

ZONING BOARD OF APPEALS

January 28, 1964

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

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

Mr. Piccariello explained that the lot is 80 ft. wide and all the other houses in that area have built to 10% of the width of the lot. This would just be same as all the others. He would like to build 8 ft. to the side lot line.

No one appeared to speak on this application.

Application of Walter Kodweis, 2987 Chili Ave., for variance to build addition to garage 6 ft. to east side lot line, in E zone.

Mr. Kodweis presented sketches showing existing garage and proposed 10 ft. addition. The present garage is 14 ft. by 20 ft., the new garage would be 24 ft. by 20 ft., making a double garage. Mr. Kodweis drives a company car which has to be garaged, and plans to buy his wife a car in the spring. The side lot line is at an angle, and the rear corner of proposed garage would be 6 ft. from the side lot line.

Mr. Strassner: How close is your neighbor?

Mr. Kodweis: He is about 20 ft. off his line. His house is parallel with mine. There would be no storage, this is just a double garage to be used for two cars.

No one appeared to speak on this application.

Application of Charles Carbone, 241 Hedgegarth Dr., for variance to erect houses on lots 18G, 24G Charles Ave., 22E, 3F Harold Ave., 5E, 15E Morrison Ave., 9J Chester Ave., 5 ft. from side lot line and in line with existing houses.

Peter Sulli, attorney, appeared for Mr. Carbone, and presented map showing these lots.

Mr. Sulli: In this application, we are requesting a variance to build closer to the side lot line than required. We would like to be 5 ft. from one side lot line and build houses with the front setback corresponding to the existing homes. On two of these lots, we are back pursuant to Court Order, directing this Board to make proper findings and proper decision. I serve a copy of that order upon you. You are making us work hard. We have been in and out of court twice. We have appeared before this Board 5 times. The legal situations with regard to these lots are all the same. We have sub-standard lots which were subdivided before the date of the ordinance. Legally this Board has no right to deny permission for us to build. This Board can only restrict us as to where to put the house. Information concerning these lots is contained in the hearings of Sept. 24 and Nov. 26, 1964.

Mr. Strassner: When were they purchased?

Mr. Sulli: Lot 15E was owned by Riverview Gardens, subdivided prior to date of ordinance; Riverview conveyed to Antonio LaRose in 1930 as recorded in Liber of Deeds. Antonio LaRose conveyed to petitioner on March 27, 1963. Mr. LaRose owned no adjacent land at any time. Lot 15E was owned by Riverview Gardens prior to the ordinance, and Riverview conveyed to Gurnsey & Mary Simmons Dec. 15, 1940, as recorded in Liber of Deeds. The Simmons' conveyed to applicant March 28, 1963. Lot 24G was owned by Riverview Gardens prior to the ordinance, subdivided prior to it, and conveyed to Jennie Vandeliter Aug. 10, 1920, as recorded in Liber of Deeds. Jennie Vandeliter conveyed to John Napoleon May 29, 1963, who conveyed to petitioner June 24, 1963. It is strange that the courts on every denial by this Board has sent these matters back. There must be some reason why the courts don't feel they should be in accord with this Board. Mr. Pfenninger has realized our legal position, has felt we are not down-grading the location. It is in the best needs of the community

to allow these homes. I do not know if the Board has gone down to this area and viewed it. I wish they would if they haven't. Legally, we cannot be denied a permit to build on these lots. The Court has directed that this Board make proper findings as I requested at the last meeting. I also now request findings. If not, I shall petition the court for a Show Cause Order.

No one appeared to speak on this application.

Application of Kenneth Moyer, 3551 Union St., for variance to operate dog kennel at 3551 Union St. in E residential zone.

Mr. Moyer appeared and stated this is near Paul and Davis Rds., the first place south of the railroad tracks on the west side of Union St.

Mr. Strassner: How much land do you have?

Mr. Moyer: Roughly an acre. I live with my father.

Mr. Pfenninger: How many dogs?

Mr. Moyer: I have two now. I plan on getting a couple more full-grown dogs so that I can make out a little better on breeding. These are German Shepherds. They will not be running loose. I have contacted all neighbors and there are no objections. (Presented list to the Board).

Mr. Pfenninger: How many female dogs, and how long would you keep the puppies?

Mr. Moyer: Two female dogs at the most. The puppies would be kept 10 weeks at the most.

There was more discussion as to the number of dogs Mr. Moyer would keep. He asked to be allowed to keep four adult dogs. Puppies become adult dogs at 6 months. He plans on attending dog shows.

Mr. Strassner: Are they noisy?

Mr. Moyer: I keep them quiet whenever they might bark.

No one appeared to speak on this application.

DECISIONS OF THE BOARD:

ANTHONY S. PICCARIELLO, 50 Yolanda Dr., granted variance to erect garage and breezeway 8 ft. to north side lot line. Members voted unanimously.

WALTER KODWEIS, 2987 Chili Ave., granted variance to build addition to garage 6 ft. to east side lot line. Members voted unanimously.

CHARLES CARBONE -Re: application to erect houses 5 ft. to side lot line and with front setback in line with existing homes on lots 18G, 24G Charles Ave.; 5E, 15E Morrison Ave.; 22E, 3F Harold Ave.; 9J Chester Ave. Decision reserved. The Board will make an inspection of the properties in question before the next meeting.

KENNETH MOYER, 3551 Union St., granted variance to operate dog kennel for a period of two (2) years, with a minimum of four adult dogs. Dogs to be enclosed and fenced in kennels. Members voted unanimously.

June Yates, Secretary

ZONING BOARD OF APPEALS

February 25, 1964

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 Town Attorney, Ralph Wickins; Building Inspector, William Davis; Comm. of Public Works, Raymond Coyle.

Application of 84 Lumber Co., 1505 Scottsville Rd., for variance to erect 12 ft. by 24 ft. sign, 5 ft. off ground, approximately 60 ft. from the center of Scottsville Rd., in A zone.

Norman Murdock appeared to speak on this application. He was asked if the sign is already up, and replied yes. Mr. Murdock presented sketch of sign which will be on file in the Town Clerk's office. This sign is illuminated on the bottom and top. Mr. Murdock stated the office closes at 9:00 P.M., but they would like to have the light on a timer, light to be off at 10:00 P.M.

No one appeared to speak on this application.

Application of Carl R. Salatino, 1500 Davis Rd., Churchville, for variance to extend living room and vestibule 53 ft. to front lot line, in E zone.

Mr. Salatino presented tape location map, also present floor plan showing proposed extension.

Mr. Strassner: How far are the neighbors' houses?

Mr. Salatino: One is back 60 ft. I don't know the other, which is about 500 ft. away.

Mr. Davis said he has no close neighbors.

Mr. Salatino: The plan shows proposed extension as on the house as 8 ft. Actually, the front setback of the house is 61 ft., so the variance required is 7 ft. variance, house then will be back 53 ft. from front lot line. The lot is oversize, 133 1/2 ft. wide, 200 ft. deep. A neighbor, Mr. Goodberlet, called this office to say he was in favor of this.

No one appeared to speak on this application.

Application of Lancaster Homes, Inc., for variance to erect 4 ft. by 16 ft. sign 7 ft. from ground, at corner of Chili Ave. and Lawnsbury Dr. Hillary Heights Subdivision, in E zone.

Bernard Kelly appeared on this application and presented sketch of proposed sign. Mr. Strassner asked how far from the road this would be. Mr. Kelly replied there is a swale there, he would locate where the Board wanted him to. He presented plan of the subdivision. They are building model home on lot 5, homes on lots 4 and 3. Model home is 50 ft. from Chili Ave.

Mr. Hunter asked if the sign would be lighted, and Mr. Kelly replied there would be a spot light.

Mr. Strassner: How late would this be lighted?

Mr. Kelly: It depends on the time of year. Approximately 9:00 P.M., but they would like it until 10:00 P.M. Leave the light on a timer. This would be 7 days a week.

Mr. Wickins: How long do you want the sign. There should be a time limit on it.

Mr. Kelly: There are 116 lots in there, it would probably be 3 years. The sign will be on a wall, we don't need a variance for the wall.

There was some discussion concerning length of time for the sign. Mr. Strassner asked if two years would be all right. Mr. Kelly replied that would be fine. Mr. Hunter said he could always re-apply.

Mr. Schlueter: Will these be wood upright supports?

Mr. Kelly: Yes. Heavy stained planking.

No one appeared to speak on this application.

Application of Ralph DiFiore, 678 Beahan Rd., for variance to subdivide property at 678 Beahan Rd. into two building lots.

As no one appeared to present this application, it was denied.

Application of Floyd Sterner, 4332 Buffalo Rd., for variance to convert first floor into two apartments at 4332 Buffalo Rd., in B zone.

Mr. Sterner appeared and presented sketch of property, also floor plan with dimensions.

Mr. Strassner: Do you have apartments now?

Mr. Sterner: Two upstairs. The lots is 40 ft. wide by 150 ft. deep. I want to put in two apartments on the ground floor. The two apartments upstairs have been since 1914.

Mr. Strassner: How much parking in front?

Mr. Sterner: There is a curb there. Room for four cars across. Parking will be in the rear. This lot is 150 ft. deep, the building is 60 ft. long, 30 ft. wide, driveway 10 ft. wide on the left side. The front of the building comes right up to the sidewalk. I am going to tear down the barn in the back. The apartments and the present office are each about 700 sq. ft. These are studio apartments. Sewers and water have been connected. There is a front and back entrance with a storage space in the back of the building.

Mr. Strassner said this would have to be approved by the Multiple Dwelling Code.

Mr. Sterner: None of the outside structure will be changed except for putting in a sidewalk for getting to the garage.

No one appeared to speak on this application.

Application of Gates Development Corp. for variance to erect house on lot #65 Bright Oaks Subdivision 58.7 ft. to front lot line, in E zone.

Robert Brown of Sear, Brown & Assoc. appeared and presented tape location map showing lot in question and location of house on the lot.

Mr. Brown explained this house was built at 58.7 ft. from the right-of-way instead of 60 ft. through an error made by one of the field men in staking the setback of the house. Bright Oaks Drive goes north and south and this is the last house on the right hand side in the woods. It is hard to tell it is not in conformity.

No one appeared to speak on this application.

Application of Frank Petote, 420 Hinchey Rd., for variance to erect house 50 ft. from front lot line, southeast corner of Weidner Rd. and Fisher Rd., in D zone.

Mr. Petote presented map of lot, also map showing adjoining lots. The lot in question is 122 ft. wide, 105 ft. deep. The two houses to the south are set back 60 ft.

Mr. Davis explained this was cut off by the airport, it is the last lot on the street.

Mr. Petote said he wanted a 50 ft. front setback to give a little more room in the back. There are sewers and water. The adjoining house is about 15 ft. to 18 ft. from the side line. The foundation of proposed house is 52 ft. by 26 ft.

Mr. Strassner said he would need a rear line variance also, as the requirement is 40 ft., this would be 29 ft. from rear line. Mr. Petote said he would amend his variance to also request this. (This is E zone).

No one appeared to speak on this application.

Application of Darwin Turner, 14 Ronnie Lane, for variance to do upholstery work on part-time basis, in D zone.

Mr. Turner appeared. Mr. Strassner asked if he does this type of work now, Mr. Turner replied for neighbors and friends. He does not want a sign, but ~~kika~~ would like to advertise in the Penny-Saver. He would work from about 4:00 P.M. to possibly 8:30 P.M.

Mr. Strassner: What kind of tools or machinery?

Mr. Turner: A sewing machine, tack hammer. I now have a table saw. There would be no machinery. I have a 24 ft. by 24 ft. garage. I can do chairs in the basement, davenport would probably be done in the garage.

Mr. Strassner: Have you spoken to your neighbors?

Mr. Turner: No. I would have no signs, just a block in the paper. There would be just myself, no one else.

No one appeared to speak on this application.

Application of Charles Carbone, 241 Hedgegarth Dr., for variance to build houses 5 ft. from side lot line, and in line with other houses on lots 30, 50, 220, 23F, and 18F Alfred Ave., 11G and 1N Charles Ave., in D zone.

Peter Sulli, attorney, appeared for Mr. Carbone. Mr. Carbone was also present.

Mr. Sulli: These lots are similarly situated as the others we have presented. Each is 50 ft. by 120 ft. Mr. Strassner asked when these were purchased; Mr. Sulli replied within the last month.

Mr. Sulli: Each lot was purchased from the original owner or their heirs, who purchased same from Riverview Gardens, which set up this subdivision prior to the ordinance. The lots were held in single, separate ownership prior to the ordinance. We are applying for a variance on one side of 5 ft., front setback in line with existing homes, a lot size variance as lot is 6,000 sq. ft.

Mr. Strassner: Some of the 0 lots on Theron St. do not have water and sewers.

Mr. Sulli: Anything past Theron St. we will subdivide. Anything past the service lines, we will re-subdivide into 75 ft. wide lots. We now withdraw our application on lots 3-0, 5-0, 22-0, 23-F, ~~18-F~~, and 18-F Alfred Ave. Lots 1N and 11G Charles Ave. are the only ones serviced. May I ask for the decision that was pending?

Mr. Strassner: The Zoning Board has not yet discussed these.

No one appeared in favor of this application.

The following appeared in objection:

Mrs. Earl Phillips, 80 Ballantyne Rd.: I object to building on 50 ft. lots against the zoning. There was an ad in the paper I called up about for new homes in Chili. When I called, she said the subdivision was approximately 400 homes. How can they advertise this? These people also stipulated sewers and water were in and paid for. They don't have the land to begin with. They don't have a variance to build on 50 ft. lots. I was told G.I. and F.H.A. Loans were available for these 50 ft. lots. I know this is impossible. What type of businessman is this, misleading the public?

Mr. Strassner: That doesn't exactly pertain to this.

Mrs. Phillips: I object to 50 ft. lots. A mass fire could occur. It is too small for recreation for children.

Kenneth Rockow, 84 Black Creek Rd.: They want to go in there and build, and later on they are willing to build on 75 ft. lots. Why not let these 50 ft. lots go? There was an article regarding tearing down close dwellings. How about school taxes? With this concentration of homes, there will be a greater number of children in the area. We have 3 schools now, with proposed new high school, new addition to high school, etc. These 50 ft. variances are bad for the Volunteer Fire Dept. These subdivisions should be 75 ft. wide or the building code. I would go along with ~~that~~ but I am strictly against 50 ft. lots.

No one else appeared to speak on this application.

DECISIONS OF THE BOARD:

84 LUMBER CO. granted variance to erect 12 ft. by 24 ft. illuminated sign, 5 ft. off ground, at 1505 Scottsville Rd., approximately 60 ft. from the center of Scottsville Rd. Sign not to lighted later than 10:00 P.M. Sign not to be lighted on Sundays. All members voted yes.

CARL R. SALATINO denied variance to extend living room and vestibule 53 ft. to front lot line at 1500 Davis Rd. Members voted as follows: Mr. Bubel no, Mr. Hunter no, Mr. Pfenninger yes, Mr. Schlueter in favor of 4 ft. variance, Mr. Strassner no.

LANCASTER HOMES, INC. granted variance to erect ^{illuminated} 4 ft. by 16 ft. sign 7 ft. from the ground at corner of Chili Ave. and Lawnsbury Dr., Hillary Heights Subdivision, as per plans submitted, for a period of two (2) years. Sign not to be lighted later than 10:00 P.M. Front line setback to be at the discretion of the Building Inspector. All members voted in the affirmative.

RALPH DI FIORE - Denied variance to subdivide property at 678 Beahan Rd. into two building lots because of non-appearance.

FLOYD STERNER - Denied variance to convert first floor into two apartments at 4332 Buffalo Rd. Members voted as follows: Mr. Bubel no, Mr. Hunter no, Mr. Pfenninger no, Mr. Schlueter no, Mr. Strassner no.

GATES DEVELOPMENT CORP. - Granted variance to erect house on lot #65 Bright Oaks Subdivision 58.7 ft. to front lot line. All members voted in affirmative.

FRANK PETOTE ; Granted variance to erect house on the southeast corner of Weidner Rd. and Fisher Rd., lot size under the requirement of 15,000 sq. ft. Granted variance to erect this house 29 ft. from the rear lot line, 50 ft. from the front lot line. All members voted in the affirmative.

DARWIN TURNER - Granted variance to do upholstery work on part-time basis at 14 Ronnie Lane for a period of 1 year, with the following stipulations: 1. To be owner-operated and no employees or assistants. 2. No work to be done later than 10:00 P.M. All members voted in affirmative.

CHARLES CARBONE - Denied variance to build house on lot 50 ft. by 120 ft., lot 1N Charles Ave. Findings of Facts as follows:

1. Applicant purchased this lot within the last month.
2. This lot fronts on a street not improved.
3. Water and sewers have not been installed at the location of this lot.
4. Any hardship created has been created by the applicant himself.

Conclusion: This variance is denied on the grounds that there is no hardship due to the fact that the applicant is a recent purchaser of this lot, and the lot does not conform to the zoning ordinance, and is located in an area not serviced by water, sewers, nor an improved Rd. Members voted as follows: Mr. Bubel no, Mr. Hunter no, Mr. Pfenninger no, Mr. Schlueter no, Mr. Strassner no.

5 ft. to side lot line

Denied variance to build house on lot 50 ft. by 120 ft., lot 11G Charles Ave. Members voted as follows: Mr. Bubel no, Mr. Hunter no, Mr. Pfenninger yes, Mr. Schlueter yes, Mr. Strassner no.

Findings of facts:

1. Applicant purchased this lot within the last month.
2. There are unoccupied lots on each side of lot in question, and there has been no specific evidence presented to this Board that any effort was made to purchase either adjoining lot.

3. Lot does not conform with the zoning ordinance, lot being 50 ft. by 120 ft., 6,000 sq. ft.

4. To grant a variance to erect a house on a lot as small as the lot in question would tend to increase the density of the area, and would eventually create a fire hazard by allowing houses to be erected in too close proximity.

5. Any hardship created has been created by the applicant himself.

Conclusion: Variance is denied because of the fact that the applicant created any hardship by purchasing the lot knowing that the lot did not conform to the zoning of the Town of Chili, and that the lot size does not warrant a variance to be granted for the erection of a house.

Granted variance to erect a house on lot 3F Harold Ave., 5 ft. to the side lot line, lot size 50 ft. by 120 ft. Members voted as follows: Mr. Bubel yes, Mr. Hunter yes, Mr. Pfenninger yes, Mr. Schlueter yes, Mr. Strassner yes.

Denied variance to erect house 5 ft. to side line, lot 18G Charles Ave., lot size 50 ft. by 120 ft. Members voted as follows: Mr. Bubel no, Mr. Hunter no, Mr. Pfenninger no, Mr. Schlueter no, Mr. Strassner no.

Findings of facts:

1. Applicant purchased this lot within the past year.
2. There has been no specific evidence presented to this Board that any effort has been made to purchase adjacent vacant property.
3. Lot does not conform to the zoning ordinance, being 50 ft. by 120 ft., 6,000 sq. ft.

4. To grant a variance to erect a house on a lot as small as the lot in question would tend to increase the density of the area, and would eventually create a fire hazard by allowing houses to be erected in too close proximity.

5. Any hardship created has been created by the applicant himself.

6. This lot is a corner lot which requires a 20 ft. side line setback for road sight clearance and it would be impossible to erect a house to conform to the zoning law on the 20 ft. side line setback and the front line setback.

Conclusion: Variance is denied because of the fact that the applicant created any hardship by purchasing the lot knowing that the lot did not conform to the zoning of the Town of Chili, and that the lot size does not warrant a variance to be granted for the erection of a house.

5. Denied variance to erect house 5 ft. to side lot line, lot 22E Harold Ave., lot size 50 ft. by 120 ft. Members voted as follows: Mr. Bubel no, Mr. Hunter no, Mr. Pfenninger yes, Mr. Schlueter yes, Mr. Strassner no.

Findings of facts:

1. Applicant purchased this lot within the past year.
2. There has been no specific evidence presented to the Board that any effort has been made to purchase adjacent vacant property.
3. Lot does not conform with the zoning ordinance, lot being 50 ft. by 120 ft., 6,000 sq. ft.

4. To grant a variance to erect a house on a lot as small as the lot in question would tend to increase the density of the area, and would eventually create a fire hazard by allowing houses to be erected in too close proximity.

5. Any hardship created has been created by the applicant himself.
Conclusion: Variance is denied because of the fact that the applicant created any hardship by purchasing the lot knowing that the lot did not conform to the zoning of the Town of Chili, and that the lot size does not warrant a variance to be granted for the erection of a house.

6. Denied variance to erect house on lot 24G Charles Ave. 5 ft. to side lot line, lot size 50 ft. by 120 ft. Members voted as follows: Mr. Bubel no, Mr. Hunter no, Mr. Pfenninger yes, Mr. Schlueter yes, Mr. Strassner no.

Findings of Fact:

1. Applicant purchased this lot within the last year.
2. Lot does not conform to the zoning ordinance, being 50 ft. by 120 ft., 6,000 sq. ft.
3. To grant a variance to erect a house on a lot as small as the lot in question would tend to increase the density of the area, and would eventually create a fire hazard by allowing houses to be erected in too close proximity.
4. Any hardship created has been created by the applicant himself.
5. Applicant already has been granted a variance to erect two houses on lots 21, 22, and 23, and should have included lot 24 in the same application as the application in which he was granted this variance.
6. There has been no specific evidence presented to this Board that any effort was made to purchase adjacent lot.

Conclusion: Variance is denied because of the fact that the applicant created any hardship by purchasing the lot knowing that the lot did not conform to the zoning of the Town of Chili, and that the lot size does not warrant a variance to be granted for the erection of a house.

7. Denied variance to erect house on Lot 5E Morrison Ave. 5 ft. to side lot line, lot size 50 ft. by 120 ft. Members voted as follows: Mr. Bubel no, Mr. Hunter no, Mr. Pfenninger no, Mr. Schlueter no, Mr. Strassner no.

Findings of facts:

1. Applicant purchased this lot within the past year.
2. There are unoccupied lots on each side of lot in question, and there has been no specific evidence presented to this Board that any effort was made to purchase either adjoining lot.
3. Lot does not conform with the zoning ordinance, lot being 50 ft. by 120 ft., 6,000 sq. ft.
4. To grant a variance to erect a house on a lot as small as the lot in question would tend to increase the density of the area, and would eventually create a fire hazard by allowing houses to be erected in too close proximity.

5. Any hardship created has been created by the applicant himself.
Conclusion: Variance is denied because of the fact that the applicant created any hardship by purchasing the lot knowing that the lot did not conform to the zoning of the Town of Chili, and that the lot size does not warrant a variance to be granted for the erection of a house.

Denied variance to erect house on lot 15E Morrison Ave., 5 ft. to side lot line, lot size 50 ft. by 120 ft. Members voted as follows: Mr. Bubel no, Mr. Hunter no, Mr. Pfenninger no, Mr. Schlueter no, Mr. Strassner no.

Findings of fact:

1. Applicant purchased this lot within the past year.
2. There has been no specific evidence presented to this Board that any effort has been made to purchase adjacent vacant property.
3. Lot does not conform to the zoning ordinance, being 50 ft. by 120 ft., 6,000 sq. ft.
4. To grant a variance to erect a house on a lot as small as the lot in question would tend to increase the density of the area, and would eventually create a fire hazard by allowing houses to be erected in too close proximity.
5. Any hardship created has been created by the applicant himself.
6. This lot is a corner lot which requires a 20 ft. side line setback for road sight clearance and it would be impossible to erect a house to conform to the zoning law on the 20 ft. side line setback and the front line setback.

