

ZONING BOARD OF APPEALS
January 25, 1972

A Public Hearing of the Zoning Board of Appeals of the Town of Chili, N. Y., was held in the Administration Office of the Town of Chili, N. Y., 3235 Chili Avenue, Roachester, N. Y. on January 25, 1972 at 8:00 P.M. The Hearing was called to order by the Chairman, Mr. Robert Hunter.

Present: Mr. Robert Hunter, Chairman
Mr. Charles Pfenninger
Mrs. Gertrude Tanger
Mr. John Palermo
Mr. John Lighthouse
Mr. Richard Aureli

Absent: Mr. Richard Harrington

Also Present: Mr. Alfred Heilman, Deputy Town Attorney
Mr. William Davis, Superintendent of Buildings
Mr. James Mannara, Lozier Engineering Inc.

#1. Application of Oliver Perry, 4390 Buffalo Road, N. Chili, N. Y. for approval of one (1) sign 8' x 22' on canopy of Peterson Drug Store, 4390 Buffalo Road. B Zone.

Mr. Perry appeared before the Board. He advised that they have the store and feel they would like to have a sign. Mr. Hunter asked if sign was already up? Mr. Perry said sign was up and reason was that between 1960-68 when he got permission from Town Board to build store he got permission to put up sign. After sign was up he found law changed in June of last year, didn't know it had changed.

Mr. Hunter questioned if internally lighted sign visible from one side? Mr. Perry said yes and sign is 400' off highway in any direction. Mr. Hunter asked if he had a picture of sign? Mr. Perry said no, sign on canopy 400' back from highway.

Mr. Hunter asked about hours sign is lighted and days of week sign is lighted? Mr. Perry advised that they are open every day and he thought they had it out and store closed at 10 o'clock. Store is open Sunday for two or three hours but didn't know if lighted. Other days until 10 o'clock.

Mr. Hunter advised that it has been practice of Board for last 2 1/2 years to limit size of signs to a maximum of 36 square feet. Wanted Mr. Perry to be aware of that.

Mr. Perry said he realized he was wrong but did get authority back through the years and didn't realize it had changed. Mrs. Tanger asked if he didn't operate car wash and didn't he ask for sign for that? Mr. Perry advised three years ago. If he was told at that time he didn't remember. He knew he needed approval for that sign because it was out by the road.

Mrs. Tanger said at that time it was internally lighted sign and he needed to keep it in good repair. Mr. Perry advised sign was put up and began to decay later. Never lit. Car wash operator had lease, lease has run out. Son has been running it and has plastic sign up and in good repair. Had problems with the man, trying to do a good job, have man out with the exception of the automatic

Mrs. Tanger asked if he will be responsible for these signs? Mr. Perry said could be but not his signs. He didn't know what meant by responsible. If broken, would want to have something done about it. With that one, where it was, didn't pay much attention. Anything he owns he is responsible for, tries to control, not many signs on highway, main sign, car wash and two other small ones on Union Street. Others on canopy, by no means big signs.

Mr. Hunter asked if area is essentially developed? Mr. Perry advised theoretically sign is last sign on canopy. All others underneath telling where stores are. Mr. Hunter asked approximate cost of sign in question? Mr. Perry advised better than \$2,000, didn't pay for it so couldn't tell.

Mr. Hunter questioned how sign is affixed to canopy? Mr. Perry advised bolted with steel right to steel framework of building. Mr. Hunter asked if any other questions? Mr. Heilman asked if not Mr. Perry's sign? Mr. Perry advised no, leases store and they are responsible for own signs. Mr. Hunter asked if purchased by Peterson Drugs? Mr. Heilman questioned Mr. Perry making application? Mr. Perry advised he was told he had done wrong two months ago by allowing signs. Wanted one for theatre so applying for all including that one. Didn't know why he couldn't get one, hoped Board could approve.

On question of Mr. Hunter whether anyone present favored or opposed this application, no one appeared.

DECISION: Reserved, until Board can discuss with representative of Peterson Drugs and see picture of sign.

- #2. Application of Oliver Perry, 4390 Buffalo Road, N. Chili, N. Y. for approval of one (1) sign 4' x 20' with 2' letters on top of Pocket Theatre, 4390 Buffalo Road. B Zone.

Mr. Hunter questioned if Mr. Perry had sketch of proposed sign? Mr. Perry advised was waiting to make up because he didn't know if Board would permit it. Hard to have drawn up when you have to pay and don't know. Sign would be 4' x 20' where you put lettering to show which movies to be shown, on top Pocket Theatre in 2' high letters. Technically, 6' x 20'. Wanted to put sign on Buffalo Road but feels he may be stricter than town in keeping people from putting signs on road. Will put on canopy, 400' off road, will fill up canopy spot next to drug store sign, need space to advertise films.

Mr. Palermo questioned location of sign? Mr. Perry stated on canopy. Mr. Palermo questioned length of building front? Mr. Perry drew sketch indicating locations of drugstore and theatre. Sign won't be in front of theatre. This is what he meant by last sign on canopy, no more canopy left. Signs would look good.

