

ZONING BOARD OF APPEALS

January 22, 1963

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

Application of John Burchill, 984 Paul Rd., for variance to park road equipment on property 100 ft. from front lot line, .69 ft. from east side lot line, located in E residential zone.

Mr. Burchill presented map. This property is near Chestnut Ridge Rd. at the corner of Starlite Dr., consisting of 5 acres.

Mr. Strassner: What kind of equipment is this?

Mr. Burchill: Two dump trucks, tractor, roller, and a trailer to carry the tractor on. About 6 pieces of equipment.

Mr. Strassner: How close is this to the house on the east side?

Mr. Burchill: Over 120 ft.

Mr. Strassner: Did you question them?

Mr. Burchill: They complained about it. We have been there since 1955. No one has complained before. We were there before they started building around it.

Mr. Strassner asked if anyone wished to speak on favor of this application, and no one appeared. He then asked if anyone wished to speak in objection.

Walter Pelkey appeared to represent Mrs. Charles Brown, 972 Paul Rd. and presented a petition signed by several of the neighbors in objection.

Mr. Pelkey: Mrs. Brown is the property owner on the east side of this land. This is a sparsely populated area with more homes to the west. I would like to point out a few things. One, this application is signed by John Burchill as owner. The trucks he wishes to store are owned by Burchill Bros., John Jr. and Harvey. This was founded in 1955. This is an E residential zone. This particular client has lived in the town 60 years and in that particular location 13 years, pre-dating this organization. This is prime residential land. This equipment will be stored in an open field uncovered within visible sight of my client and the neighborhood. Trucks will be starting early in the morning. That kind of noise coming in at odd hours and at night will be bad. There will be cars and trucks going in and out. Children will be playing there. This will be all additional traffic and noise. It is my understanding of the zoning laws that this man has to show a hardship. This is an application by a man who does not own the equipment, although there is a family relationship. One of the owners lives farther down on Paul Rd. and the other on Westside Dr. The people of the town have property values here on Paul Rd. They try to clean up the town and not have a junk yard. A person could have a house trailer and yet the town law requires that after 72 hrs. it must be enclosed totally within the building. Here is road equipment stored on a lot in a residential zone. Where is the hardship? He is not running a business out of that property. He has got to show hardship. He can put up a building and put it inside. Why should the neighbors be forced to look at this, to hear and be disturbed by it? This application was made by a person who has no financial interest (by Court House Records) in the business. I request the application be denied. 1. No showing of hardship. 2. Nothing unique in the neighborhood that should allow him to do it. 3. It has not been shown that the land cannot be reasonably let for residential. This storage will alter the essential character of the neighborhood. The people pay good money for their homes. Mrs. Brown is at an older age and her husband has an arthritic condition. They want peace and quiet. There are new home there, a development for the peace and quiet of the country. I request on behalf of my clients this application be denied.

No one else appeared to speak on this application.

Application of John Syracuse, 2713 Chili Ave., for variance to erect building 50 ft. from front lot line, located in A Industrial zone.

Mr. Syracuse presented maps of property located at north side of Paul Rd. Mr. Syracuse explained that property adjoining this location has been taken for the new jet runway. A variance was obtained on the adjoining property on April 7, 1963.

Mr. Syracuse: I am applying for a variance not to exceed 50 ft. from front lot line. The farther east my property extends on Paul Rd., the closer Black Creek comes to the back lot line. If I am restricted to 100 ft., I will have to tear down trees and the fill would be costly. This is industrial property and there is nothing from the jet runway over to the east part which is 2000 ft. approximately. I own around 1500 ft. here myself up to the middle of the bridge. The railroad is across the road, and a disposal plant there. I would like to build the building adjoining the property which was taken for the jet runway.

Mr. Strassner: What is to the rear of this building?

Mr. Syracuse: It slopes down to the creek.

Mr. Strassner: How high up does the water come in the spring?

Mr. Syracuse: When it backs in out of the river it is about 10 ft. or 15 ft. back. The County will become the adjacent property owner, and I will be 20 ft. away from their property line. If I can get this variance of 50 ft. it gives us 50 ft. more of rear land which we can utilize if the need arises, as it is in industrial. I intend using the land farther along Paul Rd. and would like to maintain this setback.

Mr. Strassner: What is the building used for?

Mr. Syracuse: It is an equipment building that I got an o.k. on before. Repair and dismantle for parts for dozers, shovels, cranes, etc.

Mr. Strassner: I believe the State is figuring on widening Paul Rd. now.

Mr. Davis: He will have to get an o.k. from the State Highway Dept. anyway.

Mr. Syracuse: We were granted that before. They required \$100 and 12 in. culvert, with a refund. There is no question as far as the building is concerned because it was passed and granted before. If we build further along Paul Rd., we will want that 50 ft. setback. We can fill up to Black Creek, but cannot interfere with natural drainage. I don't own anything beyond the creek.

Mr. Hunt inquired as to the height of the building and Mr. Strassner explained all heights are controlled by the County of Monroe if they are in the airport zone.

Mr. Strassner asked if anyone wished to speak in favor of this application and no one appeared. He then asked if anyone wished to speak on objection.

William Wilcox, 516 Paul Rd.: We live across from Bausch & Lomb. They have a nice classy front yard, parking lot, building set back 100 ft. The parking lot is all grassed in front. I think we should keep our industrial back to the zoning requirement of 100 ft. This can't be filled in back. The airport is going up back there. They will change the creek. I don't see why he can't fill his land back to the creek to make it desirable. I object.

Mrs. Wilcox, 516 Paul Rd.: I would like to bring up the fact that in the legal notice in the paper the location of this property was not mentioned.

Mr. Strassner: That is a good point. We will take it up with the proper authorities.

Mrs. Wilcox: I do agree that good industry is good for the Town of Chili, but it should be in keeping with the zoning laws.

Mr. Syracuse: Regarding Bausch & Lomb lawn, etc. I don't own 400 acres, but $4\frac{1}{2}$ acres. My pocketbook doesn't warrant spending three million dollars for a building. B & L is a corporation, I am an individual. This will not be a detriment to the community. We are merely asking for a variance of 50 ft. instead of 100 ft.

Mrs. Wilcox: Bausch & Lomb have to answer to the stockholders.

No one else appeared to speak on this application.

Application of Glidden Homes Inc. for variance to erect a plumbing store and warehouse on lot 70 ft. in width located on Union St. 800 ft. south of Buffalo Rd.

Mr. Glidden presented map. This is right across from the fire house on the south side of the creek. The lot is 70 ft. wide across the front, 100 ft. wide across the back, and 225 ft. deep. It would be 80 ft. wide at the building line. It is 18,000 sq. ft.

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Mr. Glidden: I asked Mr. Adams where his line was. He drove stakes where his line is and my engineer took it from there. This would be a one-story building with a show room in front, 10 ft. from side lot line, 100 ft. front line setback. It would be seeded down with shrubs.

Mr. Strassner: Where would the parking be?

Mr. Glidden: Parking in the front. This would be a wholesale and retail store, with not much wholesale.

The Board then figured that probably could get 21 cars parked.

Mr. Strassner: We don't want any parking on the street.

Charles E. Glidden, 3281 Union St. South: This would ruin our property value, also ruin the view. Who wants to buy in commercial? This is residential land. We don't see why we should have to take the loss. This will be a warehouse next door to us, right in our view, and not very pretty nor nice for children.

Mr. Strassner: You are about 300 ft. from this property?

Mr. Charles Glidden: Right beyond the Texaco gas station.

Mr. Pfenninger: That particular property is not adapted for houses.

Mr. and Mrs. Charles E. Glidden both objected to this request.

No one else appeared to speak on this application.

DECISIONS OF THE BOARD:

JOHN BURCHILL - Denied application for variance to park road equipment on property 100 ft. from front lot line, 69 ft. from east side lot, at 984 Paul Rd. Members voted as follows: Mr. Pfenninger no, Mr. Hunter no, Mr. Schlueter abstain, Mr. Strassner no, Mr. Bubel no.

JOHN SYRACUSA: Granted variance to erect building 85 ft. from front lot line on his property on the north side of Paul Rd. with the following provisions: All storage of equipment and parts is to take place at least 100 ft. from the front property line; any dismantling is to take place in the rear of the building. There is to be planted and maintained a cedar hedge, said cedars to be spaced 3 ft. apart and to be at least 6 ft. in height at the time of planting. Said cedar hedge to extend from the front of the building easterly to the property line, ~~XXXXXXXXXX~~, with the exception that there can be a driveway through said hedge not to exceed 20 ft. in width. Members voted as follows: Mr. Strassner yes, Mr. Pfenninger yes, Mr. Bubel yes, Mr. Hunter yes, Mr. Schlueter yes.

CHARLES GLIDDEN: Denied variance to erect plumbing store and warehouse on lot 70 ft. in width located on Union St. 800 ft. south of Buffalo Rd. Members voted as follows: Mr. Strassner no, Mr. Pfenninger no, Mr. Bubel no, Mr. Hunter no, Mr. Schlueter no.

June Yates, Secretary

ZONING BOARD OF APPEALS

February 26, 1963

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

Application of James Farley, 10 Gardener Ave., for variance to erect church east side of Marshall Rd. 45 ft. from front lot line, in E residential zone.

Mr. Farley appeared and present maps of the property.

Mr. Farley: This is called Kingdon's Hall for Jehovah's Witnesses. The purpose of this application is for property suitable for building a Kingdom's Hall, which is a church.

Mr. Strassner: How big a church?

Mr. Farley: According to plans presented, it will be 72 ft. long overall, 52 ft. wide on the "L" across the front.

Mr. Strassner: How many parishoners?

Mr. Farley: There are presently 50 making up the total number of the congregation, including men, women, and children.

Mr. Strassner: How about future growth?

Mr. Farley: We figure 10% per year.

Mr. Wickins: How many people will the church seat?

Mr. Farley: The long part will seat approximately 200.

Mr. Wickins: What about facilities for Sunday School, etc.?

Mr. Farley: There will be a library for the ministry school. We divide up. This library will seat approximately 35 for the purpose of studying and having smaller meetings. There will be rest rooms.

Mr. Strassner: How much parking area?

Mr. Farley presented a sketch showing figures of 6 ft. by 20 ft. for each car with 2 ft. between, which would allow 23 cars. The Board studied the sketch.

Mr. Farley: We have probably 10 cars in the congregation. Many of the members are children. We anticipate 20 cars at the largest meeting we could have in the building. The owner of this property has planned on building a road through on the adjoining property, which she also owns.

Mr. Hunter: Do you plan to expand the building in any way?

Mr. Farley: Before we get to 100 members, we subdivide to keep small. There is never any need for a bigger building.

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

Fred Smith, 786 Marshall Rd., presented a petition signed by people of Marshall Rd. numbering approximately 90 who are in objection to this. This will be on file in the Town Clerk's office.

Mrs. Norman Burgess, 436 Paul Rd.: I object for the following reasons: 1. This is not a proper setback. 2. This is a residential area. Have any experts seen whether this could be sold as residential? 3. There is inadequate parking. 4. The introduction of this program can lead to invasion of the privacy of this neighborhood. This is not contributing to the community.

Arthur Hauck, 154 Mareeta Rd: What is the square footage of this?

Mr. Strassner: 3,744 sq. ft.

Mr. Hauck: This is a public hearing on variance for setback? Under zoning of the Town of Chili have to have a variance for the church. There are no specifications other than setbacks, etc.?

Mr. Strassner: yes.

Jim Grewstack, 43 Gary Dr.: I would like to know more about this proposed road.

Mr. Wickins: It has just been suggested that there may be a road beside this on property not to be owned by the Church. We have nothing to do with the road.

Mr. Hauck: I object on the basis of parking. (He then mentioned parking requirements).

Mr. Strassner: Is there anyone in favor?

Mildred Federes, 739 Marshall Rd.

Mrs. Kent, 754 Marshall Rd.

William Elliott: I am Assistant Congregational Minister. As one of Jehovah's Witnesses, I am accustomed to see people get stirred up. I would like to present a legal booklet showing some court decisions on such situations. These court cases ~~wxxx~~ have been tried in Supreme Court.

Mr. Wickins: We are just hearing this regarding zoning application.

Mr. Elliott: I have pictures of other Kingdom Halls. We have just finished one on Long Pond Rd. which we are using at the present time. In the vicinity of Rochester, there are 12 other buildings. We have had similar circumstances where people went around and got everybody all stirred up. (Mr. Elliott also presented "The Watchtower" and "Awake" for study by the Board.

Mrs. Hyndman, 758 Marshall Rd.: They were obligated to send out letters to the people on the road. Not stirred up by just one person.

Mr. Wickins: Under law, we are not obligated to send any letters. The Town Board ruled some time ago that sometimes people do not see the notice in the paper. As a matter of courtesy, we ask for any six names to send out letters.

Mrs. Federed, 739 Marshall Rd.: I am the one who sold this land for the church. I think this church would be good.

Mr. Farley: Concerning some objections. Regarding the setback of 45 ft., I understand this is the setback of the homes on Marshall Rd.

Mr. Wickins: Some of the homes were built before zoning went into effect.

Mr. Farley: The cemetery right next to this lot is quite near to the road. Also the zoning board laws in the ordinance do state that special consideration should be given churches. For the sake of coming out a little farther because of the cemetery and to allow ample parking in the rear, and cut down maintenance in the front, we would like 45 ft. We could fit it at 60 ft., but prefer 45 ft.

George Garnham, 505 Marshall Rd., asked for establishment of the location of the property. He was informed it was the lot adjacent to the cemetery.

Mr. Garnham: I feel there is no necessity for the 45 ft. setback since they could set back to what the zoning calls for. (He then asked the location of the Long Pond Rd. church and was informed by Mr. Farley its location and the fact it is finished except for landscaping. Mr. Garnham then questioned the other 12 churches)

Mr. Wickins: That has no bearing on this.

Mr. Williamson, Marshall Rd.: If Marshall Rd. is widened, this 45 ft. setback could be cut to 43 ft.

Mr. Elliott: If it is widened too much, they will have to take some of the bodies up from the cemetery.

No one else appeared to speak on this application.

Application of Paul Wargo, 328 Westfield St., for variance to erect house on 75 ft. wide lot, lot 49 Creekview Dr., E Residential zone.

Donald L. Woodruff, 486 Lake Rd., Webster, N.Y., appeared on this application.

Mr. Woodruff: I am a member of Rochester Home Builders Assoc. and Real Estate Board. My interest is to build a house on this lot. The house I propose to build would conform to the zoning laws, but the lot, according to the assessment roll, doesn't conform in width to the new zone. The lot is assessed at 75 ft. wide. The zoning calls for 90 ft. I will design a house to conform with the neighborhood and existing space. It will conform with the setback and side lines. I would keep back of existing houses. I didn't survey to find out whether the rest of the houses were back 60 ft. I might discover 60 ft. setback to be a handicap because this is on the side of a hill.

Mr. Wickins informed him that if he wanted a closer front line setback, a variance would be required, but not if he went back farther than 60 ft.

Mrs. Bernard Balsam, 31 Creekview Dr., inquired as to the location of this property, thinking perhaps it was the lot adjoining hers which is not 75 ft. wide. Mr. Wickins then explained the exact location of this lot, which is not the lot adjoining hers.

No one else appeared to speak on this application.

Application of Henry Manzler, 126 Shelbourne Rd., Rochester 20, N.Y., for variance to build house on 50 ft. by 120 ft. lot, Block H, Lot 7 Charles Ave., 40 ft. from front lot line, 6 ft. from side lot lines, located in D residential zone.

Mr. Manzler presented plot plan, and stated the other houses are approximately 40 ft. back, and he does not want to build in front of the line of the other houses now on the street. There is a house on the lot adjoining.

The builder presented sketch of proposed house as located on the property. They are asking for 6 ft. side line setbacks because the lot is only 50 ft. wide. There would be 40 ft. from the garage to the front lot line, with the house proper 10 ft. farther back.

Mrs. Hugo Maul, 16 Charles Ave., inquired as to the exact location of this lot. This was explained to her. Mr. Manzler explained he had tried to sell the lot to adjoining property owners or to buy from them, but was unsuccessful. Because of the taxes, he feels he would like to use the property. Mrs. Maul stated she has no objection.

No one else appeared to speak on this application.

Application of Harry Patsch, 250 Fisher Rd., for variance to erect garage 9 ft. from south side lot line, in E residential zone.

Mrs. Patsch: We moved our house to 250 Fisher Rd. because of the airport. We would like to put a garage attached to the house. When the house was being moved, we thought we had 10 ft. allowed, but it turned out 9.12 ft.

Mrs. Palmer of Marshall Rd. spoke in favor of this request.

No one else appeared to speak on this application.

Findings of the Board: In regard to application of James Farley for variance to erect church on east side of Marshall Rd. 45 ft. from front lot line, the Board felt this does not furnish sufficient parking area for the future capacity of the proposed church.

DECISIONS OF THE BOARD:

JAMES FARLEY - Denied variance to erect church on east side of Marshall Rd. 45 ft. from front lot line. Members voted as follows: Mr. Hunter no, Mr. Bubel no, Mr. Strassner no.

DONALD L. WOODRUFF - Granted variance to erect house on 75 ft. wide lot, lot #49 Creekview Dr. Front setback to be no closer to front lot line than existing houses on each side. Members voted as follows: Mr. Bubel yes, Mr. Hunter yes, Mr. Strassner yes.

HENRY E. MANZLER - Board reserved decision on application for variance to build house on 50 ft. by 120 ft. lot, Block H, Lot 7 Charles Ave. 40 ft. from front lot line, 6 ft. from side lot lines. Members voted as follows: Mr. Hunter yes, Mr. Bubel yes, Mr. Strassner yes.

HARRY A. PATSCH - Granted variance to erect garage 9 ft. from south side lot line at 250 Fisher Rd. Members voted as follows: Mr. Hunter yes, Mr. Bubel yes, Mr. Strassner yes.

June Yates, Secretary

ZONING BOARD OF APPEALS

March 26, 1963

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

Application of Peter Freihart, 330 Chestnut Ridge Rd., for variance to erect house 50 ft. from front lot line in Town Lot T-92, located in D residential zone.

Mr. Freihart presented plot plan and explained all the houses are 50 ft. from the front lot line. He would like this variance to be in line with the other houses. The lot is 111 ft. wide.

No one appeared to speak on this application.

Application of Jim Farley, 10 Gardner Ave. for variance to erect church east side of Marshall Rd., known as parts of Lots 16 and 17 of the Sixth Tract, located in E zone.

Mr. Farley: We have acquired more property since we were here last month. This will change the front line setback to 60 ft.

Mr. Strassner asked about parking area, and Mr. Farley explained and pointed out on the map presented the location of the proposed parking. Mr. Strassner figured the actual parking area would be 7655 sq. ft. Mr. Farley explained they also have an "L" so that they can go around the building and have room to get in and out without confusion.

Mr. Wickins asked if the church is the same size as previously presented and Mr. Farley replied yes. Mr. Wickins stated the Board can use what was said regarding that at the previous meeting.

Mr. Farley: We have offered to us 2700 more feet, but we really don't feel we need it because we have plenty of property. We feel we can park about a minimum of 25 to 30 cars now. We can park along the side of the driveway if necessary. We very seldom would need that.

Mr. Pfenninger inquired about ever enlarging the church.

Mr. Farley: We will not enlarge the church. It is much larger than we will ever need now. We made it so so that we would not have to bother later if needed.

Mr. Schlueter: How many people will this building hold?

Mr. Farley: A maximum of 200 persons, allowing room for milling around and for other departments, children, etc.

Mr. Schlueter: How many are in the congregation?

Mr. Farley: There are presently 60. We expect about a 10% per year increase. When the congregation gets to 100 it is subdivided. We are always subdividing into smaller groups.