9. Granted variance to erect house on lot 9J Chester Ave. 5 ft. to side lot line, lot size 50 ft. by 120 ft. Members voted as follows: Mr. Bubel yes, Mr. Hunter yes, Mr. Pfenninger yes, Mr. Schlueter yes, Mr. Strassner yes.

In the event the case of Mr. Carbone is taken to Court, it was the consensus of the Zoning Board that pictures be taken of existing conditions in the Riverview Gardens area for use of the Town Attorney, Mr. Wickins.

It was the recommendation of the Zoning Board of Appeals that a letter be sent to the Town Board regarding the undeveloped Riverview Gardens area, all property west of Theron St., requesting them to turn this over to the Planning Board for re-zoning or re-plotting.

June Yates, Secretary

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Zoning Board of Appeals
March 24, 1964

The meeting was called to order, and roll was called with the following members present: Charles Pfenninger, Frank Bubel, Robert Schlueter, Robert Hunter, Cornelius Strassner, Chairman. Also present were: Ralph Wickins, Town Attorney, Wm. Davis, Bldg. Supt., Raymond Coyle, Comm. of Public Works.

Application of Norman Ball, 2738 Chili Ave., for variance to erect house and garage on 80 ft. lot, area 12,800 sq. ft. on lot #5 next to 2719 Chili Ave., Hillcrest Subdivision, Section 1, in E zone.

Mr. Ball appeared and said he would abide by all zoning regulations. Lot is on filed map only it is 80 ft. Board has no objection to home being built as long as living up to restrictions all way around.

Application of Alfred Buttarazzi, 244 Archer Rd., for variance to erect two-family house, one apartment with one bedroom, and other apartment with two bedrooms, on lot #R80 Greydon Rd., in D zone.

Mr. Buttarazzi appeared and showed plans. Two lots combined together through Planning Board making 42 ft. on back and 102 on front. Lot has been approved by Planning Board. Setback 60 ft. 10 in. on either side. Mr. Strassner asked if any objections. There were no objections from floor. Plans were left with the Board.

Application of Arthur Delgudico, 23 Maltby St., for variance to erect house on 79 ft. by 275 ft. lot, lot #20 Names Rd., 8 ft. from each side lot line, in D zone.

Mr. Delgudico appeared. Had no plot plans to submit. Said house he wants is 63 ft. with two car garage. Restriction each about 10 ft. from side lot line he thinks. He will build split level house with two-car garage.

No one appeared to speak in objection or approval.

Application of Edwin Malszewski, 23 Scott Lane, for variance to build garage 8 ft. 6 in. to west side lot line at 23 Scott Lane, in D zone.

Neither applicant nor representative appeared on this application. Automatically denied.

Application of John Syracuse, 2713 Chili Ave., for variance to build ready-mix concrete plant on Paul Rd. opposite disposal plant, near 148 Paul Rd., located in B zone.

Mr. Edward Malone, attorney, 703 Wilder Bldg., appeared for Mr. Syracuse for the construction of and to operate a ready-mix plant at 140 Paul Rd. Mr. Malone said: Mr. Syracuse has made an application for permit to proper clerk, to Zoning Board of Appeals. This plant is located in industrial area and I do not see from reading your zoning laws that such a plant is prohibited. I would like to present Mr. Syracuse's testimony as to what this plant will consist of. The building I have the plans of and will testify as to how the operation of the plant is carried on. I assume that the people here objecting to the plant have a valid reason for objecting to it, and I will, together with Mr. Syracuse, after we get through presenting our plan, ask you to state your objections and see if there cannot be some way to resolve any objections that you have to it. If Mr. Syracuse will stand here and be sworn (he was advised that was not necessary). If Mr. Syracuse will tell you what this plant is, I will have something for the record. He has nine acres of land industrial use zoning of that property. He is entitled to make some economical use of the property or sell it to the airport. At the present time he contemplates good use of this property, which will not be detrimental to any property owners adjoining.

Mr. Syracuse presented blueprint to the Board, advising that it was the blueprint of this concrete ready-mix plant. There would be no dust. Concrete is not mixed on the premises, it is mixed in the truck on its way out to destination, where it is to be unloaded. Center Pan is loaded with air. Truck comes and hooks on coupling and in 1/2 hour is loaded, with no dust at all. Were out to another place this week on a windy day to see

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cement unloaded. There was no dust, we say none in 1/2 hour there, and there was plenty of wind Monday. No dust is created from ready-mix because we are not mixing merchandise there. We are pouring it into funnel that goes into truck. That is all I can tell you as far as plant is concerned.

Mr. Malone asked him how many acres of land.

Mr. Syracuse said 9 acres of land, and house he bought from Schwab Co. There would be adequate parking and adequate room for materials. Sand comes in gondola cars on, he thought, truck. Come over there, start machine going, hook coupling and will unload and then it is shut off. No dust. Conveyed to this truck who blows it into silo with air-tight stack. All done with coupling on truck. Air compressor which airs it into silo. Compressor on truck. Gravel and sand is stored on ground down 125 ft. away from the plant. Belt conveyor which truck dumps into hopper. Gravel and sand will be outside exposed to weather. Same set up as plant in Victor. On Paul Rd. would have to store sand and stone outside. Three types of stone. Together with the sand, four separate piles, one sand and three stone. Have three-way door to convey it up into hopper, or we can have a dozer to dump it into hopper.

Question: How much traffic would be expected?

Mr. Syracuse: Really cannot estimate whatsoever. Expects to own 1/2 dozen trucks and stuff that he will deliver. That is the only traffic that will enter unless salesmen to sell or buy.

Mr. Strassner asked what would be done to prevent carrying of dirt and stone onto street.

Mr. Syracuse said there would be none from ready-mix truck. If load comes in overloaded, then he would be in trouble with the law. They will have blacktop driveway leading into driveway. He intends to blacktop as much of the area that he uses, maybe an acre or two.

Asked what he would do with excess slag and sort that accumulates.

Mr. Syracuse said the river is in back. We cannot contaminate the water. There are some low spots there. All we have to do is fill up this and that will take years to fill up. Will have an area six feet deep and 150 ft. wide.

He was asked what would be the hours of operation.

Mr. Syracuse said from 7:00 to 5:00, 6 days a week, from Monday to Saturday. If have to pay time and a half or double time on Saturday, he will try to omit using the plant on Saturday unless special run, but would like to be able to operate on Saturday for the time being. The outlet of the cylinder will be closed going on to truck, there is absolutely no way of any dust from sand and stone and dirt. On sand waiting to be processed, it cannot be helped, but it is in there for that reason and sand carries moisture and sure will not get dust from that.

The plant will be 100 ft. restriction, height 36 ft. The airport will allow them to build up to 49 or 50 ft. Mr. Syracuse has checked with them. The top of the silo will be 36 to 40 ft. high from the ground, the building will be about 32 ft. high.

Mr. Malone introduced Mr. Frank Fray, architect licensed under laws of State of New York. He drew sketch marked "Applicants Exhibit A" to these minutes.

Mr. Fray said the highest point of the silo is 26 ft. from the ground. The hopper is 22 ft. from the ground, the building proper is 16 ft. at the highest point from the ground. Door opening is 12 ft. by 12 ft. Building is 20 ft. by 30 ft., diameter of silo 7 ft.

Mr. Syracuse stated eventually he would have to build buildings to house trucks, but will not do so at beginning. He will keep trucks behind 100 ft. area of setback.

Mr. Malong asked Mr. Frey if he has seen a plant like question plant in operation. Mr. Frey said it was a typical setup of usual concrete-mix plant, nonnoise, no nuisance, no dust and noise in operation when he was there.

Bachman's plant on Jefferson Rd. was a similar design.

Mr. Strassner asked the floor if anyone in favor. No answer.

John Syracuse, Jr. asked to speak in favor of the plant. He felt industry in the Town of Chili should be considered. Was the plant good or bad for the Town. It is not going to hurt the town and industry pays taxes. We have to find places for industry. With concrete plant, it is adaptable and satisfactory, we might possibly get our concrete a little cheaper. Hope to build this town up. As far as concrete plants go, there is one on Key Road. It is in the vicinity of baby food factory. If dust conditions, that would have some bearing. Bachman's place has a beautiful home on it. If there were dust conditions, it would be noticed

there. If you get into these gravelplant, there is bound to be dust and problems in these plants, but you have to take this into consideration, we need industry in this community. Flower City Cement Block has an instrument place and tool and dye place right near them. They are still there.

Alfred Buttarazzi, 244 Archer Rd., rose and voted in favor of the plant.

OBJECTIONS TO THE APPLICATION:

Carl Tarricone, representing Gillette Machine & Tool, Inc. recalled that four or five years ago, he appeared with two Gillette brothers to apply for rezoning. Based the application on proximity of airport, and based the application on the fact that we were coming in here with plan to construct a building which would do justice to this Town. Since then, he believes all are familiar with the building. Building there which measures approximately 80 ft. wide, 120 ft. across. This building is being used exclusively in the machine tool and dye business. Operation requires extremely clean air to the point they have a double filtering system where originally it was filtered and then refiltered before brought into plant so employees and products can be exposed to it. Bringing in of a cement-mix plant will be disastrous to them. For this reason, they are definitely against this application. They have pointed out that they have 9 acres of land. We have 8 acres. We intend to put further construction on our land. The land we are using is used primarily by the building and a small parking area. We have ample space yet to put up more buildings of the same nature we now have, in fact, are agreeable to leasing any addition building that may put up to competitors, so we are not opposing this application because we do not want new industrial concerns. We are opposing it because of the nature of business sought to be brought in. We have, in fact, received inquiries from people that are similarly engaged in business as we are in and we would like to see this area kept for that type of building or building. Cement plants will definitely rule out any more clean industrial development in that area. (Mr. Frey and Mr. Syracuse said they have absolutely no dust, later they concede because piles of sand and stone piled upon property would permit some dust from sand, some dust from stone) We have all been around sandy area, ~~xx~~ hot sun bears down on sand, there will be dust. Only six trucks are going to operate from this location, but avoided trucks bringing in supplies to location. They intend to put up building 20 ft. by 30 ft. What they want is a large land area with a small building on plant area so that when their buildings are erected, the town will benefit very slightly from the benefit of taxation, but will have lost a great deal in preventing or discouraging other industrial types from coming in. We feel for this reason that we are concerned because the life of our business is at stake, but we also feel we have a common interest in that the town will definitely lose in that it will have discouraged clean business from coming in. Therefore, we ask that you give this matter serious consideration.

Mr. Conliff, 673 Beahan Rd. - Object on the basis there is dust when any cement plant. I have worked around cement for the past 43 years. All anyone would have to do is go and see trucks rolling in on Mt. Hope Ave. and see the dust that is accumulated and blowing around in that area. Not only in that cement plant, but in all plants I have known or will hope to know. Dumping stuff in conveyor into hopper, down it goes in hot sun. There is nothing more dusty than sand and sand on top of heavy trucks on our town roads. We will be repairing roads from time to time, and it is detrimental to the children on the roads in town.

Joseph Gartland, 320 Paul Rd. - The area should be maintained for light industry, and I disagree with Mr. Syracuse on dust. The fact that trucks come in with sand. There is a problem area on curve in Paul Rd., dangerous area will add to traffic problem. It would be detrimental to Mr. Gillette's area. In the long run, this type of operation coming into Chili will hold back future expansion.

Mr. Gartland submitted written objection from Norman Burgess of re6 Paul Rd., which was entered into minutes.

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Mr. Wilcox, 516 Paul Rd. - I object to this because of the sand situation. Kodak has a cement plant, I work at Kodak. There even can be sand inside where we are when they dump sand into hopper, into conveyor, there is still dust. ~~There~~ They are trying their best to get this situation stopped. Cement unloading can be without any trouble, sand is a problem.

Mr. Stockmaster, 14 Jacqueling Dr. - I am opposed to this application based on the grounds of additional truck traffic. No benefit to the town. I do not want my daughter exposed to more traffic. I just wish this Board would consider very carefully before taking action on this application.

Mrs. Wilcox, 516 Paul Rd. - Objection for me of the same reasons as the other people. I would like to see top industry in the area and do not feel this will attract such industry.

Mr. Pritte, 330 Paul Rd. - What way is the prevailing wind there? Where is the Gillette plant located? How many people work in a tool shop and dust tough to them? Another thing, Mr. Syracuse said there is going to be dust and he cannot help it. You can help it and we are living on Paul Rd. are going to hit out many times. How many times do we come and defend our home? Is this industry going to help the town or damage it and discourage people to building homes in the town? We talk one hundred homes and children and building, we can get as much tax from two or three homes as this 20 ft. building is going to give.

Elliott Schwart, 44 Paul Rd. - I am against the building of the concrete plant. I am on the west side of where the plant is going to be built, next door to the Gillette Tool plant. I have no objection to the tool plant, proud to live next door to it, but I imagine they are a tax asset to the town, never going to get any profit out of a concrete plant. People will not build in that area. It is lowland there and covered with water. I can just imagine what stream filled with concrete does and sediment.

A. G. Johnston, 60 Paul Rd. - I am going to approach this on a different angle. I appeared before this Board when they rezoned that. I am sure you remember the mess you had across the road. It was pointed out you cannot do that when you rezoned, that we are going to control three points on pollution of that stream. My property is 22 ft. from my shore which controls the creek. At the present time, both the county and Mr. Syracuse is blocking that stream from other side. Now you cannot tell me you can bring in concrete trucks and wash them out and not have that sediment go into it. It will kill all life and affect the river. I thought last year to grow crops. I grow organic crops. I would not have any if that concrete mix gets in. There are plenty of places. He has a strip and not wide or big enough to accommodate any size concrete mix plant or places where they can get back off the road out of sight. I do not believe a dump looks any worse than a processing plant like that. They make a mess. This does not have to go in if the Board will take into consideration other concerns. The Gillette or storage places where there is not trucks or traffic. They are going into the creek, knocking rails down. What will it be like with trucks. It is almost a single lane bridge. I hope the Board will take into consideration, let's have a little clean spot in the town, let's go back to nature a little bit and not try to get that mighty dollar any way we can.

Mr. Pritte: We heard some nice promises from Mr. Syracuse. Do you know about objections to the trash or such dumps? Is he going to keep his promises this time?

Ralph Cochrane, 1001 Millstead Way - I also object to the dust. I have never seen a concrete plant yet that does not have dust. I object to the traffic and with Mr. Johnson on the pollution of the stream.

Mr. Ventura, Engineer, County of Monroe, appeared on behalf of the airport project to find out the size and height of buildings proposed to be put up. He was advised that Mr. Syracuse would have to clear that with the airport, and that it did not come into the Board's province. Mr. Syracuse said all that would be taken up with the airport authorities. Mr. Wickins asked if they would like to have a plot plan submitted to them, and Mr. Malone said they would do that.

Mr. Tarricone, representing Gillette Machine & Tool, Inc., said it was mentioned by Mr. Syracuse Jr. that there are on McKee Rd. machine shops or tool shops. There are no such shops, there are foundry, forging shops, but no light industry concerns, they are all heavy.

Mr. Malone: I see we are not only involved with the Town of Chili, but also the County of Monroe on their airport. So this land is not free for anyone to use any way they want, now it is restricted. We cannot put a big plant in for traffic. We tried to demonstrate to you there will be no dust there, and I will go on record and Mr. Syracuse will back me that this plant will create no dust. Under jurisdiction of this Board, if you do not operate under conditions, you are out. Some of these questions here, they have answered themselves. If they operate one of these plants at Kodak, there cannot be too much dust. Another objection, I do not know how far away this tool plant is from the site (was told about 1000 ft. away from plant). I do not know how many people have looked at any of these modern plants we have talked about. In regard to concrete mixing plant, this plant in operation at Bachman's is a modern plant. It is clean and clear from dust. If there is a lot of dust from any gravel, stone, there are ways to take care of that which the Town Board can enforce. If this stream is polluted, State authorities will take care of that. You cannot just do what you want. This permit, if it is granted, under the circumstances, it is not supposed to create a nuisance. Anyone can bring a lawsuit for a nuisance and request damages. We are leaving ourselves wide open for this lawsuit. We are not stepping into something without knowing this situation, to see there is no dust or noises to create nuisances. Mr. Syracuse does not want a lot of lawsuits just to put this in this area. I think it will help the Town. You will have cement mix right there on the job cheaper than dragging it several miles by having concrete available and will benefit anyone building in the Town using concrete. I do not know what other questions I have not answered. Over noise and dust seem to be the main objections to the plant in itself. We tried to demonstrate by Mr. Syracuse and Mr. Frey who have seen plant. This Board is free to go and I will submit a statement by an operator of a plant who can state conditions as to dust situation in plant or created by the operation of a concrete mix plant.

Question asked how wide is the strip?

Mr. Syracuse said about 606 ft. deep, 900 ft. wide from the creek.

Mr. Johnson got up to object about Mr. Syracuse's claim to the creek, but was told by Mr. Strassner that did not concern us at this time.

Mr. Syracuse said he has 9 acres of land. He had 13 and sold some or four acres to the County of Monroe.

Mr. Wilcox asked how far he is going to stay from residence house, and was and was told in the vicinity of 460 to 600 ft. on the west side.

He was asked how long he had owned the land, and replied he had it approximately 9 or 10 years.

Mr. Wilcox observed Kodak has cement plant one mile from any making of film.

Mr. Malone advised they would be willing to abide by anything the Board would care to put on the application.

Application of Nina Ball, 2738 Chili Ave., for variance to erect house on lot A Creekside Subdivision, Chili Ave., said lot being 77 ft. in width, and variance to erect house on lot 2 Creekside Subdivision, Chili Ave., said lot being 82 ft. 6 in. wide, in EE zone.

Mr. Fred Blum appeared for Mrs. Nina Ball. On the original map these were three lots, and they wish to go back to the original map. There is a house on the center lot. The purpose now is to build a house on Lot A and Lot 2 and comply with all regulations. The only problem is in width. Nina Ball requests to build house on Lot A with 77 ft. frontage. This map filed in 1960. There is not enough frontage since the ordinance came

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in with 90 ft. The center lot would be down to 82 ft. There is a house and lot on 82 ft. 6 in. on that now. Want it like it used to be, just like it used to be. EE-lots are 90-ft. lots. On the tract there are all lots with frontages of 82-ft., 79-ft., 76 ft., none are 90-ft. You will get three times as much for sewer line. We will comply with any regulations you want on side lines and setbacks will conform. They are back 60 ft. They will keep within any rules and regulations, it is just a question of 82 ft. or 90 ft.

On the question, Mr. Ball said he would probably build colonial type houses.

Mr. Strassner asked if there were any approvals or objections.

Objection:

Carl Strobel, 3743 Chili Ave. - I object mainly because Mrs. Ball bought this place as speculation, bought it as one parcel knowing what zoning laws are today.

Mr. Blum stated it was bought as one parcel in 1960, and Mr. Strobel does not feel they should be allowed to split it unless as zoning laws are today. The west end of 77 ft. lot has a 10 ft. sewer easement which cuts 10 ft. off building lot. On the east side, runoff or drainage is there and they cannot close it. It is a tile drainage. In the tract deed it states 1 1/2 story or 2 story building. He does not want to see any ranch in between the homes. It appears that the only thing they could possibly build would be a long narrow ranch homes. Had been granted a variance to 7 ft. of lot line which intends to build on east part of home to this lot.

Mr. Blum said Mr. Strobel had just been granted a variance by this Board and Nina Ball would just like the same courtesy to her and have the right and privilege. Will be very glad to build and thinks this can be worked out with other people to build. No problem is seen in abiding by what the town wants, just wants map to go back to what it was before.

No one else appeared to speak on this application.

Application of Richard S. Nerby, 2389 Westside Dr., for variance to add breezeway and garage to home 6 ft. from east side lot line at 2389 Westside Dr., in E zone.

Mr. Nerby submitted two plot plans. The lot is 70 ft. by 200 ft. 7 ft. on each side or 6 ft. to side lot line. He does not feel he can get away with less on breezeway or garage. The next door garage is only 6 inches from the lot line. When the houses were built they had 7 ft. variance. The house is 60 ft. from the road, the garage will be about 68 ft. He will make the garage 14 ft. if the Board insists, but wants and would appreciate having 15 ft.

No one appeared to speak on this application.

Application of Charles Carbone, 241 Hedgegarth Dr., for variance to build houses on lots 50 ft. by 120 ft., 5 ft. from each side lot line and in line with existing houses for setback on lots 18G, 20G, 24G Charles Ave., 14G, 11G, 19F and 23F Alfred Ave., 21H Chester Ave., and 3F Harold Ave., in D zone.

Mr. Carbone appeared before the Board and stated at this time they wanted to withdraw pending their action. Will submit them again.

DECISIONS OF THE BOARD:

NORMAN BALL - Granted variance to erect house and garage on 80 ft. wide lot, area 12,800 sq. ft., on lot #5 next to 2719 Chili Ave., Hillcrest Subdivision, Section 1. All members voted in affirmative.

ALFRED BUTTARAZZI - denied variance to erect two-family house, one apartment with 1 bedroom, other apartment with 2 bedrooms, on lot #R80 Greyson Rd. Members voted unanimously in the negative.

ARTHUR DELGUDICO - Granted variance to erect house on lot 79 ft. by 275 ft. lot #20 Names Rd., 8 ft. from each side lot line. All members voted in affirmative.

EDWIN MALCZEWSKI - Denied by default variance to build garage 8 ft. ⁶ in. to west side lot line at 23 Scott Lane.

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JOHN SYRACUSA - Denied variance to build ready-mix concrete plant on Paul Rd. opposite disposal plant, near 148 Paul Rd. Members voted as follows: Mr. Bubel abstained, Mr. Pfenninger yes, Mr. Strassner no, Mr. Hunter no, Mr. Schlueter no.

NONA BALL - Granted variance to erect house on Lot A Creekside Subdivision Chili Ave., said lot being 77 ft. wide, also variance to erect house on Lot 2 Creekside Subdivision, Chili Ave., said lot being 82 ft. 6 in. wide. Members voted as follows: Lot A 77 ft. wide: Mr. Strassner yes, Mr. Hunter yes, Mr. Pfenninger yes, Mr. Bubel yes, Mr. Schlueter no. Lot 2 82 ft. 6 in.: All members voted in affirmative.

RICHARD S. NERBY - Granted variance to erect garage and breezeway at 2389 Westside Dr. 7 ft. from side lot line. Members voted as follows: Mr. Strassner yes, Mr. Hunter yes, Mr. Pfenninger yes, Mr. Schlueter yes, Mr. Bubel yes on 6 ft. from lot line.

CHARLES CARBONE - Application withdrawn - no decision necessary.

Patricia Slack,
Acting Secretary

ZONING BOARD OF APPEALS
April 28, 1964

The meeting was called to order, and roll was called with the following members present: Charles Pfenninger, Frank Babel, Robert Hunter, and the Chairman, Cornelius Strassner. Also present were: Town Attorney, Ralph Wickins; Building Supt., William Davis; Comm. of Public Works, Raymond E. Coyle.

Application of Earl Hibbard, 165 Imperial Circle, for variance to erect house on irregular shaped lot at 22 Creekview Dr. 82 ft. in width in front and 27 ft. in width in rear, and 250 ft. deep, in E residential zone.

Mr. Hibbard appeared and showed map to the Board. He can maintain 10 ft. on side lot line. After questioning, there were no objections and no one in favor of granting application.

DECISION: Application granted with all members voting in the affirmative.

Application of William Gray, 23 Andony Lane, for variance to build garage and breakfast room 6 ft. to west side lot line in E zone.