Mr. Palermo questioned if sign can be seen from road. Mr. Perry stated you can see signs that are there, won't ask for more for future stores. This will be the end of signs as far as he can see now.

Mr. Hunter questioned exact location of theatre and how it fits in? Mr. Perry described and sketched area. Mr. Hunter asked if sign would be adjacent to drugstore sign? Mr. Perry indicated right beside it. Mr. Palermo questioned whether it is a canopy or marquee? Mr. Perry stated 4' x 20' for features in Pocket Theatre with name in 2' high letters on top. Letters would not be solid, that is way it was explained to him.

Mr. Hunter asked if lighting would be like typical theatre marquee? Mr. Perry indicated they would be like drugstore, black letters that show through. Mr. Hunter asked if illuminated backboard with dark letters? Mr. Perry indicated plastic letters.

Mrs. Tanger questioned how many more stores are anticipated? Mr. Perry stated as many as want to build and town will allow. Thought was doing something for town, don't know if they will stop him from building or not. Would like to put in more stores.

Mrs. Tanger asked why signs are necessary now if not in future? Mr. Perry stated certain stores are drawing cards. How do you tell people what is on at theatre without showing? All stores would like to have signs but no place to put them. Against signs by road because of traffic hazard. Certain stores are drawers, have little stores but will have to go without signs. Mall is coming thing.

Mr. Palermo asked how many more stores? Mr. Perry indicated has 50 acres, room for quite a few more stores, 8 or 10 more good size shopping area if town will allow. Been working at it 15 years, try to do good job. Good spot for sign, don't know what theatre would do without sign.

AFFIDAVIT OF PUBLICATION

STATE OF NEW YORK }
COUNTY OF MONROE } ss.

..... Ellen C. Perry being duly sworn, deposes and says, that he is over twenty-one years of age, and the publisher of The SUBURBAN NEWS, a weekly newspaper, printed and published in the village of Spencerport, Town of Ogden, County of Monroe, and that the notice, a printed copy of which is annexed, was regularly published in the said SUBURBAN NEWS, once in each week, for 1 weeks successively, commencing on the 19th day of January 19 72, and ending on the 19th day of January 19 72.

Ellen C. Perry
.....

Sworn to before me this 20th day of January, 19 72 }

Monica Murphy Longfellow
.....
Notary Public
State of N.Y. *Monroe Co.*
My Commission expires *March, 30 1972*

LEGAL NOTICE Town of Chili

Zoning Board, Town of Chili, New York

NOTICE IS HEREBY GIVEN that there will be a public hearing of the Zoning Board of the Town of Chili, to be held in the Chili Administration Office, 3235 Chili Avenue, Rochester, New York 14624 on January 25, 1972 at 8:00 P.M. to consider the following applications:

1. Application of Oliver Perry, 4390 Buffalo Road, North Chili, New York, for approval of one (1) sign 8' x 22' on canopy of Peterson Drug Store, 4390 Buffalo Road. B Zone.

2. Application of Oliver Perry, 4390 Buffalo Road, North Chili, New York, for approval of one (1) sign 4' x 20' with 2' letters on top of Pocket Theatre, 4390 Buffalo Road. B Zone.

3. Application of Oliver Perry, 4390 Buffalo Road, North Chili, New York, for approval of two (2) signs 4' x 6' on posts 33' off Highway (Union Street) for snowmobiles and TV Repair shops located at 4390 Buffalo Road. B Zone.

4. Application of Lawrence H. Martin, Pres., Mil-Ends Development Co., 997 Beahan Road, Rochester, New York, for approval of 4' x 8' metal sign on posts, 100' off Highway - "For Sale" sign - approximately 150' from N. boundary line of property.

All interested parties are requested to be present. By Order of the Chairman of the Zoning Board of the Town of Chili, New York.

LURAINA E. ROBBINS
Town Clerk

Zoning Board of Appeals

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Mr. Palermo asked if one-sided sign? Mr. Perry stated one-sided, only showing to road.

Mr. Hunter questioned if anyone present favored or opposed this application and no one appeared.

DECISION: Reserved pending receipt of sketches of proposed sign.

#3. Application of Oliver Perry, 4390 Buffalo Road, N. Chili, N. Y. for approval of two (2) signs 4' x 6' on posts 33' off Highway (Union Street) for snowmobiles and TV repair shops located at 4390 Buffalo Road. B Zone.

Mr. Perry indicated that at end of car wash they have another building which has been divided into a couple of little stores for individuals who wanted to go into business but didn't know if he could or not. TV shop may want to go up front, will have empty store in about a month. Those people being back in there really need some sign to know they are there. Back of main store, cannot see them. Do sell snowmobiles, back in field where it doesn't bother people. Both stores would like sign. Both want snowmobiles, but would like to be able to change from TV or something else so person who is back there would use it. If TV moves, somebody else could go in and want sign. 33' off highway, it is 33' from center of road, actually edge of road is 4 or 5 feet back. Would like 5 or 10 feet off of highway. Have car wash sign would like three signs installed on two posts so would look better. 4' x 6' is not too big but big enough to show they are there. Told them I would put up myself so doesn't look funny. Nice place for someone to get started.