Mr. Schlueter then inquired regarding the structure itself.

Mr. Farley: It is a one-story single level building, L-shaped, with an entrance on the corner of the L, of wood frame. A complete set of plans are available if there are any other questions.

Mr. Strassner: How many people would like to vote in favor of this? The following people voted in favor:

David Roberts, 18 Yolanda Dr.

Mildred Frederes, 739 Marshall Rd.

Mrs. John Frederes, 739 Marshall Rd.

Carol Cox, 754 Marshall Rd.

Jeanette Millitella, 198 N. Goodman St., who will be attending the church.

Mr. Strassner then inquired whether anyone wished to speak against this application.

Mrs. Charles Aleese, 727 Marshall Rd.: I have a petition signed by the residents of the Town of Chili in excess of 112. I would like to read this petition and then present it to the Board.

Mrs. Aleese then read petition and presented it to the Board. This will be on file in the Town Clerk's office.

Arthur Hauck, 154 Mareeta Rd. then stated he was a property owner and felt that in all fairness to everybody the map presented should be exhibited by the Board. This is not an objection.

The Board then invited the people to come forward and study the map if they so desired. Mr. Wickins requested that no comments be made at this time.

Mr. Haucks inquired the square footage of the building and was informed it is 3,744 sq. ft.

The following people spoke in opposition:

Caroline Southworth, 753 Marshall Rd.: I have a two-year old daughter. We get traffic from the city coming out from the city. We get traffic from Bausch & Lomb and the Carriage House. I don't feel I should have to watch her day and night.

Mrs. Palmer, 884 Marshall Rd.: I have seen some of these halls and they all have a sign in front. I was wondering whether these people would want one of these big signs.

Mr. Wickins: They haven't asked for it.

Mrs. Palmer: This could be a traffic hazard on the road if they use a sign.

Mr. Wickins: This cannot be considered until they ask for the sign.

Roger Hyndman, 758 Marshall Rd.: You state 3744 sq. ft. actual floor space. Does this include the basement?

Mr. Strassner: This is only floor space as it pertains to what it covers on the property.

Mr. Hyndman: According to the drawing, I come up with 2736 sq. ft. I think therefore this is not valid and should not be accepted at this time. This should be postponed until there is a drawing of the building to scale.

Mr. Farley agreed the square footage was 2736 sq. ft.

Mr. Hauck: A notice was published and has been read. Plans must be submitted so that they can be known. I object to this hearing and ask that it be set aside as it is not submitted in due and proper form.

John Mayne, 4 Gary Dr.: If the church will seat 200 and there is room for 25 cars, that is 6 people per car going to church on Sunday. Apparently they don't have ample room.

Mrs. Aleese: I have a paper here which states there is parking area for 75 cars and I would like to know where this figure came from.

Mr. Wickins: That is their contention. Your contention is parking area for 25 cars.

Mr. Farley: On the part of the drawing. Before the Board is a scale drawing certified by a public architect from Rome, N.Y. This is sufficient for construction and to present to the Board regarding size of building and square footage. Regarding parking generally, it has actually been established in court of law this cannot be held especially with church building in denial of permit to build. A court case in Greece established a precedent four years ago on that. As far as the congregation, there is one meeting on Thursday evenings, which might be changed to Friday. Also Sunday from 3:00 to 5:00 P.M. At this time, we don't expect 200. If we thought there would be 200, we would have designed for 400. As far as the hill, if you take a close look, you will observe the road and also the driveway will be in plain sight before proceeding over the knoll of the hill. This is the highest spot around. In approach from Chili, you can plainly see any cars and driveways.

Mrs. Aleese: I live at the top of the hill and have yet to come into the driveway without coming to a complete stop. The Board should drive up and down and see this hazard. This is a big factor according to our own zoning ordinance.

Mr. Farley: If there is a problem traffic wise, it is up to the Town or State to provide some police aid if this is the case, or lower the hill.

Mrs. Frederes: I would like to know if this is a public hearing and anyone can speak. If this is so, these ladies in front are saying about their children. The church is not near their home. The children are not out in front. At one time, they wanted to buy this property for the cemetery. That would be going in and out constantly. That would have to be approved.

Mrs. Wilcox, 516 Paul Rd.: If this variance is granted, I would like to be assured of proper landscaping.

Mr. Farley: I can assure Jehovah's Witnesses have good landscaping. In any Kingdom Hall, landscaping is a big factor. They will make it beautiful.

Mr. Hauck: Before the lot size was 90 ft. by 195 ft. They have added 30 ft. Where there was room for 23 cars, there is now room for 30. The people have objected to not sufficient property. I quote from the last meeting: "Maximum seating capacity of 200, a congregation of 60, a 10% increase per year. We have to look at not today, but for the future. The group I represent still say there is not sufficient off-street parking.

W. H. McCormack, 35 Lowell St.: I would like to ask if there are zoning laws regarding parking, and do they cover parking of all religious institutions?

Mr. Strassner: We always try to get as much parking as we can off street so there are absolutely no cars on the street. We work to that extent.

Mr. McCormack: On that basis, it was said this evening there is a congregation of 60. It was brought out at the last meeting there are 10 cars in the congregation, 6 persons to a car. There is ample parking for 30 cars. This shows room for expansion. Using the figures we have, there is enough room for 41 cars and maybe more.

Roger Hyndman: I would like to know how many members of the congregation are from the town of Gates.

Mr. Wickins: That does not pertain to the application.

Mr. Hauck: I am not against the church application. I go on one premise. If this thing is submitted there should be a plot plan. The plans here are way out of order. If a shopping center were planned, they would have to show width and depth, building, etc. These drawings are out of order. This is the second hearing. If you can bring these to me and show it is in order, I won't object to it. I object on the premise of zoning. These are not submitted correctly. They should be ruled out on that basis.

William Elliott, Asst. Congregational Minister of Genesee Congregation of Jehovah's Witnesses: At the first meeting we submitted plans showing adequate parking. Mr. Farley in the Town of Greece went before the Supreme Court which said zoning boards have no right to regulate any parking. The town's zoning does not specifically state about parking. A Member of the County stated they have a set parking space per person. You cannot make the rules after something is presented.

Mrs. Fred Greenfield, 715 Marshall Rd.: I don't feel this building is needed in this area.

Mr. Strassner: That is out of order.

Mrs. Greenfield: We have a traffic situation of city busses, trucks to Bausch & Lomb, also cars, etc. At times, we can't get in and out of our driveway. This is a residential area.

Mr. Wardel, 198 Fairgate St., representing the church: I live in Rochester, but want to work here. This problem is familiar throughout the country. These matters are not debatable. Taking this to court would be a burden on the people. You can't make law to interfere with worship.

Mr. Strassner: We won't speak of religion.

Mrs. Allese: We all came here as citizens of the town. The people of Marshall Rd. have been discouraged with traffic conditions but have put up with them. This is why we came here. We do feel that it is not needed. We don't need an extra hazard. If we can't stand on the rules of the zoning ordinance, what good are they?

Mr. Farley: No zoning ordinances have been broken.

David Roberts: I am a member of the congregation. I sympathize with people undergoing traffic. I live on Yolanda Dr., a dead end street, and it is the same on our street. In building a home, it is assumed there will be a car in an out at least 2 times a day. The amount of traffic we would bring would be a drop in the bucket compared to Bausch & Lomb.

No one else appeared to speak on this application.

DECISIONS OF THE BOARD:

PETER FREIHART - Granted variance to erect house 50 ft. from front lot line in Town Lot T-92. Members voted as follows: Mr. Hunter yes, Mr. Bubel yes, Mr. Pfenninger yes, Mr. Schlueter yes, Mr. Strassner yes.

JIM FARLEY - Granted variance to erect church on east side of Marshall Rd. known as parts of Lots 16 and 17 of the Sixth Tract, with the following restrictions: Shrub east end and south end lot lines; black top driveways to the east end of the building on each side; condition parking area with gravel or crushed stone sufficiently to make year-round parking to be inspected and approved by the Building Inspector. Members voted as follows: Mr. Hunter yes, Mr. Bubel yes, Mr. Pfenninger yes, Mr. Schlueter yes, Mr. Strassner yes.

Regarding the application on Feb. 26, 1963, of Henry Manzler for variance to build house on 50 ft. by 120 ft. lot, Block H, Lot 7 Charles Ave., 40 ft. from front lot line, 6 ft. from side lot lines, it was the unanimous finding of the Board that this is a hardship case as there is no other possible use of this lot.

HENRY MANSLER - Granted variance to build house on 50 ft. by 120 ft. lot, Block H, Lot 7 Charles Ave., 40 ft. from front lot line, 6 ft. from side lot lines. Members voted as follows: Mr. Schlueter abstain, Mr. Pfenninger abstain, Mr. Hunter yes, Mr. Bubel yes, Mr. Strassner yes.

June Yates, Secretary

ZONING BOARD OF APPEALS

April 23, 1963

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

Application of Thomas A. Gallagher, 12 Scott Lane, for variance to erect garage and family room 6 ft. 8 in. from west side lot line.

Mr. Gallagher presented a sketch and stated the lot is 80 ft. wide by 170 ft. deep. The garage would be 12 ft. wide, the breezeway 12 ft. wide, making a total of 24 ft. This would bring him to 6 ft. 8 in. from the side lot line.

Mr. Strassner: How close is the neighbor to the garage side?

Mr. Gallagher: 10 ft. from the lot line.

Mr. Strassner: Would there be any objection to cutting this down 2 ft.?

Mr. Gallagher: This is the size we wanted to have.

Mr. Strassner: Did you speak to the people?

Mr. Gallagher: Yes. There were no objections. This will be a garage with a breezeway or family room with it.

No one appeared to speak on this application.

Application of Giacomo Perna, 847 Paul Rd., for variance to erect house 8 ft. from west side lot line, Lot 14 Paul Rd., Chestnut Ridge Manor Subdivision, E residential zone.

Mr. Perna presented map of property. The lot is 90 ft. wide by 200 ft. deep. The house is not built. Mr. Perna stated he needed the 2 ft. variance for the purpose of a fireplace. The house itself would be 10 ft. from the side lot line, as required. The fireplace would extend 2 ft. beyond this. The house would face on Paul Rd. with driveway entrance from proposed new street. This is a corner lot. Garage would be 20 ft. from proposed new street.

Mrs. Harris, 1023 Paul Rd., on property adjoining, objected to this application.

Mr. Harris stated he had no objection.

Application of Gerald E. Smith, 38 Jensen Dr., for variance to build garage and breezeway $7\frac{1}{2}$ ft. to south lot line at 38 Jensen Dr., D zone.

Mr. Smith presented map, showing proposed garage 20 ft. wide and 12 ft. wide family room. The lot is 80 ft. wide by 170 ft. deep. The adjoining neighbor is 10 ft. from the lot line.

Mr. Strassner asked if Mr. Smith had checked with the neighbors. Mr. Smith replied they had no objection.

Mr. Strassner: Would you have any objection to cutting down on the size?

Mr. Smith: Cutting down would make the room too small. This will be a family room with a powder room. The garage is 20 ft. wide because we have two cars. The house is 32 ft. wide.

No one appeared to speak on this application.

Application of Ronald Downes, Chili Trading Post, 3225 Chili Ave., for variance to operate laundromat and coin operated dry cleaning plant, also erect 4 ft. by 6 ft. lighted sign on front lot line, in B zone.

Mr. Strassner: How far back would the sign be located?

Mr. Downes: Approximately where the sign is located now, but on the other corner of the property, right on the lot line to the west. This would be about 20 ft. from the pavement. I want to line up the two signs. The sign would be the same type and size as the present one, and illuminated. This is a plastic sign. The lights are inside and flow through the plastic. The state was in error at one time. They claimed Chili Ave. at this point was a 4-rod road. They were incorrect. It is a three-rod road. Chili Ave. varies all the way along.

Mr. Strassner: How long would the sign be on?

Mr. Downes: The laundromat would be in operation 24 hours a day, so the sign would be on all the time. The other sign goes off when we close the store.

No one appeared to speak on this application.

April 23, 1963

Application of Earl Madison, 4430 Buffalo Rd., for variance to erect house on 75 ft. wide lot at 4432 Buffalo Rd., E zone.

Mr. Madison appeared and stated this is the second lot over from Hubbard Dr. The lot is 75 ft. wide by 250 ft. deep. There would be 1070 square ft. of floor area in the house. The house would be 10 ft. 2 in inside both side lot lines. They would like an 80 ft. setback to be in line with the other houses.

Mr. Strassner: The front setback requirement is 60 ft. The house can be set farther back, but no closer to the front lot line.

Mr. Madison: This will be a split level with a single car garage on one side.

No one appeared to speak on this application.

Application of Earl Howarth, 9 Yolanda Dr., for variance to build home on lots 8 - 33 inc. 45 ft. setback, in E zone.

Mr. Howarth appeared. Mr. Davis secured a map so that the Board could study the subdivision, which is Brasser Village Subdivision. There is no continuation of this subdivision. Mr. Howarth stated it is all vacant land to the rear owned by him which they are using for drainage. This is an approved tract. Mr. Howarth said all the new tracts are asking for 45 ft. setbacks instead of 60 ft. This would make his all the same. He has started to build at the 45 ft. setback, having 7 permits on 7 houses. He thought it was all approved at 45 ft. He was told he would get a blanket variance and the whole thing had been approved. There was a misconception.

No one appeared to speak on this application.

Application of Glenn Benedict, 7 Audabon Terr., for variance to erect 26 ft. by 40 ft. ranch house on 50 ft. by 125 ft. lot, in E zone.

Mr. Benedict presented plan and stated the lot has been in existence 35 years, in Chili Heights Subdivision.

Mr. Strassner: Do you live right next door and is this part of your property?

Mr. Benedict: Yes. The lot is 50 ft. by 125 ft.

Mr. Strassner: According to this plan you will have to build 5 ft. to the side lot line. This is not included in your application. Do you wish to amend your application to include this?

Mr. Benedict: Yes, I will amend it. I have got to have 5 ft. from the south side lot line.

Mr. Pfenninger: How far is your house from this side lot line?

Mr. Benedict: My house is about 6 ft. from the line now. This would leave 11 ft. between the two houses. The new house would be 26 ft. wide with 19 ft. driveway. It will be 40 ft. deep.

Mr. Strassner: What is the matter with a 14 ft. driveway?

Mr. Benedict: I want more than that.

Mr. Pfenninger: This only leaves 11 ft. between the two homes.

Mr. Benedict: The deed calls for 3 ft.

Mr. Strassner: We have nothing to do with the deed. Our zoning laws govern the town. You could have a 14 ft. driveway and still have 10 ft. on the other side, giving 16 ft. between the two houses.

Mr. Benedict: I would rather be 5 ft. so I would have more room.

Mr. Pfenninger: This brings the houses too close together.

Mr. Benedict: I will make it 10 ft. then.

No one appeared to speak on this application.

Application of Raymond J. Peters, 94 Taylor St., for variance to erect sign 5 ft. wide by 12 ft. high, placed 5 ft. off ground, 20 ft. from front lot line, and 30 ft. by 4 ft. sign on top of building at 1440 Scottsville Rd., in B zone.

Mr. Peters appeared and presented new drawing of proposed 5 ft. by 12 ft. sign. The new sign has dimensions of 8 ft. wide by 10 ft. high, 5 ft. off the ground. Mr. Peters amended his application to so indicate. This will be a double faced sign, illuminated, of fluorescent plastic. The Board studied the sketch.

Mr. Peters then presented sketch of proposed sign on top of building. The sign would be 30 ft. long, the building is 40 ft. long, running from Scottsville Rd. toward the river. This would have goose necked lights on painted sign. The building is 100 ft. from the road. The sign would be 4 ft. high by 30 ft. long, with signs at each end of this sign 4 ft. high by approximately 4 ft. wide. These end signs are for the purpose of support of the big sign. The sign would be lighted from about 8:00 P.M. or dark until about 3:00 A.M., weekends 4:00 A.M. The front sign would be turned off when they close and would be on mostly all day.

No one appeared to speak on this application.

Application of Earl Hibbard, 165 Imperial Circle, for variance to erect house 50 ft. from front lot line, 7 ft. from north side lot line, on Lot B, Jensen Dr., in D zone.

Vincent Jones, 26 Kuebler Dr., appeared to represent Mr. Hibbard, and presented plan. Mr. Jones stated Mr. Hibbard wants the 7 ft. side lot line variance for an eventual garage and breezeway.

As no figures whatever appeared on the plan, the Board informed Mr. Jones they could not act on this application. He was requested to appear at the next meeting with proper specifications, at which time the Board would consider the application.

Application of Michael Palese for variance to erect home on 77 ft. 22 in. wide lot, Lot 62 Hallock Dr.

No one appeared on this application.

DECISIONS OF THE BOARD:

THOMAS A. GALLAGHER, 12 Scott Lane: Granted variance to erect garage and family room 6 ft. 8 in. from west side lot line. Members voted as follows: Mr. Schlueter yes, Mr. Hunter yes, Mr. Pfenninger yes, Mr. Strassner yes.

GIACOMO PERNA, 847 Paul Rd., granted variance to erect chimney 8 ft. from side lot line, Lot 14 Paul Rd., house proper to be 10 ft. from side lot line. Members voted as follows: Mr. Hunter yes, Mr. Schlueter yes, Mr. Pfenninger yes, Mr. Strassner yes.

GERALD E. SMITH, 38 Jensen Dr., granted variance to build garage and breezeway 8½ ft. to south lot line. Members voted as follows: Mr. Hunter yes, Mr. Schlueter yes, Mr. Pfenninger yes, Mr. Strassner yes.

RONALD DOWNES - Granted variance to operate laundromat and coin operated dry cleaning plant at 3225 Chili Ave. Also granted variance to erect 4 ft. by 6 ft. illuminated sign on front lot line, with the restriction the sign is not to be lighted between 2:00 A. M. and 7:00 A.M. Members voted as follows: Mr. Hunter yes, Mr. Schlueter yes, Mr. Pfenninger yes, Mr. Strassner yes.

EARL MADISON; Granted variance to erect house on 75 ft. wide lot at 4432 Buffalo Rd. Members voted as follows: Mr. Hunter yes, Mr. Schlueter yes, Mr. Pfenninger yes, Mr. Strassner yes.

EARL HOWARTH - Granted variance to erect houses on lots 8 - 33 inc. Brassier Village Subdivision, 45 ft. from front lot line. Members voted as follows: Mr. Hunter yes, Mr. Schlueter yes, Mr. Pfenninger yes, Mr. Strassner yes.

GLENN BENEDICT - Denied variance to erect house on lot 50 ft. by 125 ft. Lot #13 Audabon Terr. Members voted as follows: Mr. Hunter no, Mr. Schlueter no, Mr. Pfenninger no, Mr. Strassner no.

RAYMOND J. PETERS - Granted variance to erect illuminated sign 8 ft. wide by 10 ft. high, 5 ft. off ground, 20 ft. from front lot line. Sign not to be illuminated when restaurant is closed. Members voted as follows: Mr. Hunter yes, Mr. Pfenninger yes, Mr. Schlueter yes, Mr. Strassner yes. Variance granted to erect 30 ft. by 4 ft. sign on top of building at 1440 Scottsville Rd. as per plans presented. Sign not to be illuminated when restaurant is closed. Members voted as follows: Mr. Hunter yes, Mr. Pfenninger yes, Mr. Schlueter no, Mr. Strassner yes.

EARL HIBBARD - Decision reserved until complete plans are presented.

MICHAEL PALESE - Denied application for variance to erect home on 77 ft. 22 in. wide lot because of non-appearance.

June Yates, Secretary

ZONING BOARD OF APPEALS

May 28, 1963

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

Application of Mrs. Eva Morgan, 146 Chestnut Ridge Rd., for variance to 15 ft. from rear lot line on existing house.