Mr. Gray appeared. Address should be 26 Andony Lane instead of 23 Andony as advertised. Map is attached to application. Lot is 79 ft. across front, 168 ft. across back, 262 ft. on one side, 362 ft. on other side, approximately 80 ft. from road including town property. He wants to come 6 ft. from line. The garage 24 ft. Neighbor is 10 ft. to lot line, there would be 16 ft. between. It will be a two-car garage. He is 10 ft. from the other lot. The builder has just built the house, and the builder appears to have no objections. The lot is narrower in front. It would be approximately 17 ft. in rear. On the question, there were no objections and none in favor.

DECISION: Application granted with all members voting in the affirmative.

WILBERT RABB, 2775 Scottsville Rd., to place a tent approximately 40 ft. by 60 ft. at the rear of property at 2775 Scottsville Rd. for use for public parties during summertime.

Mr. Rabb appeared. The tent is approximately 400 ft. from Scottsville Rd. He has about $4\frac{1}{2}$ acres of land. The tent is just for sociable parties and picnics and such. He would like it until about Sept. 30th. The near neighbors do not object. Has plenty of off-street parking. The hours would be mostly in afternoon until about 9:00 or 10:00 P.M.

On the question, Mrs. George P. Smith, 2171 Scottsville Rd. objected as there are already 5 night spots on Scottsville Rd. She fears any expansion of any one of those would not be desirable. Driving on the road from midnight on is extremely hazardous on Friday, Saturday and Sunday nights. She feels this is an expansion of facilities and would be most undesirable from driving standpoint. She thinks there is enough of it without any further expansion.

No further objections. None in favor.

DECISION: Application granted until September 30, 1964, with restriction any party must terminate at 10:30 P.M. All members voted in affirmative.

Application of Spartan Homes, 986 Joseph Ave., for variance to erect 4 ft. by 8 ft. sign at corner of Rose Rd. & Chili Ave. and Paul Rd. and Shrubbery Lane in E zone.

The one on Chili Ave. had already come before the Board. They hope to put one on corner of Paul Rd. and Shrubbery Lane inasmuch as it will be other access street for this subdivision. They have also bought the Vogt property adjoining the subdivision which will extend into Paul Rd. Now just access road from Shrubbery Lane. It would be anyway the town would want it, put up under supervision of the town, they would call the town prior to erecting it. They are unlighted signs. They are not asking for any specific time but would like it while the subdivision is selling. At the duration of building, they would not need it.

On the question, Mr. John Burchill, 907 Paul Rd., objected on grounds it would not be in character of the neighborhood. He has only to look out of his window and have view obstructed by sign. If 4 ft. by 8 ft. sign goes upon the south corner it will be within 30 ft. of his house and 4 ft. of lot line. Three years ago one builder asked if they could put up a sign. 30 days later the sign was knocked down and he had to clean it up himself. A year ago in January Walter Pelkey said it was prime residential section. The Board ruled in favor. If this sign is put up, you are reversing your decision of a year ago.

Applicant said they would be glad to sit down and discuss this with Mr. Burchill and find what sign would meet with approval. They would like to pick up the traffic on Paul Rd. with a sign rather than lose it.

Mr. George Condrack of Paul Rd. objected for the same reasons as Mr. Burchill.

DECISION: Board granted variance to erect 4 ft. by 8 ft. sign at corner of Rose Rd. and Chili Ave. All members voted in affirmative. Board denied variance to erect sign on Paul Rd. and Shrubbery Lane. All members voted negative.

Application of Frank Hawley, 3226 Union St., to build house on 60 ft. wide lot at 3224 Union St., in E zone.

Mr. Hawley appeared. He would like to build on this lot. He is original owner and owned it since 1938. Setback of 70 ft. or more will be 10 ft. from side line, 264 ft. deep. It is right across from water tower, 6 or 7 houses north of Buffalo Rd.

On the question, Mrs. Michael Hoze, 3232 Union St., objected to house being built, lot is too narrow, only 5 or 6 ft. from their house to the side of Mr. Hawley's lot. Their kitchen is inclined to be dark, if house is built, it would be darker and unsuitable.

Mr. Hoze of the same address objected for the same reasons.

DECISION: Application approved, all members voting in the affirmative.

E Application of Edwin Malczewski, 23 Scott Lane, for variance to erect garage and breezeway 6 ft. to west side lot line, in E zone.

Mr. Malczewski appeared, the lot is 80.66 ft. wide, 170 ft. deep, 10 ft. from lot line on one side, and he wants to go 6 ft. on the other side. Breezeway would be 12 ft., garage 20 ft. wide, leaving 6 ft. on the side line. The neighbor is 10 ft. and says it is all right. It would be a single car garage. The breezeway would be 12 ft. by 24 ft. It could be cut down and he would rather take it out of garage, but would rather have 20 ft. 12 ft. garage door and 3 ft. door.

No one appeared to speak on this application.

DECISION: Variance granted to erect garage and breezeway 8 ft. to west side lot line, all members voting in affirmative.

Application of Joseph A. Taddeo, 310 Wilder Bldg., to erect residences on 75 ft. wide lots, R50A and R50B Ballantyne Acres, in D zone.

Frank Calveno, representing Mr. Taddeo appeared with maps. On March 30, variance approved for lots 55A and 55B. Now they want the same on 50A and 50B.

No one appeared to speak on this application.

DECISION: Variance granted, all members voting in affirmative.

Application of Charles Carbone, 241 Hedgegarth Dr., for variance to build houses on lots 50 ft. by 120 ft., 5 ft. from side lot line, in line with existing houses on lots 20G Charles Ave., 11G and 19F Alfred Ave., 25H Chester Ave., in D zone.

Mr. Sulli appeared for Mr. Carbone. These are lots they have just picked up in the last month and legal situation is the same as before. He submitted chain of title on lots to be incorporated in the minutes. Court action is still pending. Have not reached decision as yet. For that reason, he requested Board to reserve decision pending decision of the Court. It would be easier all the way around.

Mr. Wickins said he felt that was right.

Chain of Title as presented will be on file in Town Clerk's office.

Copy of Same attached to minutes of this meeting.

Mrs. George Smith spoke in objection to the application.

No one appeared to speak in favor.

DECISION: Decision reserved until Court make decision.

Application of Patsy Pilato, 169 Longview Dr., Webster, to build house 6 1/2 ft. from side lot line, lot 41 Jacqueline Dr., in E zone.

Mr. Pilato appeared. The house is already built. Someone must have moved the stakes. It is in new subdivision of Fisher Heights. It was not discovered until resurvey for plot plan. Mr. Strassner asked if the house built next to this one and was told not yet. When asked what he could do, he said take some off the other lot and put some on this one. He could put about 25 ft. if necessary.

No one appeared to speak on this application.

DECISION: Variance granted, all members voting in affirmative.

Application of Charles Francke, 3115 Union St., for variance to erect garage 12 ft. to side lot line on corner lot in E zone.

Mr. Francke appeared. The driveway comes in from Union St. He has 12 ft. from the lot line. The garage is already started. Application was made out by builder who thought or did it either by road line, and not lot line. It is a free standing garage. 10 ft. between the house and garage.

No one appeared to speak on this application.

DECISION: Decision reserved on this application.

Application of Edward Miller, 3758 Union St., variance to park a trailer at 3758 Union St. for living purposes for hired help exclusively in EE zone.

Mr. Miller appeared. It is going to be parked back of buildings, small tenant houses there. It will be a trailer for tenant man, it will not be rented out. He will be living in it all year. He has a dairy farm and needs help. He has one tenant house now, but it is not sufficient. The trailer would be back of three other houses. It would be somewhere to back of tenant house and large garage, and would not be seen from the road. There are facilities from septic tank and wells for water and sewage. He imagined it would be a two-bedroom trailer. No time limit on it, he needs it indefinitely.

No one appeared to speak on this application.

DECISION: Variance denied with the following vote: Mr. Strassner no, Mr. Pfenninger abstain, Mr. Hunter no, Mr. Bubel no.

Application of George Popaduke, 2021 Westside Dr., for variance to erect attached garage 5 ft. from west side lot line at 2021 Westside Dr. in E zone.

Mr. Popoduke appeared. List of neighbors in favor attached to application. Lot is 70 ft. approximately, east side is 15 ft., 42 ft. house, remainder on west side. He wants two car garage 21 ft., will be 5½ ft. from the west line. The neighbors' house is 17 ft.

No one appeared to speak on this application.

DECISION: Variance granted, all members voting in affirmative.

Application of Charles Gliottone, 165 Ridgeport Dr., for variance to construct a house on Lot 4 Block E Riverview Gardens subdivision, in D zone.

Application of Carl L. Scacchetti, Jr., 133 Fernwood Park, for variance to construct a house on Lot 3 Block E Riverview Gardens Subdivision, in D zone.

No one appeared on the above two applications.

Mr. Wickins: Inasmuch as applications not regularly filed, they should be dismissed and refiled again, even though there is a death in the family.

Mr. Anthony Perrotta, 797 Jay St. appeared for Ernest DeVito on lots R21 - R23. He called a couple of weeks ago in regard to Ballantyne. Board reserved decision on submitted plot plan to Planning Board, if it would approve. Three lots made into two. They will abide by all setbacks. All copies of maps are in office. Mr. Strassner said if Planning Board has ok'd this, we will have ok'd it. He wishes to file for permit tomorrow. He was told if he came in to see Mr. Davis he would check with the Planning Board.

There being no further business to be brought before the Board, the meeting was closed.

Patricia D. Slack,
Acting Secretary

CHAIN OF TITLE OF CERTAIN LOTS

LOT #25 BLOCK H, RIVERVIEW GARDENS

Riverview Gardens, Inc., subdivided this lot in 1927 prior to the date of the Chili Zoning Ordinance and conveyed same to Salvatore J. De Leo, who subsequently conveyed said lot to Francis and Eleanor Ellis, who conveyed to John Napoleon on March 30, 1964, by deed recorded in Liber 3439 of Deeds, page 148, who conveyed to Charles Carbone Builders, Inc., by unrecorded deed shortly thereafter. No predecessor in title owned any adjacent lot.

LOT #19 BLOCK F, RIVERVIEW GARDENS

Riverview Gardens, Inc., subdivided this lot prior to the date of the Chili Zoning Ordinance and conveyed the same to one, John Massielye by deed recorded in Liber 1498 of Deeds, page 81. The said John Massielye died in September, 1959, leaving a father and mother, John H. and Mary Massielye; the said Mary Massielye died in 1960 and the surviving spouse conveyed to Peter C. Sulli, Sr., on March 24, 1964, by deed recorded in Liber 3546 of Deeds, page 535, who thereupon conveyed to Charles Carbone Builders, Inc., by unrecorded deed shortly thereafter. No predecessor in title owned any adjacent lot.

LOT #20 BLOCK G, RIVERVIEW GARDENS

Riverview Gardens, Inc., subdivided this lot prior to the date of the Chili Zoning Ordinance and then conveyed the same to Albert William Chislett and Agnes Chislett, his wife, by deed recorded in Liber 1545 of Deeds, page 401; both died, leaving as their sole surviving heirs, Albert Douglas Chislett, Gertrude C. Baker and Alice C. Webber, who conveyed to John Napoleon on March 4, 1964, by deed recorded in Liber 3546 of Deeds, page 533, who conveyed to Charles Carbone Builders, Inc., by unrecorded deed shortly thereafter. No predecessor in title owned any adjacent lot.

LOT #11 BLOCK G, RIVERVIEW GARDENS

Riverview Gardens, Inc., subdivided this lot prior to the date of the Chili Zoning Ordinance and conveyed the same to Carl J. Wagner by deed recorded in Liber 1607 of Deeds, page 134, and he with his wife, Maybell Wagner, conveyed the same to Peter C. Sulli, Sr., on February 10, 1964, by deed recorded in Liber 3542 of Deeds, page 395, who conveyed the same to Charles Carbone Builders, Inc., by unrecorded deed shortly thereafter. No predecessor in title owned any adjacent lot.

ZONING BOARD OF APPEALS

May 26, 1964

The meeting was called to order, and roll was called with the following members present: Charles Pfenninger, Frank Bubel, Robert Hunter, Robert Schleuter, Cornelius Strassner, Chairman. Also present: Ralph Wickins, Town Attorney; Raymond Coyle, Comm. of Public Works; William Davis, Building Supt.

Application of Richard Kazmark, 22 Adella Circle, for variance to erect tool house and picnic shelter at 22 Adella Circle, in E zone.

Mr. Kazmark appeared and said he wanted to put up a tool house and storage house and picnic area combined, 8 ft. by 16 ft., made of redwood. The picnic area would be trellised with a table. The inside would hold mowers, rakes, shovels. He has 1 acre of land. The equipment right now is in the garage.

Mr. Strassner asked how far from the lot line this would be.

Mr. Kazmark replied he has plenty of room, it could be put where specified. The building would be pine stained redwood.

Mr. Strassner asked if the picnic area would be just for his own family or others also. Mr. Kazmark replied just for his own family, no outsiders.

Mr. Strassner: How large is the lot?

Mr. Kazmark: 1 acre, approximately 260 ft. wide. The building would be separate, not attached. The lot is pie-shaped.

Mr. Kazmark drew sketch for the Board, one for the lot, one for proposed building, which would be flat-topped.

Mr. Strassner: Would this be used only for tools?

Mr. Kazmark: I have a snow blower, garden tools, lawn mower, etc. and need storage room.

Mr. Hunter: Is there a home next to you?

Mr. Kazmark: Not right now, that is Bright Oaks.

Mr. Davis said this is a very large lot on the corner.

Mr. Strassner asked if there were any objections.

Louella Shirring, 562 Paul Rd.: Part of my property adjoins Mr. Kazmark's. I don't feel this building will conform with the surrounding properties. He already has 3 dog kennels and 3 dogs on his property. I would like to know where he is going to put it, if granted.

She was shown on the map, building would be on the west where kennels are.

Mrs. Shirring asked if this would be shrubbed, Mr. Kazmark replied yes. Mrs. Shirring said it might be all right as long as it doesn't look like the present dog kennels.

In favor:

Mr. Lombino, 24 Adella Circle

Mr. McIntee, 566 Paul Rd., adjoining property.

No one else appeared to speak on this application.

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

Mr. Ford stated he wished to make two apartment houses out of a single house, an upper and lower. There is at present a barn there, an old farm house next to Scotts

Mr. Schleuter: How many rooms in each apartment?

Mr. Ford: Four rooms in each apartment, 1 bedroom, living room, kitchen, bath. The downstairs would have a dining room.

According to map presented, the size of the house is 25 ft. by 34 ft.

Mr. Ford presented list of neighbors who did not object to this. This will be on file in Town Clerk's office.

No one appeared to speak on this application.

Application of Thomas Jarvis, 1230 North St., to erect 2 1/2 story 4-family dwelling on lot 69 Buffalo Rd., in D zone.

Mr. Jarvis appeared with Francis E. Calvaruso, attorney with Joseph A. Taddeo. Maps were presented. Plot plan of apartment. This is opposite 4467 Buffalo Rd. This should be two-story instead of 2 1/2 story as advertised.

Mr. Calvaruso stated this will be two-story brick four-family dwelling, with two bedrooms, living room, dinette, kitchen, bath. It would be 80 ft. from front lot line, 34 ft. from adjoining lots, centered in the lot, approximately 130 ft. from the back line.

Mr. Pfenninger: Are there any double dwellings along there?

Mr. Jarvis: Not to my knowledge. Not too far from there are 8 units.

Mr. Strassner: How much parking space?

Mr. Calvaruso: There would be parking to the rear of the building for at least 8 cars, frontage shrubbed. No garages with this. The cars will all be parked in the back. No parking in the front whatsoever. It will be all shrubbed and seeded in the front. Apartments will be two down and two up. A little over 900 sq. ft. per unit.

Mr. Strassner figured about 2,375 square feet for the ground floor.

Mr. Calvaruso said this would be approximately 21 ft. from the ground up and asked about a height requirement, thinking of the airport. If necessary they could make a crawl space in the basement except where utilities would be located.

No one appeared to speak on this application.

Application of Elizabeth Latoski, 2029 Westside Dr., for variance to operate beauty shop in basement of home at 22 Red Bud Road, in E zone.

Mrs. Latoski stated she has had a beauty shop at 2029 Westside Dr. for 10 years and would like to transfer the license. It is not advertised and no sign would be required. She works two days a week Tuesday and Thursday evening. No Saturday work. There would be no trouble with parking, this is on the back of a turn-around. She just works herself and there would be no more than two or three cars in a double driveway. This is all done by call. Mostly to take care of elderly people in Chili. She would have the regular beauty equipment, no noise whatsoever. Blowers are silent.

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

Mrs. Latoski: Three are all I can take care of. There are just two driers and just myself, no help. I have been working Tuesdays all day, until 9:00 P.M., Thursdays 1:00 P.M. to 9:00 P.M., Friday mornings until 12:00. This is on a part-time basis.

Mr. Strassner asked if there were any objections to this.

James Fraser, 6 Red Bud Rd.: I object from the standpoint that I dislike any commercial license considered in Class E residential.

David Fingar, 31 Bright Oaks Dr.: Same objection.

Mrs. Fingar, " " " " Same objection.

William Conolly, 11 Red Bud Rd.: Same objection.

Mr. Conolly submitted a petition from the residents of the Bright Oaks Tract in objection to this. This will be on file in Town Clerk's office.

Earl Ruf, 9 Red Bud Rd.: Object for same reasons.

Donald Fisher, 43 Bright Oaks Dr.: Object for same reasons.

No one appeared to speak in favor of this application.

Application of Cesare Falcone, 26 Backus St., for variance to use existing garage for general repair of cars located on northeast corner of Fenton Rd. and Chestnut Ridge Rd., in D zone.

Mr. Falcone said this would be only temporary as land is too valuable to put garage on it.

Mr. Pfenninger asked if he had been repairing cars in that garage quite a while, and Mr. Falcone answered the boys used to use it.

Mr. Strassner asked how far this is off the road.

Mr. Falcone replied 125 ft.-130 ft. off the road. He will rent the garage.

Mr. Strassner asked if he would have a sign.

Mr. Falcone replied he didn't think the renter would put a sign in there. Guys who go there now are amateurs. Someone wants to try to use this, renting it.

Mr. Strassner asked how many cars he would handle. Mr. Falcone said the building is 30 ft. by 30 ft. He would have about 3-4 cars inside, 1-2 cars outside.

Mr. Strassner asked if there would be any objection to limiting the amount of cars. Mr. Falcone replied 3 cars inside, 3 cars outside would be satisfactory.

Mr. Strassner: Is it being used for that purpose now?

Mr. Falcone: It is vacant at the present time. I had building material in there. I want to rent, not a permanent proposition. The barn is there, the garage is there, nothing will be changed at all.

Mr. Hunter asked what hours. Mr. Falcone replied from 7:00 A.M. to 7:00 P.M. at the most.

Mr. Hunter asked if he is asking for a certain length of time, and Mr. Falcone said as long as the barn is there. He wants a temporary variance rather than a permanent one. Not building anything new in there.

Mr. Schleuter asked regarding exits. Mr. Falcone said the overhead doors are on the east side of the building.

Mr. Hunter: Any undue noise?

Mr. Falcone: I would like it low down. There would be no wrecking of cars at all. I would not allow it. All refuse would be taken care of. I would rent under the condition the place be kept clean. No car parts lying outside.

Mr. Schleuter: By general repair, do you mean body work, motor tune up?

Mr. Falcone: Body work would make more noise than repairing cars. This is no hot rod club.

Objections:

Gerald Kohlmeier, 12 Chestnut Ridge Rd.: I am against any garage at that corner. We have enough noise from the pop stand and hot rodders racing around.

Ray Johnson, 140 Fenton Rd.: This would create a potential disturbance as a haven for hot rodders. We have enough of that now. This can get out of hand.

Mr. Miller, 124 Fenton Rd.: There is a garage, restaurant and pop stand all in one building. What about the fire code? We have already had cars until 9-10:00 o'clock. I don't know if this is the same owner.

Wm. Nichols, 130 Fenton Rd.: I feel the same as Mr. Johnson and Mr. Miller.

Alton Peters, 121 Fenton Rd.: I feel the same as the rest.

Mrs. Heffer, 111 Fenton Rd.: I am thinking of the safety of children. There are many small children in that area.

Mr. & Mrs. Ed Barrett, 117 Fenton Rd., felt the same as the others. No one appeared to speak in favor of this application.

Application of Frederick A. Currin, 26 Wadsworth St., for variance to erect house and garage on 73.96 ft. wide lot at lot #26 Ballantyne Acres Subdivision, in D zone.

Mrs. Currin: We would like to build a single split level home and garage on Names Rd. off Bowen Rd. The lot is 292 ft. deep, 73.96 ft. wide. We will build the house ourselves. Is there any kind of variance as to what kind?

Mr. Strassner replied there is not, and informed her of the required setbacks.

No one appeared to speak on this application.

Application of Eugene Evangelist, 2707 Clover St., Pittsford, for variance to erect house on lot 28 Brentwood Dr. 54 ft. from front lot line, in E zone.

Mr. Evangelist appeared and presented map and explained the lot is on a curvature of the road. He took the two side lines of existing houses. The lot had the right setback, but the curvature of the road caused an error. The house is already up and occupied. Mr. Evangelist pointed out on the map how this mistake occurred. He asked that his application be amended to read 52 ft. instead of 54 ft. from the front lot line.

No one appeared to speak on this application.

Application of Kayan Construction Inc., 876 Maple Dr., Webster, to erect houses on lots R-55, R-77 Greyson Rd., 66 ft. wide, Riverdale Subdivision.

John Torche, Vice President, presented subdivision map.

Mr. Torche: The lots are 233 ft. deep. Originally 3 lots. The people before us subdivided this, it is now two lots.

Board studied the map.

Mr. Schleuter: What type of house?

Mr. Torche: Ranch type.

Mr. Strassner: Would there be room for garage?

Mr. Torche: Even with 10 ft. wide line we will have 20 ft. garage.

No one spoke in objection.

The following spoke in favor:

Alfred Buttarazzi, 244 Paul Rd.

Mrs. Kikta, 25 Greyson Rd.

Mrs. R. Rider, 29 Greyson Rd.

Application of Carl Strobel, 3743 Chili Ave., for variance to erect house and garage on 70 ft. wide lot next to 3743 Chili Ave., in E zone.

Mr. Strobel stated there was a mistake in the advertisement, the lot should read 77 ft. wide. He would be back even with existing houses, more than 60 ft. The side lines will be o.k. Lot approximately 260 ft. deep.

No one appeared to speak on this application.

Application of Charles Gliottone, 165 Ridgeport Dr., for variance to construct a house on lot 4 Block E Riverview Gardens Subdivision, D zone.

Application of Carl R. Scacchetti, Jr., 133 Fernwood Pk., for variance to construct house on lot 3 Block E Riverview Gardens Subdivision, D zone.

Carl Scacchetti appeared for these two applications. Lot 3 purchased in April 1964. He didn't know the date of purchase of lot 4. These lots are 50 ft. by 120 ft. He referred to Carbone case which was taken to court and will have retrial.

Mr. Scacchetti: You are familiar with this area. I talked with Mr. Lusk. The present zoning ordinances make it physically impossible to build and comply with these lots as they now exist. There are presently houses out there. We intend to comply with setbacks, etc. and be in line with present houses. Because of the physical outlay of that land, it would require some money to get it in shape to build on it. (He introduced man from Dorian Homes who stated \$400 for fill dirt). I was speaking to Mr. Lusk about actual cash outlay as far as the builder in relation to the lot. (We have other lots under contract or purchased). We have attempted to purchase more than 1 lot next to each other. We have contracts with the county on various lots where possibly 2-3 together would be 75 ft by 120 ft. These 50 ft. by 120 ft. lots presently up do not come near your present zoning ordinance. What we are asking is contrary to the zoning ordinance. People want to live on 50 ft. by 120 ft. lots. They can't afford a bigger house or lot. There are similar areas throughout Monroe County. Kirkwood Gardens in Gates is 50 ft. by 110 ft. They are still building homes on them. These are not cheap houses. We would build 35 ft. setback where present homes exist.