Mr. Hunter asked if he could show where signs would be/ Mr. Perry stated there is small sign for Lincoln-Rochester drive-in teller. These signs would be right along with car wash sign. Mr. Hunter pointed out that Union Street is 66' wide, would be right at edge of highway. Mr. Perry stated would like 4 or 5 feet off edge of highway. Mr. Hunter suggested 5 feet from edge of property line, 38 feet from center of road. Asked if wouldn't get argument from tenants to put on same post? Mr. Perry stated he insisted. Not going to just put them anywhere, ask them to get together with car wash and put on post.

Mr. Hunter asked if there would be one post for three signs? Mr. Perry stated all three in a row with two posts. Might have two in a row and one at side, cannot have so low they are broken.

Mr. Aureli questioned height of posts? Mr. Perry stated would hope to have three in a row and would have to be pretty good height to get three in a row. Mr. Pfenninger asked if signs would have to be that large? Mr. Perry stated it is surprising how small they become when they are up in the air. Snowmobile shop said they have sign that size but said we have to get permission. Mr. Pfenninger stated would want to keep them 6 to 8 feet from ground, asked if signs would be similar to Naum's? Mr. Perry stated that is similar but larger. Asking for 4' x 6' because that is what snowmobiles have. Didn't think others would be that large, nice to ask for 4' x 6' in case they ask for them.

Mr. Palermo questioned if signs would be painted or plastic? Mr. Perry advised carwash and snowmobile signs are plastic, would try for plastic but painted would be okay. Rotary sign is decrepit and trying to get rid of it, trying to keep signs good.

Mr. Hunter questioned if plastic sign, internally lighted, double-faced, seen from both directions? Mr. Perry said yes. Snowmobile has sign, in case TV moves away, asking for two signs 4' x 6' whether it says one or the other doesn't matter. Mr. Hunter advised it has never been done before, will have to talk about it. Mr. Perry stated he thought TV shop will move up front, maybe won't have to worry about sign.

Mr. Hunter questioned estimated hours of operation of signs, days per week and hours at night? Mr. Perry advised car wash only one open at night, if all hooked together should probably go on and off at the same time. Only car wash runs on Sunday. Should go out at 10 or 10:30, not open after that.

Mr. Hunter asked if 6 days in case of snowmobiles? Mr. Perry advised 6 days for all of them, car wash 7 days, if he said 6 days, cannot light snowmobile sign on Sunday. Mr. Hunter advised prefer not to have any lighted if they do not need to be lighted. Mr. Perry stated car wash is open seven days, like to use it on Sundays. If he has to have others out, he will. If he has to run another wire, he will.

Mr. Hunter asked if TV store is open at night? Mr. Perry advised open until 9:00. Would like to move up front because may take up selling.

Mr. Hunter asked if any other questions? Mrs. Tanger asked where Lincoln-Rochester sign is in relation to proposed signs? Mr. Perry advised on opposite side of driveway. Mrs. Tanger asked if signs would be visible? Mr. Perry advised sign is way down low.

Mr. Palermo asked if ever thought of directory sign to advertise all stores? Mr. Perry advised that is what he would like, feels that something like that on road would cause traffic hazard, most of sales from four mile area anyway. People feel they need signs, most stores have signs, if it is a mall, different things. They are going to have signs if they can possibly get them.

Mr. Hunter stated part of problem in area like Mr. Perry's and Naum's, come in with one or two stores and then over a period of time they add. Everyone has different idea of signs and before you know it you have a hodgepodge. Mr. Perry stated when started 10 years ago every store had sign. Trying to modernize, no place to put sign, if you had some little thing located right in plaza, different things. The only thing on highway are the two on Union Street and thinks it is nice to give little guys a chance to get started, doing good business.

Mr. Hunter questioned if any other persons in favor or opposed to application, no one appeared.

DECISION: Reserved pending receipt of sketches of proposed sign.

Mr. Blair of Humble Oil and Refining Company appeared informally before the Board to discuss the possibility of putting the 72 square foot sign now on the Carpenter's station on the station to be built on Union Street and putting a 38 square foot sign on Carpenter's station.

Mr. Steve Pikuett appeared informally before the Board to get their opinion of land he wishes to buy on Golden Road for use of storing trucks and other paving equipment in a building approximately 30'x60'.

Mrs. June Brody appeared informally to speak on behalf of residents of Bright Oaks who object to the rezoning of property east of 2911 Chili Avenue for use by Schermerman-Bean as funeral home. She presented a petition to Mr. Hunter containing 94 signatures.

Application of Schermerman-Bean Funeral Home, 712 Main Street West, for approval to build and operate a funeral home on balance of property at 2911 Chili Avenue (180' x 300') west of house at 2911 Chili Avenue, E Zone. From Public Hearing held December 28, 1971.

DECISION: Denied. The contention that there is a hardship on this property was not proven to the satisfaction of the Board. It is the Board's opinion that there was no real evidence presented at the hearing which would support the contention of the applicant that there was indeed a hardship. No evidence presented that would indicate that property could not be used for single family residence, no indication that this applicant had attempted to sell it for this purpose. Property is zoned residential and is of ample size for same.