James White, Attorney, appeared to represent Mrs. Morgan, and presented map showing property approximately 150 ft. wide by 256 ft. deep at the corner of Chestnut Ridge Rd. and Yolanda Dr. It is proposed that this property be divided into three lots. If this is done, it will be necessary to have a variance of 15 ft. from rear lot line on the corner lot.

Mr. White: Mrs. Morgan is the owner of a lot approximately 300 ft. deep and wishes to convey the back part of the lot which is presently occupied by a barn and frame garage. The zoning requirement is 12000 sq. ft. It is necessary to obtain a variance to 15 ft. from the rear lot line. The Morgan house is one of the first houses built on Chestnut Ridge Rd. about 60 years ago. Yolanda Dr. was originally planned to go straight back, but it was angled off to the left. If it had gone straight, there would have been enough square footage. The house is presently occupied in conformity with standards prior to 1900. We are not asking for a change in zoning. The lots are all residential. If a younger person owned this property he would be able to maintain it properly. Due to Mrs. Morgan's age, it is necessary for her to hire someone to maintain the back 200 ft. which is presently occupied by a garage and shed. She is unable financially to hire someone. It would benefit the town and Mrs. Morgan if the lots could be sold, and houses could be constructed. The assessment value would be increased as far as the town is concerned, and the area would be more beautiful. The blighted area would be eliminated. Granting this variance would eliminate the request for two variances on the other lots. In permitting this variance, you will allow her two lots to be sold in the rear which will be in conformity with the zoning. (Mr. White presented diagram). This is not now subdivided into lots. It will be if this variance is granted. Lot #1, Mrs. Morgan's, will be 13,110 sq. ft. and her house will be 15 ft. from the rear lot line. This is D residential zone and all three lots will be in conformity with the zoning laws. This application is for the house as it presently stands.

The following people spoke in favor of this application:

Mr. and Mrs. John Baron - 136 Chestnut Ridge Rd.

Sanford Marvin - 151 Chestnut Ridge Rd.

Fred Mertz - 955 Coldwater Rd.

No one appeared to speak in opposition.

Application of Harry Gregory, 1 Lenox St., for variance to erect house on 80 ft. by 241 ft. lot 5 ft. from west side lot line on lot #26 Jemison Rd.

Harry Gregory presented plot plan. Richard Elliott attorney appeared to represent H. G. Paramount Builders.

Mr. Elliott: We are under contract to purchase lot #26 Jemison Rd. for \$1,000 if this variance is granted. The lot is 50 ft. by 241 ft. and does not meet the requirements for building. It has enough square footage but not enough width. When this property was subdivided all the lots were 50 ft. There were no lots of larger size. On lot #27 on the right hand side, there is presently a house under construction. Our proposed house will be 32.6 ft. wide, leaving 5 ft. on the right side and 12.4 ft. on the left side. The house value will be \$14,500, and the resale value will enhance this neighborhood. The only purpose this lot can be used for is a home. It has no other value. This is a hardship to Mr. Walls who owns the property if it cannot be sold for a residence. This does not have a garage. It will be a 3-bedroom home with a living room, dining room and kitchen. There might be some opposition along the line of the 60 ft. setback as required by the zoning. The neighbors might want 72 ft. Mr. Gregory would be willing to set the house back 72 ft. if the 60 ft. setback is opposed.

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

Mr. Walls: 12 ft. from the lot line. The 5 ft. side line setback is because the zoning laws 30 years ago required 10% of the width of the lot. 90% of the houses on the tract are 5 ft. from the side line and 50 ft. setback. There are no plans for a garage.

The following people were in objection to this request:

Earl Waltman, 30 Jemison Rd.: I object to this house being out in front. Most of the houses are setback farther. If he moves up to 60 ft. it will make an eyesore. I would have no objection if he set the house back with the other houses.

John Bisset, 34 Jemison Rd.: There is no house on the right hand side, there is a garage. There is a driveway next to the line of that property. From the looks at the present time there is no foundation and he will have to raise by fill which would reduce the value.

Mr. Strassner: If he built in accordance with the building code that would meet your objection.

Mrs. Martin Warner, Jemison Rd.: I live on the adjoining property and this house would be very close. We like room for the children. Our house and most of the houses are back 150 ft. We would just as soon not have the house there at all.

Mr. Bisset: Mr. Elliott stated this lot is no good for anything but construction. They are repairing a new house on the next lot. He could add one lot to the other and increase the price of the house.

Mr. Walls: Mrs. Warner has two lots and can build over in the center. The side line won't mean anything. The other properties are owned by two different people so we can't join lots.

No one appeared to speak in favor of this request.

Application of F. Wesley Moffett Jr., 3021 Chili Ave., for variance to erect real estate sign on Chili Center property 50 ft. from front lot line, northwest corner of Chili and Coldwater Rds. in commercial zone.

Mr. Moffett: The ordinance requires that any real estate sign closer than 100 ft. from the front lot line be approved by the Zoning Board. There is a sign left on the property as a result of the Chili Trading Post immediately adjacent to the driveway. It would be possible to use that sign painting both sides of it. This sign is very close to the highway. I presume this was approved at some prior date. I would like to use that and to have a sign 50 ft. back from Coldwater Rd. and 50 ft. back from Chili Ave. facing diagonally on the property. This would be a temporary permit, possibly for one year. This is for sale or lease of the property within that area. If necessary, I am asking permission to use the existing sign, also to have another sign the same size.

No one appeared to speak on this application.

Application of William Farrow, 3704 Chili Ave., to build a parking area on rear lot to accommodate 5 cars, E residential zone.

Robert Stuart, Attorney, appeared to represent Dr. Farrow.

Mr. Stuart: Dr. Farrow's property is located at the corner of Indian Hill Dr. and Chili Ave. If we assume Indian Hill is north and south and Chili Ave. is east and west this is the northeast corner of the intersection. The present property has a frontage of 83 ft., depth 275 ft. His home is 90 ft. north of the north line of Chili Ave. about 40 ft. east of the east line of Indian Hill Dr. On the west side of his house facing Indian Hill Dr. is the entrance to his office. He is a chiropractor. The parking area is slightly back of the house, 4-5 ft. slightly west of the house area, 32 ft. in depth easterly from Indian Hill Dr., 40 ft. parallel to Indian Hill Dr. He proposes to black top it and light it at both ends for night parking. North of this proposed parking area to the north line of subject property is over 100 ft. In that area are trees and shrubs and the entire north line of this property is occupied by shrubs of various kinds. The garage and other trees and shrubs screen to the east. I believe in the past there have been complaints about parking cars on Indian Hill Dr. by people who come to the office. The object of this application is to get cars off Indian Hill Dr. Those who know the location would have to say this is in public interest and public safety that cars be parked off that drive if possible. This area would be in the back part of the property along Indian Hill Dr. It will cost \$700-\$800 to do this job. The owner is perfectly willing to cooperate with the Supt. of Highways by installing a culvert underneath the area now east ditch of Indian Hill Dr.

Mrs. Farrow: He will have been there 4 years this coming Sept.

Mr. Stuart: At that time the Zoning Board granted a variance for this office.

Mr. Hunter: What hours would the parking area be lighted?

Mrs. Farrow: Mon., Tues, and Friday nights until about 10:00 P.M. They would be small unobtrusive lights just to enable the patients to see their way to the cars.

Mr. Stuart: Dr. Farrow is willing to go along with any requirements about lighting so it will not interfere with the neighbors. On an average there are about 15-25 patients a day including evening hours.

Mrs. Farrow: There is a maximum of 5 cars at one time.

Vincent Cigno, 3725 Chili Ave., spoke in favor of this application. The following people spoke in objection:

Leslie Knox, 3711 Chili Ave.: I live across the street. This is a strictly residential area. A 5-car parking lot would make it look commercial. If any person wished to sell his home, anyone seeing a big black top area wouldn't buy it.

Robert Putsic, 12 Indian Hill Dr.: Since this has been allowed, one thing has led to another. He is going too far with this black top. It is a hazard to Chili Ave., as this has been in the past.

K. Cooper, 11 Indian Hill Dr.: I signed the petition 4 years ago at which time he was supposed to have 2-3 cars at the most. The other night there were seven including a truck. I talked with Mr. Lusk and Mr. Ouwelen regarding this petition. I would like to see it if anybody can find it, but no one seems to be able to.

Mrs. Cooper, 11 Indian Hill Dr.: Our front yard will be facing this. We have small children. We don't want to look at a parking lot.

Richard Strassner, 50 Creek View Dr.: When we bought this was residential. We wouldn't like this black top. There are 74 small children in the neighborhood. We don't want a lot of through traffic.

Mr. Ballmer, 14 Indian Hill Dr.: I object for the same reasons.

The following objected for the same reasons: Mrs. Ballson, 51 Creek View Dr.; Mr. Noonan, 3715 Chili Ave.; Mr. Burnet, 18 Indian Hill Dr.

Louis Roy, 25 Indian Hill Dr.: Dr. Farrow purchased the property understanding a variance in zoning would be required. He explained to us there would be a maximum of 2-3 cars in the driveway, and no outward sign of business. By installing a parking lot, he is changing the original picture.

Mr. Strobel, 3705 Chili Ave.: I object.

Mrs. Putsic, 12 Indian Hill Dr.: I object.

Mrs. Knox, 3711 Chili Ave.: We have been there 11 years, but all of the other homes are new residential homes. The home in question is small. If his practice grows and they move to a larger place, no one is going to move into a residential home with a black top parking area.

No one else appeared to speak on this application.

Application of Gerard J. Ryan, 12 Kuebler Dr., for variance to erect garage attached to house 7 ft. from side lot line, in D zone.

Mr. Ryan appeared and stated he had no plot plan. The lot is 76 ft. by 176 ft., the garage will be 12 ft. by 22 ft. The side of the garage will be 7 ft. from the lot line on the south side, back of the house, but attached to the house. It will be about 14 ft. from the house next door. They are about 7 ft. from the lot line.

Harold Donnelly, 45 Jensen Dr., spoke in favor of this.

No one appeared in opposition.

Gerald Smith, 38 Jensen Dr., for variance to erect family room and garage 7½ ft. from south lot line.

Mr. Smith presented map of the property and stated he had appeared before the Board last month requesting this same variance, but was granted 8½ ft. to the side lot line instead of 7½ ft. and he wondered why. Mr. Strassner informed him it was the decision of the Board at that time.

Mr. Smith: The house is 32 ft. wide, the garage will be 20 ft., the family room will be 12 ft., leaving a side line of 7½ ft. With a 6 ft. powder room, there is not much left for the rest of the family room. This will be a two-door garage.

No one objected to this application.

The following spoke in favor:

Mr. Roets, 34 Jensen Dr.

Mr. O'Neil, 39 Jensen Dr.

Mrs. O'Neil, 39 Jensen Dr.

Mr. Gallagher and Mrs. Gallagher, 12 Scott Lane

Mr. and Mrs. Harold Donnelly, 45 Jensen Dr.

Mr. Beckman, 10 Scott Lane

Earl Hibbard, 165 Imperial Circle: Without a variance, it not logical for him to build it.

Mr. Simpson, 41 Jensen Dr.

Mr. Versluys, 40 Jensen Dr.

Mr. Gould, 26 Jensen Dr.

No one else appeared.

Application of Earl Hibbard, 165 Imperial Circle, for variance to erect house 8 ft. from south lot line, 50 ft. from front lot line, Lot A Jensen Dr., House #2, in D zone.

Mr. Hibbard: Originally Mr. Jensen started 3 lots in 1955, A, B, C, which were passed, 80 ft. by 160 ft. The Kueblers developed the rest of it and moved the street 10 ft. east of the present street. We need a variance of 50 ft. to make this house even with the other houses. The house will be 41 ft. wide so we need an 8 ft. side line variance. The neighbors back up to it from Chestnut Ridge Rd. about 100 ft. away. You reserved decision on another house over there last month.

The following people voted in favor of this request:

Mr. & Mrs. Gerald Smith, 38 Jensen Dr.

Mr. Gould, 26 Jensen Dr.

Mr. Donnelly, 45 Jensen Dr.

Mr. Beckman, 10 Scott Lane

No one appeared in objection.

Application of Emma Weigand, 949 Chili Coldwater Rd. for variance of ^{7 1/2} feet from south side lot line on existing house.

Thomas Derleth, Attorney, appeared for Mrs. Weigand.

Mr. Derleth: A few months ago we were given a variance to divide a lot 168 ft. wide into two lots, one 100 ft. wide and a new lot of 68 ft. in width. This brings the side line of the house already there to 9 1/2 ft. from the side lot line. The variance creates a violation. This should have been applied for at the same time. We are asking for a variance of 1/2 ft. on the old existing house.

Fred Hertz, 955 Coldwater Rd. spoke in favor of this request.

No one spoke in opposition.

Application of Norman Ball, 2738 Chili Ave., for variance to erect house on 50 ft. by 200 ft. lot, Town Lot #15, in E zone.

Mr. Ball presented map of Chili View Subdivision, showing lot in question, located 3rd lot left of Maureen Drive on Chili Avenue.

Mr. Ball: The original tract left a 50 ft. wide lot facing on Chili Ave. I bought this one lot facing on Chili Ave. and 3 other lots to the rear of Maureen Dr. I tried to get property from either side but I cannot do it. This will be a ranch home. It can be within the minimum side line by being deep instead of wide.

No one spoke in favor of this application.

James Smith, 2990 Chili Ave.: My home is next to that lot. Every home around there is from 50 ft. to 80 ft. wide. They are expensive houses. There is a serious drainage problem. When he builds, it will throw all the water my way. Neither the town or the state has done anything about the drainage problem, each one saying it is up to the other one. That lot originally was supposed to be a road. Then they built Maureen Dr. and left it. Mr. Ball bought it for a song. This will make the properties around there look bad. I hate to see a house go up there. I would rather buy the lot myself. The man adjacent to the other side could not be here to oppose because he is in Florida. Before anything is granted I would like to know about it. I would like to contact the bank that owns the mortgage on my house.

No one else appeared to speak on this.

Application of Paul Jones, Evergreen Acres, Inc., 1345 Scottsville Rd., for variance to relocate trailer park of 117 units from 1345 Scottsville Rd. to Beaver Rd. and Chili-Scottsville Rd., Lot sizes 60 ft. by 70 ft., streets 24 ft. wide, in EE zone.

Bruce Hansen, Attorney, 800 Powers Bldg., appeared to represent Mr. Jones.

Mr. Hansen: About six months ago Mr. Jones learned the present trailer park will be taken by the County of Monroe for the new airport. He immediately sought another location for the park and contacted real estate brokers to find another place. He was showed many properties, none of which were suitable for one reason or another, and finally came upon this parcel. There are some 115 families involved who will be evicted. Mr. Jones proposes to locate the trailers on the lot according to the plans shown tonight. You are all familiar with the land involved. It is not densely populated. If this application is granted it will be a total benefit to the town in a tax sense and there will be substantial tax dollars taken off the rolls if he is forced to leave. I would like to introduce Mr. Mastucci, Supervisor of Rights and Ways of County of Monroe.

Mr. Masucci: The County of Monroe was instructed by the Federal Aviation Agency to acquire this land as part of expansion of Monroe County Airport. The Federal government is participating in the cost of acquiring this land. We contacted Mr. Jones. We are concerned with the families living there. This man is in business. At this time we are putting on the brakes a little to give him a chance to get set up. There is no question this land is going to be taken. I am here to tell you it is official. The only reason we are holding up negotiations is in fairness to the families concerned.

Mr. Jones presented plans showing what he wishes to do, proposed lot rendering, and also flat picture of it.

Mr. Jones: This is a matter of 238 people we are talking about. If we are allowed to move here it will be the nicest mobile home park in this county. There is nothing across the street. At the northwest corner near Beaver Creek we are coming in with one entrance. We are coming back far enough for four streets. They will be 60 ft. by 70 ft. lots, 24 ft. wide streets. (Mr. Jones showed plans of proposed lots 60 ft. wide on the street, 70 ft. deep, 12½ ft. driveways). At the rear of the driveway, we require everyone to buy a metal building to store rakes, etc. There will also be metal skirting around the trailers. If possible, the Suburban bottled gas will be underground. I know we can run the oil lines underground which gets rid of a big eyesore. We will allow no fences. We could also ask the R. G. & E. and the Telephone Corp. to bury their lines. The thing that makes this location so good is we can get the sewer and water across to this property.

Martin Wehle, Councilman: Has the Sewer Agency committed themselves yet? This is a parcel of land outside the sewer district.

Mr. Andrews, Realtor: Mr. Jones is spending \$10,000 per year for sewers, but he has no sewers. He is using cesspools. He was told by the Health Authorities that if he moved to any other area than this he would have to build a plant. In any area he went to he would have to hook onto the sewer so that the town could retain the \$10,000 per year sewer tax. Bausch & Lomb had some 40 to 50 people against it and we had to get 400 signatures for it. On Pixley Rd. there was no trouble. It seems unfortunate that when we come to Chili we run into zoning problems. There was Bausch & Lomb, Mr. Jones, and two others. We get these constant objections. Someone will always object. We get objections to everything we do. In other towns with things the size of Bausch & Lomb we have had no objections.

Mr. Jones: I would like to establish some facts. I pay the taxes each year. This is included in the rent of the people living in the mobile homes and I remit it. I have a letter from Mr. Ouweleen showing the following amounts: park permit \$1,404.78; County taxes, \$10,734.00, school taxes \$4,200. I hope that answers the no taxes from mobile homes. One also hears that there are a lot of children from mobile homes. I went to the two principals of the two school districts we are in, Washington Irving and Wheatland Chili. (Mr. Jones read letter from principal of Wheatland Chili stating during the school year 1962-1963 there were in attendance four pupils residing in Evergreen Acres. This is a duplicate of last several years. Also read letter from Mr. Chaffee, principal of Washington Irving school stating there is one child in attendance residing in Evergreen Acres. In the past several years there have been one to two children). I was State president of the Trailers Association in 1953 and helped cause the law to be enacted to tax mobile homes for real estate. Those of us who helped get the law passed got thrown out of the State Trailers Association. Then the law was appealed by the executive secretary using Manhard's Park as an example. I was Mr. Wickins' star witness and we went through the state courts. The law was declared constitutional. These are not large families, an average of two people per family, with an average of 7 changes per year. There are 115 mobile home spaces in the park. It was my intention to sometime put in two more where the office will now be. That is where the two space difference comes. I have a ten-year record that says when children reach school age, the people usually buy a home. 50% of the people are working at Kodak. They are not nomads.

No one appeared to speak in favor of this application.

The following people spoke in objection:

Mr. Halroy: I have lived on Chili-Scottsville Rd. 33 yrs. I object.

Martin Wehle, 46 Stottle Rd.: In the zoning book there is no provision for trailers. The Town Board are the people who issue permits for trailers. Mr. Andrews stated he is concerned with Chili bringing in business. The Town Board granted Wegman's across the street but we do not want gradually creeping business to take over the town. I will vote no for any trailer permit for this section of town involved.

Robert Prather, 101 Chili-Scottsville Rd.: Some months ago I came to a hearing about an industrial area at the top of the hill. I didn't object. I came to the Wegman hearing across the street from me. I thought it was for the good of the town and didn't object. I remember at that hearing it was said this center of town would attract middle and upper class buildings. I am happy to hear that other towns would have this. It means there is no hardship. They say there is nothing across the street from this. There won't be if this goes in there.

