?

Mr. Evangelist: Yes.

No one appeared to speak on this application.

Application of Samuel M. Gallo for variance to erect house 32 ft. from rear lot line, corner Krenzer and Morgan Rds.

Mr. Gallo appeared and presented map. This is a triangular lot with 318.62 ft. on one side, 258.6 ft. on Krenzer Rd. which is the front, 186 ft. on the other side of the triangle. The house would be 32 ft. from the rear lot line at the closest point in order to keep 60 ft. setback from Krenzer Rd.

No one appeared to speak on this application.

Application of Howard Davey for variance to erect porch 50 ft. from front lot line at 16 Creekview Dr.

Mr. Davey presented map, and stated all the lots in the tract are 60 ft. wide.

Mr. Strassner: Have you questioned the neighbors?

Mr. Davey: Everybody. This would be open on all sides. The slab was existing when the house was built. We just want some protection.

No one appeared to speak on this application.

Application of Joseph Andreano for variance to erect 4 ft. by 8 ft. sign 10 ft. from front lot line, lot #2 Chestnut Ridge Rd.

Mr. Andreano: We were here before and you told us it was all right to put it up but we would have to have a Public Hearing. This is a sign for Majestic Heights Subdivision.

Mr. Wickins: We told him he could go ahead but if he didn't get a variance, he would have to tear it down.

No one appeared to speak on this application.

PAUL PERAINO granted variance to erect house on Lot 15 Paul Rd. 16 ft. from rear lot line. Members voted as follows: Mr. Pfenninger yes, Mr. Bubel yes, Mr. Hunter yes, Mr. Schlueter yes, Mr. Strassner yes.

TERRY R. SULLIVAN granted variance to install swimming pool 10 ft. to rear lot line at 2343 Westside Dr. Members voted as follows: Mr. Hunter yes, Mr. Schlueter yes, Mr. Pfenninger yes, Mr. Bubel yes, Mr. Strassner yes.

WILLIAM B. HENDRICKSON granted renewal of variance to operate air strip at location of Golden Rd. & Westside Dr. for period of two (2) years. Members voted as follows: Mr. Hunter yes, Mr. Schlueter yes, Mr. Pfenninger yes, Mr. Bubel yes, Mr. Strassner yes.

WESLEY J. PARMERTER denied variance to build two-family residence at 59 Springbrook Dr. Members voted as follows: Mr. Hunter no, Mr. Schlueter abstained, Mr. Pfenninger no, Mr. Bubel no, Mr. Strassner no.

JOSEPH ANDREANO granted variance to erect 4 ft. by 8 ft. sign 10 ft. from front lot line on lot #2 Chestnut Ridge Rd., not to be illuminated. Members voted as follows: Mr. Hunter yes, Mr. Schlueter yes, Mr. Pfenninger yes, Mr. Bubel yes, Mr. Strassner yes.

PATSY PILATO granted variance to erect houses on lots 1 to 45 inclusive, Fisher Heights Subdivision, with setback of 50 ft. from front lot line. Members voted as follows: Mr. Hunter yes, Mr. Schlueter yes, Mr. Pfenninger yes, Mr. Bubel yes, Mr. Strassner yes.

CORGAN E. BALESTIERE granted variance to erect 10 ft. by 20 ft. sign at 3230 Chili Ave. to be placed under the direction and control of the Building Supt. Members voted as follows: Mr. Hunter yes, Mr. Schlueter yes, Mr. Pfenninger yes, Mr. Bubel yes, Mr. Strassner yes.

REUBEN HANSEN granted variance to erect addition to porch 24 ft. to front lot line at 137 Chestnut Ridge Rd. Members voted as follows: Mr. Hunter yes, Mr. Schlueter yes, Mr. Pfenninger yes, Mr. Bubel yes, Mr. Strassner yes.

EUGENE EVANGELIST granted variance to erect two 3 ft. by 5 ft. illuminated signs on bases 7 ft. wide by 16 in. high, one at corner of Evergreen Rd. and Brion St., one at corner of Evergreen Rd. and Westside Dr., as per sketch presented. Variance granted subject to the approval of the Chili Town Board, with the recommendation it be granted for a period of three (3) years. Members voted as follows: Mr. Hunter yes, Mr. Schlueter yes, Mr. Pfenninger yes, Mr. Bubel yes, Mr. Strassner yes.