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Vote was as follows: Mr. Pfenninger, no; Mrs. Tanger, no; Mr. Palermo, no; Mr. Lighthouse, abstained; Mr. Aureli, no; Mr. Hunter, no.

Gas service station, 3610 Union Street to be erected by Humble Oil & Refining Company, by Court Order which granted issuance of special permit over the Zoning Board of Appeals' denial of permit. The Board agreed unanimously to the proposed compromise on signs presented by Mr. Blair and requested Mr. Heilman to advise their attorney accordingly. Condition number 7 of letter dated December 29, 1971 from Mr. Hunter would be amended to read:

7. Internally lighted sign to be stationary with a maximum size of 72 square feet, and height not to exceed 16' of the crown of Union Street.....

Also to request that Carpenter's station sign be removed in reasonable length of time, three months, and application made with Zoning Board to erect the 38 square foot sign on Carpenter station.

KATHLEEN LUEDKE
Secretary

ZONING BOARD OF APPEALS
February 22, 1972

A Public Hearing of the Zoning Board of Appeals of the Town of Chili, N. Y., was held in the Administration Office of the Town of Chili, N. Y., 3235 Chili Avenue, Rochester, N. Y., on February 22, 1972 at 8:00 P.M. The Hearing was called to order by the Chairman, Mr. Robert Hunter.

Present: Mr. Hunter, Chairman
Mr. Pfenniger
Mr. Harrington
Mr. Lighthouse
Mr. Palermo
Mr. Aureli

Absent: Mrs. Tanger

Also Present: Mr. Pietropaoli, Town Attorney
Mr. Heilman, Deputy Town Attorney
Mr. Davis, Superintendent of Buildings

- #1. Application of Robert Kleinow, 28 Charles Avenue, for approval to erect a 20' x 14' attached garage placed 2' East side lot line. D Zone.

Mr. Kleinow appeared before the Board. Mr. Hunter questioned if garage would not be 2' from West lot line instead of East. Mr. Kleinow said this was correct. Has 50" lot, all the area he has to put garage on.

Mr. Hunter stated 16' from West side of house to lot line, garage 14' wide, will have 2' distance from lot line. Questioned distance to house on West? Mr. Kleinow stated 15-20'. Mr. Hunter questioned if he had talked to neighbors? Mr. Kleinow stated fine with them.

Mr. Hunter asked if any one appeared to speak in favor or in opposition to application, no one appeared.

DECISION: Granted, unanimously.

- #2. Application of Bernard Bianchi, 201 Angelus Drive, for approval to build house on undersized lot on Lot NHF 36 Lester Street. D Zone.

Mr. Bianchi appeared, stated lot is 80' wide but askew, straightened out would be 67'. Mr. Hunter said perpendicular size of lot would be 67'. Mr. Bianchi stated would meet requirements of 10' on sides and 60' on front.

Mr. Hunter stated lot essentially undersized by present code. Mr. Davis stated enough square footage but undersized on building site. Mr. Hunter asked if it was single lot or own any other property? Mr. Bianchi stated doesn't own other property.

Mr. Hunter questioned if area is vacant land? Mr. Bianchi concurred and added that it was wooded. Mr. Hunter questioned if house would have attached garage? Mr. Bianchi said garage would be incorporated into home.

Mr. Lighthouse questioned size of house? Mr. Bianchi stated 40' x 26'. Mr. Hunter asked if house would be placed parallel to Lester Street? Mr. Bianchi stated yes and would meet requirements.

DECISION: Granted, unanimously.

- #3. Application of Joseph Pascarella, 3205 Chili Avenue, for approval of sign for restaurant advertisement - free standing road sign, lighted internally. B Zone.

AFFIDAVIT OF PUBLICATION

STATE OF NEW YORK }
COUNTY OF MONROE } ss.

Ellen C. Perry -----being duly sworn, deposes and says, that he is over twenty-one years of age, and the publisher of The SUBURBAN NEWS, a weekly newspaper, printed and published in the village of Spencerport, Town of Ogden, County of Monroe, and that the notice, a printed copy of which is annexed, was regularly published in the said SUBURBAN NEWS, once in each week, for ¹-----weeks successively, commencing on the 16th day of Feb. 19-72, and ending on the 16th day of Feb. 19-72.

Ellen C. Perry

Sworn to before me this 14th day of February, 19-72

Notary Public, State of N. Y., Monroe Co.
My Commission expires March 30, 19 73

Maria Murphy Longfellow
Notary Public

LEGAL NOTICE Notice of Hearing

NOTICE IS HEREBY GIVEN that there will be a Public Hearing of the Zoning Board of Appeals of the Town of Chili, to be held in the Chili Administration Office, 3235 Chili Avenue, Rochester, New York 14624, on February 22, 1972 at 8:00 P.M. to consider the following applications:

- #1. Application of Robert Kleinow, 28 Charles Avenue for approval to erect a 20' x 14' attached garage placed 2' East side lot line. D Zone.
- #2. Application of Bernard Bianchi, 201 Angelus Drive, for approval to build house on undersized lot on Lot NHF 36 Lester Street. D Zone.
- #3. Application of Joseph Pascarella, 3205 Chili Avenue, for approval of sign for restaurant advertisement - free standing road sign, lighted internally. B Zone.
- #4. Application of Mary and George Engels, 3183 Chili Avenue, for approval of 1 sign 3' x 10' on posts to advertise Engels Mobile Homes, Wholesalers, approx. 40' off road. B Zone.
- #5. Application of Steven Pikuot, 70 Chestnut Drive, for approval of variance to approve building of garage to store paving equipment and trucks on property located at 80 Golden Road. D Zone.
- #6. Application of Humble Oil & Refining Co., 20 Cairn Street, for approval to maintain sign 38 sq. ft. oval on pole 120 ft. from base to

Avenue. E Zone.