Walter Pelkey, attorney, 7 Sierra Dr.: I am an attorney representing neighbors and some of the people of the town. I present a petition with 314 signatures of people abutting the area and as far away as North Chili and Riverdale. Let us take a look at the presentation. They come nicely prepared. They want lots 60 ft. by 70 ft. The trailer ordinance states a minimum of 80 ft. wide, 12,000 sq. ft. in total. These are 4200 sq. ft., about 1/3 of what the town requires. We asked about expansion and why he reserved all this property. The trailer ordinance requires roads 60 ft. in width. They want roads 24 ft. wide. They are cramping it down. He shows beautiful drawings, but he cuts down everything. We have not heard a definite answer about the sewers. Mr. Masucci, representing himself not the county, states Mr. Jones has to live. That does not make this a proper application. Where is the hardship on this land? It is zoned double E residential. Many uses can be made of that land. On zoning on a hardship, there is none. Mr. Andrews blew their whole case to high heaven. I have lived here over 10 years and have four kids. A few years ago there was talk of a Black Creek County Park. Is this the type of enterprise that the County of Monroe spend tax dollars for - next to a trailer park? Would the County of Monroe fill in for a park with this obnoxious situation? There is no prima facie case for a variance. I feel as Mr. Wehle, this is actually within the jurisdiction of the Town Board. This is not a permissible use. I submit 314 signatures from all over the Town of Chili.

Bernard Koster, 387 Beaver Rd.: I spent 10 years building up equity. I consider my house of far greater value than any of those trailers. My home will depreciate.

Donald Craig, 160 Chili-Scottsville Rd.: I feel the same as Mr. Pekley. This is double E residential.

Foster Beach, 3372 Chili Ave.: There has been discussion about a park. I work for the county and have seen many plans proposed that have indicated a park might be there some day. We had a representative from Monroe County cite the hardship situation. It is happening throughout the United States. This is not our problem. We do have other sites. I object on the fact that when Wegman's was contemplated we were told that the immediate area surrounding it would be very apt to go into a very fine residential area. Your records will so indicate. As a consequence, I did not object to Wegman's nor to Bausch & Lomb. I object to this.

George Craig, 35 Brookview Rd.: I object the same as the others plus we have a trailer ordinance which says we cannot have camping trailers outside the house.

Frank Craig, 151 Chili-Scottsville Rd.: I object the same as the other people. There are 3, 4 of us down there who have beautiful homes. 3,4 moved into a trailer while we built our homes. The town made us move out. We couldn't have a trailer for a few months.

Harry Cranmer, 300 Chili-Scottsville Rd.: I object on the same grounds.

Mr. Marvin, 151 Chestnut Ridge Rd.: This is not near me. A return of \$4200 from 100 plus units is very bad deal for any school district.

Jack Castellano, 108 Chili-Scottsville Rd.: This will hold back development of a county park.

Norman Lowe, 275 Beaver Rd.: We would have a trailer camp right in our side yard.

George Engels, 146 Chili-Scottsville Rd.: He could do much better getting together with Mr. Massucci, his friend, and making a nice county park.

Mr. Masucci: I would like to put straight the fact that I had never met Mr. Jones before we started negotiations. I am here to make it official that the county is taking the property.

Vincent White, 407 Beaver Rd.: I object for the same reasons.

Thomas Winter, 232 Chili-Scottsville Rd.: I object for same reasons.

J. Meyer, 3469 Chili Ave.: We live a little distance but we can still see this from our back yard and we don't want it.

Mary Derleth, 3394 Chili Ave.: I object.

Mr. Beckman, 10 Scott Lane: I object.

Objections, cont.:

Florence White, 407 Beaver Rd.
 Mary Bird, 3378 Chili Ave.
 Ed Rague, 3390 Chili Ave.
 Mr. Balsam, 31 Creek View Dr.
 Ford Button, 3398 Chili Ave.
 Sheila Ouweleen, 405 Beaver Rd.
 Louis Roy, 25 Indian Hill Dr.
 Mrs. Fred Winter, 236 Chili Scottsville Rd.
 Mr. Herman, 150 Attridge Rd.
 M. Koster, 387 Beaver Rd.
 D. Saile, 4 Beaver Rd.
 Mr. Lyman, 144 Attridge Rd.
 Mr. Ploughwright, 296 Chili Scottsville Rd.
 Barbara Rebman, 142 Chili Scottsville Rd.
 A. Craig, 160 Chili Scottsville Rd.
 Fred Mertz, 955 Coldwater Rd.
 Donald Poppy, 37 Creek View Dr.
 Pete Walworth, 3765 Chili Ave.
 Charles Loomis, 3370 Chili Ave.

Councilman Menihan, 45 Laredo Dr.: Did the town attorney approve this variance coming up? Did it go through the town attorney before it was brought up?

Councilman Wehle: There is a difference in point. There are different ordinances.

Mr. Strassner: They are not asking to change the ordinance. The procedure previously has been to go through the Zoning Board of Appeals, then the Board of Health, then the town board.

Mr. Hansen: There is no provision in the zoning ordinance for a trailer park in any zone. If we want a park, apparently we have to get a variance then go through the procedure in the trailer ordinance.

Mr. Strassner: We had the same thing with the Black Creek trailer camp and it was said it had to come before this board.

Mr. Wehle: If there is no point in it it is a waste of time and money for advertising. The law does state any new trailer park legally must go through the Board of Health for sewage and water and then come back to the Town Board.

Mr. Strassner: You and Mr. Menihan as town councilmen, if you don't believe the procedure is proper, it is up to you to take it up with the Town Board.

Mr. Wehle: I would have talked with the town attorney if I could have contacted him.

Mr. Strassner: I was told the proper procedure previously and we followed it on two other occasions.

Thelma Beach, 3372 Chili Ave.: I object.

Mary Engels, 146 Chili Scottsville Rd.: I object

Mrs. Oscar Johnson, 145 Attridge Rd.: I object.

No one else appeared to speak on this application.

Application of Charles Carbone, 241 Hedgegarth Dr., for variance to erect houses on lots 5E and 15E Morrison Ave., lots 18G, 28G, 32G Charles Ave. lots 22F Alfred Ave., Lot 9J Chester Ave., all lots 50 ft. by 120 ft., 45 ft. from front lot line, 5 ft. from side lot line, D zone.

Peter Sulli, Attorney, 39 State St., Rochester 14, N.Y., appeared to represent Mr. Carbone and presented map of Riverview Gardens, Inc., being a subdivision of parts of lots 144, 145, 146 in the East Pultney Tract situate in the Town of Chili.

Mr. Sulli: The lots are 50 ft. by 120 ft. and were subdivided before the ordinance. We are applying for a variance of 5 ft. on the side line and a front setback of 45 ft. The only house on a lot adjacent to any of these is on lot 28 Charles Ave. and is 32 ft. Our houses will be 24 ft. by 42 ft., less than 25% of the lot area. These are substandard lots subdivided before the ordinance. Actually there is a provision in your ordinance, Section 90 Subdivision 4 stating we can come in for an exception of the lots. Two of these lots are corner lots, lot 15 Morrison Ave., lot 18 Charles Ave. We are supposed to stay back 20 ft. from the side line. We need a variance to put our house on the corner. Our homes will not have a garage. On one side 5 ft. from the side lot line, on the other side 21 ft. from the side lot line. We will have a driveway on that side. It is possible in some cases a garage will be attached. The rear yard would be 33 ft. The drive would extend 3 ft. from the side of the house, a 6 ft. wide driveway.

Mr. Strassner: Have you tried to get more land?

Mr. Sulli: Where we have 3 lots together we will cut them in half and make two. Procuring lots is very hard, some of the land owners are dead. No one appeared to speak on this application.

Application of William Shetler, 2411 Westside Dr., for variance to erect 24 ft. by 24 ft. garage 7 ft. from east side lot line, in D zone.

Mrs. Shetler presented plan.

Mrs. Shetler: This is a 70 ft. wide lot. We are 7 ft. on one side, and the garage would bring us to 7 ft. from the other side. That is the way most of the houses are now. You used to allow 10% of the width of the lot. We are the owners of a travel trailer, which we have to keep in Webster at the present time. We need a double garage to house the trailer and the car.

Fred Stoffel, 580 Chestnut Ridge Rd., spoke in favor.

No one appeared to speak against this application.

DECISIONS OF THE BOARD:

WILLIAM FARROW: Board reserved decision on application to build a parking area on rear lot to accommodate 5 cars.

GERALD RYAN, 12 Kuebler Dr.: Granted variance to erect garage attached to house 7 ft. from side lot line. Members voted as follows: Mr. Schlueter yes, Mr. Bubel yes, Mr. Hunter yes, Mr. Pfenninger yes, Mr. Strassner yes.

GERALD SMITH, 38 Jensen Dr.: Granted variance to erect family room and garage 7½ ft. from south side lot line. Members voted as follows: Mr. Schlueter no, Mr. Pfenninger yes, Mr. Bubel yes, Mr. Hunter yes, Mr. Strassner yes.

EARL HIBBARD granted variance to erect house 8 ft. from south lot line, 50 ft. from front lot line, Lot A Jensen Dr., House No. 2. Also granted variance to erect house 50 ft. from front lot line, 7 ft. from north side lot line, lob B, Jensen Dr. Members voted as follows: Mr. Schlueter yes, Mr. Bubel yes, Mr. Hunter yes, Mr. Pfenninger yes, Mr. Strassner yes.

EMMA WEIGAND, 949 Chili Coldwater Rd., granted variance of 9½ ft. from south side lot line on existing house. Members voted as follows: Mr. Hunter yes, Mr. Bubel yes, Mr. Pfenninger yes, Mr. Schlueter yes, Mr. Strassner yes.

NORMAN BALL, 2738 Chili Ave., denied variance to erect house on 50 ft. by 200 ft. lot, Town Lot 15. Members voted as follows: Mr. Bubel no, Mr. Hunter no, Mr. Pfenninger no, Mr. Schlueter no, Mr. Strassner no.

HARRY GREGORY granted variance to erect house on 80 ft. by 241 ft. lot 5 ft. from west side lot line, lot #26 Jemison Rd. Front line setback to be the same as house on adjacent property, approximately 72 ft. Members voted as follows: Mr. Hunter yes, Mr. Bubel yes, Mr. Pfenninger yes, Mr. Schlueter yes, Mr. Strassner yes.

PAUL JONES denied variance to relocate trailer park of 117 units from 1345 Scottsville Rd. to Beaver Rd. and Chili-Scottsville Rd. Members voted as follows: Mr. Hunter no, Mr. Bubel no, Mr. Pfenninger no, Mr. Schlueter no, Mr. Strassner no.

EVA MORGAN, 146 Chestnut Ridge Rd., granted variance of 15 ft. from rear lot line on existing house. Members voted as follows: Mr. Hunter yes, Mr. Bubel yes, Mr. Pfenninger yes, Mr. Schlueter yes, Mr. Strassner yes.

CHARLES CARBONE denied variance to erect houses on lots 5E and 15E Morrison Ave., lots 18G, 28G, 32G Charles Ave., lots 22F Alfred Ave., Lot 9J Chester Ave., all lots 50 ft. by 120 ft., 45 ft. from front lot line, 5 ft. from side line. Members voted as follows: Mr. Hunter no, Mr. Bubel no, Mr. Pfenninger no, Mr. Schlueter no, Mr. Strassner no.

WILLIAM SHETLER, 2411 Westside Dr., granted variance to erect 24 ft. by 24 ft. garage 7 ft. from east side lot line. Members voted as follows: Mr. Hunter yes, Mr. Bubel yes, Mr. Pfenninger yes, Mr. Schlueter yes, Mr. Strassner yes.

F. WESLEY MOFFETT JR., 3021 Chili Ave., granted variance to use for real estate purposes existing sign on Chili Center property, sign formerly used by Chili Trading Post; also variance for new ^{real estate} sign the same size 50 ft. back from Chili Ave. and Coldwater Rds. Signs not to be illuminated. Variance granted for 1 yr. or until property is sold. Members voted as follows: Mr. Hunter yes, Mr. Bubel yes, Mr. Pfenninger yes, Mr. Schlueter yes, Mr. Strassner yes.

June Yates, Secretary

ZONING BOARD OF APPEALS

June 25, 1963

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

Application of Anthony Vastola, 611 Plank Rd., Webster, for variance to erect house on Lot #1 Chestnut Ridge Manor, lot area consisting of 11,009.2 square feet, in E residential zone.

Mr. Vastola appeared.

Mr. Strassner: How wide is this lot?

Mr. Vastola: 128 ft. frontage, 160 ft. back, 31 ft. rear, a pie-shaped lot. The south line is on an angle. The required minimum is 15,000 sq. ft.

Mr. Strassner: Is there any possible way of acquiring land?

Mr. Vastola: This is the last lot in the subdivision. Majestic Heights is adjoining.

Mr. Hunter: Are homes built on other lots adjoining?

Mr. Vastola: Lot #1 needs a variance, then I will start building on lots 1, 2, 3. The other lots will conform to the 15,000 sq. ft. requirement. I want to start them all at the same time. They all belong to the same subdivision.

No one appeared to speak on this application.

Application of Garry Benwitz, 43 Kuebler Dr., for variance to erect garage 7 ft. from south side lot line in D residential zone.

Mr. Strassner asked Mrs. Benwitz the width of the lot and she replied she thought it was 80 ft.

Mr. Strassner: How far is the house next door from this garage?

Mrs. Benwitz: Our side lot line backs to their back yard. The garage will be in line with the house.

Mr. Davis said these houses were all set back 60 ft. This might be 70 ft. or 80 ft. from the house next door.

No one appeared to speak on this application.

Application of Paul G. Ford, 290 Chestnut Ridge Rd., for variance to erect attached garage 5 ft. from west side lot line, 53 ft. from front lot line, in D residential zone.

Mr. Strassner: How wide is the garage?

Mr. Ford: This is a double garage 20 ft. wide, which brings the garage 28 ft. from the adjoining house.

Mr. Strassner: Will this be in line with your house?

Mr. Ford: No, it will set back of the house about 12 ft. The house is 53 ft. from the front lot line, but I would like the variance of 53 ft. for the garage in case I change my mind.

No one appeared to speak on this application.

Application of James M. Holler, for variance to erect a house 40 ft. from front lot line, Lot R3 Chester Ave., Block T, in D residential zone.

Mr. Holler: These are two lots put together to make one lot 100 ft. by 120 ft. All the other houses are 40 ft. on the street. We have sewers and water. This brings the house in line with the other houses on Chester Ave. and meets the minimum of 12,000 sq. ft.

No one appeared to speak on this application.

Application of Charles Carbone, 241 Hedgegarth Dr., for variance to erect houses on lots 32G and 28G Charles Ave., Riverview Gardens, 45 ft. from front and 5 ft. from side lot lines, also lots 21, 22, 23G in D zone.

Peter Sulli, Attorney, 39 State St., Rochester 14, N.Y. appeared to represent Carbone builders, and presented map.

Mr. Sulli: We appeared here last month and trying to comply with your suggestion. We have finally come up with three adjacent lots of 50 ft. which we would like to make into two lots of 75 ft. each. The lots are 50 ft. by 120 ft. The lots involved are 21, 22, 23, and we would like a 45 ft. setback. The other lots are 50 ft. by 120 ft. It is the only land available as there are houses on either side, or a gas station on one side and a house on the other. Our lot is 32G and there is a house on 31.

We would like to have 5 ft. side lines.

Mr. Carbone: We have checked the houses on the street and they are all between 30 ft. and 33 ft. from the front. We would like 5 ft. on either side.

Mr. Strassner: Will you have room for a garage?

Mr. Carbone: Yes, the house is 10,040 sq. ft. The house will be 24 ft. the garage 16 ft.

Mr. Strassner: Can you get anything from Hokie?

Mr. Carbone: No, he is filling in as much as he can for parking.

Mr. Sulli: There is a house on #25 setback 30 ft., and a house on #27. We are trying to get in there to develop it.

Mr. Strassner: The lots should be re-subdivided.

Mr. Sulli: We can only go to a certain point. If we can go in there we need help. We can't go in with bigger lots, it wouldn't be economical.

Mr. Carbone: We have to work toward the back and then we can make bigger lots.

Mr. Strassner: We have granted quite a few on double lots, Two lots makes 12,000 sq. ft. If we allowed houses on all the 50 ft. lots we would have a bad section. We are trying to work for the benefit of the locality, the town, and the people's benefit.

Mr. Sulli: What can we do with the lots if we can't build on them?

Mr. Carbone: We will try to keep in line with the other houses.

Mr. Hunter: Neither 20 nor 24 are available to you?

Mr. Sulli: There are no houses on either of them. They belong to Riverview Gardens. Don't know if they belong to an individual or what. A lot of these lots were conveyed years ago.

Application of Ralph Mazzochetti Jr., for variance to erect houses on lots 22E Harold Ave., 3F Harold Ave., and 9J Chester Ave., Riverview Gardens, lots each containing 6,000 sq. ft., in D residential zone.

Peter Sulli, Attorney, appeared to represent Mr. Mazzochetti, and presented map.

Mr. Mazzochetti has a similar problem as Mr. Carbone. On these three lots he will conform to side and front line restrictions. He is requiring a variance to build on 6,000 sq. ft. area. The three lots are far apart.

Mr. Strassner inquired and was informed there are no houses on either side of any of the three lots.

Mr. Mazzochetti pointed out the sewers and water are in up to that point.

Mr. Schlueter: Have you made any attempt to try to purchase adjoining property?

Mr. Sulli: We are trying to pick up as many lots as we can. It is a long process. Sometimes we run into a dead end. The only way to acquire some is tax foreclosure. Some of them are not local. The county has not taken them over yet.

No one appeared to speak on this application.

Application of Fred J. Stoffel, 580 Chestnut Ridge Rd., for variance to erect 22 ft. by 20 ft. garage 18 ft. from front lot line, in residential side zone.

Mr. Stoffel presented a sketch showing drop off in the rear of his property. He has filled quite a bit and is asking for a variance to build a garage 54 ft. from the side of his house, 18 ft. from the road right-of-way. The lot frontage is 745 ft. The reason for this request is the sharp bank right where the house is.

Mr. Stoffel showed sketch of proposed two-car garage.

DECISIONS OF THE BOARD:

FRED J. STOFFEL granted variance to erect 22 ft. by 20 ft. garage 18 ft. from front lot line at 580 Chestnut Ridge Rd. Members voted as follows: Mr. Hunter yes, Mr. Schlueter yes, Mr. Strassner yes.

DECISIONS (Cont.)

PAUL G. FORD, 290 Chestnut Ridge Rd., granted variance to erect attached garage 5 ft. from west side lot line, 53 ft. from front lot line, Members voted as follows: Mr. Hunter yes, Mr. Schlueter yes, Mr. Strassner yes.

GARRY BENWITZ, 43 Kuebler Dr., granted variance to erect garage 7 ft. from south side lot line. Members voted as follows: Mr. Hunter yes, Mr. Schlueter yes, Mr. Strassner yes.

ANTHONY VASTOLA granted variance to erect house on Lot #1 Chestnut Ridge Manor, lot area consisting of 11,009.2 square feet, members voting as follows: Mr. Hunter yes, Mr. Schlueter yes, Mr. Strassner yes.

JAMES M. HOLLER granted variance to erect house 40 ft. from front lot line, lot R3 Chester Ave., Block T, members voting as follows: Mr. Hunter yes, Mr. Schlueter yes, Mr. Strassner yes.

CHARLES CARBONE, denied variance to erect houses on lots 32G, 28G, 21,22, 23G Charles Ave., Riverview Gardens, 45 ft. from front lot line and 5 ft. from side lot lines. Members voted as follows: Mr. Hunter no, Mr. Schlueter no, Mr. Strassner no.

RALPH MAZZOCHETTI JR. denied variance to erect houses on lots 22E Harold Ave., 3F Harold Ave., and 9J Chester Ave., Riverview Gardens, lots each containing 6,000 sq. ft. Members voted as follows: Mr. Hunter no, Mr. Schlueter no, Mr. Strassner no.