Mr. Wickins: Do you wish to amend your application to read 35 ft. setback?

Mr. Scacchetti: We will meet the present setback.

Mr. Wickins: You have to have a variance to stay in line with the houses already there.

Mr. Scacchetti: The split levels will have garages, the ranches no, because of cost factor. We can build an unattached garage.

Mr. Strassner: When they came up for garage, they would have to have another variance.

Mr. Scacchetti: If the town is going to require garages, we have no objection to putting garages out there. It is an additional cost factor, but it could be done.

Mr. Strassner: In building garages as you build houses, you keep the neighborhood up.

Mr. Scacchetti: We will have garages in front with the split levels. Garages are flexible. Mr. Simmons owned both lots. With the 24 ft. by 44 ft. ranch house, the 24 ft. would be parallel to the road, with split levels, the garage is facing the road.

No one appeared to speak on these applications.

Application of John T. McIntee, 1296 Scottsville Rd., for variance to enlarge existing gasoline service station to include additional pumps and car wash, in A zone.

James A. Gleason of Wills Realty appeared to represent Mr. McIntee. Map was presented. This is now operated as Shamrock Gas station. He wants to extend the pumps down as shown on map. He has two double pumps now. He has a contract for 390 ft. adjoining. He would still keep present building, has a lease on it, but needs more room. There would be 5 more pumps, with one little house for attendant. A car wash is planned in about one year, but he would like the variance now. This will all be blacktopped, and he intends to shrub the back.

Mr. Hunter asked the hours of operation. Mr. Gleason replied close to midnight 7 days a week. It is all industrial there. This would not be a Minit-Man car wash, it would be an automatic car wash.

No one appeared to speak on this application.

Alfred Buttarazzi presented map showing lot 100 ft. by 120 ft. on Charles Ave. He discussed with the Board 42 ft. setback for house.

R. Tytler presented plot plan and sketch of property on Morgan Rd., 200 ft. deep, 137 ft. across the back. He explained R.G.&E. has two power pipes in the corner of the lot. Will need almost 4 ft. of fill because it is below contour of road. The proposed garage will be 7 1/2 ft. from the rear at one corner instead of 90 ft. Not in sewer and water districts. Well and septic tank will be over 100 ft. apart. There is just this one point on proposed house, which is turned at 45 degree angle. Discussion regarding this.

Sunrise Pool Co. discussed with the Board property of Mr. Cogliandro, 2137 Westside Dr., where a mistake had been made in excavating for a pool. Hole is approximately 16 ft. to rear lot line. It was correct in the drawings. They misunderstood Mr. Cogliandro on the size of his lot. The pool will be 16 ft. by 32 Ft., excavation a little larger. Mr. Strassner advised him he could apply for a variance, but under these conditions he should not continue.

DECISIONS:

RICHARD KAZMARK - Decision reserved on application for variance to erect tool house and picnic shelter at 22 Adella Circle.

HAROLD FORD - Denied variance to convert single family dwelling into two-family at 2661 Chili Ave. Members voted as follows: Mr. Pfenninger yes, Mr. Bubel no, Mr. Hunter no, Mr. Schleuter no, Mr. Strassner no.

THOMAS JARVIS - Denied variance to erect two story 4-family dwelling on lot #69 Buffalo Rd. All members voted negative.

ELIZABETH A. LATOCKI - Denied variance to operate beauty shop in basement of home at 22 Red Bud Rd. All members voted negative.

CESARE FALCONE; Denied variance to use existing garage for general repair of cars, located at northeast corner of Fenton Rd. and Chestnut Ridge Rd. All members voted negative.

FREDERICK A. CURRING - Granted variance to build house and garage on lot 73.96 ft. wide, lot #26 Ballantyne Acres Subdivision, Names Rd. All members voted affirmative.

EUGENE EVANGELIST - Granted variance to erect house on lot #28 Brentwood Dr. 52 ft. from front lot line. All members voted affirmative.

KAYAN CONSTRUCTION, INC. Granted variance to erect houses on two lots 66 ft. wide, lots R-55 and R-77 Greyson Rd. All members voted affirmative.

CARL STROBEL - Granted variance to erect house and garage on 77 ft. wide lot next to 3743 Chili Ave. All members voted affirmative.

CHARLES GLIOTTONE - Reserved decision on variance to construct a house on lot #4 Block E, Riverview Gardens Subdivision.

CARL SCACCHETTI - Reserved decision on variance to construct a house on lot #3, Block E, Riverview Gardens Subdivision.

JOHN T. MCINTEE - Granted variance to enlarge existing gasoline service station to include additional pumps and car wash as per plans submitted to the Board, with the restriction construction must be started within one (1) year. Members voted as follows: Mr. Bubel yes, Mr. Pfenninger yes, Mr. Hunter yes, Mr. Schleuter no, Mr. Strassner yes.

June Yates, Secretary

ZONING BOARD OF APPEALS
June 23, 1964

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

Application of Alfred Buttarazzi, 244 Archer Rd., for variance to build a home on Lot R26 Chester Ave. approximately 40 ft. front setback, to conform with houses on either side.

Mr. Buttarazzi appeared with map. On question there were no objections to this application and none in favor of it.

DECISION: Application approved with all members in favor.

Application of Charles Guyer, 33 Jemison Rd., for variance to move garage from present location on property at 33 Jemison Rd. to within 2 ft. of side line.

Mr. Guyer appeared. Lot is 75 ft. wide and garage back 220 ft. He wants to move it forward about 100 ft. and would still be 100 ft. back. Wants it 2 ft. from side line. On question of Mr. Strassner Mr. Welch next door neighbor was asked about adjoining lot of 55 ft. between his house and Mr. Guyers, and if he had any objection. He had none.

2. DECISION: Application approved with all members in favor if garage moved 5 ft. from side line.

Application of Kayan Construction Co., Inc. 876 Maple Dr. Webster, N.Y. for variance to build house 5 ft. to side lot lines on lots 14 and 15 Chester Avenue.

John Tochia appeared with plot plan. Two lots 50 ft. x 120 ft. purchased lots six weeks ago.

Mr. Strassner asked if they knew zoning plan when lots bought, and was informed they did not. He then told them we required 12000 sq. ft. Mr. Strassner asked if they could make the two lots into one, and they said would rather not as it would not be economical and also area did not call for exclusive houses, and they were on 50 ft lots now. Said there will be about 10 ft. side lines and a driveway between each house. Mr. Strassner said lot should be 20 ft. from side line and plot plan showed only 15 ft. They said water and sewers are in, only gas is not. Road is not improved. They said they bought them thinking they were two lots.

On question Mrs. Geo. Smith, 217 Scottsville Road asked if same type of thing that Carbonne is asking for. If it is she objects because any 50 ft. lot will bring undesirable people. Does not think desirable people would buy on 50 ft. lot, it is nothing but delayed action slum. Thought zoning law made here was trying to up grade this section. She objects to any 50 ft. lot.

There were no further objections. No one in favor.

3- DECISION: Decision reserved.

4. Gladys Bunce, 14 Keith Terrace for variance to operate a beauty shop at 14 Keith Terr. E residential, one operator only.

Gladys Bunce appeared. It will be on 1st floor in room already in house. Not doing this business in house at present time. There will be only one customer at a time and perhaps sometimes one will overlap the other. Will be open at latest, 9:00 at night, and approximately three nights a week, not including Saturday. Would not be open Sunday at all. There would be no sign. Would say parking would be off the street.

On question there were no objections. The following appeared in favor of the application:

Mrs. David Hazell, 31 Roney Lane

Virginia Lockridge, 29 Roney Lane, who also presented a list of people in favor of application.

Mrs. William Bacchas, 18 Keith Terrace

Mrs. Phillip Oliver, 35 Roney Lane.

DECISION: Application denied with four members voting negative, Mr. Schleuter abstaining.

Application of Chili-Paul Shopping Center for variance to erect a sign 30 ft. by 12 ft. 6 in. 40 ft. from the ground, B zone.

Carl Wilson of Empire Neon Lights appeared representing Loblaws, with plot of sign. Wanted large sign on Chili Avenue, 10 ft or 12 ft. set back from lot line would be his recommendation. It would be set in concrete base, illuminated from interior with plastic face. He also said they wanted two enter signs at entrances, and was informed for these latter two signs they did not need a variance.

Mr. Wilson added, if this is approved Marine Midland is going in and they would like to erect a sign beneath it.

Mrs. Strassner inquired if this lighting would reflect, and was informed it would not, it is in silhouette background lighted.

Mr. Strassner asked what hours it would be lit. Mr. Willson said he imagined it would turn off at 11:00. There will be a time clock on it. He did not know how many days, but probably for six days.

Mr. Strassner asked if he would go along and place it as far back as building inspector would recommend? Mr. Wilson agreed to this.

On question of any objections Mr. Gerald Oyterly, 3 Wills Road inquired what present zoning law was as far as height. Mr. Strassner said no zoning, ordinance as controlling height, building inspector would have to check it to see if strong enough. Mr. Wilson said sign is engineered for a wind velocity of 70 miles an hour as far as structure.

Mr. Oyterly said this 11:00 at night should be taken into consideration at least, it would be like living in day light.

Mrs. Oyterly, 3 Wills Road objected, did not think sign would lend any dignity to Chili Town Hall property, center not being developed according to promises given, dirt being left on top edges, hedges not in.

Mr. Strassner requested objections be kept strictly to sign, other objections should be taken up with Town Board.

Mrs. Oyterly said should not grant any more advantages or favors. She objects because they do not keep promises. Believes lights are on now to many nights and too late.

Mr. Strassner asked for any suggestions.

Yes, she would say 10:00. We happen to live right behind them.

Mr. Leon Armer, Attorney appeared for Grovers of 3250 Chili Avenue. According to notice they received, variance requested to erect sign 40 ft. from ground. This is in a B zone. If correct, no structure exceeding 30 ft. could be built, from ground level. Sign in violation of that regulation. Grovers live right next door and are already concerned because of fact unable to enjoy use for residential purposes particularly in view of failure of these people to comply with zoning law in past, in respect to planting of hedge which apparently has been ignored by them, A sign of these proportions is going to create further hardship. No hardship of course on people who are applying to erect the sign to have a relatively smaller sign and it is primarily on the basis of the hardship imposed upon the residents and lack of hardship flowing to applicant by denial of his application that the Grovers object to this application.

Petition signed by 19 people of the vicinity presented to Board.

Mr. Wickens advised he believed this area was rezoned to B Commercial at times this shopping center was put in, in rebuttal to objection on zoning ordinance.

Dr. Gene Lozier, 843 Paul Road asked what candle power of sign.

Mr. Wilson replied did not know offhand.

Dr. Lozier asked if it could be viewed on both sides. Was informed it could, but lights will not interfere with residents, and would not obstruct their view.

On question of any in favor, Mrs. Myster, who lived next door to Grovers. Has a fluorescent light similar to lights from shopping center. Does not bother them a bit.

6. DECISION. Approved by affirmative vote of four members, Mr. Hunter voted in negative, provided Marine Midland sign no less than 15 ft. from ground, illuminated no later than 11:00 P.M. and sign to be placed at direction of building inspector.

Application of Gerald DeGraff, 33 Andony Lane, for variance to erect garage and breezeway 4 ft. to side lot line, E residential.

Mr. DeGraff appeared but had no plans with him. After discussion with Mr. Strassner as to dimensions of lot, on which Mr. DeGraff was vague, Mr. Davis left to check lot size. Mr. Davis returned with dimensions of lot and Mr. DeGraff was informed he would have to get tape survey map on this. It appeared there was lots of room for his garage

and breezeway, but Mr. Strassner thought it best to have them return with tape survey and plot plan and bring the application before the Board again.

6. DECISION: Decision reserved.

Application of Richard J. Tytler, 81 Melrose St., for variance to change rear setback of new home at Morgan-Riga-Chili Town Line Road to 74 ft.

Mr. Tytler appeared before Board. It is a variance discussed before. Would like to change rear setback to 70 ft. instead of 74 ft. as in application. Showed plans of gas and electric poles.

On question no objections or no one in favor.

DECISION: Approved unanimously.

Application of Fencewood Development Corp., 6 Main St. South, Pittsford, variance to erect temporary sign 4 ft. by 6 ft. approximately 24 ft. from front lot line, corner of Chestnut Ridge Rd. and Pineknoll Dr., E residential.

Mr. Arthur Gifford, Vice President, presented sketch. Unfortunately had put sign up not realizing needed a variance. It is now 34 ft. from center of road, 9 ft. inside lot line. Sign does not obstruct anything. Wish a maximum of two years and probably not that much. May ask for permission to put up something more decorative.

On question no objections, no one in favor.

§. DECISION: Approved unanimously for a period of two years.

9. Ralph J. Mazzachetti Jr., 129 Keyel Dr., for variance to construct houses on two 76 ft. lots, 23 and 24, Names Road.

Mr. Peter Sulli representing Mr. Mazzachetti, Jr. appeared. Everything else will conform with present existing homes. Side lines according to zoning.

On question no objections, no one in favor.

a. DECISION: Approved unanimously.

Glenn C. & Margaret S. Wilday, 40 Tarrytown Dr., variance to approve undersized lot on which old home is situated at 314 Paul Rd., E. Residential.

Mr. Wilday appeared. Planning Board has official map. He rendered plot plan. Lot has not been subdivided as yet. One over specifications, one under. After much questioning Mr. Strassner found out has been approved by Planning Board. One approximately 200 sq. ft. over zoning and if allotted to smaller lot would have to reappear before Planning Board, and would like to start building at once.

On question no objections, no one in favor, except Mrs. Wilday

10. DECISION: Approved unanimously.

Adam T. DeSantis, 14 Scott Lane, variance to build garage and breezeway 8 ft. to west side lot line, 14 Scott Lane, D zone.

Mr. DeSantis appeared. It is 80 ft. frontage. Wants 12 ft. breezeway and 20 ft. garage. setback parallel with house. Neighbor is 8 ft. from side lot line, which would make 16 ft. between. Would not like to cut back as it is to be 2 car garage and breezeway to be family room.

On question no objections, Mr. Tom Gallagher, 12 Scott Lane spoke in favor of it. Lives to west side and thinks it is fine.

11. DECISION: Approved unanimously.

Edward VanGrol, 573 Stottle Rd., variance to erect radio tower 70 ft. in height at 573 Stottle Rd., EE residential.

Mr. VanGrol appeared. Noted name is VanGrol not VanZrol as appeared in notice. Wants tower 70 ft high approximately 25 ft. in back of house. His lot is 100 ft wide, tower would be in middle. Next door neighbor would be about 70 ft from tower. To be used in amateur radio and help in disaster and emergency. Construction same as one on fire tower. Can take winds up to 100 miles, and gales. Sits in concret approximate 1 ft. square with guy wires, twenty five foot from base. Plans on 4 guyes.

On question no objections, no one in favor

12. DECISION: Decision reserved. Mr. Davis will check with him on height.

Charles Carbone, 241 Hedgegarth Dr., variance to build homes on 50 ft. wide lots, 11G, 18G, 24G Charles Ave., 22 E, 5E, 15E Morrison Ave. 5 ft. to side lot line, with front setback to conform with existing houses.

Mr. Peter Sulli representing Mr. Carbone appeared. Mr. Sulli said in order to refresh recollection, these lots came up two months ago, permits denied, at that time. We went to Court and decision was handed down with respect to these lots and Court held a proper hearing was not held. This Board did not make proper findings. Believes each member of Board has copy of that decision. Court further went on to say these matters be sent back for proper findings. Court further held there must be a primary question answered by this Board before it could pass on to any other matters, that is to ascertain if any of these lots have been held in single, separate ownership prior to date or zoning ordinance. This question must be answered first. Only question before this Board with regard to issuing of permit. If you find these lots have been held singly or separately prior to date of ordinance, then you must grant permit upon such reasonable grounds as to side line setbacks, but a permit must be granted and if permit not granted it amounts to taking of private property without just compensation. In theory this says, if lot was subdivided prior to date of zoning ordinance and it has been held alone without an adjoining property by the owner of the lot at the time and subsequent owners then it has privileges that cannot be taken away.

In order to preserve formal evidence, submitted Abstract of Title prepared by Monroe Abstract Title Company with regards to lots 11G, 5E, 15E, 22E, 24G and 18G. This will show the chain of title, this will show that these lots have been individually owned prior to date of the zoning ordinance and have been held singly and separately by subsequent owners of these lots. For the record referred Board to the subdivision map on Riverview Gardens which was subdivided in 1927 and it is filed in the Monroe County Clerks office in Case A of Maps at Page 27. It shows that these lots were all subdivided in 1927, they were available, they were 50 ft by 120 ft in dimension. This abstract which is a certification by a searcher of title shows that these lots have been owned singly and separately from the time antedating the ordinance. Even though they have become owners of these lots, it shows we have taken from grantors that have held no other joint lot in common. Abstract of title to be made Exhibit A and entered in record.

Mr. Sulli read apart of Court's decision, with regard to the Board passing on the question of the lots being singly and separately owned.

Mr. Wickens asked if this also covers the lots the Board has reserved Decision on.

Mr. Sulli answered four lots upon which decision was withheld in last meeting, these lots are also held in single separate ownership. Will provide Board with Abstract of Title for each lot or give them to Town Attorney.

Mr. Strassner question when bought these lots, knew what Zoning Ordinance was in our town.

Mr. Sulli answered that is correct.

Mr. Strassner said they knew the size of our lots were double, They knew also when they purchased these lots they were purchasing a hardship.

Mr. Sulli, no they knew when they purchased these lots they were privileged lots. They do not have to conform to the zoning.

Mr. Strassner. Did you buy these from the owners?

Mr. Sulli, yes. Abstract of title will show it.

Mr. Strassner asked if any objections to these 50 ft. lots.

Mrs. George Smith, 217 Scottsville Road, said she saw now we are about to have this low, undesirable thing. Why is he doing this out here not in Irondequoit.

Mr. Strassner advised he has the right to apply for an application, that is the prerogative of any citizen.

Mrs. Smith. Would anyone like to live with a house 10 ft from you on each side. Why does he have to put 32 where 2 go.

Mr. Strassner. You will object to this.

Mrs. Smith. Very much.

Mr. Strassner asked if any one in favor of it.

Mr. Carl R. Scachetti spoke in favor. As Mr. Wickens knew, he was here for the same situation out in that area. He does not want Mrs. Smith to think he just wants to say this in defense to application made here tonight, am speaking on behalf of himself and Mr. Carbone, in view of the economic situation and as far as purchase price, development of land, construction cost of house in that area. It used to be known as Migrant Labor Camp. Mr. Carbone has improved the area with these

homes. The close proximity has existed for 30-40 years. Nothing that has not already been done.

Mr. Sulli submitted to the Board the following exhibits:

- Exhibit A - Abstract of Title No. 13651/ Various lots
- Exhibit B - Deed John P. Napoleon to Charles Carbone Bldrs.Inc.
- Exhibit C - Deed Peter C. Sulli, Sr.to Charles Carbone Builders, Inc.
- Exhibit D - Deed John P. Napoleon to Charles Carbone Builders, Inc.
- Exhibit E - Peter C. Sulli, Sr.to Charles Carbonne Builders, Inc.

All above deed exhibits dated June 19, 1964.

13. DECISION: Decision reserved until meeting of Board which will be July 7th 1964 at 8:00 P.M. Notice to be sent to each member of Board reminding them of meeting.

Application of Carl R. Scachetti, Jr., 133 Fernwood Park variance to construct 2 1-family dwellings on lots 75 ft. by 120 ft., lots 1, 27, 28 Block E Riverview Gardens Subdivision, D. residential.

Mr. Scachetti appeared. Has combined these three lots into two. He was before this Board to apply for 50 ft. lots. Since then have obtained contracts for actual purchase of these lots. Attempted to get three lots in row, put them together and made two lots 75 ft. x 120 ft. in this situation were successful. This has already been taken before Planning Board. Was not told to come before this Board first.

On question there were no objections. No one in favor.

14. DECISION: Approved unanimously.

Application of Carl R. Scachetti, Jr., 133 Fernwood Park, variance to construct 2 1-family dwellings on lots 75 ft. by 120 ft. lots 2, 3, 4, Block E, Riverview Gardens Subdivision, D. Residential.

Mr. Scachetti appeared. Same circumstances as preceding application.

15. DECISION: Approved unamiously.

Respectfully submitted
Patricia D. Slack
Acting Secretary

Application of Richard Kazmark, 22 Adella Circle, heard at meeting of May 26, 1964 for variance to erect tool house and picnic shelter at 22 Adella Circle.

16. DECISION: Approved as per plans submitted. Four affirmative votes, 1 negative vote by Mr. Schleuter.

Patricia D. Slack
Acting Secretary

ZONING BOARD OF APPEALS

July 28, 1964

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

Application of Andrew Velykochatko, 294 Glide St., for variance to build house and garage on 66 ft. wide lot at R-65 Jemison Rd., D Zone.

Mr. Velykochatko presented map. This was originally three lots, was made into two lots, one of which is lot R-65, 66 ft. wide, 252 ft. deep. These two lots were approved by the Planning Board. This would be a ranch style house.

No one appeared to speak on this application.

Application of Ernest Demor, 24 Hubbard Dr., for variance to erect garage 5 ft. to south side lot line, E zone.

Robert Schroeder, 32 Hubbard Dr., appeared to represent Mr. Demor and presented plot plan. The lot is 75 ft. wide. Adjoining neighbor is about 10 ft. from lot line. The garage will be 15 ft. by 24 ft. There is a 3 ft. stone wall fence there now on the line. Mr. Schroeder said this application should read north side lot line instead of south side lot line. He explained Mr. Demor had been called out of town on business.

No one appeared to speak on this application. In objection. In favor:

Robt. Schroeder, 32 Hubbard Dr., Ed Corlett, 19 Hubbard Dr.

Application of Francis Tacy, 22 Black Creek Rd., variance to erect sign 4 ft. by 9 ft. on southeast corner of lot 127 Black Creek Rd., B zone.

Mr. Tacy presented sketch showing proposed sign and location of same. This will be about 200 ft. from Scottsville Rd., way below the road level. The sign will be 4 ft. by 9 ft., not lighted.

Mr. Strassner explained the sign is already up. The Building Supt. informed Mr. Tacy he would need a variance. This is at the corner of Black Creek Rd. and Scottsville Rd.

In reply to question from audience, Mr. Strassner said sign would read "Canoes, Boats, Black Creek Park, Launching - Rentals".

No one appeared to speak on this application.

Application of Southern Oil Co. of New York, Inc., Horseheads, N.Y. for variance to erect Rotary Gasoline Service Station on property south side of Buffalo Rd. immediately adjacent to the Post Office, west side, on parcel of land fronting 200 ft. on Buffalo Rd. and extending back 200 ft. in B zone.

Harvey Dunbar, Vice President of Southern Oil Co., appeared and presented approved plans from Albany, plot plans and pictures.

Mr. Dunbar said he had appeared before the Board 1½ years ago for a Rotary station on Howard Rd. That is what they are going to build again. This is right in North Chili, 200 ft. east of Attridge Rd. He left one copy of plans approved by the State of New York.

Mr. Dunbar explained this is a living quarters type gas station with 3 bedrooms on one floor. It is identical to the Rotary service stations on Howard Rd. and Scottsville Rd. He presented pictures showing these stations, also Syracuse station. The plot plans have been approved by the State as to ingress and egress.