#7. Application of Lance Clark, 34 Crossbow, for approval of renewal of variance on sign on building, maximum 36 sq. ft., originally granted 2/71 for 1 yr. with stipulations. B Zone.

#8. Application of Robert Stewart, 50 May Street, for approval of variance to erect auction house corner of Scottsville Road and Morgan Road, 100' long, 60' wide, concrete or steel structure, 2535 Scottsville Road. EE Zone.

#9. Application of Lawrence H. Martin, Pres., Mil-Bus Development Co., 997 Beahan Road, for approval of 4' x 8' metal sign on posts - 100' off Highway - "For Sale" sign - approx. 100' from N. boundary line. A Zone.

#10. Application of Darlo Marchioni, 21 Alfred Avenue, for approval of variance on SE corner Beaver and Scottsville - Chili Roads to erect Professional Building for doctors, lawyers, dentists, optometrists, 1 story plus basement area, brick-veneer and block construction. E Zone.

All interested parties are requested to be present. By order of the Chairman of the Zoning Board of Appeals of the Town of Chili, New York.

LURAINA E. ROBBINS
Town Clerk
Chili, N. Y.

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Mr. Pascarella presented proposed drawing for sign. Mr. Hunter asked where he proposed to put sign. Mr. Pascarella stated just in front of yellow house next to building. Mr. Hunter asked him to sketch where road and building are and where sign would go. Mr. Pascarella indicated about 10' West of house. Would have toward front so can be seen coming down Chili Avenue.

Mr. Hunter stated they presently have name on building and lighted. Questioned approximate size of sign on building? Mr. Pascarella stated 16' long and 12-16" high. Mr. Hunter asked if they feel they need this sign in addition? Mr. Pascarella stated cannot come down Chili Avenue and spot building and know it is there.

Mr. Hunter questioned if double-faced, lighted internally, and what hours and days of week it would be lit? Mr. Pascarella said yes, would be lighted every day but Sunday, turned off at closing, 2:00 AM. Mr. Hunter stated Monday through Saturday, dusk to 2:00 AM. Questioned wattage of illumination? Mr. Pascarella stated according to electric current. Mr. Hunter questioned how bright it would be? Mr. Pascarella stated didn't know.

Mr. Harrington questioned if sign would be 32 sq. ft? Mr. Pascarella stated under 32 sq. ft. Mr. Lighthouse questioned how close to yellow house? Mr. Pascarella stated as far as can go from road but close enough so as not to cover sign. Mr. Harrington questioned if black and white or colored? Mr. Pascarella stated black and white. Mr. Hunter questioned if illumination would be white base with black letters? Mr. Pascarella concurred.

Mr. Heilman questioned overall height of sign 18' from base to top? Mr. Hunter advised higher than we have allowed, usually 16' from crown of road. Mr. Pietropoli asked if it would make a difference if sign were 16' instead of 18'? Mr. Pascarella stated not to him. Pole designed strong enough for 18'.

Mr. Heilman questioned if stationary sign? Mr. Pascarella stated yes, not swinging kind. Further stated that dirt level is lower than road where sign would be, might make it with 18' sign.

Mr. Hunter questioned value of sign. Mr. Pascarella thought \$750. Mr. Heilman asked if Pascarella owned yellow house? Mr. Pascarella stated yes.

Mr. Hunter asked if anyone wished to speak in favor or in opposition to application. No one appeared.

DECISION: Granted per plans submitted with the following stipulations: 1. Sign shall be no more than 16' in height measured from the crown of Chili Avenue; 2. Sign shall be located 10' West of home East of property in question and set back approximately same distance from road as existing free-standing signs in that area; 3. Sign is to be installed under direction of Superintendent of Buildings; 4. Granted for three years with right to apply for renewal.

#4. Application of Mary and George Engels, 3183 Chili Avenue, for approval of 1 sign 3' x 10' on posts to advertise Engels Mobile Homes. Wholesalers, approximately 40' off road. B Zone.

Mr. Engels appeared and stated this is property where beauty shop is, has been sign there, going to use same posts. Mr. Hunter stated 40' in, 13' from lot line, questioned height? Mr. Engels stated won't be over 15' to top of sign. Mr. Hunter questioned if internally lighted, what material used, single or double faced? Mr. Engels stated probably lighted, plastic and double-faced.