ZONING BOARD OF APPEALS

July 23, 1963

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

Application of William Ross, 30 Yolanda Dr., for variance to erect garage and breezeway 8 ft. from north side lot line, in D zone.

Mr. Ross appeared and stated the lot is 80 ft. wide. The adjoining neighbor is 10 ft. from the lot line.

Mr. Strassner: How close is the other neighbor?

Mr. Ross: 18 ft. between houses. I will have a 10 ft. breezeway and a 14 ft. garage.

Mr. Strassner: How far back from the street?

Mr. Ross: The house is 60 ft. back from the town line and this will be 6 ft. back of the house front.

No one appeared to speak on this application.

Application of William Charlton, 11 Mile Wood Rd., for variance to erect carport and storage area 7 ft. to south side lot line, in EE zone.

Mr. Charlton presented sketch and stated lot is 70 ft. wide and house is 360 ft. from front lot line.

Mr. Strassner: How close is the neighbor's house?

Mr. Charlton: About 30 ft. or 40 ft. That is a summer cottage. This is right along the river, an extension of Mile Wood Rd. I have an overhang and don't want to extend beyond it and the septic system is in the area in front of the house.

Ed Barron, 10 Mile Wood Rd.: I have been there 40 years in that spot. I sold my daughter the lot and we put in a driveway for the two of us. There is a survey stake right in the center of the driveway.

Mr. Strassner: How far is your line away from where Mr. Charlton is going to build now?

Mr. Barron: 10 ft.

Mr. Charlton: I will build a driveway over farther to accommodate my garage. I do not need his driveway.

Mr. Barron: He can take my driveway and split it in half and put the stake way back in the corner.

Mr. Charlton: I am going to use my own property. I don't care what he does.

Mr. Barron: The driveway is 7 ft. wide, 3½ ft. on each side with both of us using it.

Mr. Charlton: This driveway is in continuous use. I went to a lawyer and put up a fence to keep out the numerous dogs knocking down my shrubbery.

Mr. Barron: I don't approve of giving him this 3 ft. variance.

Mr. Charlton showed plans of the carport and storage area and said the lot is only 70 ft. wide and he would like a 3 ft. variance. He has a map of the whole tract if the Board cared to see it.

No one else appeared to speak on this application.

Application of Lawrence Dowdell, 3965 Union St., North Chili, for variance to erect 40 ft. by 100 ft. catering service building 800 ft. from front lot line, 300 ft. from north side lot line, in EE zone.

Mr. Dowdell appeared and presented map.

Mr. Dowdell: This will be 300 ft. from the west side, from the barn over, about 900 ft. back from the road, in a 25 acre field. My daughter lives 300 ft. away, and it is 800 ft. the other way. The building will be 40 ft. by 100 ft., and used for banquets and catering.

Mr. Strassner: How many do you expect to accommodate?

Mr. Dowdell: Approximately 240 people. The parking area would be in front. I have at least 600 ft. Actually the parking would be 500 ft. from the road, right back near the gravel pit. I would push down the top soil from the gravel pit. The property is way in the back actually where it is all wooded and low.

Mr. Strassner: What about your closing hours?

Mr. Dowdell: That is regulated by the State, 1:00 A.M. I think.

The following people spoke in favor of this:

Keith Walrath, 3765 Chili Ave.

Floyd Samos, 883 Chili-Coldwater Rd.

No one appeared to speak in opposition.

Application of Carriage House, 525 Paul Rd., for variance to erect 4 ft. by 6 ft. sign 10 ft. from front lot line, and for renewal of variance to operate existing party house, in E zone.

Fred Mix, attorney, appeared to represent Mr. Steimer.

Mr. Mix: There has been a sign there 11 years. It blew down and a new one was erected in the exact place of the old one. The new one is larger, about 1 ft. wider and 1 ft. deeper. There is no obstruction of traffic.

Mr. Strassner: Does the sign obstruct vision in either direction?

Mr. Steimer: No. It is lit until closing.

Mr. Pfenninger: Is this going to be larger than the one you have?

Mr. Steimer: It is already up. I need a variance to erect this larger sign because the old sign blew down.

Walter Pelkey appeared to represent William and Bernice Wilcox and the Jacobs who live on Paul Rd.

Mr. Pelkey: Our contention is this establishment has been here quite a while and is part of Chili. We have no objection to continuance of this service. We feel in any variance subject to renewal every few years, an examination should be made into conditions upon which it was given. They have the right to utilize the property. Other people living there also have their rights. When a person operating under a variance uses his property in such a manner as to disturb the enjoyment of the neighbors, action should be taken. That sign is 4 ft. by 6 ft. plus two ears extending beyond. It is lit at night. The application said 10 ft. from the road. It is located parallel to the driveway as you go out. The cars go out into the right-of-way of the highway. The neighbors feel that many times when guests leave feeling good this blocking of the view is a safety hazard. This is not a commercial enterprise open to the public. They have private parties. People are invited there and know where it is. It isn't necessary to advertise it. They cannot serve members of the general public. What is the purpose of a big sign? If people have an invitation to a wedding reception, they know they are going to the Carriage House. It is not necessary to have a big sign. They know where they are going. The sign itself is completely unnecessary. They are not advertising to the general public. This is in a residential zone. They conduct private parties. Why commercialize it? We feel that sign should definitely be limited in size. As to its being lighted until 1:00 or 2:00 in the morning, once people are there, they don't need a sign any more. Why keep it lit? This parking lot is right next to a State highway. They come out racing and tearing down the road. He is entitled to continue business but under realistic conditions. Why can't he be required to maintain a police officer so that when the people leave he can direct traffic and quiet the people. This is not an illogical request. He is operating a business contrary to zoning right there. He should be required to eliminate noise and allow the neighbors their enjoyment. Some restrictions should be required. He is not responsible when they leave the premises. If they gun the cars and shoot off fire works, who is going to stop it? I understand there is someone when they come in to direct the parking. Some thought should be given to hiring someone for later in the evening. The front of the place should be shrubbed to cut down the lights, glare, and noise. In the fields to the east of him, articles are dumped which do not add to the beauty of the neighborhood. This should be stopped from a health and fire standpoint. My clients said he had wood and other material in the fields. The neighbors are entitled to have enjoyment of their property. On behalf of my clients we enter objections and request that conditions be more strict and the variance not granted for such a long period of time. It is my understanding he is two years late in filing for renewal. Maybe a shorter variance with more police power to regulate these conditions is called for. Special consideration should be given to the conditions.

Mr. Steimer: I had a burning permit for the pile of rubbish in the back, but it has been too dry to burn. You can check with the Fire Marshal. That sign can't be any place else. It does not obstruct the traffic. It is about 3 or 4 ft. off the ground.

Mr. Pelkey: The driveway is lower than the top of the ground where the sign is located.

Mr. Steimer: We shrubbed it this year but it has to grow.

Mrs. Balowske, 534 Paul Rd. - I live across the road from the parking lot and would like to see kxx 12:00 closing. They are not out of there until 1:30 or 1:45 A.M. We feel if they closed at 12:00 they would be out by 1:00 A.M.

Mr. Balowske: I was kept awake one night and talked to the father. He said if you don't like it call the cops. There have been other occasions on the nasty side. It is not the business, but these little things that make the neighbors go against them.

Mr. Mix said they have had very few complaints in the years they have been there.

No one else appeared to speak on this application.

Application of John C. Page, 8 Janice Dr., for variance to erect two-car garage and breezeway 4 ft. to north side lot line, in E zone.

Mr. Page appeared but did not have a map. He stated this is on the west side of Janice Dr., the lot is 93 ft. wide in the front and 90 ft. wide in the back, 260 ft. deep. The house is 18 ft. off the south lot line, a little over 37 ft. off the north lot line, 60 ft. from the front lot line. The garage would be on the north side, two-car garage and breezeway. The garage would be 24 ft. by 24 ft., breezeway 12 ft. by 18 ft. The house next door is about 18 or 20 ft. from the line. The rear of the garage would be 4 ft. 4 in. from the side lot line, the front of the garage would be 5 ft. from the side line. The front of the garage would be 9 ft. from the front of the house, the breezeway back about 3 ft. from that. The adjoining neighbor has a garage on the other side.

No one appeared to speak on this application.

Application of Donald Palermo, 16 Phyllis Lane, for variance to build attached garage 8 ft. from side lot line, in E zone.

No one appeared to speak on this application.

Application of Carmen Natelello for variance to erect house on Lot #1 Chestnut Dr. 7 ft. from each side lot line, in D zone.

Mr. Natelello: The lot is 72 ft. by 180 ft. I have a variance on the front to 45 ft. I want a 7 ft. variance on each side lot line. The house is 44 ft. by 26 ft., 14 ft. garage attached.

Mr. Schlueter: How close to adjoining house?

Mr. Natelello: At least 23 ft. between houses.

Harold Mead, 2852 Chili Ave. My land is such that eventually I intend to split it so that I will have a lot facing on Chestnut Dr. If he built within 10 ft. of my lot line, will I be too close to this?

There was some discussion regarding this, and Mr. Mead was informed he would have no problem so long as he met the zoning regulations.

No one else appeared to speak on this application.

Application of James W. Jones for variance to erect house on 75 ft. wide lot at 945 Coldwater Rd., in D zone.

Frank Arena, 3110 Mt. Read Blvd., appeared for Mr. Jones.

Mr. Davis explained the house he had was condemned and has been torn down. Now he wants to build another house. He needs a variance because the lot is only 75 ft. wide.

Mr. Arena: We will be 18 ft. from one side and 30 ft. from the other side. The only variance we need is for size of lot.

No one appeared to speak on this application.

DECISIONS OF THE BOARD:

WILLIAM ROSS granted variance to erect garage and breezeway 8 ft. from north side lot line at 30 Yolanda Dr. Members voted as follows: Mr. Schlueter yes, Mr. Bubel yes, Mr. Pfenninger yes, Mr. Strassner yes.

WILLIAM CHARLTON, 11 Mile Wood Rd., granted variance to erect carport and storage area 7 ft. to south side lot line. Members voted as follows: Mr. Schlueter no, Mr. Bubel yes, Mr. Pfenninger yes, Mr. Strassner yes.

JAMES W. JONES granted variance to erect house on 75 ft. wide lot at 945 Coldwater Rd. Members voted as follows: Mr. Bubel yes, Mr. Schlueter yes, Mr. Pfenninger yes, Mr. Strassner yes.

DONALD PALERMO, 16 Phyllis La., denied variance to build attached garage 8 ft. from side lot line because of non-appearance.

LAWRENCE DOWDELL, 3965 Union St., granted variance to erect 40 ft. by 100 ft. catering service building 600 ft. from front lot line, 300 ft. from north side lot line, with following restrictions: Sufficient off-street parking must be provided; parking to be no closer than 100 ft. from the front lot line; closing time to be no later than 1:00 A.M.; granted for a period of five (5) years. Members voted as follows: Mr. Bubel yes, Mr. Pfenninger yes, Mr. Schlueter yes, Mr. Strassner yes.

CARRIAGE HOUSE, 525 Paul Rd., granted variance to erect 4 ft. by 6 ft. sign 10 ft. from front lot line. Also variance renewal to maintain a catering establishment with a caterers' license for the dispensing of beverages at said place, with restriction establishment must close no later than 1:00 A.M. No food or beverages to be sold after 1:00 A.M. Management to take appropriate steps to curtail noise factor in the parking lot. Members voted as follows: Mr. Pfenninger yes, Mr. Bubel yes, Mr. Schlueter yes, Mr. Strassner yes.

JOHN C. PAGE, 8 Janice Dr., granted variance to erect two-car garage and breezeway 6 ft. to north side lot line. Members voted as follows: Mr. Pfenninger yes, Mr. Bubel yes, Mr. Schlueter yes, Mr. Strassner yes.

CARMEN NATELELLO granted variance to erect house on Lot #1 Chestnut Dr. 7 ft. from each side lot line. Members voted as follows: Mr. Bubel yes, Mr. Schlueter yes, Mr. Pfenninger yes, Mr. Strassner yes.

June Yates, Secretary
Supervisor

Secretary was instructed to write a letter to the ~~Tax~~ Board re: Card System of the Zoning Board of Appeals.

ZONING BOARD OF APPEALS

August 27, 1963

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

Application of Van Allan Spring, 1011 Chili Coldwater Rd., for variance to erect 7½ ft. by 6 ft. playhouse 10 ft. from rear lot line in E zone.

Mrs. Spring appeared and stated the lot is 110 ft. by 240 ft. The playhouse would be 10 ft. from the rear lot line and approximately 30 ft. from the side lot line. It would be 7½ ft. by 6 ft. They have four children and this would be used as a playhouse to keep them from playing near the road. There would be no floor and it would be made of wood and homosite with glass windows.

No one appeared to speak on this application.

Application of Chivile Realty Co., 760 Chili Scottsville Rd. for variance allowing parking area to remain at its present location approximately 550 ft. from south lot line in EE zone.

Anthony LaBue, Attorney, appeared to represent Chivile Realty Co.

Mr. LaBue: Some time back in November 1959, the Board granted a permit to Chivile Realty to construct and operate a golf course, pro shop, etc. at 760 Chili Scottsville Rd. with the provision set forth they were not to build a parking lot closer than 1000 ft. from the property line of Mr. Laney. It has come to our attention that we are in violation of this particular condition. We are not 1000 ft. from Mr. Laney, but 550 ft. This was done without the knowledge of the officers of the company. We immediately contacted the Board, the Town Attorney and Mr. Laney. I am secretary of the corporation. An officer contacted Mr. Laney on several occasions. He indicated that if we would promise not to construct a road from Morgan Rd. north he would have no objection to this remaining. We agreed to this. We have three driveways none of which are in this area. The nearest entrance is on the north side of the parking area

Mr. Laney then appeared

Mr. Laney: We can come to an agreement on this, but there is some wording in here I would like to have changed. First instead of "approximately 550 ft. " I would like it to read "not less than 550 ft." Second I would like the provision to read "no driveways within 550 ft. of the property lines, which would be my back line and also the side line. Also according to the old variance, they would erect barriers.

Mr. LaBue: Among other conditions, we were to build a barrier between Chili-Scottsville Rd. and the actual parking area. We have not as yet completed construction, even of the parking area. We realize that and it will be done. I have a letter from Mr. Davis at my request stating the actual variance granted on November 10, 1959, as follows: "MARTIN WOLIN was granted a variance to construct and operate an 18 hole golf course and construct golf club and pro shop in premises on the southeast side of 760 Chili Scottsville Rd. with the following restrictions: No parking area within 1000 ft. of the property line of Mr. Laney. Appropriate shrubbery to be planted along the property line of Mr. Laney. Sufficient off-street parking to be provided, and a barrier to be maintained between the road the the parking area. This variance applies only to the 133 acres on the east side of Chili Scottsville Rd." We mean to do that. We are not completed yet.

Mr. Strassner: Mr. Laney, would you wish to put a time limit on the barrier?

Mr. Laney: The parking area is objectionable to me right now. When the variance was granted for 1000 ft., I figured that was far enough away. I am now objecting a little bit. I am agreeing to the 550 ft. and I don't think it unfair if I request that some time in the future they erect a screen.

Mr. LaBue: That is in our plans, we will probably plant trees. We hope to have that done by next golfing season. They should be in by spring of next year.

Mr. Strassner: There should be some screen started by June of 1964.

No one else appeared on this application.

Application of Thomas Robbins, Sheffer Rd., for variance to erect house 70 ft. from northwest rear lot line in EE zone.

Mr. Robbins appeared and presented map showing property on Reed Rd. He had previously discussed this with the Board. There is

double the area required, but the lot is triangular shaped. The house will be built with the nearest point on the back at 75 ft., at the other corner of the house 105 ft.

No one appeared to speak on this application.

Application of Walworth and Samis for variance to erect house. 48 ft. from front lot line, lot #1 Chestnut Drive, in D zone. Line, in E zone.

Floyd Samis appeared and presented map. A variance was granted on July 24, 1963, to erect house 7 ft. from east side lot line on this property. They did not get the house in square before the wall was poured. On December 6, 1961, a variance was granted to build a house on this property 54 ft. from front lot line. Now the wall is poured and they find they are 48 ft. from the front lot line. Mr. Davis said this would line up with the other houses there.

No one appeared to speak on this application.

Application of Carl Strobel, 3743 Chili Ave., for variance to erect 16 ft. by 30 ft. addition to east side of house, 5 ft. from side lotline in E zone.

Mr. Strobel presented sketch. There is now an existing porch on this side. The proposed addition would be 30 ft. by 16 ft. and would enclose this porch. The building would be 5 ft. from the side lot line. There is a 10 ft. easement on the property line adjoining for sewer. Mr. Strobel has talked with the neighbors who have no objection. There is an attached garage on the other side of the house. There is a vacant lot on each adjacent side.

No one appeared to speak on this application.

Application of Shell Oil Co., 907 Monroe Ave., for variance to erect a gasoline service station 34 ft. from front lot line, 15 ft. from rear lot line, at 3248 Chili Ave., in B zone.

Thomas B. Jennings appeared to represent Shell Oil Co. and presented maps.

Mr. Jennings: Shell Oil Co. would like to erect a new design in service architecture known as ranch style design at the west end of Loblaw Shopping Plaza almost across from Chili Town Hall. The property which we have negotiated to purchase from the plaza is 175 ft. of frontage along Chili Ave. and is 125 ft. deep. We have a new design to try to fit in with the architecture of the community. The reaction has been quite good with other stations of this design. (Mr. Jennings presented picture showing the exact type of station). This would be redwood and brick construction. I understand the application consists of two parts. We are asking for a special use permit for this business which is necessary under the ordinance. We are also asking for a variance of setback regulations. We have designed the layout of the building on the property in a manner so that we are in violation of the 100 ft. requirement on the front lot line. Our experience over the years in the business indicates that with this type of property, not on a corner, and part of a shopping center, we should angle the building slightly, in order to get approaching traffic going west. This would be leased to someone, probably a local resident. The size and property location in relation to the shopping center dictates the position we put the building and is why we are in violation of the setback.

Mr. Strassner: How far from the rear?

Mr. Jennings: The planter is 15 ft., the over hand is 18 ft. The actual building is 22 ft. or 23 ft. from the rear line. Within the past 10 days we have received an engineers revised design of a shorter overhang. This would cut down our violation somewhat.

Mr. Strassner: You are in violation of front, back, and side lines.

Mr. Jennings: I didn't think we were on the side line. The edge of the walk is 12 ft. from the line. I thought 10 ft. was required.

Mr. Strassner: It should be 15 ft.

A screen was indicated along the property line.

Mr. Pfenninger: I think the adjoining house is 10 ft. or 12 ft. from the property line.

Mr. Strassner: How far are the islands from the road?

Mr. Jennings: The first island is a minimum of 20 ft. from the right-of-way as required by the State. Plans have to be cleared out with the State as far as setback. This copy is not State approved. The State Dept. of Labor has to approve also. We will have one complete set of plans with everything on to be approved by the State Dept. of Highways and the State Dept. of Labor.

Mr. Pfenninger: Could you go back another 10ft.?

Mr. Jennings: The important thing is to have the layout so that the cars have the easiest way in and out.

Mr. Strassner: It would only involve moving the island back. The reason is that 20 ft. from an island to the road is not very far. We like at least two car lengths.

Mr. Jennings: The State specifies a minimum distance between entrances. If we were to move an island even 5 ft. it would entail moving the building 5 ft. A certain minimum distance has to be maintained between an island and the service base. We have a service base and an office.

Mr. Strassner: Would this be an all night station?

Mr. Jennings: I can't answer that. We lease the premises to an individual who conducts his own business. We have nothing to say. He is an independent business man. I will attempt to answer in this way. Any normal operator would only do that if there was enough business to support it. There would probably not be enough business to make it profitable to operate at night..