SAMUEL M. GALLO granted variance to erect house 32 ft. from rear lot line at corner of Krenzer and Morgan Rds. Members voted as follows: Mr. Hunter yes, Mr. Schlueter yes, Mr. Pfenninger yes, Mr. Bubel yes, Mr. Strassner yes.

HOWARD DAVEY granted variance to erect porch 50 ft. from front lot line at 16 Creekview Dr. Members voted as follows: Mr. Hunter yes, Mr. Schlueter yes, Mr. Pfenninger yes, Mr. Bubel yes, Mr. Strassner yes.

June Yates, Secretary

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ZONING BOARD OF APPEALS

October 23, 1962

The meeting was called to order, and roll was called with the following members present: Frank Babel, Charles Pfenninger, Robert Schleuter, Acting Chairman. Also present was Building Supt., William Davis.

Application of Robert Nudd, 66 Yolanda Drive, for variance to operate repair shop for toy trains and photographic equipment.

Mr. Nudd appeared and explained this repair shop is in the basement. There is no heavy machinery. This involves repairing of toy trains, movie projectors, record players, etc.

Mr. Davis stated this is an application for renewal of a variance which was granted for three years.

Mr. Nudd: Is it possible to get a 5-year variance instead of 3 years?

Mr. Schleuter: The Board will take it up when it considers the application later.

No one appeared to speak on this application.

Application of Lawrence B. Herendeen, 2415 Westside Dr., for variance to erect garage and breezeway 7 1/2 ft. from east side lot line.

Mr. Herendeen presented sketch.

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

Mr. Herendeen presented plot plan.

Mr. Herendeen: He is 7.3 ft. from his line, the same as I. About 15 ft. between us, on the west side. I will be 7 1/2 ft. from the east side lot line.

No one appeared to speak on this application.

Application of Mrs. C. Esther Worrall, 1805 Scottsville Rd., for variance to move and erect house on lot #25 Jemison rd. 4 ft. from west side lot line.

John walls appeared for applicant and stated what they want is a variance of 4 ft. from the east side lot line to enable them to build a garage and breezeway. The house is presently on the lot 5 ft. from the west side lot line, they will just move it forward on the lot. However, they would like to add a breezeway and garage, which would bring it 4 ft. from the east side lot line. There are some over there 3 ft. from the lot line. The lot is 50 ft. wide by 270 ft. deep. In order to get the garage and breezeway, they need the variance.

Mr. Schleuter: How large is the house?

Mr. Walls: 20 ft. wide by 34 ft. deep. The garage will have to be 12 ft. wide, the breezeway 8 ft. wide.

No one appeared to speak on this application.

Application of Donald Britch, 1474 Scottsville Rd., for variance to erect 40 ft. by 40 ft. storage building.

Mr. Britch appeared and said this would be for the storage of boats, a boat house. He presented a sketch showing the location of the property, which is 82 ft. from the Genesee River front, under the railroad track, right opposite Schiano's Hotel.

Mr. Schleuter: How high would this be?

Mr. Britch: Two stories, but the first story would be underground, right in the bank of the river. Probably be about 8 ft. above ground, made of cinder block.

Letter from Mrs. Clarence Rose, 1470 Scottsville Rd., in objection to this, was sent to the Board and will be on file in the Town Clerk's office.

Mrs. Rose: I am the very next neighbor and I object.

Ernest Swart and Mrs. Sinescali also objected.

Mrs. Sinescali, York St.: I own that large hotel building. We had a conflict. I let them use that private road, but I don't think it should be carrying big trucks going to a warehouse.

Mr. Swart, 44 Paul Rd.: The road is owned by the Penn RR, State of New York, my mother and myself. They would have to drive within 3 ft. of her apartments. I own and rent a house down there. I wouldn't like to subject the tenants to commercial. I don't live there myself, but I don't think people who rent should be subjected to trucks.

Mrs. Sinescali: I rent to other people. Any trucks would have to go right by their windows.

Mrs. Rose presented a sketch showing location of the properties.

Mrs. Rose: He wants to put his warehouse right in my front yard. He has chickens on his property right now, which is not allowed. I don't think he should be allowed to have this.

Lee Harrington, 1474 Scottsville Rd.: His house with garage and chicken house attached is 46 ft. long. If you take 40 ft. building set it back from the river 46 ft., you've got 92 ft. How are you going to get 92 ft. on an 82 ft. lot with septic tank and gas tank too? There are no fire hydrants.