Mr. Hunter questioned what would be toward city from that lot line? Mr. Engels stated vacant lot right next door. Mr. Davis questioned if 40' from lot line or edge of road? Mr. Engels stated edge of

pavement. Mr. Davis stated doesn't think you have 40' from lot line. Four rod road. Talking about edge of road instead of lot line. Mr. Hunter questioned if 19' from lot line? Mr. Engels stated more than that because property is at an angle to Chili Avenue. Sign roughly 40' from edge of road, could be a lot more.

Mr. Hunter questioned if sign may not be lighted at beginning, would sign change? Mr. Engels stated might not wire at beginning, may not operate at night. Mr. Heilman questioned if any signs there now? Mr. Engels stated has been Regional Valley Insurance Co. sign, going on same pole.

Mr. Hunter questioned what will sign say, if stationary, not flashing? Mr. Engels stated will say Engels Mobile Homes, Wholesale, stationary sign, not flashing. Would have off by 11:00 PM 6 days a week, Monday through Saturday. Mr. Palermo questioned if any trailers would be stored on property? Mr. Engels said no.

Mr. Heilman questioned if second sign on two poles? Mr. Engels stated there was sign but when he moved out he took sign and left posts. Mr. Palermo questioned if insurance sign was between posts, thought was swinging sign? Mr. Engels said yes, but new sign will be on top of posts, won't swing.

Mr. Heilman stated sign 3' x 10', what is height? Mr. Engels stated 12' including 3' sign.

Mr. Hunter asked if anyone wished to appear in favor or in opposition to this application. No one appeared.

DECISION: Granted for one year period with right to apply for renewal. Sign to be erected under direction of Superintendent of Buildings.

#5. Application of Steven Pikuet, 70 Chestnut Drive, for approval of variance to approve building of garage to store paving equipment and trucks on property located at 80 Golden Road. D Zone.

Mr. Pikuet appeared before the Board. Mr. Hunter questioned location for building on property? Mr. Pikuet stated West of monument, 250' from Golden Road. Mr. Hunter questioned something over 150' from road to front of building? Mr. Pikuet stated more than that. Visited people on street, six homes, everyone was favorable but one, kind of on fence. Immediate neighbors seemed to be in favor.

Mr. Hunter questioned construction of building? Mr. Pikuet stated pole-type building with baked finish steel siding, aluminum roof, overhead door in one section and four rolling doors in rest of it. Mr. Hunter questioned if doors on 70' long side on South side, away from expressway, sloped roof? Mr. Pikuet stated yes, and peaked roof. Mr. Hunter questioned purpose of building? Mr. Pikuet stated storage of paving equipment, 3 dump trucks, tractors, rollers.

Mr. Aureli questioned if everything would be inside? Mr. Hunter added how about rubbish and that sort of thing, contained inside? Concerned about external appearance. Mr. Pikuet stated he doesn't foresee any rubbish. Mr. Hunter questioned need for advertising for building? Mr. Pikuet stated no signs.

Mr. Hunter questioned equipment to be going in and out of building on what days of week? Mr. Pikuet stated 5 days, Monday through Friday, 8 months of year. April 1st through December 1st, just during summer months. Mr. Pikuet asked if there was any chance of a two year variance, rough problem getting fill in to begin building. Mr. Hunter stated Board would have to waive policy in order to extend building period past one year, don't know if we can do this, believe you have to have started construction.

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Mr. Aurali questioned if rest of land is not accessible? Mr. Pikuet stated yes, Graham's field storage tanks are next door. Mr. Heilman questioned if he had purchased land as yet? Mr. Pikuet stated has purchase offer subject to getting use variance. Mr. Hunter questioned if lot 50' wide at Golden Road, could he meet building requirements? Mr. Pikuet stated he can meet them.

Mr. Hunter asked how long before he could specifically locate building? Mr. Pikuet stated can spot it within 20' of marker. Mr. Hunter said reluctant to pass without knowing exactly where building to be. Asked what plans are in terms of construction? Mr. Pikuet stated if he can get in by next winter he will.

Mr. Hunter stated would like to hold off on decision until he has specific location. Mr. Hunter asked if anyone wished to speak in favor or opposition to this application. No one appeared.

DECISION: Reserved pending receipt of specifications regarding location of building on property. Board felt no hardship was shown because Mr. Pikuet is not owner of record, no proof that property cannot yield return.

#6. Application of Humble Oil & Refining Co., 20 Cairn Street, for approval to maintain sign 38 sq. ft. oval on pole 12 ft. from base to bottom of sign to replace existing 72 sq. ft. sign on property located at 2930 Chili Avenue. E Zone.

Mr. J. L. Blair appeared on behalf of Humble Oil Co., stated he was applying under section 19.40 of Zoning Ordinance as amended February, 1969, section (d), Pre-existing signs. Requesting permit to maintain 38' sign described, sign to replace 72 sq. ft. sign on 14' pole. Feel smaller sign will be more in keeping with residential area surrounding station. Application being made as set forth by Mr. Heilman's letter of January 26, 1972 re: Humble Oil and Refining Co. vs. Chili Zoning Board of Appeals. Mr. Blair stated pole is 12' from base to bottom of sign, 5' 9" sign, overall height is 17'9". Sign that is there at present time is on 14' pole and sign is 8'2" for overall height of 22'2". Would be putting in smaller pole to accommodate sign.