Mr. Pfenninger: Is this station similar to the one in Henrietta?

Mr. Jennings: No. I don't know about that one. We have one on Lake Avenue.

Mr. Strassner: What about signs?

The engineer indicated a controlled revolving sign on a pole, the sign itself to be 14 ft. above the ground.

Mr. Jennings stated the whole area would be asphalt and no mechanical work outside.

Mr. Jennings: We have that in our lease. There will be minor tune-up work, mostly inside. The Loblaw building from our building will be about 150 ft. Their parking area will be asphalt which will join ours. The Loblaw building will be about 150 ft. from ours.

The following people were in objection to this:

Letter from Mr. and Mrs. Groyer stating objection to this request which will be on file in the town clerk's office.

Howard Longbine - 3249 Chili Ave. - opposed.

Ralph Bickle, 3253 Chili Ave.: There is enough confusion over there now. This out of reason. We have enough gas stations up and down the road here.

No one else appeared to speak on this application.

Application of John Syracuse, 2713 Chili Ave., for variance to construct and operate a ready-mix plant at 140 Paul Rd. in A Industrial Zone.

Mr. Davis presented a plot plan. Mr. Syracuse explained this is 1200 ft. from take-in line of the airport.

Mr. Syracuse: The only people objecting should be the County Disposal Plant.

Mr. Strassner: What kind of equipment would you have in regard to dust?

Mr. Syracuse: There is no dust in a ready-mix plant. The concrete will be blown in tanks. This will be a blow notch plant similar to Baughman on Jefferson Rd. There will be a weigh batcher and the pin which releases the material. The cement will be all made. It comes in in tank cars and is blown into silos.

Mr. Strassner: How about parking?

Mr. Syracuse: All the parking will be on private property. Of the 1200 ft. I own I still maintain about 800 ft. There will be plenty of space for parking. The only parkers will be salesmen. This will be a concrete block building. The office part will be concrete, the rest is metal. The silos will be metal, the weigh batcher will be metal.

Mr. Bubel: What about the height of the silos?

The airport restriction if 46 ft., they will be about 36 ft.

Mr. Davis: How many trucks?

Mr. Syracuse: 6 trucks.

Mr. Strassner: Will the trucks be housed in the building?

Mr. Syracuse: There is a building to take care of each truck.

This is retail and wholesale. No closer than 100 ft. for parking.

Mr. Strassner: How about the storage area?

Mr. Syracuse: No storage in that 100 ft. We will store beyond the 100ft. setback. This is ready-mix cement. No bags of any description.

The following people spoke in objection to this application:

Mr. White, 407 Beaver Rd.

Mr. Craig, Chili Scottsville Rd.

Mr. Collins: 29 Adela Circle: I object to the traffic.

Mr. Collins cont.: There is quite a traffic situation between Beahan Rd, and Scottsville Rd. The Board should not permit anything until this is corrected.

Mr. Short: That is a State Highway.

Mr. Syracuse: You deposit \$100 until the driveways meet with the approval of the State Highway Dept. Then you get your money.

Mr. Burgess, 436 Paul Rd.: Object.

Mr. Gartland, 320 Paul Rd. : Mr. Gartland read a letter stating his and Mr. Burgess's objections: which will be on file in the Town Clerk's office.

Mr. Gillette of Gillette Machine and Tool Co. : I object. We have a 100 ton air conditioning unit and we do precision work. In our work, if we had dirt or dust we would have to quit.

Frank Gillette of Gillette Machine and Tool Co.: We are directly behind this area. We are on Millstead Way. We were the first ones accepted as industrial out here. I think we should have the first say. We are 1000ft. from them. Any distance would make a difference in our air conditioning.

Mr. Pudup, 330 Paul Rd.: I never saw Mr. Burgess's letter, but I agree with every point made. I also agree with Mr. Gillette as I work as Rochester Products and I know about precision instruments.

Mr Swart, 44 Paul Rd.: How can they load the trucks without any dust? There is a lot of money in the Sewer Plant and the people wouldn't want any large amount of dust affecting it.

Mr. Wilcox, 516 Paul Rd.: I object. They will be dirtying the windows on the sewer plant.

Mrs. Leo Pudup, 330 Paul Rd.: I object.

Beatrice Wilcox, 516 Paul Rd.: I object. I wouldn't like to set a precedent in having this type of industry in Chili.

Mr. Syracuse: There will be no dust whatsoever. Trucks will come in through the rear and load up. There will be no dust exposed to the outside air. The cement goes into a chute and into a truck. I have yet to see a plant where this causes dust. This is not a portable plant. Sand is the only thing and that is damp enough so that it will hold. This will be similar to the plant of Leonard Baughman of Jefferson Rd. I have yet to see any dust come out of that plant.

Mr. Pudup: How can Mr. Gillette maintain his business with even the least amount of dust? These are precision tools.

Mr. Swart: I live next door to Gillette's. I agree with Mr. Gillette and Mr. Pudup.

Mr. Syracuse: I guarantee there will be no dust.

No one else appeared to speak on this application.

Application of Paul Jones, Evergreen Acres, Inc., 1345 Scottsville Rd., for variance to relocate existing trailer park of 120 units from 1345 Scottsville Rd. to Beaver and Scottsville Chili Rd., was withdrawn, as per letter dated August 22, 1963, which will be on file in the Town Clerk's office.

The Board then went into private session.

copy of

Mr. Strassner read letter received from County of Monroe, Gordon A. Howe, County Manager to Dir. Public Works and Dir. of Monroe Planning Council stating a transportation study is being made of Rochester and Monroe County under the auspices of the State of New York for help in determining the future widths of all highways in the area. Pending the receipt of this survey all rights-of-way for highways which are a part of the county system or proposed county system shall be a minimum of 4 rods or 66 ft. in width. Approvals of subdivisions on county highways will be granted only when the subdivision developer provides sufficient land (8.25 ft. on either side) to make any 3 rod, 49½ ft. highway right-of-way, 4 rods or 66 ft. in width.

Mr. Strassner read copy of letters sent by Schulman and Wickins, Ralph E. Wickins, to Supervisor re: Decisions of Judge William G. Easton on Charles Carbona and Ralph J. Mazzochetti vs. Zoning Board and Norman Ball vs. Zoning Board. Copy of Decision of Judge Easton on Charles Carbona and Ralph Mazzochetti vs. Zonings Board also read.

August 27, 1963

Mr. Strassner then quoted from letter he had received from the Town Board stating that the card system on the variances granted should be handled by the Town Clerk's office.

DECISIONS OF THE BOARD:

VAN ALLAN SPRING, 1011 Chili Coldwater Rd. granted variance to erect 7½ ft. by 6 ft. playhouse 10 ft. from rear lot line. Members voted as follows: Mr. Pfenninger yes, Mr. Bubel yes, Mr. Strassner yes.

CHIZILE REALTY CO., INC. granted a variance to allow the parking area at 760 Chili Scottsville Rd. to remain at its present location 550 ft. from south lot line, with the following restrictions: Trees or screening must be planted before June 1, 1964; any driveways to be located no less than 550 ft. from either Chili Scottsville Rd. or Morgan Rd. to the property lines of Mr. Laney. Members voted as follows: Mr. Bubel yes, Mr. Pfenninger yes, Mr. Strassner yes.

THOMAS ROBBINS granted a variance to erect house located on property on Reed Rd. 70 ft. from rear lot line at the northwest rear corner of house. Members voted as follows: Mr. Bubel yes, Mr. Pfenninger yes, Mr. Strassner yes.

WALWORTH AND SAMIS granted a variance to erect house on Lot #1 Chestnut Dr. 48 ft. from front lot line. Members voted as follows: Mr. Bubel yes, Mr. Pfenninger yes, Mr. Strassner yes.

CARL STROBEL, 3743 Chili Ave., granted variance to erect 16 ft. by 30 ft. addition to east side of house 5 ft. from side lot line. Members voted as follows: Mr. Bubel yes, Mr. Pfenninger yes, Mr. Strassner yes.

SHELL OIL CO. denied variance to erect a gasoline service station 34 ft. from front lot line, 15 ft. from rear lot line, at 3248 Chili Ave. Members voted as follows: Mr. Bubel no, Mr. Pfenninger no, Mr. Strassner no. Refer to letter from County re: Transportation study.

Board reserved decision on application of John Syracuse for a variance to construct and operate a ready-mix concrete plant at 140 Paul Rd.

June Yates, Secretary

ZONING BOARD OF APPEALS

Sept. 24, 1963

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 Winsor Ireland, 268 Archer Rd., for variance to rebuild existing 30 ft. by 20 ft. building 40 ft. from rear lot line in EE zone.

Mr. Ireland presented sketch showing location of building on his property, also a map.

Mr. Ireland: This has already been rebuilt. I tore down smaller part last summer and rebuilt a little larger on the same site. I didn't know I would need a variance. The house is located 80 ft. in front of this. It is 55 ft. from one side of the lot, 125 ft. from the other side, and 40 ft. from the rear lot line.

Mr. Schlueter: How is this used?

Mr. Ireland: This is 1½ stories, a little like a barn, and is used for storage for lawn mower, small trailer, etc. I want to get room to put my car in the garage.

Martin Wehle: This is not like the other variance?

Mr. Ireland: No. No one would live in it, it is like a little barn, not for living purposes.

No one appeared to speak on this application.

Application of Frank Petote, 4420 Hinchey Rd., for variance to erect house at 16 Virginia Lane 8 ft. from each side lot line, D zone.

Mr. Petote appeared and stated the lot is 80 ft. wide, 113 ft. deep. The house is up there now.

Mr. Strassner: When was it built?

Mr. Petote: I started about a month ago. I have built around here, and was always told the house should be set 10% of the width of the lot. I stayed 10% of the lot line. I should have 10 ft. instead of 8 ft.

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

Mr. Petote: About 8 ft. 3 in. There would be about 16 ft. 3 in. between the houses. They wanted me to stay in line with the other houses and the lot is oblong shaped. The house, in order to stay in line, is 10 ft. from the line on one corner and 8 ft. from the line on the narrowest part.

No one appeared to speak on this application.

Application of Harold Ford, 2657 Chili Ave., for variance to change one-family dwelling into two-family house at 2661 Chili Ave., in E zone.

Mr. Ford: I live next door at 2657 and this is the old homestead. I would like to make a double house out of it. This is across from Lee Gardens and Mrs. Scott owns on the other side.

Mr. Strassner: How close is the house?

Mr. Ford: About 200 ft. This is a single house now.

Mr. Schlueter: What will each unit consist of?

Mr. Ford: One bedroom, living room, kitchen, bath.

Mr. Hunter: How about a washing machine, etc.?

Mr. Ford: That could be done in the basement.

Mr. Hunter: Any garage?

Mr. Ford: I haven't planned on any garage. There is a driveway. This would be up and down.

Mr. Ford presented sketch, also notice signed by Gordon M. Bierbauer, 2651 Chili Ave., in favor of this application.

No one else appeared to speak on this application.

Application of Charles Carbone, for variance to erect houses on lots 32G and 28G Charles Ave., 45 ft. from front lot line and variance to erect houses on lots 21R and 23R Charles Ave., lot size 75 ft. by 120 ft., in D zone.

Peter Sulli, Attorney, 39 State St., Rochester 14, N.Y., appeared to represent Mr. Carbone.

Mr. Sulli: Our previous application which we took to court was sent back by the court for a rehearing and to establish a proper record.

Mr. Strassner: They were 50 ft. wide lots last time, these are 75 ft. wide.

Mr. Sulli: We have two 75 ft. lots and two 50 ft. lots. 28G and 32G Charles Ave. are 50 ft. wide by 120 ft. deep. Lots 21, 22, 23R Charles Ave. are all 50 ft. We would like to combine those three into two 75 ft. wide lots.

Mr. Strassner: Has this been done yet?

Mr. Sulli: No. They will be 9,000 sq. ft. The others are 6,000 sq. ft.

Mr. Strassner: Have you tried to get more land?

Mr. Sulli: No.

Mr. Strassner: When did you buy these lots?

Mr. Sulli: 28G April 8, 1963, 32G May 5, 1963, 21, 22 May 4, 1963, 23 June 24, 1963.

Mr. Strassner: You bought these lots knowing what the zoning ordinance called for?

Mr. Sulli: That is correct. These lots are a different situation. They fall under the category of being separately owned prior to the ordinance. I would like to have this read into the record so that we can take it to court again. These were owned by Riverview Gardens in 1927 and a subdivision map was filed then setting forth 50 ft. lots. The present ordinance was made in 1947. In such a situation, if one lot was owned by one man prior to date of ordinance and that lot was transferred to another man without combining to any other land, it retains its characteristic of being a single owned lot upon which a permit cannot be denied. The following is a matter of record: Lot 28G, owned by Riverview Gardens, was conveyed to John and Mary Foster June 1, 1937, and conveyed to my client by the Fosters on April 8, 1963. We have here the situation where the Fosters owned the lot prior to the ordinance and that lot was owned by them until the present time. 32G, owned by Riverview Gardens, conveyed to Lucy Delregno May 1, 1931. She conveyed to F. Lilly Nov. 4, 1933. She conveyed to Richard Lilly Oct. 8, 1935. Richard Lilly died Feb. 29, 1960, leaving a son who took title and who conveyed to my client in 1963. 22, 21G, owned by Riverview Gardens, were conveyed to Frank Chase Aug. 3, 1928. He died leaving them to a sister J. Baxter Oct. 1943, who conveyed to my client June 24, 1963. 23G, owned by Riverview Gardens, conveyed to Jennie Vandolite Aug. 10, 1928, who conveyed to John Napoleon in 1963, who conveyed to my client June 24, 1963. These particular lots were owned singly and separately. According to law, they fall into the category of being separate lots owned separately prior to the ordinance. We wish a front setback variance of 45 ft., one side setback of 5 ft. on lots 28G and 32G in addition. I know the ordinance requires 12,000 sq. ft. in lot area, we have 6,000 sq. ft. on the 50 ft. lots. The 45 ft. setback would be in line with the existing homes. The two 75 ft. lots would have the same front setback of 45 ft. but no variance on the side lines. They have 9,000 sq. ft. We feel that homes built on these lots would improve the area, not make it worse. Each of these lots is being separately assessed, they are paying sewer rental of \$75.00 for each lot. If the Board would like to have the deeds shown to them showing these conveyances, I have them here.

The Board declined.

Mr. Pfenninger: What size houses would you build?

Mr. Sulli: 1050 sq. ft. the existing houses vary.

Mr. Strassner: Were these lots bought through back taxes?

Mr. Sulli: They were bought directly from the owner or heirs.

Mr. Strassner: You knew our zoning laws at the time you bought them?

Mr. Sulli: My client, yes. 28G is a 50 ft. lot having homes on either side of it. 32G, there is a house on lot 31 and I believe a business on the joint property on the other side.

Mr. Hunter: What is the total distance between the houses?

Mr. Sulli: I couldn't say. The other three lots are also 50 ft., lots 21, 22, 23R. We would like to combine them into two lots and make two 75 ft. lots. All the homes on Charles Ave. are in line. If we are unable to use these two lots for building purposes, we can't use them and they would remain vacant. There is no other possible use. Lots 20 and 24 are vacant.

No one appeared to speak on this application.

Application of Ralph Mazzochetti Jr. for variance to erect houses on lots 22E Harold Ave. and 3F and 9J Chester Ave., Riverview Gardens, lots each containing 6,000 sq. ft. in D zone.

Mr. Sulli, attorney, appeared to represent Mr. Mazzochetti, and stated the three lots are each 50 ft. wide.

Mr. Strassner: Any lots adjacent?

Mr. Sulli: No. They are singly owned.

Mr. Strassner: When were they purchased?

Mr. Sulli: 22E, owned by Riverview Gardens, was conveyed to Mr. McCain April 24, 1920, conveyed to Warren Herman March 17, 1928, conveyed to my client May 11, 1963. 3F, owned by Riverview Gardens, conveyed to Frank Herman October 5, 1935, conveyed to my client May 11, 1963, by Mr. Herman. 9J, owned by Riverview Gardens prior to the ordinance, conveyed to Franklin Brimoson April 7, 1931. He died in 1951 and left it to his daughter Edna who conveyed to my client on June 3, 1963. 9J is a 50 ft. lot with homes on either side of it. There is a vacant corner lot next to 3F whose owner we have been unable to locate. Lots 4 and 5 are owned by the same person who is unwilling to sell. There is a home on lot 5 and the owner wants to keep the full width. 22E, a 50 ft. lot where we have the same situation where the man next door wishes to retain the two lots with his home on one. Lot 23 we have been unable to obtain. Lot 23 is vacant. We have tried to get many lots in this area, but it is difficult to locate the owners. On these three particular lots, the only variance we want is to be allowed to build on 6,000 sq. ft. area. We will conform to the front and side setbacks.

Mr. Strassner: Do you mean a 45 ft. setback?

Mr. Sulli: Yes.

Mr. Strassner: That requires a variance.

Mr. Sulli: The house footage would be 1,050 sq. ft. with no garage. There would be 10 ft. on each side leaving 30 ft. for the house. A garage would probably require a variance.

Mr. Sulli had the Board members read the law which he has referred to in these two applications.

James Gillan, 11 Harold Ave. - I object.

Mrs. N. O'Brien, 16 Harold Ave.: I object. The lots are too small to put a house on. There is no parking area on a 50 ft. lot. No one else appeared to speak on this application.

Application of Style-Rite Homes Inc. for variance to subdivide into two lots, width of each lot 76.2 ft. property located at 58 Chestnut Ridge Rd. in D zone.

Mr. Wills appeared and presented map of the property.

Mr. Wills said he is asking for a variance from 80 ft. wide lot to 76.2 ft. lots.

Mr. Ireland said he should have a variance on the width and then come before the Planning Board.

Mr. Wills: We have approximately 30 acres altogether, but this is the extent of the total frontage, two lots 76.2 ft. each leaving 60 ft. for a street. We need the street to get in the back, so we are asking for a variance. I talked to Mr. DePuyt who has 300 ft. frontage and he would like more. We have the required 12,000 sq. ft., but we can't conform with the 80 ft. and have the 60 ft. for a street. We own the property in back to the expressway. It will be engineered for a subdivision. Mr. VanIngan is to the east with several acres. His house is a good distance from the line. He does not want to sell his property. This is acreage at the present. We want to leave a road entrance to get into the property at the back.

There was some discussion concerning turning the houses to face on the proposed street. Mr. Wills said they want to take advantage of the existing improvements. There is physically only so many feet of land. It would be wrong to require this be used as one lot. The street cannot be located any differently because of the frontage.

Mr. Van Ingan: I think this is too small frontage. I live adjacent. I haven't any property to sell. I live about 75 ft. from this. My property on Chestnut Ridge is about 450 ft. frontage.

No one else appeared to speak on this application.

Application of Anthony DeLuca, 29 Nichols St., for variance to operate party house on property fronting 275 ft. on Scottsville Rd. by 600 ft. in depth, being part of the Crowley farm in A zone.

No one appeared to represent the applicant on this request.

Mitchell Rakus asked that the people over there be notified by letter if this request is again made.

DECISIONS OF THE BOARD:

WINSOR IRELAND, 268 Archer Rd., granted variance to rebuild existing 30 ft. by 20 ft. building 40 ft. from rear lot line. This building is restricted to storage only. Members voted as follows: Mr. Bubel yes, Mr. Hunter yes, Mr. Schlueter yes, Mr. Pfenninger yes, Mr. Strassner yes.

FRANK PETOTE granted variance to erect house at 16 Virginia Lane 8 ft. from each side lot line. Members voted as follows: Mr. Bubel yes, Mr. Hunter yes, Mr. Schlueter yes, Mr. Pfenninger yes, Mr. Strassner yes.