Mr. Strassner: What is the setback of the islands?

Mr. Dunbar: First island back 52 ft., other back 100 ft. from the right-of-way.

Mr. Pfenninger: How long will this be open?

Mr. Dunbar: The stations with living quarters are usually open from xx 7:00 A.M. to 10:00 P.M. We put lawns in and shrub out stations.

Mr. Strassner: Will you require a sign?

Mr. Dunbar: One sign, a regular Rotary trademark sign as shown in the pictures, plus a price sign.

Mr. Dunbar amended his application to include these signs as per plans presented. He left ~~three~~⁴ pictures with the Board.

He explained the living quarters are for the manager himself. These are mostly operated 7 days a week.

Paper signed by 6 people in favor of this application will be on file in the Town Clerk's office.

No one appeared to speak on this application.

Application of Edward L. Krenzer, 751 Ballantyne rd., for variance to build 4-room addition to present house $5\frac{1}{2}$ ft. to east side lot line, in E zone.

Mr. Krenzer presented sketch. The lot is 66 ft. wide at the road by about 265 ft. deep, and about 250 ft. across the back. The house is back 66 ft., $21\frac{1}{2}$ ft. to the side lot line. The 16 ft. addition will bring it to $5\frac{1}{2}$ ft., addition will be 2 ft. back of front lot line of present house. It is $144\frac{1}{2}$ ft. to the next house.

Mr. Davis said this is all farm land, and the land drops off.

Mr. Krenzer explained he couldn't have it on the other side because that is 1 story high and he would have to take the roof off which would cost about \$2,000.00 more. There will be 3 bedrooms and a living room. No one appeared to speak on this application.

Application of W. Laufenberg, 32 Tarrytown Dr., to erect garage within 5 ft. to north side lot line, in D Zone.

Mrs. Laufenberg appeared to represent her husband, and presented sketch. The lot is 65 ft. frontage and is 95 ft. deep.

Mr. Strassner asked how close the next door neighbor is to the line, and Mrs. Laufenberg replied she didn't know. Mr. Foley, 18 Tarrytown Dr., said the neighbor is 10 ft. from this line.

No one appeared to speak on this application.

Application of Donna Jean Henry, 3103 Union St., for variance to operate beauty shop in home, in E zone.

Wallace Wolf, Jr., Attorney, appeared to represent Mrs. Henry. He presented a list of neighbors around the property involved who signed in favor of this application. Raymond Morton, 10 Irving Dr., also is in favor but had not yet signed. The property is single residence on an 80 ft. by 200 ft. lot. The petitioner lives with her husband at 3103 Union St. with her husband, and is a licensed beautician. It is her desire to operate a beauty parlor in the rear room of her house, she being the sole operator. work will be largely in daylight hours. There will be no soliciting, no advertising, no signs, no changes of property inside or out. The property has a driveway 27 ft. wide by 80 ft. long. There will be only about two people at any one time. The Board could put restrictions on any variance granted. Equipment will be virtually noiseless. There will be no disruption of residential character of the neighborhood. Mr. Wolf had been told there has already been granted a variance in the vicinity for an upholstery shop, but hadn't had time to verify this.

Mr. Strassner asked regarding the hours.

Mr. Wolf replied the daylight hours would be from 8:00 A.M. to 8:30 P.M. There would only be one operator. She has lived in this residence about six years. He knew of no objections of the immediate adjoining neighbors. Mr. Robert Schroeder, 32 Hubbard Dr., gave his name in favor.

No one appeared to speak on this application.

Application of Anthony DePinto, for variance to build house on 80 ft. wide lot in E zone next to 762 Marshall Rd.

Mr. DePinto ^{did not} present a plot plan. The lot has been on file for a long time. There is plenty of depth, 170 ft. deep, and the required amount of square footage. He would conform to all setbacks.

Mr. Davis said he has a plot plan on this. He checked the plot plan and everything is in conformity.

Mr. Strassner explained to the people this is an 80 ft. wide lot, 90 ft. being required by the ordinance. Lot has been existence for quite some time. Mr. DePinto wants to build house on it.

No one appeared to speak on this application.

Application of Joseph Taddeo, 310 Wilder Bldg, for variance to build houses on lots RA 55 Ballantyne Rd. and RB 55 Names Rd., 73.66 ft. in width and in line with existing houses on streets and also to build houses on lots R-50A Ballantyne Rd. and R50B Names Rd. in line with existing houses on streets, D zone.

Mr. Taddeo explained he was granted a variance in April to erect houses on lots R50A and R50B Ballantyne Acres, and it was an omission on his part in not asking for lots RA 55 Ballantyne Rd. and RB 55 Names Rd. at the same time. The resubdivision has already been approved.

No one appeared to speak on this application.

Application of Harold Ford, 2657 Chili Ave., variance to convert single family dwelling into two-family dwelling at 2661 Chili Ave., E zone. Mr. Ford appeared and said this is across from Lee Gardens. Mr. Wickins said this is an old large farm house that he is remodeling. Plot plan shown from meeting on May 26, 1964, also list of neighbors in favor of this.

No one appeared to speak on this application.

Application of Bernard Foley, 18 Tarrytown Dr., variance to do hair dressing in home at 18 Tarrytown Dr., D zone.

Mr. Foley appeared and stated this is about the same as Mrs. Henry's application. This has been a recreation which has turned into a part-time deal. Mostly in the daytime. There might be evenings, no Sundays. He might operate until 8:30 P.M.

Mr. Strassner asked if there would be any signs. Mr. Foley replied no.

Mr. Strassner asked regarding parking. Mr. Foley said he has a 10 ft. wide driveway 107 ft. long. He could get 3 or 4 cars in there, but doesn't intend that many. One car at a time.

No one appeared to speak on this application.

Application of Peter Trenton, 28 Indian Hill Dr., variance to build house on lot 85 ft. wide at 3472 Chili Ave., E zone.

Mr. Trenton appeared but had no map.

Mr. Davis said this has been there a long time. The lot is over 200 ft. deep. It is just that it is 85 ft. wide instead of 90 ft. He only wants a variance to build on a lot 85 ft. wide.

Mr. Strassner explained this was in existence before the zoning.

No one appeared to speak on this application.

Application of Richard I. Tytler, 81 Melrose St., variance to alter front setback to 58 ft. at 486 Chili Town Line Rd., E zone.

Mr. Tytler presented map and explained a mistake had been made in measuring width of lot at the corner of Chili Riga Town Line Rd. and Morgan Rd. He didn't think this was a ~~xx~~ 4-rod road so he is 2 ft. off the 60 ft. required setback.

No one appeared to speak on this application.

Application of John Bernhard, 93 Names Rd., variance to move existing garage within 6 ft. of side lot line, D zone.

Mrs. Bernhard appeared but had no map. The lot is 73 ft. wide, the house is back 50 ft. She just wants to move garage over, it will be about 130 ft. from the other house. They are making the old house into a garage.

Mr. Strassner explained they want to move a garage on Names Rd. to within 6 ft. of side lot line, 18 ft. back of the house, about 30 ft. from the existing new home.

No one appeared to speak on this application.

Application of Arden G. Curts, 15 Creekview Dr., variance to build garage 8 ft. from side lot line, D zone.

Mr. Curts made brief sketch. These are 81 ft. wide lots. Mr. Davis said at the time the lots were being built, the requirement was 10% of the width of the lot. Mr. Strassner said the requirement now is 10 ft. instead of 10% of the width of the lot.

Mr. Curts said the neighbor is 7 ft. from the line, making a distance of 15 ft. between them. This is to the rear of the existing houses.

Mr. Curts presented paper signed by neighbors in favor of this.

No one appeared to speak on this application.

Application of Anthony DeLuca, 29 Nichols St., variance to erect party house on lots 14, 15, 16, 17 and 18 Ballantyne Rd., Riverview Gardens, (James Harper property) in D zone.

Mr. DeLuca presented plans of proposed building. The building will be 50 ft. by 100 ft., 5,000 square feet. The 50 ft. side or the 100 ft. side could face the road. Building will be cinder block.

Mr. Strassner explained the requirements of the zoning ordinance. These requirements would mean the 100 ft. would have to face the front. He asked how many cars there would be.

Mr. DeLuca replied an average of 100-175 cars, not much over 400 people. The front is 250 ft. frontage. He can park cars across the back. Mr. Strassner ~~said~~ said rear line requirement is 40 ft.

The Board measured the square footage of the property and discussed the matter of parking area. Mr. DeLuca said he has a man who checks parking. He has run parking lots at the ball park and about 300 people would mean about 90 cars. He could run the parties according to what he could manage.

Mr. Strassner asked how late this would be, and if he would have a liquor license. Mr. DeLuca replied normally midnight is the deadline. There would be no liquor license now. He would see how it works out. He would operate Sundays also if private parties.

Mr. Strassner asked about signs. Mr. DeLuca said yes if permissible.

Mr. Wickins asked if he would like to amend his application to include signs. Mr. DeLuca replied he didn't know what type of signs yet. Mr. Wickins said if this is granted and he also wanted signs, he would have to make another application.

Mr. C. Elphick, 202 Ballantyne rd., inquired as to what would happen if he changed his operation from a party house to a grill. Mr. Wickins informed him Mr. DeLuca would have to appear again before the board with another application. If this is granted, it will be only for a party type operation. If he changes this, he will have to come back for another application. At that time, all factors would be considered.

Mr. Strassner asked if this would be an eating establishment.

Mr. DeLuca replied there would be receptions, Xmas parties, bowling parties, dinners, etc. He is not operating another party house. He has operated a place for teen-agers in the city. Mr. Elphick asked if he would cater to teen-agers. Mr. DeLuca replied this would be for everybody, adults and teen-agers. There would be an orchestra and dancing. He has never been open later than 11:30 P.M.

Discussion regarding parties. Discussion as to location of property. It is katy-corner across from Cummings.

Mr. Hunter asked if there are houses on either side.

Mr. Strassner said there will be. There are a couple of houses across the street. The lots is 250 ft. wide by 150 ft. deep.

Mr. Elphick: On the basis of evening business until 11:30 P.M., with traffic and music, I voice an objection to this.

Board received a letter from Mr. and Mrs. George Mulligan stating their objections to this.

James H. Dunbar, 15 Alfred Ave., spoke in objection.

in favor:

Norman O'Brien, 16 Harold Ave.

Mrs. Kowalski, 12 Harold Ave.

No one else appeared to speak on this application.

Application of Robert Dysart, 2013 Westside Dr., variance to build garage 7 ft. to west side lot line, E zone.

No one appeared on this application.

Application of Carl R. Scacchetti, Jr., 133 Fernwood Park, variance to build houses on lots 50 ft. by 120 ft., 5 ft. from side lot line, in line with existing houses on following lots: Lot No. 11, Block B, Morrison Ave.; lot No. 10, Block G, Alfred Ave.; lot No. 14, Block F, Harold Ave.; lot No. 11, Block F, Harold Ave.; lot No. 2, Block F, Harold Ave., in D zone.

Mr. Scacchetti, Jr. appeared and presented blown up map of Riverview Gardens Subdivision, with lots circled which he is making application for. Application is being made singly for single lots. Lot locations as follows:

Lot 11, Block B, Morrison Ave., is on the west side of lot 12, with house that exists known as 13 Morrison Ave., on the east side of lot 9 on the subdivision map which is presently included in a resub-division map as A-2 Morrison Ave., owned by Mr. Logano.

Lot 10, Block G, Alfred Ave., is on the west side of lot 11, lot owned by missing person, no name, which is now being considered for foreclosure by the County. On the east side of lot 9, house known as 15 Alfred Ave.

Lot 14, Block F, Harold Ave., is on the west side of lot 15 owned by Joseph Fasino, 597 VanVoorhis Ave., who is reserving sale of lot. On the east side of lot 13 owned by County of Monroe, may be able to purchase from them.

Lot 11, Block F, Harold Ave. is on the west side of lot 12, assessed to Robert Carlson, who cannot be located. The County is presently considering foreclosure. East side of lot 10, 43 Harold Ave., condemned by the Board of Health, owned by Mr. Herman, and the house and lot next door to that also cannot be bought owing to family difficulties.

Lot 2, Block F, Harold Ave. is on the west side of lot 3, owned by Vincent Alexander, who will not sell. East side is bordered by Lindy St.

Mr. Strassner: When did you purchase these lots?

Mr. Scacchetti: This year.

Mr. Strassner: You knew the zoning?

Mr. Scacchetti: Yes, I knew of the zoning laws.

He pointed out the fact that the law substantiates that a hardship goes to the land, not the owner.

Mr. Scacchetti: I would like to point out what is presently happening in that area. I have been granted a variance to construct on lots 2, 3, 4, 127, 128, 75 ft. by 127 ft. lots. I have started excavation. Two homes sold are under construction. One house is being put up. The selling price is \$17,500, the other home \$16,900. I am not going to build cheaply constructed homes. Going to be for D residential zone, fairly substantial homes. All of these homes, the ones I am constructing now and intending to construct, will have garages on the lots. I want to abide by any wishes of the Board if possible. If I put garages up now, there won't be any question later on. I may purchase lot 15. I also have lots I am attempting to buy and resubdivide into 75 ft. lots. Whenever I have the opportunity to do so, I have purchased 3 lots and subdivided them into two lots. As I pointed out tonight, I am making on these lots as it is impossible both financially and physically to do anything with these lots as they exist. This is a hardship difficulty. They will not be any lower than the price range of \$15,000. This is going to increase the value of this area. Improvements are in there now, and will be connected with the homes as constructed. Not be able to have attached garages.

James Dunbar, 15 Alfred Ave. referred to lot 10 Block G, he lives at #9. Stated lot #11 already under construction. Sewer already been dug from the main line down the middle of Alfred Ave. onto the lot line on lot #11.

He was informed this was Mr. Carbone's and nothing had been granted on this. He referred to article in paper stating this had been granted. Mr. Wickins said this article was not written correctly.

Discussion regarding Mr. Carbone's property.

Mr. Dunbar said if this 5 ft. variance is granted, that house can be built right up to his side porch, he is 8 ft. to the line. The trunk line sewer runs through the west side of that lot. He doesn't think the house should be built. There is 10 ft. easement between the lots. He was informed if that is a lot line easement, it would not affect the building. Mr. Dunbar spoke about the drainage, saying if this lot was built up, it would overflow onto his property. If these lots are filled in, the water will come over onto his property.

Discussion as to fill and drainage. Mr. Strassner said if he is granted a variance, he would have to give the lots proper drainage.

Mr. Dunbar said he is definitely in objection to this.

Also in objection:

Norman O'Brien, 16 Harold Ave.

Ed Kowalski, 12 Harold Ave.

Iva Roblin, 28 Harold Ave., object to water drainage.

No one else appeared to speak on this.

Application of Mrs. Forrest Elling, 1122 Pixley Rd., variance to erect garage 2 ft. from south side lot line, D zone.

Mr. Wickins explained Mrs. Elling couldn't get here and he would represent her. Mr. Davis explained the situation. Mrs. Elling lost her husband six weeks ago, and had an opportunity to go to Colorado, and he would represent her. He presented sketch. These are all small lots on Pixley Rd., 50 ft. by 100 ft. There is only 14 ft. on the side. The adjoining neighbor has garage exactly the same and all the way down the street. Open porch on the back, concrete block about 8 ft. back. Garage would be 14 ft. wide.

No one appeared to speak on this application.

Application of Guilio and Josephine DePascale, 1611 Scottsville Rd., variance to park approximately 60 cars in rear of property, A zone.

No one appeared on this application.

182 DECISIONS OF THE BOARD:

ANDREW VELYKOCHATKO - Granted variance to build house and garage on 66 ft. wide lot at R-65 Jemison Rd. All members voted in affirmative.

ERNEST DEMOR - Granted variance to erect garage 5 ft. to north side lot line at 24 Hubbard Dr. All members voted affirmative.

FRANCIS TACY - Granted variance to erect sign 4 ft. by 9 ft. on southeast corner of lot 127 Black Creek rd. as per plans presented. All members voted affirmative.

SOUTHERN OIL CO. - Granted variance to erect Rotary Gasoline Service Station on property south side of Buffalo Rd. immediately adjacent to the Post Office, west side, on parcel of land fronting 200 ft. on Buffalo Rd. and extending back 200 ft. Also granted variance for signs as per plans presented. All members voted affirmative.

EDWARD KRENZER - Granted variance to build 4-room addition to present house 5 1/2 ft. to east side lot line at 751 Ballantyne Rd. All members voted affirmative.

W. LAUFENBERG - Granted variance to erect garage 6 ft. to north side lot line at 32 Tarrytown Dr. All members voted affirmative.

DONNA JEAN HENRY - Denied variance to operate beauty shop in home at 3103 Union St. Members voted as follows: Mr. Schlueter yes, Mr. Hunter no, Mr. Pfenninger no, Mr. Strassner no.

ANTHONY DEPINTO - Granted variance to build house on 80 ft. wide lot next to 762 Marshall Rd. All members voted affirmative.

JOSEPH TADDEO - Granted variance to build houses on lots RA 55 Ballantyne Rd. and RB 55 Names Rd. 73.66 ft. in width, also to build houses on lots R-50A and Ballantyne Rd. and R-50B Names Rd., all houses to be in line with existing houses or at the discretion of the Building Supt. All members voted affirmative.

HAROLD FORD - Granted variance to convert single dwelling into two-family dwelling at 2661 Chili Ave. All members voted affirmative.

BERNARD FOLEY - denied variance to do hair dressing in home at 18 Tarrytown Dr. Members voted as follows: Mr. Schlueter yes, Mr. Hunter no, Mr. Pfenninger no, Mr. Strassner no.

PETER TRENTON - Granted variance to build house on lot 85 ft. wide at 3472 Chili Ave. All members voted affirmative.

RICHARD TYTLER - granted variance to alter front setback to 58 ft. at 486 Chili Town Line Rd. All members voted affirmative.

JOHN BERNHARD - granted variance to move existing garage to 6 ft. from side lot line at 93 Names Rd. Garage to be no closer than 12 ft. back of existing house on property. All members voted affirmative.

ARDEN G. CURTS - granted variance to build garage 8 ft. from side lot line at 15 Hallock Rd. All members voted affirmative.

ANTHONY DE LUCA - Denied variance to erect party house on lots 14, 15, 16, 17 and 18 Ballantyne Rd. Members voted as follows: All members voted in the negative.

MRS. FORREST ELLING - Granted variance to erect garage 4 ft. from south side lot line at 1122 Pixley Rd. All members voted affirmative.

ROBERT DYSART - Denied variance to build garage 7 ft. to west side lot line at 2013 Westside Dr., because of non-appearance.

DECISIONS (CONT.)

CARL R. SCACCHETTI, JR. - Decision reserved on application for variance to build houses on lots 50 ft. by 120 ft., 5 ft. from side lot line, in line with existing houses on following lots: lot No. 11, Block B, Morrison Ave.; lot No. 10, Block G, Harold Ave.; lot No. 14 Block F Harold Ave.; lot No. 11 Block F Harold Ave.; lot No. 2 Block F Harold Ave.

GUILIO AND JOSEPHINE DE PASCALE - Denied variance to park approximately 60 cars in rear of property because of non-appearance. Property at 1611 Scottsville Rd.

From the Zoning Board meeting on June 23, 1964:

EDWARD VAN GROL - granted variance to erect radio tower 60 ft. in height at 573 Stottle Rd. All members voted affirmative.

June Yates, Secretary

Special Meeting of Zoning Board of Appeals

August 3, 1964

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

Regarding application of Charles Carbone at meeting on June 23, 1964; Application for variance to build homes on 50 ft. wide lots, 5 ft. to side lot line, with front setback to conform with existing houses, lots as follows: Block G, lots 11, 18, 24; Block E - lots 22, 5, 15. Mr. Sulli, attorney, has presented to Mr. Wickins Abstract Titles of all these lots showing ownership of these lots. Also shows Abstract of Title, shows that they have been in single ownership prior to the passage of our Zoning Ordinance, shows further that either Mr. Carbone or Mr. Sulli have obtained title to these lots in recent times.

At the Zoning Board meeting on February 25, 1964, the Board denied a variance on these same lots, application made by same Charles Carbone.

Discussion by the Board. Possibility of 8 ft. side line setback on one side, at least 10 ft. on the other side. Before permits can be issued, plans be submitted to Mr. Davis or Mr. Strassner showing location on the lot of the house and show what is on each side of that particular lot. Front line setback to be set in each case by the Building Supt. to be approximately in line with existing houses.

This apply to May 26, 1964 meeting of the Board on application of Charles Gliottone for variance on lot 4, Block E, also application of Carl Scacchetti at this meeting for variance on lot 3, Block E.

Decision from the meeting of June 23, 1964:

Variance denied Kayan Construction Co., Inc., 876 Maple Dr., Webster, N.Y. to build houses 5 ft. to side lot lines on lots 14 and 15 Chester Avenue. Denied unanimously.

It was the finding of the Board that applicant owns two adjoining lots, lot 14 is a corner lot. It is impossible to build a house on lot 14 and conform to 20 ft. sight easement setback that is required on a corner lot. Further found there is no hardship inasmuch as the applicant owns two adjoining lots which could be combined into one, and make one lot to conform to our required sight easement setback.

Board set Monday evening, August 10, 1964, as special meeting (informal). Mr. Scacchetti to be invited to attend at 8:00 P.M. Mr. Carbone and Mr. Sulli to be invited to attend at 8:30 P.M.

June Yates, Secretary

Special Meeting of Zoning Board
of Appeals

August 10, 1964

The meeting opened with the following members present:

Cornelius Strassner, Chairman; Robert Schlueter, Robert Hunter; Charles Pfenninger; Frank Bubel; Ralph Wickens, Town Attorney; William Davis, Building Superintendent.

Mr. Carl Scacchetti jointed the meeting at 8:15 P.M. Mr. Strassner explained what the Board was trying to do do was have them continue to get three lots into two wherever possible. On lots where unable to get lots on either side or where lots are landlocked, Board had come up with a plan where it might grant variance of certain side lines whereby there would be 8 ft. on one side and 10 ft. on other. Reason for that so there would be certain distance between houses so as not to crowd area and there will be no fire hazard, and there would be room for future garages and driveways. If there are garages already built with house 8 ft. and 8ft. would suffice.

Mr. Scacchetti agreed to cooperate with these restrictions and showed Board plans for homes to go on the 50 ft. lots with garages already in plans. Also showed plans of homes to go on 75 ft. lots.

Mr. Strassner also said it was the wish of the Board where it was not possible to completely comply with the Board's restrictions, they place the houses on the lots in compliance with Building Inspector's wishes.

Mr. Strassner further stated, in regards to corner lots the Board feels we cannot go along with any corner lot where there is not room enough to come anywhere near Zoning laws. The corner lots must have 20 ft. on side line. Mr. Scacchetti agreed after discussion to go along with decision and wherever possible to contact owner of lot next to corner and try to buy the other lot or sell corner lot.

Mr. Sulli and Mr. Carbonne joined meeting at 8:55 P.M.

Mr. Strassner advised them of the Zoning Board's decision as per his advices to Mr. Scacchetti as to 50 ft. lots and corner lots. Mr. Carbonne also agreed to try to buy the lots next to corner lots or sell them to owners if a deal could be made in order to comply with Board's ruling. Also to try to get adjacent lots to any 50 ft. lots now held in order to enlarge lots.

DECISIONS:

For Mr. Carbonne: Variance granted to erect houses on lots 11G; 24G, 20G, 5E, 22E, 19F (Mr. Carbonne withdrew request for variance on lots 18G and 15E), with side line set back of a minimum of 8 ft. on one side and 10 ft. on the other side and the houses to be placed on the lots under the supervision and direction of the Building Inspector. It is further the decision of the Zoning Board that all other lots previously applied for by Mr. Carbonne on which decision has been reserved, decision has been denied.