Mr. Hunter questioned if standard pole? Mr. Blair stated yes, special sculptured type of design made according to specifications to support the weight of sign and also against the wind.

Mr. Hunter questioned value of sign in place? Mr. Blair stated sign about \$1800 and installation about \$300, \$2100 total. Stationary sign, internal illumination. Mr. Hunter questioned hours of illumination? Mr. Blair stated he believed that station is open from 7 AM - 10 PM so would be lighted along with business hours of station and according to hours of sunrise and sunset. Mr. Hunter stated dusk to 10 PM, 7 days per week.

On Mr. Hunter's question if anyone wished to speak in favor or opposition to application, no one appeared.

DECISION: Granted unanimously.

#7. Application of Lance Clark, 34 Crossbow, for approval of renewal of variance on sign on building, maximum 36 sq. ft. originally granted 2/71 for 1 yr. with stipulations. B Zone.

Mr. Frank Wetmore, business partner of Mr. Clark, appeared before the Board, stated this is an existing sign on the Mini-Quick.

Mr. Hunter questioned if sign was built as per original specifications and if hours of operation remained no later than 10 PM? Mr. Wetmore said yes, everything the same. Would like to continue the variance. Mr. Hunter asked if painted sign? Mr. Wetmore stated painted, wood sign. Mr. Palermo questioned if they expected to be there another year. Mr. Wetmore stated we hope so.

Mr. Hunter asked if anyone wished to speak in favor or in opposition to the application. No one appeared.

DECISION: Granted for a period of three years, or as long as Mr. Clark owns the business, whichever comes first.

- #8. Application of Robert Stewart, 50 May Street, for approval of variance to erect auction house, corner of Scottsville Road and Morgan Road, 100' long, 60' wide, concrete or steel structure, 2535 Scottsville Road. EE Zone.

Mr. George T. White, Attorney, appeared on behalf of Mr. Stewart. Stated he had just been contacted this morning with the information. Understands Master Plan is in preparation, couldn't contact anyone before the application was presented, would like to discuss further. Rather than waste Board's time would like to clear questions in area. If anyone is in opposition, would like them to stand, postpone hearing to next meeting.

Mr. Hunter stated would need new application so it can be advertised. If anyone has comments on it now, welcome to do so. Not postponing, cancelling and starting over. Mr. White stated would reapply when ready after talking to people downtown.

DECISION: Application withdrawn.

- #9. Application of Lawrence H. Martin, Pres., Mil-Ens Development Co., 997 Beahan Road, for approval of 4' x 8' metal sign on posts, - 100' off Highway - "For Sale" sign - approx. 100' from N. boundary line. A Zone.

Mr. Edward A. Willis, Slade & Suter Co., Inc. appeared on behalf of Mr. Martin. Stated it is ordinary 4' x 8' real estate sign approximately 100' in and 100' from North property side, not illuminated. About 8' from grade, typical real estate sign that you would see in various parts of town. Would like to dispose of that part of parcel of property they own.

Mr. Hunter questioned if sign not presently there. Mr. Willis stated vacant land. Mr. Hunter questioned 8' to top of sign and material sign made of? Mr. Willis stated yes, painted wood sign, unlighted, one-sided, facing street.

Mr. Harrington questioned if sign is 4' x 8' plywood? Mr. Willis stated Sign-O-Graph Co. will put up sign.

Mr. Hunter asked if anyone wished to speak in favor or in opposition to this application. No one appeared.

DECISION: Granted for period of one year.

- #10. Application of Dario Marchioni, 21 Alfred Avenue, for approval of variance on SE corner Beaver and Scottsville-Chili Roads to erect Professional Building for doctors, lawyers, dentists, optometrists, 1 story + basement area, brick-veneer and block construction. E Zone.

Mr. Marchioni appeared with Mr. Arnold Carmichael, licensed engineer. Mr. Carmichael stated this is parcel of land on corner of Beaver and Old Chili-Scottsville Roads. Much larger parcel of land than map shows, goes down Beaver Road about 850'. Down almost as far as Case Hoyt. Our line is their West line. We are asking variance to construct a professional building on part of this land, namely near old Chili-Scottsville Road, setback 100' which is requirement for commercial building. Shows structure to be away from intersection and on high ground of that parcel.

Mr. Hunter questioned if strictly professional building, no residence involved? Mr. Carmichael stated yes. Two story, front story at ground level and rear going out a ground level because it falls away.

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Mr. Hunter stated if he interprets code correctly, professional office when part of residence is allowed use with special provisions. No allowed use as such for professional building as applied for.

Mr. Carmichael stated our line and proposed UDC line are common lines. Mr. Heilman asked if size was 17.6 acres? Mr. Carmichael stated he believed so. Mr. Pietropaoli questioned if any plan for balance of 17 acres? Mr. Carmichael stated not at this time. Believe half of this is not allowed to be used because below flood plain.