ANTHONY DELUCA - Variance denied because of non-appearance.

HAROLD FORD denied variance to change one-family dwelling into two-family house at 2661 Chili Ave. Members voted as follows: Mr. Schlueter yes, Mr. Pfenninger no, Mr. Bubel no, Mr. Hunter no, Mr. Strassner no.

CHARLES CARBONE granted variance to erect houses on lots 32G and 28C Charles Ave. 45 ft. from front lot line, 5 ft. from side lot line. Members voted as follows: Mr. Hunter yes, Mr. Bubel yes, Mr. Schlueter yes, Mr. Pfenninger yes, Mr. Strassner yes. Also variance granted to erect houses on lots 21R and 23R Charles Ave., each lot 75 ft. wide, by 120 ft. deep, 45 ft. from front lot line. Members voted as follows: Mr. Pfenninger yes, Mr. Bubel yes, Mr. Hunter yes, Mr. Strassner yes, Mr. Schlueter yes.

STYLE RITE HOMES INC. granted variance to subdivide into two lots, each lot 76.2 ft. wide, property located at 58 Chestnut Ridge Rd., with the understanding the 60 ft. to the east be reserved for a future street. Members voted as follows: Mr. Hunter yes, Mr. Schlueter yes, Mr. Bubel yes, Mr. Pfenninger yes, Mr. Strassner yes.

RALPH MAZZOCHETTI JR. Granted variance to erect houses on lots 3F and 9J Chester Ave., Riverview Gardens, each lot containing 6,000 sq. ft. Members voted as follows: Mr. Pfenninger yes, Mr. Bubel yes, Mr. Schlueter yes, Mr. Hunter yes, Mr. Strassner yes. Denied a variance to erect house on lot 22E Harold Ave. containing 6,000 sq. ft. Members voted as follows: Mr. Hunter no, Mr. Bubel no, Mr. Schlueter no, Mr. Pfenninger no, Mr. Strassner no. **The Board hasn't seen enough evidence that the applicant has shown good faith in contacting the owner on the adjoining vacant property.**

Ralph Mazzochetti granted variance to erect house on lot 3F Harold Ave. instead of 3F Chester Ave. 2/11/64 Cornelius Strassner.

June Yates, Secretary

ZONING BOARD OF APPEALS

107

October 22, 1963

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

Application of Ruby Pikuet, 1020 Paul Rd., for renewal of variance to operate a two-operator beauty shop and place 12 in. by 24 in. illuminated sign 10 ft. from lot line, in E zone.

Mrs. Pikuet: I just want another operator. My son is with me right now, and he is the one I want to have with me. I am not going to increase the size of the shop.

Mr. Strassner: Are you adding any equipment?

Mrs. Pikuet: No, I am not. I have two rooms.

Mr. Strassner: About this sign, do you have a sign up there now?

Mrs. Pikuet: Just a little one on the house. People say they can't see it. The business will be just the same as it was, nothing different. I don't even know whether I will illuminate it.

Mr. Strassner: Would it be a decorated sign to go with the neighborhood?

Mrs. Pikuet: Just on a post or something.

W. H. Ford, 1011 Paul Rd.: I wonder why I was the only one to receive a notice.

Mr. Strassner: We send out six notices to different people within that area. We do not have to send these notices out. The Public notice in the paper is supposed to be sufficient.

Mr. Ford: Another question is about the 10 ft. back from the front lot line.

Mr. Pfenninger: That is a four-rod road so it would be back fairly close to the house.

Mr. Ford: The only objection I have to it is illumination. At the corner of Chestnut Ridge and Paul Rd. the Town of Chili has beaten Mrs. Pikuet to it. There is a street light there which I believe is of sufficient quantity to light the entire area. Would not object if it is not illuminated.

No one else appeared to speak on this application.

Application of Margaret Steg, 1610 Davis Rd., for variance to establish a dog kennel, in EE zone.

Mrs. Steg: I was told you had to have a kennel license if you have more than two dogs. I have more than two dogs and we live on a farm and there are no houses around us. So we want a kennel license.

Mr. Strassner: How many dogs do you want to keep?

Mrs. Steg: I don't know how many at this time. I now have three, they are poodles.

Mr. Strassner: We would like to know how many dogs you will have at your kennel.

Mrs. Steg: Probably not more than 5 or 6. It's hard to say. Maybe in the future I might want 10. Let's say 10, toy and miniature poodles.

Mr. Strassner: Are you going to have a separate building for these?

Mrs. Steg: I haven't thought about it until I see whether or not I get a kennel license. We have buildings now that I could use that are already on the farm. Just put some runs up.

Mr. Hunter: How much land do you own?

Mrs. Steg: 130 acres.

Mr. Hunter: Will these kennels be enclosed?

Mrs. Steg: Definitely yes.

Mr. Strassner explained to the people present that a variance was required because this is not considered a farm animal.

No one else appeared to speak on this application.

Application of Joseph Ruffin, 3058 Chili Ave., for variance to change one-family dwelling into two-family residence in E zone.

Mrs. Ruffin appeared with her son, and they explained this is a one family house now and they wish to change it into a two family house. They have one acre of land.

They have over 300 ft. frontage. This is at 3058 Chili Ave., right next to the entrance to Ranchmar.

Mr. Hunter: How many rooms will each unit have?

Mrs. Ruffin: Since I put this application in my husband has passed away. I would have the downstairs.

Mr. Strassner: How many rooms would you have in each apartment?

Mrs. Ruffin: It would be just one apartment. It would have a living room, a kitchen.

Mr. Ruffin: In the upstairs would be a living room, kitchen, bathroom and two bedrooms. In the downstairs a kitchen, bedroom, bathroom, and living room.

Mr. Pfenninger: Do you have an outside entrance?

Mr. Ruffin: Two, front and rear. It's more like a split, the first floor is below grade.

Mr. Hunter: Is there a garage for both apartments?

Mrs. Ruffin: There is one garage now and there is a barn in the back which could be converted if necessary.

No one appeared to speak on this application.

Application of James H. Dunbar, 15 Alfred Ave., for variance to erect garage 16 ft. by 20 ft. 5 ft. from east side lot line, D zone.

Mr. Dunbar appeared and stated the lot is 50 ft. by 120 ft.

Mr. Strassner: Did you see if you could acquire more property next to you?

Mr. Dunbar: No. The garage will be back of the house. The front of the garage would be 5 ft. back of the house and would be attached by a roof. We may like to put a little patio in that. This would be a $1\frac{1}{2}$ car garage.

No one appeared to speak on this application.

Application of A. P. Little Co., 1185 Scottsville Rd. for variance to erect a converting plant building 100 ft. by 60 ft. on a 34,400 sq. ft. lot, in A zone.

Mr. Elliott Kress appeared and stated he owns the land opposite A. P. Little where they would like to erect a plant. Presented maps and said the plant will be 6,000 sq. ft. and opposite the existing plant.

Mr. Kress: This will be a subsidiary to the plant they have now. The reason he is not adding on to the present building is that they have no adjacent land. The land I have is the closest, just about opposite on Scottsville Rd. There would be a minimum of 4 to 6 employees in this plant. The operation is mostly automatic, there would not be more than 8 employees at the most, so there would not be a density of people, just a matter of a few cars. Eventually there would be an industrial park, with the drive-in etc. We have waited 3 yrs. for a client to show an interest in this piece. This is just a start and we hope eventually to utilize all the land into an industrial park which would be a good thing tax-wise.

Mr. Strassner: There is no room for expansion here.

Mr. Pottiger: We feel this will be sufficient for several years to come. A lot of material can be passed over these machines in a very limited amount of space.

Mr. Strassner: Will there be any volatile liquids?

Mr. Press: I assume we may have some.

Mr. Pottiger: This will be a fire-proof building. The ceiling and the roof will be cement. The walls will all be cement block and the individual rooms will be partitioned off with blast-proof and fire-proof walls.

Mr. Hunter: What does paper converting mean?

Mr. Press: We manufacture carbon paper, typewriter ribbon and similar office supplies, etc.

Mr. Hunter: What do you need in parking other than for your employees?

Mr. Pottiger: No visiting because this is strictly manufacturing, not a sales organization. The sales organization is A.P. Little Co. Webco is the manufacturing concern. There will be just one little office. That is the reason we don't need a front approach, we are trying to keep the cost down.

Mr. Press: I am leasing this just to try to get the thing started, and we are trying to keep the cost down. Eventually I hope to have larger buildings with nice fronts which will dress up Scottsville Rd. This isn't too visible from the road.

The Board studied the maps. Mr. Pottiger said eventually the road would probably be blacktopped, probably within the next year.

Mr. Hunter: Where will you receive and dispatch materials?

Mr. Pottiger: Probably on the side or in the front. We just need one truck entrance, we don't take in more than a truck a week. Only need a little Volkswagen to haul over the daily coating. The weekly truck would be a regular Ailing & Cory pickup truck.

Mr. Strassner inquired as to future expansion, and how they will get this squared off as it should be.

Mr. Press: In the future I will be coming to you again for factory sites on this other property. I am keeping the property for future development and really the only reason we need a variance is for a bank mortgage. I will have enough square footage of property to accommodate square footage of buildings required. No one will be getting title to this property so that no one factory will control any part of it. I am retaining title. A.P. Little will be leasing this property. We are not cutting the property and selling it. We need the variance for the bank mortgage, but actually the whole property is large enough for three of these buildings, but the bank requires that a building be defined on a piece of property. Like very much to get this started into an industrial park.

Mr. Pottiger: This will be a very simple 60 ft. by 100 ft. building, concrete block. (He then sketched a rough plan of the building and explained its room division.)

No one appeared to speak on this application.

Application of Richard Kazmerk, 22 Adela Circle, for variance to operate a dog kennel in E zone.

Mr. Kazmerk: I am applying for this permit solely as a hobby, not as a business. I would like to have four dogs, I run beagles at field trials. I would be well satisfied to have a permit for 5 dogs or under, four would be fine for the buying and selling of field trial dogs. I now have coops with built-in runs, 10 ft. long, 3 ft. wide, 2½ ft. long, covered on top and bottom.

Mr. Pfenninger: Are they noisy?

Mr. Kazmerk: No, sir. I have mated one dog and trade in puppies.

Represented plan showing location of his house and kennels on property, nearest house 100 yards, vacant lot adjacent, his lot being 266.03 ft. by 208.36 ft. by 167.50 ft., by 183 ft.

Mr. McIntee, 566 Paul Rd. spoke in favor of this.

Robert Firpo, 18 Adela Circle, spoke in favor.

The following people spoke in objection:

Mrs. Wilcox, 516 Paul Rd.: I have been asked to appear for Mrs. Shearing, who is ill. She has a petition signed by 15 residents, also a letter. The empty lot adjacent is Bright Oaks Subdivision. Mrs. Shearing lives at 562 Paul Rd. (These will be on file in the Town Clerk's office.)

John Palmer, 884 Marshall Rd.: I feel a residential area is no place for a kennel.

Mrs. Johnson, 538 Paul Rd.: I feel the same. I wouldn't object to three dogs.

Mr. Kazmerk: A kennel would be going into this on a full-time scale. I don't want to and I don't think I ever will. This is strictly my hobby.

No one else appeared to speak on this application.

Application of William Zuber for variance to remodel one-family dwelling at 841 Marshall Rd. into two-family apartment and one-family dwelling at 843 Marshall Rd. into 3-family apartment in E zone.

Mr. Zuber appeared and stated there would be 5 rooms each in the two family apartment at 841 Marshall Rd. The lot is 200 ft. by 90 ft. The house is 60 ft. by 28 ft. wide. It is a very large house and it has to be rented to a fairly large family. We feel it would be more acceptable to rent to small families. Longbine property is on the north side and I own on the other side. The house is 1½ stories. There would be separate entrances. If necessary I could arrange an outside entrance to the upstairs, but at present that entrance is downstairs. No garage.

Mr. Strassner: Are you contemplating garages?

Mr. Zuber: It could be.

The Board then considered application for 3-family apartment at 843 Marshall Rd.

Mr. Zuber: We would like to amend this application and change it to two-family apartment. This is the larger house of the two. Lot is 100 ft. by 200 ft. House is about 65 ft. by 35 ft. Full two-story house.

It would divide into 5 and 6 rooms, up and down. Houses are next to each other. Vacant land on the south side of this, which I own. No garage on this property.

The following people spoke in objection:

George Garnham, 805 Marshall Rd.: I have petition from adjoining neighbors which is self-explanatory. (Presented to the Board and will be on file in the Town Clerk's office.)

The question arose as to garages and Mr. Zuber said he would consider garages if this is a major point. There would be room back of the houses, or on the side.

No one else appeared to speak on this application.

Application of Sydney W. Webster Inc. for variance to build house at 18 Beaver Rd. Ext. 6.53 ft. to side lot line, EE zone.

Bill Bauers appeared for Sydney Webster and presented maps.

Mr. Bauers: Mr. Webster owns the lot and the home. Before he built the house he hired Mr. Danforth to locate the lot lines for him to be certain of complying with zoning regulations. Mr. Danforth put in the stakes, measured 10 ft. off the line, then started the home. One of the neighbors had a survey made, which showed this was not 10 ft. Then we had a survey made which confirmed this.

Mr. Danforth: I picked up a fence line, even explaining to the adjoining neighbor what I was doing. He called later in the week and objected, then we agreed on a line. We picked up a fence post which brought this out to 9.6 ft. subsequently they have gone and established another line.

Mr. Strassner: An agreed line is not necessarily a legal line.

Mr. Danforth: There are no dimensions on the deed whatsoever.

Mr. Webster built this house in all good faith with the line I picked up. He got a permit and the house is started, not completed. Now they have determined the line is another place from where I had it. Now it is 6½ ft.

Mr. Bauers: What we have here is a hardship case. Mr. Webster did not start this until he was given the line. He is a builder and is now in a position of having a house he can't sell for no one will purchase it unless there is a variance.

Mr. Strassner: How far is adjoining home?

Mr. Danforth: 80 ft. There is a strip of land between the two properties.

W. Sherwood, 26 Beaver Rd.: My mother owns the next property and there is 120 ft. between the two houses. There is room for another lot in between. I object to this variance. I told Mr. Webster before he started he was in error, also Mr. Danforth, and I talked with our attorney. My sister and I told him several times the lot line was definitely in question, but he started construction anyway.

Mr. Bauers: The house is almost completed now, the outside is completed.

Mr. Danforth: I had given Mr. Webster a temporary line down there which was a 15 ft. offset.

Mr. Sherwood: You told me you had not given him a map and it was definitely not on your neck.

Mr. Strassner: Then he was forewarned. How much of the house is built?

Mr. Bauers: It is practically completed. Just some plastering to do. Mr. Webster in complete good faith relied upon a lot line as shown to him by a surveyor. Now he is in a position where he cannot sell the house unless this board grants him a variance, or unless he moves the house at a cost which would be fairly prohibitive. This is a definite hardship case.

Mr. Schlueter: Do I understand that he went ahead and dug the cellar even when he knew there was a question?

Mr. Bauers: Not based on the information he had gotten from the surveyor.

Mr. Strassner: We do know that the surveyor didn't know where he had a starting point.

Mr. Danforth: There is a fence line starting at a corner and running all the way down a field. The whole farm is outlined. Everything was removed so I picked up what I thought was an old fence post and went forward. I thought the line would run all the way down to Black Creek but they destroyed the line on the other side of the road too.

Mr. Sherwood: He was certainly forewarned by us that there was a question there. He had no inclination to talk this over. He just went right ahead and built.

The following voted in objection:

Ruben Johnson, 86 Beaver Rd.: I object on the grounds that if this gentlemen is allowed a variance, everyone should be allowed a variance.

- Alfred Buttarazzi, 244 Archer Rd.

Fred Nichols, 10 Beaver Rd.

Mrs. Glen Sailes, 4 Beaver Rd.

D. Steinhof, 248 Archer Rd.

Mrs. Johnson, 86 Beaver Rd.: I also went down and told Mr. Webster he was wrong before the bulldozer started.

~~No one else appeared to speak on this application.~~

Mrs. Glen Sailes: We offered this map to Mr. Danforth on a Sunday afternoon when he was surveying (showed map to the Board). We had owned one piece of land at one time so we have this map in our possession. The line shown apparently agrees with the last two surveyors.

Mr. Bauers: We are not saying Mr. Danforth is not wrong. We have surveys showing that he was wrong. Mr. Webster, in good faith, relied upon this.

No one else appeared to speak on this application.

Application of Bennett Kreckman, 4357 Buffalo Rd., for variance to erect a 2 ft. by 14 ft. illuminated sign on front of building located at 4357 Buffalo Rd. in E zone.

Mr. Strassner: What do you want this sign for?

Mr. Kreckman: It is an advertising sign to advertise the restaurant. This is about 137 ft. east of Union St. on the south side of Buffalo Rd. There is a pizzeria in there now. The store is 50 ft. wide, this sign will be parallel with the store, with reflector lights which will hit the sign.

Mr. Pfenninger: Do you have a lot of parking there?

Mr. Kreckman: About 150 ft. or 160 ft. frontage, back about 40 ft. from the state right-of-way.

Mr. Kreckman drew a sketch explaining this would be a 14 ft. sign on top of the building. It would only be on during store operation, 4:30 P.M. to 11:30 P.M.

No one appeared to speak on this application.

DECISIONS OF THE BOARD:

RUBY PIKUET, 1020 Paul Rd., granted renewal of variance to operate two-operator beauty shop. Also granted variance to place 12 in. by 24 in. illuminated sign 10 ft. from front lot line. Sign not to be illuminated after 9:00 P.M. of each day. Variances granted only until December 31, 1968. Members voted as follows: Members voted as follows: Mr. Bubel yes, Mr. Pfenninger yes, Mr. Hunter yes, Mr. Schlueter yes, Mr. Strassner yes.

MARGARET STEG, 1610 Davis Rd., granted variance to establish dog kennel with the stipulation of a maximum of 10 adult Toy Miniature Poodles. Variance granted only until December 31, 1968. Members voted as follows: Mr. Hunter yes, Mr. Schlueter yes, Mr. Pfenninger yes, Mr. Bubel yes, Mr. Strassner yes.

JOSEPH RUFLIN, 3058 Chili Ave.: Denied variance to change one-family dwelling into two-family residence. Members voted as follows: Mr. Strassner no, Mr. Schlueter yes, Mr. Pfenninger no, Mr. Bubel no, Mr. Hunter no.

JAMES H. DUNBAR, 15 Alfred Ave.: Granted variance to erect garage 16 ft. by 20 ft. 5 ft. from east side lot line. Members voted as follows: Mr. Bubel yes, Mr. Pfenninger yes, Mr. Hunter yes, Mr. Schlueter yes, Mr. Strassner yes.

A. P. LITTLE CO., 1185 Scottsville Rd. - Board reserved decision on this application for variance to erect converting plant building 100 ft. by 60 ft. on a 34,400 sq. ft. lot.

RICHARD KAZMERK, 22 Adela Circle: Denied variance to operate a dog kennel in E zone. Members voted as follows: Mr. Strassner no, Mr. Schlueter no, Mr. Hunter no, Mr. Pfenninger no objection to 3 dogs, Mr. Bubei no objection to 3 dogs.

WILLIAM ZUBER: Denied variance to remodel one-family dwelling at 841 Marshall Rd. into two-family apartment and variance to remodel one-family dwelling at 843 Marshall Rd. into two-family apartment. Members voted as follows: Mr. Hunter no, Mr. Pfenninger no, Mr. Schlueter no, Mr. Bubei no, Mr. Strassner no.