Mrs. Rose: This is a fire hazard too.

Mr. Swart: I haven't talked with the Penn. RR. I am afraid if someone did talk with them, they might put a fence on their property and there would be no way of getting down there without walking. We don't want it commercial down there. I want to protect my rights. It might not be commercial at present, but it might become commercial in the future because of that existing building.

Mr. Schleuter asked if there would be truck traffic, and Mr. Britch said this was just for boats.

No one else appeared to speak on this application.

Application of Francis Ellis, for variance to erect house 44 ft. from front lot line on lots 22 and 23 Chester Avenue.

Mrs. Ellis appeared and presented plot plan, also some signatures of the neighbors.

Mrs. Ellis: Lot is 100 ft. wide by 120 ft. deep. The neighbors to the right and left are not in line. The one to the left is up closer to the front. Our house would be 15 ft. from side lot line.

Mr. Pfenninger: How far is adjoining house from the lot line?

Mrs. Ellis: That is another 50 ft. lot and I don't know how far it is from the lot line.

No one appeared to speak on this application.

Application of A. P. Blake Jr. for variance to build on 70 ft. wide lot, lot #23 Chili Coldwater Rd. in D zone.

Mr. Blake presented a map. Property has frontage of 70 ft., 80 ft. being required in D zone. Subdivision map for Chestnut Ridge Acres was filed Jan. 25, 1926. This is one single lot between two houses.

Mr. Davis: This is an old established lot.

Mr. Pfenninger: How far would this be from the lot line?

Mr. Blake: We have 14,000 sq. ft. I will conform with the zoning. Of the adjoining houses, one is setback 55.5 ft., the other is 60 ft. I will set back whatever you want.

No one appeared to speak on this application.

Application of Joseph Taddeo, 1403 Scottsville Rd. for variance to operate light machine shop in B zone.

Chas. J. Baglio appeared for Mr. Taddeo and stated the correct address for the variance is 1399 Scottsville Rd. It is on the corner of Weidner Rd. and Scottsville Rd., next to Gulf Station. There is an existing building which was a restaurant. Mr. Baglio introduced Mr. Allen who would run the machine shop, leasing it from Mr. Taddeo. Mr. Allen would run this with another gentleman, with one employee at most. This would involve small springs such as for watches, wire springs. There would be a lathe and a foot press manually operated. There is a house next to this, the gas station on the other side.

No one appeared to speak on this application.

Application of Norbert Schiano, 8 Phyllis Lane, for variance to erect 22 ft. by 22 ft. garage 6 ft. from east side lot line.

Mr. Prinzie appeared for Mr. Schiano and presented plot plan. He stated the garage will actually be 8 ft. from the lot line, but they are asking for 6 ft. to allow leeway.

Mr. Davis: How large is the lot?

Mr. Prinzie did not know and size was not indicated on map. The house is 26 ft. deep and the 22 ft. garage will be centered on this depth. The side of the neighbor's house is toward the lot line. Mr. Prinzie said the neighbor's 6 ft. setback plus Mr. Schiano's 8 ft. would be 14 ft. between buildings.

No one appeared to speak on this application.

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Application of Thomas Dunn and wife, 55 Ballantyne Rd., for variance to erect house on Lot 55A, 73.66 ft. wide, 155 ft. deep and house on lot 55B 73.66 ft. wide, 140.72 ft. deep, in D zone.

Mr. and Mrs. Dunn appeared and presented map. The lots are back to back, one lot being on Ballantyne Rd., the other on Names Rd. These were laid out a long time ago. The adjoining houses are set back 50 ft. They require variance to build on lots smaller than 80 ft.

The Board discussed a setback to conform with the other houses on the street. Mr. Dunn presented list of neighbors in favor of this.

No one appeared to speak on this application.

Application of Harry E. Newman, Wheatland Center Rd., Clifton, N.Y. for variance to erect milkhouse 16 ft. by 16 ft. 5 ft. from Wheatland Center Rd.

Mr. Newman presented sketch showing location of present milkhouse, and new milkhouse which will be attached to barn. Mr. Newman explained proposed new building to the Board. It will be back farther than the old milkhouse and partly underground.

No one appeared to speak on this application.