For Mr. Scacchetti: Variance granted to erect houses on lots 11 B; 10 G; 11 F (Mr. Scacchetti withdrew request for lot 2 F) with side line set back of a minimum of 8 ft. on one side and 10 ft. on the other side and the houses to be placed on the lots under the supervision and direction of the Building Inspector. Decision reserved on Lot 14F.

Patricia Slack
Acting Secretary

ZONING BOARD OF APPEALS

August 25, 1964

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

Application of Chili Manor Inc., 1021 Union Trust Building, variance to erect sign 4 ft. x 6 ft., 40 ft. setback from either road located southeast corner of Beaver Road and Route #251 in EE Zone.

Mr. James D. Andrews, attorney and real estate broker, with offices at 1901 East Henrietta Road appeared. Proposed to make simple rectangular sign, with bottom about four feet off ground. It will not be illuminated. Will be made of marine plywood. It is not a subdivision sign, just a for sale sign for sale purposes. Would want it up for a period of a year with the understanding if it is sold in meantime would be kept up for just a short time showing property sold and then sign taken down.

Application was amended to read Southwest corner instead of Southeast corner.

Sign will be on corner so as to be seen from each angle. Mr. Andrews said sign might even be more than 40 ft. back from state setback. Would have no objection to putting sign at building inspector's direction.

On question, no objections to or none in favor.

DECISION: Approved under the instructions of building inspector for one year, or thirty days after property is sold.

Application of Earl Hibbard, 165 Imperial Circle, variance to build houses 50 ft. to front line on lots 97 and 76 Creekview Drive and 40 ft. to front line on lot R-96 Creekview Drive in E zone.

Mr. Hibbard appeared with plan. On 97 and 76 plans to keep houses in line with existing ones now there and on R-96 wants to have garage 40 ft. from circle. House more than 60 ft. from road and will bring it in line with house on lot 97.

On question, Mr. William Stein of 60 Creekview Drive is in favor of variance but as matter of record would point out fact that the same leniency be extended to other builders in Town of Chili as extended in this case, and other builders in like circumstances should be allowed same privilege.

DECISION: Application approved unanimously.

Application of August Billitier, 6 Phyllis Lane, variance to erect garage 5 ft. 2-1/2 in. to east side lot line in D Zone.

Mr. and Mrs. Billitier appeared. Plan submitted to Board. 20 ft. garage being attached to house. Next door neighbor is 13 ft. which gives 18 ft. separation.

On question no one appeared for or against application.

DECISION: Application approved unanimously.

Application of Kayan Construction Co., 876 Maple Dr. Webster, variance to build house on lot 21 Chester Avenue 50 ft. in width, 5 ft. to either side lot line in D. Zone.

Representative appeared. Advised will conform to side and front lines. Stated sewers and water in. On question if had tried to buy adjoining lot County owns lots from 20 to 16. next door is 22-23 on which house is built. Has contacted County regarding their lots, and advised someone has option to buy them. Will have 10 ft and 16 ft. on side lines. House front 24 ft. and goes back 40 ft. Will be enough room to put garage in back without going for any variance. Has owned property about month and half. Has talked to County and everything is spoken for. He asked Mr. Strassner what is considered a reasonable length of time to try for another lot. Mr. Strassner said felt should try more than just asking and felt just because land spoken for does not mean there is an option on it. Every man has right to buy that property. Kayan representative said he asked Jerry Leonardo of County who said property was spoken for.

On question, Mr. James E. Ferguson, 32 Chester Avenue and Mr. James N. Haller, 39 Chester Avenue both objected on grounds they would like to see him get a larger bt.

Mr. William Stein, 60 Creekview Drive, objected as a resident of Chili. Everyone should be made to get larger lot.

No one appeared in favor of application.

DECISION: Application denied unanimously.

Application of Henry R. Yeager, 1097 Lake Shore Blvd. variance to build house on lot 6 Charles Avenue 50 ft. in width 5 ft. to either side lot line in D. Zone.

Plot plans presented. Do not need side line variance. It is same situation as one just presented. Mr. Strassner advised that area does not have water nor sewers and also no road, and asked if he was willing to develop road. Representative said he will put in gravel road. Said all county owned lots around and has owned lot about two and one half months ago and knew zoning rules and regulations when he bought lot. Mr. Strassner asked Mr. Carbonne if he had not withdrawn on lots 3 and 5 in that area because no sewers and water and was advised he had.

On question no one appeared in favor of or against.

DECISION: Application denied unanimously.

Application of Floyd R. Holmes, 4 Hubbard Drive, variance, to erect garage 5 ft. from south side lot line in D zone.

Mr. Holmes presented plans. Lot is pie shaped. Garage 20 ft. wide 24 ft. deep with 16 ft. door. Two car garage.

On question no one appeared for or against application.

DECISION: Application approved unanimously.

Application of Robert Dysart, 2013 Westside Drive, variance to build garage with 7 ft. of the west side lot line in E zone.

Mr. and Mrs. Dysart appeared. Did not have map, but described what wanted. Two car garage 24 ft. wide. Next door neighbor is 7 ft. from side lot line.

On question no one appeared for or against application.

DECISION: Application approved unanimously.

Respectfully submitted

Patricia D. Slack
Acting Secretary

Zoning Board of Appeals
September 22, 1964

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

1. Floyd R. Holmes, 54 Hubbard Drive, variance to erect garage 5 ft. from side lot line in D zone.

This application was brought before the Zoning Board at the last meeting and was advertised for this meeting in error. No action taken.

2. Self Service Car Wash, 1220 Scottsville Rd., variance to erect 8 ft. by 3 ft. sign 10 ft. from the ground in A zone.

Marcel Fournier appeared. This sign is to advertise car wash. It will be 30 ft. from right-of-way. It is an illuminated sign and will be on 24 hours, seven days a week.

No one appeared to speak in favor or in objection.

DECISION: Application approved by the following vote: Mr. Bubel yes, Mr. Hunter yes, Mr. Pfenninger yes, Mr. Strassner yes, Mr. Schleuter no.

3. Raymond Morton, 10 Irvington Drive, for variance to build garage 8 ft. from east side lot line in E zone.

Mr. Morton appeared, and stated lot is 90 ft. wide, house is already built. He would like 26 ft. garage. The house is 30 ft. from the property line. There will be 38 ft. between the two buildings, 19 ft. on the other side to his line. The sidewalk including the steps is 9 ft. from the house. 16 ft. would be needed for a door.

No one appeared to speak in objection or in favor of this application.

DECISION: Application approved, all members voting in the affirmative.

4. Earl Hibbard, 165 Imperial Circle, for variance to erect a temporary sign on the northwest corner of Creekview Dr. and Chili Ave. 3 ft. by 4 ft., 3 ft. from the ground, in E zone.

Vincent Jones, 26 Kuebler Drive, appeared representing Mr. Hibbard. Mr. Jones said it was just 30 ft. from Creekview Road. Sign is not to be illuminated. It is plywood background, white, advertising Earl Hibbard Homes. He would like a variance for six months to a year. Mr. Hibbard has permission from D. D. Davis, who is adjacent, to erect the sign.

No one appeared to speak in favor or in objection to this request.

DECISION: Variance granted for a period of one year. All members voted in the affirmative.

5. Thomas J. North, 14 Tarrytown Dr., for variance to build garage within 4 ft. of east side lot line in D zone.

Mr. North appeared, but had no plot plan, not knowing it was required. He would like to go within 4 ft. of neighbor's lot. The lot is 70 ft. wide. The house is 43 ft., 10 ft. on one side, 22 ft. on the other. He would like a garage 18 ft. wide by 22 ft. deep. It will be an attached garage. The neighbor is 10 ft. from the lot line. When asked if the garage could be cut down a foot, he answered it could be but he would like to make a family room and passage hallway into family room in back of the house. The hallway would be about 3 ft. The neighbors garage would be on the other side of the house if he had a garage. Garage would be 14 ft. from the neighbor's.

No one appeared to speak in favor or objection to this application.

DECISION: Variance granted to build garage 5 ft. from side lot line with following vote: Mr. Hunter yes, Mr. Pfenninger yes, Mr. Bubel yes, Mr. Strassner yes, Mr. Schleuter no.

6. Derric Godden, 3308 Chili Avenue, for variance to erect garage and breezeway 15 ft. from west side corner lot line in E zone.

Mr. Godden appeared and submitted plan. This is on a corner lot on Chili Avenue, New Tract, Chi Paul Gardens. He would like this 15 ft. from the lot line. The garage would be 16 ft. There are no houses at the present time. There will be no houses beside him on one side of Chili Ave., the other street is a new street, and the other side is a 200 ft. lot. The garage will be opened from Chili Avenue. The breezeway is 12 ft. The house is built.

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

decision: Variance denied. All members voted in the negative.

7. Cesare Falcone, for variance to erect vegetable and garden supply store 75 ft. from front lot line, 25 ft. from rear lot line at northeast corner of Fenton Rd. and Chestnut Ridge Rd. in B zone.

Mr. Falcone appeared with plans of proposed building. This will be concrete block building similar to the Town Hall. The building will be 10 ft. by 30 ft. approximately, the overhang in front to be for shade. This has a door inside and two doors in front for entrance, like a garage. It is 75 ft. back from the road, about 38 ft. from the side line. Mr. Falcone stated he did not know if it was proposed to add on. If there is enough space, there will be another hearing, if not it will remain as is. Parking facilities are good because the parking is in front. Frontage would be 70 ft. which would accommodate 20 cars, then the side would be 38 ft. from the side line, on the gas station side. One entrance on Chili Avenue. This would be open like any other business, estimation being from 7:00 A.M. to 8:00 or 9:00 P.M. This would be open on Sunday, depending on business.

On the question of objections:

Mr. Kodweiss, 2989 Chili Avenue, asked what facilities for emptying crates. He was advised the ordinances of the town would be complied with. Mr. Kodweiss advised he was not against it but did want to know the facilities. He would not like to see it like a city dump.

Ray Johnson, 140 Fenton Road requested permission to look at the map. It will be 25 ft. from his property on the back. He asked if it would be kept clean and presentable because from his property he can look on it. This would be his only objection, cleanliness. Mr. Falcone stated this will be on lease and if not kept clean the tenant would not be allowed to stay.

Elton Peter, 121 Fenton Rd.: As this is a very congested corner, I object because of congestion. This is already on this corner.

Mr. Pfenninger asked Mr. Falcone if he got variance, would he pull the other buildings down. Mr. Falcone replied not right away, but it will be done, but he did not know when.

Mr. Jacobs, Chili Avenue, objected to this project for the reason Mr. Peters did. Too many industrial places there already made this a dangerous corner. He felt it should be prohibited.

No one appeared to speak in favor of this application.

Mr. Falcone in answering objections, asked why traffic was not thought of when Bright Oaks came in and when two gas stations allowed to come in. Gas stations have more hazards and traffic. They too are terrific traffic hazards.

DECISION: Variance granted with the following vote: Mr. Bubel yes, Mr. Pfenninger yes, Mr. Hunter yes, Mr. Strassner yes, Mr. Schleuter no. All barrels, rubbish, papers, crates and refuse to be housed inside of the building.

8. Joseph Taddeo, 310 Wilder Bldg., variance to erect 100 apartments & buildings on south side of Buffalo Rd. on Irving Hoffman property, consisting of 5 acres, in E zone.

Mr. Joseph Taddeo appeared with plans. Application calls for eight buildings, size 38 ft. by 154.8 ft. There will be eight buildings as per map of one submitted. They will be two bedroom apartments on the end, four one-bedroom apartments in the center, State code frame construction with brick veneer. There will be parking facilities for 125 cars for 100 apartments. An area has been set off as picnic area for residents of the project with barbecue pits and playground. Map was put on the bulletin board and Mr. Taddeo and engineer described the layout to interested parties. There will be total of 100 units, 36 to be one-bedroom, 64 two-bedrooms, in the front of each building enough parking area to accommodate all of the tenants plus guest parking. Back of the apartment play area or picnic area, all fenced in so that children can play in it. The inside is going to be tile baths, modern kitchen, with stove and refrigerator furnished. It will be all shrubbed. The land behind the project is vacant land and some houses. To the left of the project one home and behind that a gas station. The other side is the home of Mr. Hoffman and beyond that some other homes. Across the street is homes, all single houses. The floor area of the apartments is approximately 850 sq. ft. for one-bedroom, 900 plus for two-bedroom.

The question was raised of square footage of single family home. Mr. Strassner said, depending on the tract, 1,050 sq. ft. for one story and 700 sq. ft. for two story. There has been no zoning set for the square footage of apartments.

On the question of those in favor of this application, Mr. Taddeo came forward and said he was in favor. He is lawyer and developer of various types of projects and is familiar with this type of project. He feels this project is good for the town. Chili has a college in the town. It will be larger in the future and some day will be a university. Therefore, it is necessary that the land surrounding the college be put to the best use possible with long range view in mind. To grow, it has to be surrounded by more than single family homes, has to have commercial property around, and above all multiple dwelling units for families, etc. There is nothing like that here. This construction will help the town and the college.

On the question of objections:

William G. McCoy, 4424 Buffalo Rd., objected because of congestion and taxes.

John Sinnott, Hubbard Drive, came forward with a petition signed by 78 residents in the immediate area of Hubbard Drive and Buffalo Rd. He presented the petition to the Board together with a newspaper article to be incorporated in the minutes and for consideration. Against apartments for the following reasons:

Chili is a town of one-family homes. If 125 cars just in a parking lot, the congestion there alone would be a hindrance to children. In 10 years, what will these apartments be like? The control of the tenants is dependent on rents. The class of people might get lower. It is a rare thing to see a 10 year old apartment in good condition. Also school taxes. You have 100 units, 1 child per unit. You are not going to receive taxes on the apartment you would on 100 houses. Heavy traffic on Buffalo Rd. Children would probably become friends and use Buffalo Rd. going back and forth. Primarily, Chili is not an apartment town. If we start bringing apartments into it, every developer who has been refused elsewhere will be coming to Chili, and we will have a transient type of citizenry.

Frank Heffer, 4422 Buffalo Rd.: Who is going to be responsible for all the children on Buffalo Rd. 125 cars coming in and out of that area is more or less a danger to everybody in that area. The college has housing. We do not need this housing. About 3 years ago the Town Board laid out a master plan, commercial, industrial, etc. On Union St. is all kinds of commercial property. He is out to make a profit, we are there to live there. 100 families will have no back yard. We have all lived here many years. If I have to get up in the morning looking at walls of cars, I am not going to enjoy it. He brought up the point of building houses on college, the type the college have now.

Mr. Strassner said they do have buildings for the faculty and students. That has no bearing on this application.

Mr. Heffer said Mr. Taddeo said they needed multiple dwellings.

Mr. Strassner said he did not believe a representative from the college was at the meeting. He knew what they were doing, but did not know what they had plans for. The Town Board would know more about that. They do not have to file applications with the Zoning Board. They are building now.

Richard Baade, 15 Hilltop Dr. said it is his understanding that the same corporation or organization that is interested in this group of houses also was creator of three in Gates on Lyell Avenue.

Mr. Taddeo told him he was not correct, they have never built any apartments in that area.

Mr. Baade: Nevertheless they were built as he understood on the same principal that this would be. Please take a ride by those apartments. A bigger slum would not be found in Baden-Ormond area. They are a mess, after two or three years. This we do not need in North Chili. They are a find thing when people who live there care. Putting up 100 unit apartments would be a foolish move for the people in North Chili area. It is residential area and they enjoy it. We moved there for that reason.

Mr. Sinnott: Only 500 students and he wants to build 100 apartments. His argument is not too valid.

Mr. Taddeo: I failed to put across the original point I had in mind. I will say one again, proper development of any community including a college requires that the area surrounding it be designed so that this area contains more than single family dwellings, shopping centers. These are the things you must have if a community is to grow and thrive and with the others to a degree this project we are contemplating will add to the growth of the college. It will appeal to those who do not want to live on the campus to some degree, will be separate for various people. We will have no difficulty in filling the property with other people than those from Roberts Wesleyan.

Mr. Baade: I agree it needs to be integrated with various commercial, industrial and such. This is precisely why we have a master plan, and have allowed for these various types. Why can you not build this on the land allocated?

Mr. Heffer: Mr. Taddeo spoke about Roberts Wesleyan College. We are home owners. These people's children may go to Roberts Wesleyan, maybe not. It was there before we got there and will be there after we leave. We are protecting the tax valuation on homes. Roberts Wesleyan needs no housing.

Mr. Strassner asked what the valuation of this project would be.

Mr. Taddeo could only tell the estimated cost of this project which would be between \$850,000.00 and \$1,000,000.00.

Mr. Sinnott: One of the main problems in any multiple dwelling is not tomorrow's effect but the thing five years from now. There will be an absentee landlord, people in and out. 5 years from now these apartments will be beginning to deteriorate, rents will become lower, then the lower rate will bring a lower class of people, lower physical beauty of the property. In 10 or 20 years apartment dwellings do not hold up like private homes.

This will be the doing of the Zoning Board and the Town Board.

Bert W. Jones, 4470 Buffalo Rd: I live approximately diagonally across from this development. I strongly object to what I call deterioration of the neighborhood. I worked on Elmire Heights Zoning Board sometime ago and lived there for some years and saw considerable action and acrimonious debates come by way of variance. I implore you not to allow any opening of the door on this type of regulation of zoning you have. You will be finding yourself in situations where you will be going to grant variances and set an example. I hope this is enough to indicate my feelings in the matter, though I have many reasons.

Nell Cramer, 79 Hubbard Dr.: Questioned assessment of property and was advised they gave a proposed cost. He questioned entrances from Attridge Rd. and was advised there would be one on each end and one in the center all on Buffalo Rd.

Mr. Taddeo in replying to objections said in order to put project across, it will be necessary for him to get a large amount of money and bond and cannot afford to allow the project to become a slum.

DECISION: Decision on this variance reserved until a later meeting when the Town Attorney is present.

9. Style Rite Homes, Inc., 55 State St., variance to build multiple dwellings on property situate on part of Lot 1 and Lot 58 East Pultney Tract, south of Westside Dr. and adjoining the northerly line of Western Expressway west of Trabold Rd., east of Coldwater Rd., E zone.

James H. Boomer, attorney representing the applicant, appeared. He presented application for variance on ground of hardship to use a 4-acre parcel for garden type apartments. This parcel was originally purchased along with other land by Style Rite homes some 10 years ago, then consisting of 31 acres. Since then Style Rite has sold off front areas on West Side Drive. After they did that the State came along and took portions of land for the expressway, leaving this 4-acre parcel isolated. The only means of getting in there and out is 60 ft. right-of-way running through Westside Drive to this parcel. Parcel is zoned E residential. Are making this application under the Town law which provides that when there are difficulties and unnecessary hardship on piece of property so it cannot be used in that zone, then the applicant is entitled to a variance. Intend to build garden type apartments. Will be 15 buildings of 4 families in each building. Right-of-way now would have to be developed and made a road.

Mr. Wills appeared before the Board. Plot plan shown to the Board. These buildings consist of four family units in each building, some being connected in a series of three, but each building shown on the drawing is a duplicate of the other buildings. Will be raised ranch type design, brick construction. Lower level two 1 bedroom apartments and laundry. Upper level 1 1 bedroom and 1 two bedroom apartment. There will be 45 1 bedroom apartments, 15 two bedroom apartments. Each of apartments will be provided with individual carport. Grounds will be landscaped and lawn area. Roadway extending from Westside Drive will be according to town specifications and dedicated to town. Roadway asphalt paved. Balance of roadway from 160 ft. dedicated to the town will be maintained by Style Rite Homes. Rent range \$135-\$150 per month. Valuation of buildings estimated total would be approximately \$550,000. Purchased to be for residential subdivision, 1954 approved subdivision, 10 lots were sold off and have houses on them, in 1954-55. Prior to 1960 were given to understand State of New York would probably be appropriating portion of this

property for highway. This did happen and severed this land into two parcels. State took approximately 9 acres leaving parcel to the south of 17 odd acres and this 4 acres or so in front. We thought to still try to develop land and had engineering studies made. Found not possible to develop it for that purpose. Placed it on the market for sale. Attempted to find a purchaser who would purchase this land and use it in conformance to requirements. Our efforts were unsuccessful. Did not find a purchaser who would buy it at any price. We have found we cannot use this in any way under the requirements of the existing zoning and have therefore come to you gentlemen with this request to permit this type of project. Decision reserved for highway to be dedicated to town at Planning Board was reserved until Zoning Board has taken action. The nearest building to west of roadway and nearest to Westside Drive is approximately 55 ft. from rear lot line of house which faces on Westside Drive. Pavement will be 25 ft. wide which will be maintained as private driveway. Square footage of apartment building 62 ft. by 24.8 ft. two floors containing two apartments 1750 sq. ft. roughly 875 sq. ft. per apartment, one bedroom slightly smaller, two bedrooms slightly larger. There are carports in parking area, one for each apartment.

Asked where turnaround for plows in winter if road dedicated to town. Said if necessary a turn-around would be allowed. If required can furnish additional transient parking in driveway area. Had 31 acres after sold Westside Drive lots, State took approximately 9.324 acres. Left two parcels 17.7 acres, 4.02 acres. 17.7 acres to south of expressway. State took just what they needed. They paid damages on rear portion which was landlocked and could not be reached.

Mr. Boomer said would like to explain they are coming on on ground of hardship, which believes law says should prove. Testimony Mr. Wills has already given is put down in affidavit form, sworn to September 22nd, and which was presented to Board to be incorporated in minutes. Mr. Boomer asked Mr. Wills what he did to ascertain whether this property could be used for residential purposes as permitted under present zoning ordinance.

Mr. Wills stated consulted with the firm of Lewis Kohl, Engineers engaged in the business of residential subdivision layout of lots. Asked Mr. Kohl to prepare for them a layout of this four acres of land in the best way he felt it could be laid out to give us most lots as most economical cost. He did so and prepared for us a map of potential layout of 7 lots, some would perhaps require a variance which could probably be secured on basis of this map.

Map of Lewis Kohn, Engineers, introduced into evidence and left with Board.

Went to Al Turner excavators who has done work for them in past and asked him to prepare for us an estimate of the cost of installing necessary improvement to this land in accordance with town specifications and received from him a figure for that work.

Submitted for record, Affidavit of Al Turner to be incorporated into record and affidavit giving estimate.

Figures given \$30,120 without engineering fees on inspection cost, which estimate to be 10% of total cost. In addition to engineers fees would be cost of interest on money invested.

Mr. Boomer asked what efforts have been made to sell this property since the State took a portion of the land for the expressway.

Mr. Wills replied yes. I mentioned before, I am officer of Wills Realty Corp. engaged in selling of real estate. Subsequent to the appropriation by the State of New York and at the time we felt we could not develop this to residential use any longer, we turned this property over to our salesman James Gleason primarily. He has made every effort, contacted numerous people in this business and has been unable to secure for us a purchase contract or offer at any price on any terms. Our price was open, we frankly did not know what price. We were seeking an offer. It could have been a price from \$1500 to \$2500 an acre, but we asked Mr. Gleason to get any offer.

Mr. Boomer asked if Mr. Gleason had contacted any of the home owners to see if they would buy. Mr. Wills replied he did not believe he did.

Mr. Gleason was asked if he had approached any one in this vicinity and answered no, he contacted builders and developers. He had some calls but not directly from but other people, but nobody was interested in giving him an offer. It was advertised in Democrat and Chronicle. Mr. Gleason read his affidavit regarding efforts to sell the property, which affidavit is incorporated in these minutes.