SYDNEY W. WEBSTER INC. denied variance to build house at 18 Beaver Rd. Ext. 6.53 ft. to side lot line. Members voted as follows: Mr. Hunter no, Mr. Pfenninger no, Mr. Schlueter no, Mr. Bubei no, Mr. Strassner no.

BENNETT KRECKMAN granted variance to erect 2 ft. by 14 ft. illuminated sign on front of building located at 4357 Buffalo Rd. Sign not to be illuminated after 12:00 midnight. Members voted as follows: Mr. Hunter yes, Mr. Bubei yes, Mr. Pfenninger yes, Mr. Schlueter yes, Mr. Strassner yes.

. June Yates, Secretary

ZONING BOARD OF APPEALS

November 26, 1963

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

Application of Anthony Piccarello, 50 Yolanda Dr., for variance to build garage 8 ft. to the north side lot line in D zone.

Neither the applicant nor a representative appeared to speak on this application.

Application of Alton Howe, 39 Chestnut Dr., for variance to erect garage 7 ft. to side line in D zone.

D. M. Soble representing Wm. C. MC Combs Co. appeared and presented map. Mr. Soble stated he had discussed this with the Board at the previous meeting explaining the situation and was told to make formal application and present a map. No one appeared to speak on this request.

Application of James B. Cosmana, 934 Coldwater Rd., for approval to operate real estate office in basement of home in D residential zone.

Mr. Cosmana he would like this office in the basement because he has to take customers to his house now and then, also for mailing purposes. If permissible, he would have a sign.

Mr. Strassner: It is all right if you only want a 1 ft. by 2 ft. sign. If you want one other than that, you would have to amend your application.

Mr. Cosmana: I don't need one that large, just what is required by the state. It would not be illuminated. I would not hire anyone. I have my office in Irondequoit.

Mr. Pfenninger: How many cars would there be?

Mr. Cosmana: Not any more than fits in my driveway. I have about 12 ft. by 40 ft.

Mr. Schlueter: Do you have a brokerage license?

Mr. Cosmana: No. I am not a realtor. I work under a realtor, I am not authorized to hire.

No one appeared to speak on this application.

Application of Roberts Wesleyan College to erect an illuminated sign approximately 12 ft. by 45 ft. on campus triangle between Buffalo Rd. and Westside Dr. in E residential zone.

David Rogers appeared to represent the college and presented sketches and dimensions as well as orientation of the sign on the college property. The intention is to show 60 ft. setback from each street and this sign is centered in the remaining space.

Mr. Strassner: How far back from the corner is the sign actually?

Mr. Rogers: About 400 ft. Here is a map of the area in general as well.

Mr. Strassner: I am interested in the approach of cars on each street toward the intersection.

Mr. Rogers: There is a signal light at the intersection. We are within state requirements on the setback. The sign will have 4 ft. of lattice or masonry from the ground up to the sign itself. There will be no actual direct reflection to either street. The light is all focussed on the sign.

Mr. Strassner: What type of sign, decorative or billboard?

Mr. Rogers: It will be as attractive a sign as we can make it. We haven't decided as yet what to do with the bottom 4 ft. It will be landscaped around it to some degree. The sign itself will probably be wood. It is our desire to keep all this college property mowed and beautified.

Mr. Schlueter: Have you picked the company to do the sign?

Mr. Rogers: No. We have artists working on the design. The sign on the campus is illuminated from within, this will be lighted from the exterior.

Mr. Schlueter: Have you any idea of the value of this sign?

Mr. Rogers: \$3,000 plus.

Mr. Hunter: What hours would it be illuminated?

Mr. Rogers: It would be put on a cell to turn it on at dusk and would be lit from then until 1:00 A.M. 7 days.

Mr. Pfenninger: You don't need it after midnight.

Mr. Rogers: I doubt it would serve a useful purpose there. We haven't discussed it yet. The light would only be on the front, not on the back. The back will be landscaped. We want to mow out all the college property, clean up the whole area. We don't own right up to the point.

No one appeared to speak on this application.

Application of Plyllis Klimm for renewal of variance to operate dance studio in basement of residence at 67 Chestnut Dr., in D zone.

Mrs. Klimm: I would like to continue on with the same type of dance lessons as before.

Mr. Schlueter: What has the term been on this?

Mrs. Klimm: One year. I would like to have two years.

There were no other restrictions on this application granted previously.

Mrs. Klimm: There are 3-4 adult ballroom classes per week. Children classes on Sat. and 2 or 3 during the week. No Sunday classes. The last class usually ends around 10:00 P.M. Usually people will double up, with about 4 cars within the yard area quite a ways off the street, about 250 ft.

No one appeared to speak on this application.

Application of Earl Howarth, 9 Yolanda Dr., to erect 30 ft. by 80 ft commercial building on 90 ft. by 150 ft. next to 3216 Chili Ave., 60 ft. to front lot line and 10 ft. to rear lot line in B commercial zone.

Earl Howarth, Jr. appeared to represent Mr. Howarth and presented plot plan. There are houses on each side of this property, Mr. Burke on one side, Mr. Voke between this property and the parking area of the center. This would be called Community Center. There would be four stores in it, two of them occupied by themselves, the other two would probably be rented. This would be a concrete block building.

Mr. Schlueter: Where would you put refuse?

Mr. Howarth: Probably in the back. This could be situated either sideways or lengthways on the lot.

Mr. Davis: What kind of stores?

Mr. Howarth: One would be a linoleum and a paint store. I can't say about the other two. This is all commercial property. The entrance would be on Chili Ave. We might have 4 more stores in the future, or just build these and leave the rest for parking.

Mr. Strassner: I don't think you have enough parking for 8 stores.

Mr. Howarth: Is there enough for four?

Mr. Strassner: It depends on the stores. If linoleum and paint stores customers would be moving all the time. The lot is 150 ft. deep.

Mr. Voke, 3220 Chili Ave.: My deed calls for 150 ft. from the center of the road, as are all the rest there.

There was some discussion concerning this. Measured from the center of a 4-rod road would leave a lot 117 ft. deep. After studying the plot plan, the Board advised Mr. Howarth to check this as it would change the whole plan, to check the deed and try to get a surveyor's plot plan to present at the next meeting, and the Board would reserve decision on this.

Application of Charles Carbone, 241 Hedgegarth Dr., to erect houses on 50 ft. by 120 ft. lots at 18G and 24G Charles Ave., Riverview Gardens Subdivision, 45 ft. from front lot line and 5 ft. from side lot line in D residential zone.

Peter Sulli, attorney, appeared to represent Mr. Carbone. He withdrew the application for lot 24G, as they had anticipated obtaining title.

Mr. Sulli: I would like to amend the application with regard to Lot 18G to read 45 ft. from the front lot line or in line with existing homes, also to stay back on the west lot line 20 ft. 18G is a corner lot, 50 ft. by 120 ft. With a 25 ft. wide house we could stay 20 ft. from the side street and 5 ft. from the other side lot line. There is an empty lot on the other side. We are proceeding on the single separate ownership. Riverview Gardens set up the subdivision in 1927. This lot was conveyed to Emma Cominsky May 8, 1934, as recorded in Liber of Deeds. Emma Cominsky died Oct. 23, 1944, and left three children, Irene Tonchak, Mary E. Lorenza, Henry Cominsky. Henry Cominsky died Dec. 25, 1948, leaving two sisters. These two sisters conveyed to applicant on Nov. 1, 1963. This lot has been subdivided prior to the ordinance and has been owned separately by our predecessors. The physical situation on this lot is a corner lot.

The side street is not completed, but Charles Ave. is. All utilities are in. We do not own lot 19, or adjoining lot, nor were we able to obtain title. If he is not able to use this lot as it is with reasonable restrictions to side lines and house area, he will not be able to use it for any purpose.

No one appeared to speak on this application.

Mr. Sulli: In your decision, if it is a denial, I request fact findings so that we may have a proper record. We have been unable to do anything with regard to 22E which was denied before. In this case, we would like to have some findings if it is denied.

Application of Kalman Haber for variance to build houses on lots 21, 22, 23, account numbers 1039, 1040, 1041 Ballantyne Rd., and to build houses on lots 21 and 23 5 ft. from each side lot line, D residential zone.

Ernest DiVito, agent, appeared on this application. Mr. Strassner asked the location of these lots.

Douglas Miller, 179 Ballantyne Rd.: These are right next to my lots, east of them, on the southwest side of Ballantyne Rd. I had 5 lots put into one.

Mr. DeVito stated these are three 50 ft. lots. Sewers and water are there. Mr. Haber wants to put houses on these lots, two split levels and one ranch, with the ranch in the middle. Mr. DeVito presented plans of the split levels and the ranch. There would be a 60 ft. setback on the split, 64 ft. in the back, but a 5 ft. side line variance is needed on each side. The ranch house would be reversed on the lot, giving 10 ft on one side, 16 ft. on the other.

Mr. Strassner: What about subdividing the three lots into two lots, 75 ft. by 150 ft. as long as this is all owned by one man? We might go along if this was done, but not on the other. You would have to get approval from the Planning Board for this subdivision.

Mr. Miller and Mr. Cortright of 190 Ballantyne Rd. said they did not object to two 75 ft. wide lots, but did object to the three 50 ft. wide lots.

The Board advised Mr. DeVito they would reserve decision on this until next month, and also advised him to have a plot plan, as if one of these lots was a corner lot, the setback requirement would be 20 ft. Mr. Miller said lot 21 is a corner lot.

No one else appeared to speak on this application.

DECISIONS OF THE BOARD:

ANTHONY PICCARELLO - Denied because of non-appearance.

JAMES B. COSMANA - Granted variance to operate real estate office in basement of home at 934 Coldwater Rd. with the following restrictions: Limited to the applicant's personal use; office to be closed by 10:00 P.M., to be lapsed when the operator gives up his business or moves. Members voted as follows: Mr. Pfenninger yes, Mr. Hunter yes, Mr. Babel yes, Mr. Schlueter yes, Mr. Strassner yes.

ALTON HOWE - Granted variance to erect garage 7 ft. to side lot line at 39 Chestnut Dr. Members voted as follows: Mr. Babel yes, Mr. Schlueter yes, Mr. Pfenninger yes, Mr. Hunter yes, Mr. Strassner yes.

ROBERTS WESLEYAN COLLEGE - Granted variance to erect illuminated sign approximately 12 ft. by 45 ft. on campus triangle between Buffalo Rd. and Westside Dr.; property back of sign to be shrubbed. Members voted as follows: Mr. Babel yes, Mr. Schlueter yes, Mr. Pfenninger yes, Mr. Hunter yes, Mr. Strassner yes.

PHYLLIS KLIMM - Granted variance renewal to operate dance studio in basement of residence at 67 Chestnut Dr. for a period of two years. No classes to be held on Sunday, nor later than 10:00 P.M. Members voted as follows: Mr. Eubelyes, Mr. Hunter yes, Mr. Schlueter yes, Mr. Pfenninger yes, Mr. Strassner yes.

EARL HOWARTH - Decision reserved on this application.

CHARLES CARBONE - Beard denied variance to erect houses on Lot 18G Charles Ave. 45 ft. from front lot line or in line with existing homes, 20 ft. from west lot line, lot 50 ft. by 120 ft. Members voted as follows: Mr. Schlueter no, Mr. Bubel no, Mr. Strassner no, Mr. Hunter no, Mr. Pfenninger yes. It was the feeling of the Board that a continuation of granting variances to construct homes on 50 ft. wide lots will tend to create an overcrowded, unhealthy area. Also, there is a vacant lot adjacent to Lot 18G Charles Ave.

KALMAN HABER - Decision reserved on this application.

ZONING BOARD OF APPEALS

December 23, 1963

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

Application of Miss Lois D. Millitano, 45 Everett Dr., for variance to operate part-time beauty salon at home, in E residential zone.

Joseph Pascarella appeared and stated this would be in his home, she lives with him.

Mr. Pfenninger: Do you run one now?

Mr. Pascarella: No.

Mr. Strassner: How long would this remain open, what hours?

Mr. Pascarella: Only an hour or so at night. She has a full-time job now, this would be in her spare time, maybe 20 hours a week. Perhaps hours of from 6:00 P.M. to 8:00 P.M.

Mr. Strassner: Would there be any signs?

Mr. Pascarella: No signs or lights. She would be the only one operating for now. My wife may be a beautician too. We have no plans for that. This would be in the basement.

Mr. Strassner: How many cars can you park?

Mr. Pascarella: 6 to 8 cars. There wouldn't be that many customers, maybe only one at a time, probably two an evening.

No one appeared to speak on this application.

Application of Gerald W. Earl, 10 North Lincoln Rd., East Rochester, for variance to erect two-family dwelling on Lot No. 96, House No. 86 Ballantyne rd., D residential zone.

Mr. Earl presented complete application with sketches, etc. He stated he would like to divide the lot in half, each lot to be 75 ft. by 150 ft. and put in double houses. The lots would be 11,250 sq. ft. The zoning requirement is 12,000 sq. ft. They hope to obtain tenants from the new school faculty members. Mr. Earl said his initial negotiations went back to early Sept., but his offers were not accepted. Since the owner, Mr. Robinson, moved to the west, he has worked through his attorney, Mr. Harris. Mr. Earl originally intended to purchase both lots, but Mr. Cole bought the lot containing the house.

Mr. Strassner: Double houses need more room than single houses.

Attorney Merwin Morehouse appeared with Mr. Earl.

Mr. Morehouse: The size of the house is 40 ft. across by 22 ft. deep. I have taken the position that 22 ft. is an unusual depth for a house. I have recommended to my client that he go 24 ft. deep. There would be 17½ ft. on one side, 17½ ft. on the other, 30 ft. from the rear lot line. It seems the lot would be large enough. The houses would be around \$17,000. He is a good, honest client. He has properties in Rochester which he keeps up. He buys and improves these places and keeps them in good shape. He doesn't speculate. I have taken the position with him that the house should be 24 ft. deep. I hope the Board will agree. My father was Town Attorney out here and he used to remark about the neighborhood over there. This will increase the character of the neighborhood. The money for the property would be very useful to Mr. Robinson. One house would face Black Creek, the other would face Ballantyne Rd.

Mrs. Earl Phillips, 80 Ballantyne Rd.: I own the adjoining property and I object. This would be overcrowding. Multiple dwellings lead to shums. They decrease the value of surrounding property.

No one else appeared to speak on this application.

Application of Hugh Shields, 54 Sequoia Dr., for variance to erect 4 ft. by 6 ft. sign corner Fenton and Chestnut Ridge Rds., 30 ft. from Fenton Rd. lot line, in B commercial zone.

Mr. Shields appeared and stated he would like to amend his application to read 30 ft. from Chili Ave. He presented sketches of the sign and said it would be illuminated. It would be located right next to the Esso station. The property is owned by Mr. Falcone in the city.

Mr. Hunter: What hours would the sign be illuminated?

Mr. Shields: Probably from dusk until 11:00 P.M. It won't be lighted until the spring now. We won't be open until April. The sign would be 13 ft. to the top of the pole, right in the center of the bus loop.

Ray Johnson, 140 Fenton Rd., checked the location of the sign as to possible traffic hazard. He said he had no objections to the sign if it doesn't create a hazard.

No one else appeared on this application.

Application of William Zuber, 4001 Westside Dr. for variance to convert two single family dwellings each into two family apartments located at 841 and 843 Marshall Rd., in E residential zone.

No one appeared on this application.

Application of Heinz Singer, 112 Clifford Ave., for variance to erect one family residential dwelling on lot #2 Neracker Subdivision, southwest corner of Chili Ave. and Ruth Terr., 75 ft. wide lot, 45 ft. from Chili Ave., 35 ft. from east line, 10 ft. from west line and 45 ft. from south line located in E residential zone.

Mr. Singer appeared with Walter Deverell, owner of the property, and presented map. He explained the location of the house on the lot which is 75.75 ft. wide. The lot is on a slant with Chili Ave. at the corner of Ruth Terr.

No one appeared to speak on this application.

Ernest DeVito, agent, appeared regarding application of Kalman Haber for variance to build houses on lots 21, 22, 23 Ballantyne Rd., and to build houses on lots 21 and 23 ft. from each side lot line. This application was presented at the November 26th meeting, at which time the Zoning Board reserved decision. Mr. DeVito presented Mr. Perrato, who asked why he couldn't build on a 50 ft. wide lot if he met restrictions. Mr. Strassner said the Zoning Board has been turning down variances to build on 50 ft. wide lots. They have been going to court on them and haven't lost one yet.

Mr. Perrato: In the city they require 60 ft. lots, but you can build on any existing lot as long as you meet restrictions. You are penalizing me.

Mr. Strassner: If a man bought a lot within the last couple of years knowing our new zoning, we would still turn him down. If bought prior to the zoning, we have allowed one or two where the property is land-locked. If not land-locked, we have made them buy two lots and put them together. These two lots could be made into two 75 ft. wide lots. We have treated everyone the same.

Mr. Perrato: Do I have to come before you to build on a 75 ft. wide lot?

Mr. Strassner: Yes, or we could reserve decision until you let us know. Dividing the lots would have to go through our Planning Board.

Mr. Davis: Or you could talk to the Town Clerk about going through a special board.

Earl Howarth, 9 Yolanda Dr., appeared regarding application to erect 30 ft. by 80 ft. commercial building on lot next to 3216 Chili Ave. which was presented at meeting on Nov. 26, 1963, at which time decision was reserved.

Mr. Howarth presented a new map and said he had had the property surveyed. The lot is 66 ft. wide by 114 ft. deep. He would put in one store with four units. There would be parking space for 14 cars in the front. The store would be 30 ft. deep. One side would be concrete block. He will have to get permission from the state for entrances and exits. Mr. Howarth amended his application to include a sign about 16 sq. ft., flower box type. Mr. Voke's house is between this property and the shopping center.

No one appeared to speak on this application.

DECISIONS OF THE BOARD:

LOUISE D. MILITANO - Granted variance to operate part-time beauty salon at 45 Everett Dr. for a period of one year, with the following restrictions: hours of operation to be 6:00 P.M. to 9:00 P.M.; no hours on Sunday; limited to one operator. Members voted as follows: Mr. Bubel yes, Mr. Pfenninger yes, Mr. Strassner yes, Mr. Hunter yes.

GERALD W. EARL - Denied variance to erect two-family dwelling on lot #96, house #86 Ballantyne Rd. Members voted as follows: Mr. Hunter no, Mr. Bubel no, Mr. Pfenninger no, Mr. Strassner no.

HUGH SHIELDS - Granted variance to erect 4 ft. by 6 ft. sign at the corner of Fenton and Chestnut Ridge Rds, 30 ft. back from Chili Ave. Sign is not to be lighted later than midnight. Members voted as follows: Mr. Bubel yes, Mr. Hunter yes, Mr. Pfenninger yes, Mr. Strassner yes.

WILLIAM ZUBER - Denied variance to convert two single family dwellings each into two-family apartments at 841 and 843 Marshall Rd. because of non-appearance.

HEINZ SINGER - Granted variance to erect one-family dwelling on lot #2 Neracker Subdivision, southwest corner of Chili Ave. and Ruth Terr., lot 75 ft. wide, 35 ft. from east line, 10 ft. from west line. House to be set in line with the other houses. Members voted as follows: Mr. Hunter yes, Mr. Bubel yes, Mr. Pfenninger yes, Mr. Strassner yes.

KALMAN HABER - Decision reserved on this application from Nov. 26, 1963, meeting for variance to build houses on lots 21, 22, 23 Ballantyne Rd., and to build houses on lots 21 and 23 5 ft. from each side lot line.

EARL HOWARTH - Granted variance to erect commercial building next to 3216 Chili Ave. as per plans presented, with sign. Sign to be located 10 ft. from front lot line. Members voted as follows: Mr. Bubel yes, Mr. Hunter yes, Mr. Pfenninger yes, Mr. Strassner yes.

June Yates, Secretary