Application of Chili Trading Post for variance to erect 5 ft. by 4 ft. lighted sign on lot line at 3225 Chili Ave.

Mr. Downes stated the sign is already there, hanging on a post. There was a previous variance for the sign, but it was a different location. The lights are fluorescent and will be lit from dark until 9:00 P.M.

Mr. Pfenninger: How far back is this from the highway?

Mr. Downes: There is some dispute. A man from the State of New York said we should hang it on the inner side of the post, so we will have to conform with that. We will put it on the other side of the pole.

No one appeared to speak on this application.

#### DECISIONS OF THE BOARD:

ROBERT NUDD, 66 Yolanda Dr., granted renewal of variance to operate repair shop for toy trains and photographic equipment for a period of three (3) years. Members voted as follows: Mr. Bubel yes, Mr. Pfenninger yes, Mr. Schlueter yes.

LAWRENCE HERENDEEN, 2415 Westside Dr., granted variance to erect garage and breezeway 7 1/2 ft. from east side lot line. Members voted as follows: Mr. Bubel yes, Mr. Pfenninger yes, Mr. Schlueter yes.

MRS. C. ESTHER WORRALL granted variance to move and erect house on Lot #25 Jemison Rd., and erect garage and breezeway 4 ft. from east side lot line. Members voted as follows: Mr. Bubel yes, Mr. Pfenninger yes, Mr. Schlueter yes.

CHILI TRADING POST, Ronald Downes, 3225 Chili Ave., granted variance to erect 5 ft. by 4 ft. lighted sign on lot line, to conform with requirements of State of New York. Sign not to be lighted later than 10:00 P.M. Members voted as follows: Mr. Bubel yes, Mr. Pfenninger yes, Mr. Schlueter yes.

DONALD BRITCH, 1474 Scottsville Rd., denied variance to erect 40 ft. by 40 ft. storage building. Members voted as follows: Mr. Bubel no, Mr. Pfenninger no, Mr. Schlueter no.

FRANCIS ELLIS granted variance to erect house 44 ft. from front lot line on Lots Nos. 22 and 23 Chester Ave. Members voted as follows: Mr. Bubel yes, Mr. Pfenningeryes, Mr. Schlueter yes.

A. P. BLAKE JR. granted variance to erect house on 70 ft. wide lot, Lot #23 Chili Coldwater Rd. Members voted as follows: Mr. Bubel yes, Mr. Pfenninger yes, Mr. Schlueter yes.

JOSEPH TADDEO granted variance to operate light machine shop at 1399 Scottsville Rd. Members voted as follows: Mr. Bubel yes, Mr. Pfenninger yes, Mr. Schleuter yes.

NORBERT SCHIANO, 8 Phylis Lane, granted variance to erect 22 ft. by 22 ft. garage 6 ft. from east side lot line. Members voted as follows: Mr. Bubel yes, Mr. Pfenninger yes, Mr. Schleuter yes.

THOMAS DUNN granted variance to erect house on lot 55A Ballantyne Rd. 73.66 ft. wide, 155 ft. deep; and house on Lot 55B Names Rd. 73.66 ft. wide, 140.72 ft. deep. Members voted as follows: Mr. Bubel yes, Mr. Pfenninger yes, Mr. Schleuter yes.

HARRY E. NEWMAN granted variance to erect 16 ft. by 16 ft. milkhouse 5 ft. from Wheatland Center Rd., Clifton, N.Y. Members voted as follows: Mr. Bubel yes, Mr. Pfenninger yes, Mr. Schleuter yes.

June Yates, Secretary



ZONING BOARD OF APPEALS.

November 27, 1962

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

Application of Phyllis Klimm, 67 Chestnut Drive, for variance to operate dancing studio in the basement of home.

Mrs. Klimm appeared on this application.

Mr. Strassner: What type of dancing?

Mrs. Klimm: Ballroom for adults and teenagers, and I would bring in tap and ballet for the children.

Mr. Strassner: What would the hours be?

Mrs. Klimm: That would be determined by the amount of attendance. I would stay open Saturday until midafternoon and probably a few evenings during the week.

Mr. Strassner: How late?

Mrs. Klimm: Around 9:30 to 10:00 P.M.

Mr. Strassner: Would there be any advertisement on the outside of the house?

Mrs. Klimm: No sign outside of our own name which is there at the present time.

Mr. Strassner: Would there be a lot of music and noise?