On question, Mr. Gleason said he tried to sell property before any specific estimates were made and he started to advertise property in spring of 1961. No offers whatsoever have been received on property.

Mr. Boomer called James Scott licensed real estate broker employed to make investigation into property to give proof of hardship as it exists on this property. Mr. Scott gave his address, qualifications for making this report. He gave outline from his report to the Board, attached copy of maps to bulletin board and explained property report giving his testimony as to the land being unsuitable for any purposes permitted within the limits of the existing zoning. This report is attached to the minutes and made a part of them.

Mr. Boomer addressed the Board. He had given his case and proven the hardship that called for a variance. The owner has been deprived of all the use of this property, therefore we have proven hardship and feel these buildings will be attractive buildings and a credit to the town, and we believe for that reason this variance should be give.

Mr. Schleuter asked was owner paid penalty by State.

Mr. Wills replied this was settled with State on a basis in overall difference in value of entire property before the taking and the remainder after the taking. As to exact use taken, I cannot tell you.

Mr. Hunter pointed out on page 4 of Mr. Scotts report, for farm, drainage is inclined to be excessive. Mr. Scott said it means soil should have humus added to it. As soon as cultivated you will get quite a lot of washing of rain, etc.

Mr. Hunter said water goes through and does not run off. It is not suitable for farm purposes. Was told yes.

Mr. Scott identified the specific property on the map for the record in blue ink and in pencil over the ink mark and map incorporated in the minutes. Tax easement map of Town of Chili property marked in blue crayon and map was incorporated in record.

On the question of anyone in favor of this application:

Frank Breiner, 431 Fisher Rd. was in favor of it because Mr. Wills finds himself in the same situation, airport left him in. Property the State comes in and takes it away and leaves you with worthless property. He thinks the town will benefit by allowing the variance. This piece of property would bring revenue back to the town in assessment value.

Mr. Strassner asked for any objections to this application:

William Beikirch, 1089 Westside Drive, submitted to Board petition in behalf of residents in opposition to erection of apartments. (Petition incorporated in minutes). Mr. Beikirch objected to application, believes it will devalue existing property. All houses these apartments would abut. He moved out on the basis of high class residential section. He believes the houses are worth more than in class \$16,000 to \$18,000, more like \$18,000 to \$22,000. They should not have to suffer as homeowners whether the fact it is landlocked or have small parcel left because of expressway. Got money from the State for the property, no hardship, he believes has fair value for his property. He believes extended drainage problem here, no natural flow of water to drain the property. There is a traffic problem. 60 families will be 60 cars plus x number of children which will be a drainage on the school system. Great influx of people in a small parcel of area. No turnaround provision for town equipment, though he did hear he would put one in. There is no provision on the maps to put up a fence to keep out the influx of trespassers. Children cutting across lots. Mr. Wills says one apartment 55 ft. back from existing property lines, one shows approximately 45 ft. from existing property line. There is discrepancy between 3-rod road and 4-rod road. On the basis of these arguments and the development, Mr. Beikirch did not feel we should offer in the neighborhood of \$1500 to \$2000.

Mr. Curry, 1077 Westside Dr.: A group had a meeting on this subject a couple of weeks ago. One of the group said he had made an offer of \$4,000 for this property. I tried to reach him but he is not home.

Mr. Golden, 1005 Westside Dr.: I was at that meeting and heard the man say he made a flat offer of \$4,000 which was not accepted.

Two other gentlemen living on Westside Dr. also said they heard this offer had been made.

Mr. Beikirch: I heard the same statement made.

Mr. Miller; 1085 Westside Dr.: I also heard the statement made. I also know another gentleman who lives in adjoining house has been trying to buy land in back of his home. This gentleman made the statement to Zoning Board State of New York took land and left him worthless property. I do not believe the state grabbed his property. He was reimbursed or had recourse to courts.

Mr. Curry: A gentleman named Greenburg representing New York State along our street stated to me that any of the property between Westside Dr. and throughway feeder to be used by State of New York, then the property they did not use would be returned to former owners. I feel before you gentlemen make a decision, we should have the right of counsel and a Chili real estate expert. We should have a chance to bring professional witness.

Mr. Drum, Westside Dr.: The statement was made by Mr. Scott and also by Mr. Gleason that no attempt had been made to purchase this land. I made three trips to the office to inquire how we could purchase land back of house and only person I was allowed to talk to on two occasions was the receptionist. Spoke on one occasion when they did not know what my interest was. Other visits was only allowed to see the receptionist. So it is not true no one has attempted to buy this land in parcel or in its entirety. 3 times not 1 time. They said it was advertised to real estate developers but was not advertised in the town proper. They say the soil is of poor condition. The Walker farm was one of the finest orchards in Chili. Cornell students came to witness it. Maybe this new development might be on my property as long as the lot lines are not an established thing. It should be now. Verbally he will tell us we have 8 1/4 ft. we are entitled to but will make no statement for the record.

Mr. Strassner asked what he meant he is entitled to another 7 1/2 ft.

Mr. Drum said this revolved around 3 and 4 rod road in that area.

Mr. Strassner asked if his lot had been surveyed and if he knew where his property lines are.

Mr. Miller said he bought house about 2 1/2 years ago. It was surveyed within three months after by Smith and Dunlop. No question about width. The maps show 4 rod road. His lot was surveyed and stakes driven in lot, fence in. He never asked how wide the road was. Had legal services. Surveyed on the basis of 4 rod road.

Mr. Strassner asked if his property extended beyond other peoples lot. Would his lot be 7 1/2 ft. beyond where he thought his lot is.

Mr. Drum said this determine back lot line.

Mr. Strassner said then you think this plot of ground as presented tonight is not as big as being presented?

Mr. Boomer said when these lots were sold off, the records show this was 3 rod road. All lots were surveyed and sold on that basis. All have his land as sold at that time. Later on the State said it was a 4 rod road. When sold or we sold to you certain line it was subdivided and sold to that line. If State or County took anything off the front they took it, they did not take rear. We have surveys showing this property as shown belongs to Wills. We are here to meet any valid objection. If we can straighten this matter out we would be happy to smooth out boundary lines.

Mr. Drum: Legal counsel has also advised us there is a difference of opinion. Therefore would entitle us to 8 1/4 ft more in back of our lots which then would not make this legal.

Mr. Strassner: This is a legal question which goes beyond the rules of this Board. I do not know just how we will finish up on this angle.

Mr. Beikirk: I think the question is to be put forth is if variance is granted and granted on x number of feet of apartment and land lock, what would it be granted under, how many feet?

Mr. Strassner: We can only grant the application or not grant as they presented it. If granted as turned in, if turned down we will have to give a reason for it.

Mr. Curry: I have consulted two attorneys on this subject. Charles Renrico and G. Wolfgang. We did not bring legal advice tonight. If you would ask them about this 4 rod road we would appreciate it.

Mr. Godden: They are claiming hardship. Asked were they paid damages on this 4 acres of land. He owns the first home west of the throughway. A portion of his back yard was taken and he was paid damages. Mr. Greenberg dealt with him. Gave him a reasonable figure and broke it down item by item and told him precisely what he was receiving damages for. He feels Mr. Wills must know damage and what the breakdown was from the land taken from them. Also 3 vs. 4 rod road when he was paid damages, he was told in final settlement that he was not receiving damages for the front 8 1/4 ft. which was originally in his damage claim because it did not belong to him. Therefore, if he did not receive it, then Wills received some of the damage for his back property for which he, Mr. Godden, received nothing. Unfortunately if they do not know where to get a breakdown of that, all they have to do is go down to the State office and present their lot number and they will tell them exactly what was paid.

Other point I wish to bring out is that while the revenue that the town might realize on \$125,000.00 to \$150,000.00, I wonder if this is commensurate with additional cost of burden and hardship on the educational facilities of an already overburdened Brasser School taxes which pay one of the highest school tax rates in suburban area. Article in the paper telling growth in town, particularly Chili, showed growth not up to their expectation. I would just like to submit I feel possibly this type of variance will not encourage growth in Chili. When they see rezoning such as this in your back yard they will not want to settle here.

Mr. Miller: As I am only one here whose house borders the proposed road, there was submitted to the Planning Board a map of the road to be dedicated which would be 160 ft. in length from 3 rod road from the lot is 160 ft. from 4 rod road. That is something that would have to be decided officially. The road is 60 ft. wide. I am not opposed to apartments. I lived in Elmwood Manor apartments. 160 ft. road is going to be town road, the rest going to be put in according to Style Rite specifications. The fact there is no public transportation within miles means everyone is going to have an automobile. One access road between my house and Mr. Butterfield's. Feels Mr. Wills had moral obligation to put road in there. Just because houses could not be built there, he did not put in the road, but should have anyway and up to the town to plow it out. Object as to children tramping through lots and coming up waiting for the school bus and too many more cars than there are apartments. An access road 60 ft. wide, bridge coming over the expressway down Westside Drive, they really said by. Feels not enough parking or excess parking there. Feels if the road was owned by the town and maintained by the town, he might be willing to go along.

Mr. Beikirch: I object on the basis of upkeep and the number of children, time and parttime tenants, and upkeep of apartment, and how they intend to contract for the work, coming into the highest residential area. I feel it will degrade it.

Mr. Golden: I have seen several maps but have yet to see map of the proposed apartments.

Mr. Boomer: Talking about the number of children, there will be 45 apartments one bedroom only, the other 15 are for two bedrooms. They are not apartments designed for children. If this property is not used, it will stand there and become a jungle except to use it for this project. I feel it will be the finest residential property.

Mr. Wills: In answer to some of the questions and objections:

1. Drainage. Showed on the map how drainage used to be and would now be. Map incorporated in minutes.

2. John Reidman spoke to us about this property and after conversation said he would make an offer. Was asked to put it in writing and he never did so. Mr. Drum did want to purchase this property. We told him at the time he came in we had not decided what could be done with this property. He was inquiring about land behind him only. We could not talk to him about selling one piece at the time he was in. Mr. Greenberg's statements about the land behind Westside Dr. would be all taken by the State and what they did not use would be turned back, the State does not buy any more land than necessary. I believe people will concede when Mr. Greenberg approached them, he approached these people on the basis of fact that it was a 3 rod road and gave them maps. This 3 rod is shown on maps filed in the County Clerks office and which was deeded to the people. This was a change in the Highway Department of State of New York which was done in other property areas in the county. Assumed we had a 3 rod road, state said 4 rod. we cannot control this. we filed maps of 3 rod road. if we could straighten this line out, we would, but I did not want to go on record. I know these people own 160 ft. deep lots on 3 rod road. if this is the objection which is being posed to this project, I would not let it stand in my way. I would offer to deed them the 8 1/4, but not without the variance.

number of children which will crowd schools was answered by Mr. Boomer. as to the amount of money the State paid, frankly I do not see how it enters into the situation. I was asked if they paid damages and I answered that honestly. If Mr. Golden knows the total amount can be secured not the breakdown. I have the same thing but not for each portion and it cannot be secured because there is no such breakdown in the files.

I think generally this answers questions which were raised. I do not believe any are valid. I think we have proven our case here. I hope you gentlemen will see fit to grant the variance.

DECISION: Decision reserved to a later meeting when the Town Attorney is present.

10. Norman Ball, 2738 Chili Ave., variance to build house next to lot 117 Chestnut Dr. in line with other homes on street, in E zone.

Mr. Ball appeared. On the question, he answered he did not own the lot, it is on contract to buy subject to variance. It is Mr. Batz lot who lives next door. The houses adjoining are setback 40 ft. He wants to stay in line with other houses. No variance needed on side lines. The lot is 90 ft. by 240 ft.

On the question of objections or those in favor:

David Gottschalk, 114 Chestnut Dr. questioned by variance is needed. He was under the impression all houses were 60 ft. setback. Studied maps and was told setback was from lot line, not from the road. He had no objection if the house came in line with other houses.

No one else appeared to speak on this application.

DECISION: Variance granted, all members voting in affirmative.

11. Norman Ball, 2738 Chili Ave., variance to build house on 50 ft. lot which lot is next to 2990 Chili Ave., in E zone.

Mr. Ball appeared. On the question, he said he owned the lot. He has no property next to it. Purchased the lot in 1956. There are houses on both sides of it. He would like to stay in line with houses on either side and would keep the side lines. He presented a plot plan. He would stay 10 ft. on one side, 12 ft. on the other side. He has tried to buy from one side. Garage is in the rear. He had to purchase this lot along with lots in Morningside Drive. At that time he was told he could get a building permit.

On the question of any objections or anyone in favor:

Question asked if one is let build on 50 ft. lot, would that mean others could build on 50 ft. lot.

Mr. Strassner said all are handled on each application.

In favor: Mr. Kodweiss, 2889 Chili Avenue: I would like to see a house built on this lot. It is a regular dumping lot. I feel if a house is built, it would clean it up and get some tax money. It would be a good thing for the town.

Mr. Pipitone, 2988 Chili Ave.: I live right next door. This would make a big improvement.

DECISION: Variance granted with the following vote: Mr. Strassner yes, Mr. Pfenninger yes, Mr. Schleuter yes, Mr. Hunter yes, Mr. Bubel no.

12. Giulio and Josephine DePascale, 1611 Scottsville Rd., variance to park cars at the rear of 1611 Scottsville Rd. in A zone.

No one appeared to answer the call on the application.

Denied because of non-appearance.

13. Robert Dundas, 2399 Westside Dr., variance to build garage and additional room to existing home 7 ft. to side lot line, in E zone.

Mr. Dundas appeared and presented plan. Original lot 70 ft. All others in the area are the same way. This will be 14 ft. to 14½ ft. from the neighbor.

On the question no one appeared in objection or in favor.

DECISION: Variance granted, all members voting in the affirmative.

Patricia D. Slack
Acting Secretary

MEETING ZONING BOARD OF APPEALS
TOWN OF CHILI, N. Y.
October 6, 1964

Meeting called to order by Chairman Cornelius Strassner at 8:15. Meeting was an adjourned meeting for decisions on two applications presented for variances at the September 22, 1964 meeting.

Present: Cornelius Strassner
Charles Pfenninger
Frank Bubel
Robert Schleuter
William Davis, Building Inspector
Ralph Wickens, Town Attorney.

Application of Style-Rite Homes, Inc. for variance to build Multiple Dwellings on property situated part of lots 1 and 58 E. Pultney Tract, S. Westside Dr. and adjoining the northerly line of western expressway west of Trabold Road and East of Coldwater Road.

DECISION: Application for variance denied unanimously.

Decision made by the Board after discussion and the following findings:

1. That the character of neighborhood is strictly residential.
2. That the granting of this application would create a hardship and be detrimental to the surrounding developed area. That the members of the Zoning Board are fully acquainted with that neighborhood and know of their own knowledge that it is strictly residential and that the granting of such variance would be a detriment.
3. That it is the Zoning Boards conclusion that there has not been sufficient evidence presented to it to satisfy the Board that there is a hardship here in developing this land as residential.
4. That the plan presented by the applicant makes too dense a concentration of living quarters in the area in question and does not present adequate parking.
5. That if there is any hardship to this plot of land in question, it has been created by the applicant himself in selling off for residential development the front of this land fronting on Westside Drive.

Therefore the decision of the Board was to deny the application on the grounds that the granting of such application would create a hardship on the surrounding residential property and that the land in question could be developed for residential purposes in conformance with the surrounding territory.

Application of Joseph Taddeo, 310 Wilder Building to erect 100 apartments (8 buildings) on the Irving Hoffman property on Buffalo Road, S. side, land consisting of 5 acres.

After much discussion decision on this application was reserved until they questioned Mr. Taddeo on various aspects which arose. Mr. Taddeo will be notified to appear before the Board at its next meeting, to be here at 7:30 P.M. before formal Zoning Board Hearing which starts at 8:00 P.M. on October 27th, to answer certain questions and to bring with him:

1. Plan showing view facing Buffalo Road and the flight elevation of the building facing Buffalo Road.
2. Plans for provision for an additional twenty five car parking, making facilities for a total of 150 cars.
3. Information on the availability of the property fronting on Attridge Road for availability for exits and entrances on Attridge Road.

Respectfully submitted,
Patricia D. Slack, Acting Secretary

MINUTES ZONING BOARD OF APPEALS
TOWN OF CHILI, N.Y. HELD
October 27, 1964

Meeting was called to order at 8:00 P.M. by Chairman Cornelius Strassner.

Present:

- Cornelius Strassner, Chairman
- Charles Pfenninger
- Frank Bubel
- Robert Schleuter
- Ralph Wickins, Town Attorney
- William Davis, Building Inspector

Robert Hunter appeared later at the meeting.

1. Application of Mrs. Charles Mittermeier, 80 Ballantyne Road, variance to build house 8½ ft. to north side lot line and 8 ft. to south side lot line at 86 Ballantyne Road in D zone.

Mrs. Mittermeier appeared. Lot is approximately 72.6 ft. x 300 ft. 16 ft. on each side of house. On question, no one appeared in favor or objected to this variance.

DECISION: Variance approved unanimously.

2. Application of Frank Breiner Builder Inc. 431 Fisher Road, variance to erect 14 ft. x 16 ft. lighted sign on Paul Road at the entrance to Industrial Park in A zone.

Mr. Breiner appeared. Correction made on variance notice, sign should be 4 ft. x 16 ft.

Purpose of sign is to advertise Chili Industrial Park on Paul Road, and also to act as a directory for it. As people buy property, names will be put on sign. Sign submitted and shown to Board, scale model, white plastic with black plastic lettering over it. Fluorescent lighting on top. 60 ft. from Paul Rd. even with house. It will be placed in corner lot which will be dedicated to town at a later date. Lot 70 ft. wide, 215 ft. deep. Sign will face parallel to Paul Road. Will be set to go on at dark and will turn off itself at daybreak. There will be no reflection from sign on road.

On question, no one appeared for or against variance.

DECISION: Variance approved.

Mr. Pfenninger	Aye
Mr. Bubel	Aye
Mr. Strassner	Aye
Mr. Schleuter	Nay

3. Application of E. Aslett, 165 Westside Drive, variance to build garage 5½ ft. to west side lot line at 165 Westside Drive in D zone.

Mr. and Mrs. Aslett appeared with plot plan and statement from neighbor in favor of granting the variance. Lot is approx. 73.3 wide, house is erected; garage will be 20 ft., neighbor 10 or 20 ft. from side lot line. On question no one appeared for or against variance.

DECISION: Variance approved unanimously.

4. Application of Gates Development Co., 681 English Road, variance to erect signs 6 ft. in width and 3 ft. 9-3/4 in. in height, 2 signs at corner of Paul and Red Bud Roads and 2 signs at corner of Paul Road and Shagbark Circle in E zone.

Applicant appeared. Correction made sign 3 ft. 6 in. wide. Purpose to identify tract on Paul Road. Plan of signs submitted to Board. Will be permanent signs on the lot 6 ft. from the line. One sign on each corner. Signs will not be lighted. Same as sign going into tract from Chili Avenue but smaller. On question, no one appeared for or against variance.

DECISION: Variance approved unanimously.

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5. Application of Alan E. Conley, 55 Hubbard Drive, variance to operate tool and die business in basement of home to be operated by self only in D. zone.

Mr. Conley appeared. Submitted petition signed by people in favor of granting variance. On question of what type of equipment he would have said. No lathe, one small grinder, 1 drill press and some inspection equipment, milling machine. Would like this worded as a temporary variance for two years if possible to have time to get on his feet and if it worked, move on to Union Street and open shop. The would be basicly no noise. Would work up until ten at night.

On question of objection to variance Mr. and Mrs. Heffer of 1414 Buffalo Road appeared. Objected to on grounds if granted would be creeping commercialism. Asked Board if granted would he be permitted to expand without town knowledge or could he increase his equipment. Was told he could be and use just what was granted.

Joseph Semenuk, 59 Hubbard Drive appeared and presented petition signed by people against variance. He and petitioners feel this will tend to commercialize Hubbard Drive and in interest of public welfare were against it.

Gabriel Russo, 65 Hubbard Dr. feels it is a residential street and should remain subh. If variance is granted will leave open opportunity for further variances for other businesses to start.

Carl Moore, 88 Hubbard Drive. Seconded Mr. Russos objection.

On question of any one in favor Mr. Carl Parr, 50 Hubbard Dr. appeared. Lives across street from Mr. Conley. Would create very little noise, and Mr. Conley assures him there will be no expansion. So long as he operates in his basement he favors variane.

DECISION: Variance denied unanimously.

6. Application of Charles Carbone, 241 Hedgegarth Drive, variance to build house on lot 20 Chester Avenue and on lot 2 Charles Avenue 50 ft. x 120 ft. in D. Zone.

Mr. Carbonne appeared. He was asked for proof of ownership and advised he was buying lots subject to getting variance. The corner lot on Charles Ave. he knew would not qualify so was only asking for lot at 20 Chester Avenue. Had tried to get next lot but was unable to locate owner. There is a house on one side and lot on other. Does not want to buy lots unless variance will be granted.

On question no one appeared in favor.

Mr. James Ferguson, 32 Chester Avenue appeared against variance. Does not think it right to have new home on 50 ft. lot. Also neighbors feel as he does. Asked why they had not been notified and was advised four or five were and also public notice in paper.

Mrs. Smith, 2171 Scottsville Road objected on grounds of 50 ft. lot will downgrade neighborhood.

Mr. Harold Sage, Ballantyne Road appeared against variance. Felt no one knew about 50 ft. lots being put up for variance until they were built upon. Feels there are a lot of 75 ft. lots that can be built on and lots of people would like to buy them. He too was advised that requests for variances are published in paper.

DECISION: VARIANCE denied unanimously.

- 7. Application of Guilio De Pascale, 1611 Scottsville Road, variance to park approximately 60 cars in the rear of 1611 Scottsville Road in A. zone.

Mr. and Mrs. DePascale appeared. Advised have had cars back there and are getting them all out. Wish variance now for cars to be parked there from 200 to 250 ft. back from highway. Ajax would be renting the property to put cars that have been in accidents and to store cars until they are claimed then they come and take them back. Cars which Police tow away and park until they are claimed. Approximately 50 or 60 cars will be parked there. As soon as reclaimed they are taken away. Cars that are there now will be all cleaned out. Are cars towed from accidents, then owner comes and reclaims them and takes them to be fixed or junked. Any time Mr. DePascale tells them to move them, they will move them. The DePascales own property back to railroad.

On question no one appeared in favor of variance.

Mr. James Ferguson, 32 Chester Avenue said he understood there was Town Ordinance against storing cars on property. He had one stored and was made to move it. Mr. Strassner advised him there was, but these people were asking for variance to it. Mr. Ferguson objected to variance.

Mrs. Smith, 2171 Scottsville Road. Objected to variance.

DECISION: Variance denied unanimously.

Decision on application of Joseph Taddeo, 310 Wilder Bldg., for variance to erect 100 apartments, 8 buildings on south side of Buffalo Rd. on Irving Hoffman property, consisting of 5 acres, in E. Zone, which was submitted at meeting of September 22, 1964 and decision reserved.

DECISION: Reserved. Letter to be written to Mr. Taddeo suggesting he present plan to Zoning Board with a lesser number of units. It is the Boards suggestion that it be approximately 75% of the present plans.

Respectfully submitted

Patricia D. Slack
Acting Secretary.

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ZONING BOARD OF APPEALS

November 24, 1964

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

Application of Thomas North, 14 Tarrytown Drive, for variance to build attached garage 4 ft. to east side lot line, in D zone.

On Sept. 22, 1964, Mr. North was granted a variance for 5 ft. to east side lot line. The garage will be 22 ft. by 14 ft. Lot is 70 ft. wide. Adjoining neighbor is 10 ft. from lot line.