Mrs. Klimm: This is quite a large lot. We are 250 ft. from the road and have no immediate neighbor within 75 ft. Mr. Steckel's house adjoining is up front farther.

Mr. Strassner: How many customers would there be at one time?

Mrs. Klimm: Average of 10, 12, 14 children. They would come in a car pool so that there wouldn't be many cars coming in. The parents leave the children for the hour of class and then come back and pick them up.

Mr. Strassner: You have parking space for how many cars?

Mrs. Klimm: About 8 at the present time. We plan to put in additional parking area off the main driveway.

The following people spoke in favor of this application:

- Mrs. William Faraone - 24 Irving Dr.
- Mrs. Robert Criddle - 15 Brewster Lane
- Mrs. Walter Baird - 13 Brewster Lane
- Mrs. Robert Hall - 22 Mercedes Dr.
- Mrs. Patrick O'Shea - 30 Mercedes Dr.
- James Wilkin - 9 Brewster Lane
- Mrs. James Wilkin - 9 Brewster Lane
- Mrs. Donald Avery - 7 Brewster Lane
- Donald Klimm - 67 Chestnut Dr.

Mrs. Klimm: We have the approval of the Board of the Chestnut Heights Association.

Robert Worthington, 23 Entress Dr., voted in objection to this.

Mrs. Klimm: We could accept a 2 or 3 year basis and perhaps even a time element limit on it.

No one else appeared to speak on this application.

Application of John Madigan, 15 Ronnie Lane, for variance to erect swimming pool 20 ft. from rear lot line, in E zone.

Mr. Madigan presented plot plan of proposed swimming pool, also sketch showing approximate location of house and pool on lot.

Mr. Madigan said the lot is 197 ft. deep and he would like the pool in the rear because he plans to build a garage in the future, and would also like the children's play area nearer the house, with the pool farther in the back of the lot. Pool would be 10 ft. from side lot line.

Mr. Strassner: How far is the front setback of the house?

Mr. Madigan: I don't know.

Mr. Strassner figured there would be about 61 ft. between the house and the pool.

Mr. Strassner: How close is the man to the rear of this property?

Mr. Madigan: He has the same size house as we have only those lots are bigger. His house is at least 120 ft. from the back lot line. The adjoining neighbor is even with us.

No one appeared to speak on this application.

Application of Mrs. Leo Reed, 35 Hilltop Dr., for variance to operate beauty shop in basement of residence in E zone.

Mrs. Reed appeared.

Mr. Strassner: How many operators and what hours?

Mrs. Reed: There would be just myself, no other operator. Regular day hours of 9:00 A.M. to 5:00 P.M., and perhaps one evening a week. I would probably just work a 5 day week and eliminate either Monday or Sat. I don't need any signs. There is just myself operating, so there won't be much traffic, only one or two cars at a time. There is parking space for maybe 3, 4, or 5 cars. There wouldn't be that many with just one operator.

The following people spoke in favor of this request:

Mrs. George Miles - 37 Hilltop Dr.

Michael Pisa - 32 Hilltop Dr.

Mrs. Reed stated she had a letter signed by Mrs. Michael Pisa in favor.

The following people objected:

William McDonald - 15 Ramblewood Dr.

Mrs. William McDonald - 15 Ramblewood Dr.

James Barnard - 28 Hilltop Dr.

May Barnard - 28 Hilltop Dr.

Richard Voelk - 40 Ramblewood Dr.

Mrs. Richard Voelk - 40 Ramblewood Dr.

Francis Sherman - 21 Hilltop Dr.

No one else appeared to speak on this application.

Application of North Realty Co., 4358 Buffalo Rd., North Chili, for variance to reduce lot 3 in Section 4 Laurel Park Subdivision to 100 ft. by 171.75 ft. in EE zone.

Charles Glidden appeared and presented map. Application should read reduce lots 111 through 120 in Section 4 to 100 ft. by 171.75 ft. The reason for this application is so that lots in Section 4 will be in line with adjoining lots in Section 3-R which are 171.75 ft. deep. This is at the end of King Rd. on the north side. Mr. Glidden does not own property beyond this point. Land in the rear is open for future development.

Mr. Ireland stated that between these sections the Zoning Ordinance was changed. This is out of the sewer district and the lots should be 100 ft. by 200 ft. There would be septic tanks in the front yards. There is a water line, so there would be no well. Any further development in the back would have sewers.