No one appeared to speak on this application.

Application of Ruth E. Stewart, 1 Park Place, Addison, N. Y., for variance to build dwelling 36 ft. by 25 ft. 8 in. on lot 80 ft. by 116 ft. at 4287 Buffalo Rd. with front line setback to conform with existing homes, approximately 15 ft. to 20 ft., in D zone.

This lot is 80 ft. wide by 116 ft. from the center of the road. Four-rod road, 66 ft. wide, making the lot 83 ft. in depth, 6,420 sq. ft.

Mr. Wickins asked if they own the lot and if they had bought it recently. Mrs. Stewart replied yes, it was deeded to them from the homestead property. The property was split.

Mr. Strassner: How long ago?

Mr. Stewart: Last December. About half the plot was deeded. There is an existing house. Deeded December 3, 1963.

Mr. Strassner: How far back is the house?

Mr. Stewart: 25 ft., in line with other houses. House to the west is 15 ft. back, house to the east is 20 ft.-25 ft. back. House will be put in the center of the lot. House will be 25 ft. 8 in. deep, 33 ft. from the rear. The lot is now vacant.

Mrs. Stewart thought this was a full double lot, one piece of property. Part of it was deeded to Mrs. Stewart. There is a house on the other lot.

Mr. Wickins studied the deed.

No one appeared to speak on this application.

Application of Frank Palizzi, 43 Olean St., for variance to build house on lot 110 Black Creek Rd. 52 ft. from front lot line in D zone.

Mr. Palizzi presented plot plan. This would be in line with an adjoining house which is 52.7 ft. from front lot line. Lot size is 81 ft. wide by 262 ft. deep. Side line setbacks would conform to zoning.

No one appeared to speak on this application.

Application of Lewis Martino, 547 Elmgrove Rd., for variance to build house on lot 2 Block CC Riverview Gardens, corner Ballantyne and Herschel Rds., lot size 75.78 ft. by 141.10 ft. by 119.13 ft., D zone.

Mr. Martino had no plans to present to the Board. This is a pie-shaped lot going back to a point along Herschel Rd. The frontage is 75 ft., depth 140 ft. on one side, 114 ft. on the other side.

Mr. Strassner inquired as to the setback and Mr. Martino replied whatever is required. He has no plans for the house as yet.

Mr. Strassner: We would have to have some figures to go by. We don't know what you want. We would like some figures on this. We need some on this because it does show that if the house is set back 60 ft. it would touch the sides of the lot. You should have a plot plan and plans for the house and bring them to us.

Mr. Martino said there is an existing structure there now. Mr. Strassner said that has been burned down, was way under-sized to begin with. He stated Mr. Martino would have to show the Board some figures in order for them to come up with an honest answer.

James Nichols, 45 Chester Ave., said he was interested in seeing the plot plan.

Mr. Strassner: We will reserve decision. Bring your figures and plot plan in at the next meeting. We have nothing to go on. You will be notified of the next meeting.

Application of Richard Aureli, 34 Bright Oaks Circle and Andre Silano, 51 Abbey Lane, for variance to operate beauty salon and 2 apartments in existing house at 2651 Chili Ave. and parking lot for 8 to 11 cars in E zone.

Clifford Tomer, attorney, appeared to represent applicants, also Leo Collins, real estate agent, Regis Mooney, real estate broker, agents of Suburban Propane Gas, present owners of property located at 2651 Chili Ave.

Mr. Tomer: This is an application to transfer a residential dwelling to two-family apartments with a beauty salon. I will give a history of ownership of the property. It is presently owned by Suburban Propane Gas. Received deed from Mr. Bierbrauer, purchased in 1959. It is a 1-family residential home at the present time, 8 rooms on the southerly side of Chili Ave. facing north. The lot is 100 ft. by 200 ft. The setback is 73 ft. to the closest part of the frontage of the home. There is an attached garage. The face of the garage is approximately 90 ft. from the front. Our application is for a variance, showing you gentlemen there is unusual hardship, and difficulties here, both circumstances relating to our problem: 1. In connection with unnecessary hardship on the property, they have discovered they are unable to realize a reasonable profit or return as it stands in your residential zone. At this time; I would like to call on Mr. Mooney to testify.

Mr. Tomer: Your name and address?

Mr. Mooney: Regis Mooney, 35 Stewart Dr.

Mr. Tomer: Your business?

Mr. Mooney: Real estate broker.

Mr. Tomer: How long?

Mr. Mooney: Since 1958. In business since 1955.

Mr. Tomer: In business for yourself?

Mr. Mooney: Yes.

Mr. Tomer: Do you belong to any real estate boards?

Mr. Mooney: Member of Real Estate Board of Rochester.

Mr. Tomer: Have you had occasion to survey 2651 Chili Ave.?

Mr. Mooney: I was requested by Mr. Bierbrauer on May 2, 1964 to appraise 2651 Chili Ave.

Mr. Tomer: What did you find as to the house?

Mr. Mooney: A single family frame dwelling, 8 rooms, 3 bathrooms, attached one car garage. Submitted to Mr. Bierbrauer, who was transferred to New Jersey. He left Chili approximately Sept. 1.

Mr. Tomer: Was the property listed by Mr. Bierbrauer?

Mr. Mooney: Multiple listed by Nothnagle, placed on the market April 1964. He made an attempt on his own.

Mr. Tomer: Tell us how long it was listed for sale.

Mr. Mooney: This is Nov. 24, the first listing was April 24.

Mr. Tomer: Do you recall the initial price?

Mr. Mooney: \$32,900. When Mr. Bierbrauer came to work for Suburban Propane Gas, they had an agreement that in the event he was transferred, they would try to sell and take his equity. This would discharge any existing mortgage.

Mr. Tomer: During that 7 month period, were there any offers?

Mr. Mooney: One offer made by Mr. Collins. After the transfer, the property was acquired by Suburban Propane Gas. Sale is contingent upon the variance being granted.

Mr. Tomer: Mr. Aureli is the prospective purchaser?

Mr. Mooney: Yes.

Mr. Tomer: He is in the beauty salon business?

Mr. Mooney: Yes.

Mr. Tomer: It is his intention then to put in a beauty parlor and two apartments?

Mr. Mooney: Yes.

Mr. Tomer: Can you tell the Board what you find about the general area?

Mr. Mooney: The location of the property is on Route 33A. There are residential properties and public utilities.

Mr. Tomer sketched the location of the property on the blackboard.

Mr. Tomer: We will meet all requirements necessary for a variance. There are practical difficulties here. They have been unable to sell the property as residential. There is not a very good chance to sell for a reasonable price without taking a loss. The construction of the house itself is rather unique, 5 bedrooms. There are unique circumstances here.

We do not feel that changing this to a two-family dwelling with a beauty parlor will materially change the character of the neighborhood.

There will be nothing done to change or materially alter the outside of the house. They will put in a large glass picture type window where the garage is now. There are 2000 ft. of parking. There is a turn-around, so cars will not have to back out onto Chili Ave.

Mr. Schlueter inquired as to the apartments.

Mr. Tomer: There will be two apartments, 3 rooms, upstairs and downstairs. (He presented plans)

Plans of the property were also presented, together with picture of present house.

Mr. Aureli: There will be two 3-room apartments on one side of the house, living room, kitchen, bedroom. It is a two-story building on that side.

Mr. Tomer: The house directly across the street is selling fire wood.

Mr. Strassner: What is the square footage of the apartments?

Mr. Aureli: Approximately 600 sq. ft. each.

Mr. Strassner: How many employees?

Mr. Aureli: Possibly 5, 5 chairs, about 11 cars.

Mr. Strassner inquired as to the hours of operation.

Mr. Aureli: Possibly two evenings until 9:00 P.M., other days until 6:00 P.M. Close on Sat at 6:00 P.M., nothing on Sunday.

Mr. Strassner asked if any signs would be required, and if so application should be so amended.

Mr. Aureli replied possibly on the front of the building. Mr. Tomer said he would be glad to have the Board limit the size of the sign.

Mr. Tomer: We now respectfully amend the application to include a sign, size to be limited by the Board.

Mr. Aureli said this would possibly be a small neon sign, to be on the building itself, not out in front.

Mr. Aureli explained exactly what they intended to do as to the present home with regard to the apartments and beauty parlor. The beauty parlor will extend across the back, 1 apartment on the first floor. 1 apartment is about 500 sq. ft., upstairs apartment about 600 sq. ft.

Mr. Tomer said in the event the Board should decide to grant this variance, the investment would be about \$40,000 or \$50,000 and he suggested if variance is limited - minimum of 5 years if the Board can see fit to do so.

Eugene Rasch, 95 Brooks St., Hilton, N.Y.; appeared to represent Indian Hills Development Corp. with a financial interest in the Ford property. They have land adjacent and to the rear of this property. The property was appraised and listed in April for \$52,900, and he asked the amount of appraisal in May.

Mr. Mooney: It was appraised May 2, 1964 at \$28,500.

Mr. Rasch: Apparently the property was over-listed in the beginning two months. This is not a long period of time for a house to be on the market. Our objection is that we plan to develop the 35 acres contracted to sell to us into a complete residential area. Our best main entrance to this subdivision would be directly adjacent to the parking lot proposed along the west line of the property under discussion. To the south side there is a substantial subdivision. Our objection is primarily because this would have a definite adverse effect on our property. Purchase offer has actually been signed and option exercised.

Harold Ford, 2659 Chili Ave.: I think the Board should take a good look at the area before approving any variance. It is right where the highway goes from 4-lane to 2-lane, quite a congested area. They say they have a parking area for 8-11 cars. I don't see where there is room to turn around. I think it is a very hazardous situation backing out onto the street. I would have no objection to the apartments. It is congested at Pixley Rd., also Leo Gardens apartments makes it quite bad.

Mr. Strassner asked if anyone was in favor, no one appeared.

Mr. Tomer: Mr. Mooney, based on your experience as a broker and real estate agent, on your appraisal of the house, etc., can you tell us whether the property could be re-sold for residential purposes for the actual appraised value that it now has.

Mr. Mooney: I did not make the only appraisal. This is a very difficult house. Time has marched on. The house is not designed for nose families. There isn't proper room apportionment. There is plenty of bedroom area. The living room and dining room are under-sized. The kitchen is adequate. There is a single 1-car garage. There is a lot of traffic, 40 mile an hour State highway. Mr. Aureli has provided adequate

turn-around area. The house is good quality and good external design. It is just not the type of house to have a large appeal to a large number. It is in the high price range. I live in Gates, people don't wish to live on a highway any more.

Mr. Tomer: Would you say that this is saleable as a residential home or not?

Mr. Mooney: I will state in public I don't think it would realize more than \$25,000 from a purchaser who wants it as residential.

Mr. Tomer asked Mr. Rasch how many homes were planned in his proposed subdivision, and Mr. Rasch replied he has 75 acres but has not figured out number of homes.

No one else appeared to speak on this application.

Application of Bernard Bianchi, 201 Angelus Drive, for variance to build house on lot 51 Greyson Rd., size 50 ft. by 233 ft., 5 ft. to side lot lines and 52 ft. to front line, setback to conform with existing homes on street in D zone.

Mr. Bianchi appeared and stated the lot is 50 ft. wide by approximately 230 ft. deep. 21 ft. on one side, 5 ft. on other side. House will be 24 ft. wide by 44 ft. long. There are existing houses on each side. The 52 ft. conforms with other two houses.

Mr. Strassner asked if there is any reason why he couldn't put in a garage and Mr. Bianchi replied no.

Mr. Strassner: How close is the neighbor on the 5 ft. side?

Mr. Bianchi: Approximately 20 ft. from the lot line. The house on the other side is about the same.

James Nichols, 45 Chester Ave.: I don't know of my house 20 ft. from the side lot line. In a case like this, it would be prudent to have more definite figures to work with. I have gone through the process recently of re-subdividing to come out with 75 ft. lots. I wanted to maintain something in the area worth while in the future. We had another application before you tonight by my property on Jemison Rd. My house is 10 ft. from side line. Mr. and Mrs. Farrell live on the west side of this property and are the same. On Greyson and Jemison Rds., the situations are similar. It should be required that some plot plans be submitted with accurate figures.

Other application then read: For variance to build house on lot 50 ft. by 230 ft. at 29 Jemison Rd. with front setback to conform with existing homes and side line setback of 5 ft., D zone.

Mr. Bianchi said the setback would conform with the other two existing houses with 5 ft. on one side, 21 ft. on other side. Mr. Nichols said Mrs. Farrell lives 10 ft. from lot line on the other side.

Mr. Bianchi: If the Board won't grant 5 ft., would they take 8 ft. and build in line with other houses.

Mr. Hunter: We are only talking about variance on one side. There could be a garage in the back. You won't need a variance on the other side.

Mr. Nichols said he would like to find out the type of house.

Mr. Wickins explained the Zoning Board cannot rule on the type of house. The builder must meet the required square footage. They require builder must live up to the building code.

Mr. Nichols: The point is, here are two houses, mine and Farrells. These houses are both two-story built about the same time in the late 30's. The appraised value is in the high 5 figures. This land lies idle for many years for the reason it is a 50 ft. lot. I had some property which I subdivided a short time ago for building. I feel the type of structure on this 50 ft. lot between these two houses would take from rather than add to the value of real estate. Our property is 100 ft lot shrubbed and land-scaped. A 950 sq. ft. house in the center of 50 ft. lot is going to detract from our property. This is my objection. The former owner let the property go for taxes. Mr. Bianchi bought for building purposes. The lot is grown up. The elevation is about 2 ft. below our house and Farrell's house. By the time he improves the lot, I believe the nature of the house physically would have to suffer so that he could not conform to what is there.

No one else appeared to speak on this application.

Application of Allan Plate, Chili Lumber Co., 3315 Chili Ave. for variance to erect 8 ft. by 3 ft. illuminated sign 16 ft. in ~~height~~ height, 5 ft. from front lot line, in B zone.

Mr. Plate stated he would like to erect this sign 5 ft. from the property line to help expand their business. He has just bought this property and hopes by this means he can increase his business from the people driving by who do not know that they exist at that property.

Mr. Strassner asked how late the sign would be lighted. Mr. Plate replied this would be dusk to dawn. Mr. Strassner asked if this would reflect out onto the road. Mr. Plate said that other than this particular sign itself, they have an R.G. & E. type of highway light to illuminate the parking area to give light for night business. This gives more illumination than their particular sign itself.

Mr. Schlueter asked if this was all plastic. Mr. Plate replied it is internal lighting. There will actually be a plug on this particular light to attach smaller sign such as "open" or for Xmas tree display, for outside facilities.

He was asked if this would be protected from the weather and children. Mr. Plate said the permanent sign would be too high for children. It would not be operated from the outside after installation. It would be controlled only by them. He presented sketch of sign. This will be done by Loewenbruck. Mr. Plate said being 5 ft. from the property line, they will have to go before the State.

Mr. Pfrengle, 3316 Chili Ave.: Mr. Plate said he would have an outlet for another sign. I have lived there 11 years. Fmamax had a small sign some years ago, and have already added to this. He can keep adding signs like Flamex.

Mr. Wicking: If the variance granted, if there is any addition to that sign, he would have to appear back before the Zoning Board of Appeals. There are places in town this has been done without this.

Mr. Pfrengle: Is this a stationary sign? Mr. Plate replied yes.

Mr. Pfrengle said he would like it only to be lit during the business hours. If 5 ft. from front lot line, that means the farthest point of the sign would be 38 ft. from the center of the road, a 4-rod road.

Mr. Wickins: Do you think if this was illuminated at night, it would interfere with your home?

Mr. Pfrengle: Yes.

No one else appeared to speak on this application.

Re: Application of Joseph Taddeo on Sept. 22, 1964, at which time decision was reserved on request for variance for 100 apartments on Buffalo Rd.

Letter and new maps were submitted to the Board by Mr. Taddeo, two sets of plans for proposed new setup. Map showed 84 units, 7 buildings, parking for 150 cars. Building to be facing Buffalo Rd. Play area not visible from the road.

Mr. Strassner read letter from Mrs. Richard Beeman in objection to this application.

These revised plans were dated 11/2/64.

DECISIONS OF THE BOARD:

THOMASNORTH - Granted variance to build attached garage 4 ft. to east side lot line at 14 Tarrytown Dr. All members voted in affirmative.

RUTH E. STEWART - Denied variance to build dwelling 36 ft. by 25 ft. 8 in. on lot 80 ft. by 116 ft. at 4287 Buffalo Rd. with front line setback to conform with existing homes. Members voted as follows: Mr. Hunter no, Mr. Van Slyke yes, Mr. Pfenninger no, Mr. Schlueter no, Mr. Strassner no.

FRANK PALIZZI - Granted variance to build house on lot 110 Black Creek Rd. 52 ft. from front lot line. All members voted affirmative.

LEWIS MARTINO - Decision reserved on application for variance to build house on Lot 2, Block CC Riverview Gardens, corner Ballantyne & Herschel Rds., lot size 75.78 ft. by 141.10 by 119.13 ft. until plot plans and house plans submitted.

RICHARD AURELI - Denied variance to operate beauty salon and two apartments in existing house at 2651 Chili Ave. All members voted negative.

BERNARD BIANCHI - Granted variance to build house on lot 51 Greyson Rd. lot size 50 ft. by 233 ft. House to be placed at discretion of Bldg. Supt. All members voted affirmative. Granted variance to build house on lot 50 ft. by 230 ft. at 29 Jemison Rd. with front setback to conform with existing homes and dise line setback of 8 ft. on west side. All members voted affirmative.

ALLAN PLATE, Chili Lumber Co.- Granted variance to erect 8 ft. by 3 ft illuminated sign 16 ft. in height, 5 ft. from front lot line at 3315 Chili Ave. Sign to be lighted no later than 11:00 P.M. Plug to be safety locked. All members voted affirmative.

JOSEPH TADDEO - Granted variance to erect apartments, 84 units, 7 buildings, on south side of Buffalo Rd. on Irving Hoffman property, consisting of 5 acres, with parking for 150 cars. Board requires he comply with any requests of Town Engineer as to drainage and grading. Entrance walks are to be shrubbed to conceal the parking area. Variance granted as per revised plans dated November 2, 1964. All members voted affirmative.

June Yates, Secretary

ZONING BOARD OF APPEALS

December 22, 1964

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

1. Application of Liberty Homes, Inc. 145 Lake Avenue, variance to build homes on lots R 62 Ballantyne Road and RA 62 Names Road, lot sizes 73.65' x 147.86' each, front setback to conform with existing homes on both streets in D zone.

Nick Mileo representing Liberty Homes, Inc. appeared and presented map. Lots 300 ft. deep 73½ ft. wide. Subdivision has been approved by Planning Board. Shack already on property on Ballantyne Road will be torn down. Will build in line with other houses and with proper side lines in accordance with zoning.

On question, no one appeared in favor of or against application.

DECISION: Variance approved unanimously.

2. Application of C. Raymond Narramore, 190 Summit Drive, variance to build house on lot 18 Haynes Tract, Scottsville Road, lot size 100' x 165' in EE zone.

Mr. Narramore appeared. He had previously discussed this variance and was appearing now for formal application. Mr. Strassner explained this is lot along river on Scottsville Road, has private road. Quite a few homes on very small lots. This is smaller than Zoning that is reason for requesting variance. Lot width is 100'. It is 35' short of length but same depth as all other lots.

On question no one appeared in favor of or against.

On question of Mr. Davis he was assured it would be in line with other houses on River side.

DECISION: Approved unanimously.

3. Application of Richard Aurelli, 35 Bright Oaks Circle and Andre Salano, 50 Abbey Lane, variance to use existing home at 2651 Chili Avenue for one apartment and beauty salon with off street parking in E zone.

Mr. Clifford Tomer, Attorney, appeared for applicants. Made correction, legal notice should have read two apartments and beauty salon. Stated he wished to refresh recollections. This is home on south side of Chili Avenue, it is 5 bedroom home, has 2700 square feet of space for living area. Wish variance granting permission for two apartments and beauty salon. Present owner is Suburban Propane Gas who received property from Mr. Bierbauer who they transferred. Has been on market for period of 9 months for sale and as of this date no sale of property for residential purposes. It is a very difficult house to sell because of layout and also because of location. At last meeting stated the grounds they felt satisfied statutes as to hardship and unusual circumstances and incorporated those statements in statement of tonight, if no objection from Board. No objection. Feel neighborhood is commercial with Lee Gardens, another beauty shop and man directly across selling firewood and know or now hear there is a church going to purchase property immediately to East, the Columbia Avenue Christian Church. Present house on that property will be caretaker's home with Church in front facing Chili. They have plans for parking area of 300 cars which will be located to west of church and immediately abut property on which variance is requested. Have tried to rectify parking problem from last month. Had asked for five operators in Beauty Salon, now ready to submit proposal whereby only three operators in the beauty salon. They will provide 2000 square feet of parking. Allowing 100 sq. ft. per car, this will permit room for approximately 20 automobiles, which would be more than would ever hope to have at any one time. Feel maximum is 8 cars at one time. If parking have provided for in application is not sufficient, are willing to do whatever Board would determine under circumstances as far as parking. Garage is not figures in beauty salon. Can park cars in back. Would set up buffer zone by planting trees or turnaround for

in front, though that would cut down grass, etc. Patronage = some would walk from Lee Gardens, or take bus and some drive, by appointment only. Two apartments, both would be one bedroom. Upstairs 620 square feet. Downstairs about 545 square feet. There is attic, that upstairs apartment could be extended. Also this area is one of five area that master plan considered for commercial area.

On question, there would be only three operators at any time including owner and maximum of eleven cars, or 12 or 13 including apartments cars, at any one time. Garage has space for one of cars. Feels if in an emergency could use Church parking lot.

As far as deliveries, there is a cellar under entire area with ample room for storage, etc. Mr. Tomar would gladly show members of Board property and go through house with them. On question advised outside would stay exactly as is. Would like to have sign in window that it is beauty salon and will go along with any restrictions of board on sign.

On question if anyone objected to variance, Mr. Rasch representing Indian Hill Development appeared. They own land adjacent to west and on south. Felt had little notice of hearing. Felt operation would not stay to just three operators. Did not feel they had proven hardship in selling for residential. Felt had not been for sale at reduced price long enough to prove anything. Feels a reasonable time to be for sale at reduced price would be a year. Did not want a non-residential establishment at intersection. Great amount of money involved in their subdivision and felt it would be harmful. As they plan an extensive development are very much concerned with spot zoning.

On question of anyone in favor, Mr. Regis Mooney of 35 Stewart Drive appeared. Is broker of record on this transaction with Propane. Asked Mr. Rasch if they were owners of record of property and was advised they were. Mr. Mooney said if they wanted to expand in future would have to be approved. That Mr. Aurelli was going to operate this and also Style Manor. This would be a business by appointment only so parking would not be a problem. Customers would also be walking or coming by bus. Felt this area was very much commercial now and with four lane highway it was hardship to sell house. With towns becoming more populated, this type of business was needed and wanted.

Mr. Rash inquired about set back and was advised it was 91 ft. from lot line. Mr. Rasch questioned if road became a four lane would it take 30 ft. Mr. Strassner advised did not know.

DECISION: Decision reserved.

Mr. Martino appeared with application for corner Ballantyne and Herschel Roads, which had been heard at meeting of November 24, 1964 lot size 75.78 ft. by 141.10 ft. by 11913 ft. in D zone.

Map was examined and discussed. Suggestion made might be able to contact owner and buy adjacent lot. Board felt could not approve this lot as is and if acquired adjacent lot would still have to come before Board for variance. Mr. Martino advised he had bought the lot about three months ago. He was advised Board would not think of approving this variance.

Respectfully submitted

Patricia D. Slack
Acting Secretary