No one appeared to speak on this application.

#### DECISIONS OF THE BOARD:

PHYLLIS KLIMM, 67 Chestnut Dr., granted a variance to operate dancing studio in the basement of residence for period of one (1) year. Members voted as follows: Mr. Hunter yes, Mr. Bubel yes, Mr. Strassner yes.

JOHN MADIGAN, 15 Ronnie Lane, granted variance to erect swimming pool 20 ft. from rear lot line. Members voted as follows: Mr. Hunter yes, Mr. Bubel yes, Mr. Strassner yes.

MRS. LEO REED, 35 Hilltop Dr., denied variance to operate beauty shop in basement of residence. Members voted as follows: Mr. Hunter no, Mr. Bubel no, Mr. Strassner no.

NORTH REALTY CO. granted variance to reduce lots 111 through 120, Section 4, Laurel Park Subdivision, to a minimum of 100 ft. wide by 171.75 ft. deep. Members voted as follows: Mr. Hunter yes, Mr. Bubel yes, Mr. Strassner yes.

John McHugh, 10 Virginia Lane, appeared to speak to the Board in regard to proposed subdivision of Lot #8 of Virginia Farm Tract. The lot is too small to meet the zoning ordinance. The Board discussed the problem with Mr. McHugh.

June Yates, Secretary

ZONING BOARD OF APPEALS

December 18, 1962

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

Application of Ralph DiFiore, 678 Beahan Rd., for variance to store road equipment 1 ft. from rear lot line and 450 ft. from front lot line, located in E residential zone.

Mr. DiFiore appeared and presented plot plan of lot showing location of his house on property.

Mr. Strassner: Would this be permanent or temporary?

Mr. DiFiore: It depends on how the Board feels. I would like to use the back acre of my property to store equipment. The Rochester Gas & Electric Corp. owns a strip along the railroad track, and my lot goes back to this strip.

Mr. Strassner: What type of equipment?

Mr. DiFiore: Steam shovels (deisels), bull dozers, graders. No trucks.

Mr. Strassner: How many pieces?

Mr. DiFiore: About 5 shovels and a couple of cranes and dozers and some rollers. I am getting permission from R. G. & E. to put a driveway on the back through their property. The entrance would be on Beahan Rd.

Mr. DiFiore's lot is 480 ft. deep by 200 ft. wide.

Mr. DiFiore: The equipment would be going out in the summer time to work on construction jobs. They would not be stored inside.

Mr. Strassner: Would there be any repair work?

Mr. DiFiore: No, unless they couldn't get a machine started. In the summer months, they would hardly be there. About 75 ft. back from the house is a plot of land I don't use. I don't mow the lawn. I would be storing equipment from about 265 ft. back to almost the railroad. There is a swamp which would have to be filled in. The R. G. & E. just put in a power station up by the track.

John Bailey, 670 Beahan Rd., said he would have to look out at this.

Angelo Testa, 676 Beahan Rd., said he had just had his house moved next door to this and has a fortune stuck in the lot. He would like to have something to screen the equipment.

There was considerable discussion with Mr. Testa and Mr. Bailey concerning this.

Mr. DiFiore then stated he withdrew his application.

Application of John McHugh, 10 Virginia Lane, for variance to erect house 30 ft. from front lot line, area of lot 9400 sq. ft., D zone.

Mr. McHugh presented maps. By combining parcels A, B, & C as shown on map, total area of lot will be 9400 sq. ft. The 30 ft. front line setback is requested to put the house in line with other houses, as there is a circular turn-around at the front of the property. The turn-around is 100 ft. Mr. McHugh's adjoining house and the house on the other side are 15 ft. from the side line. The lot would be 80 ft. wide and roughly 120 ft. deep. Mr. McHugh has an option on property to the rear to bring the square footage to 9400 sq. ft.

No one appeared to speak on this application.

DECISIONS:

RALPH DIFIIORE - Withdrew application.

JOHN MC HUGH - Granted variance to erect house 30 ft. from front lot line, Lot #8 Virginia Farm Tract, with the provision that area of said lot is not to be less than 9400 square feet. Members voted as follows: Mr. Hunter yes, Mr. Pfenninger yes, Mr. Bubel yes, Mr. Schlueter yes, Mr. Strassner yes.

June Yates, Secretary