Mr. Pietropaoli questioned how much of acreage would be covered by building and parking? Mr. Carmichael stated 2 1/2 acres. Mr. Pietropaoli asked if Mr. Marchioni owned property now? Mr. Carmichael stated yes, for about 6 months.

Mr. Hunter questioned if they had any more to say? Mr. Carmichael stated have rendering in color which may give the front appearance of how this will look. If you were in the southwest corner of this parcel, you could see this, standing at the road in southwest corner of lot.

Mr. Pietropaoli questioned if offices at both levels like a raised ranch? Mr. Carmichael concurred. Mr. Heilman questioned if vacant land? Mr. Carmichael said no structure on land at this time. Mr. Heilman questioned if Mr. Marchioni knew this was E Zone when he purchased land? Mr. Marchioni said yes.

Mr. Heilman questioned general area involved, homes in area? Mr. Carmichael stated house about 500' to south, on Chili-Scottsville Road and one house opposite. Mr. Hunter questioned regarding new home on Beaver Road, how far away? Mr. Carmichael stated down hill out of sight of this area. Mr. Marchioni stated parking would be in rear of building, no parking in front.

Mr. Hunter stated you are asking for use of this property which is not allowed use in our code, for Board to act favorably would have to file a hardship on this property. Are you prepared to present a hardship case on this property? Mr. Marchioni stated propose to build a professional building.

Mr. Hunter stated use is commercial use in residentially zoned area so Board can only consider application in claim of hardship on property. Mr. Marchioni stated for size of property at present zoning could put three houses and use this area. Mr. Carmichael stated 5 houses for acreage, over half of parcel below flood plain and not buildable.

Mr. Hunter questioned if southern part below plain? Mr. Carmichael stated falls to south very rapidly. Mr. Marchioni added 20' drop from street to base of building. If you build a house you have to jack the house. Mr. Carmichael stated not actually split, front entrance into second floor, full 10' difference in elevations. Road is 570', back of structure is 555'. Mr. Marchioni stated north side of property enclosed by State property, guard rails, etc. Mr. Carmichael added Beaver Road improved here, very steep grade from actual pavement, hard to get access into area, only usable land here.

Mr. Hunter questioned if made any serious attempt to consider residential use? Not asking Planning Board for rezoning? Mr. Carmichael stated toss-up, debating on variance or rezoning. Didn't know which direction to apply, over half of 17.6 acres unusable.

Mr. Hunter stated, in own opinion, no evidence to prove hardship, doesn't say there isn't one, no evidence presented.

Mr. Hunter asked if any one wished to speak in favor or in opposition to the application?

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Mr. Paul Jessen, 107 Chili-Scottsville Road appeared. Immediate neighbor of proposed property, property on NE corner of Beaver and Old Chili-Scottsville Road. Listened to Mr. Carmichael's presentation, would like to express sympathy to Mr. Marchioni in selection of site but express extreme displeasure in having him build commercial property in neighborhood. Surprised Mr. Carmichael would propose such property in this area, residential and has been residential. Don't know why would think we would have in area. Already have fight with UDC, continued degradation of area.

Mr. Carmichael stated thought UDC land was multiple dwelling before they purchased. Mr. Jessen stated not professional engineer but have engineering background. Could be residences built in this area. Mr. Carmichael said so stated, 4-5 lots. Mr. Jessen stated would express extreme displeasure and opposition to allowing variance

Mr. Jack Castellano, 108 Chili-Scottsville Road appeared. Sure that structure would be architecturally clean and wouldn't degrade neighborhood, get feeling that we are goofing up entire community by having commercial, residences, etc. Don't feel we have planned community, perhaps this is what we should look at. Looking forward to Master Plan. Shouldn't we first look at Master Plan and then decide if it fits?

Mr. Hunter stated anything to consider should be on basis of Master Plan that exists. Don't think Board can act on proposal with that only question. Proposal is to modify plan, have to consider plan as it exists in town. Mr. Castellano stated that plan indicates zoned E residential. Mr. Hunter stated that is consideration of Board for this application. We have to consider laws of town as they now exist and base our judgment on that. When and if new plan is formally adopted it will be considered.

Mr. Pietropaoli stated that Town Board and Planning and Zoning Board members have been working on it, so much material to go through, within 6 months hope to have something concrete. Proposals have been forwarded by Monroe County Planning Council and are meeting with representative for this area and thrashing out suggestions. Once there is a common agreement it will have to be written again and advertised in newspaper, have a public hearing, you folks will have opportunity to come and talk about it. Copies are on file in Town Clerk's Office, proposed zoning ordinances, Comprehensive Plan and Subdivision ordinances. Presently working on Zoning ordinances. Cannot give specific time. Have been working once a month and now going to be two meetings a month just on this problem, probably three-quarters of the way there.

Mr. Castellana stated if these structures go up it only adds confusion to overall plan. Mr. Pietropaoli stated probably right but Board has application before it and in all fairness to applicant have to act upon it.

Mr. Carmichael stated with this parcel you would have almost impossibility to get entrance on Beaver Road as residence or business. Talked to Planning Department, entrance almost impossible, setback pretty deep.

Mr. Hunter asked if any one else wished to speak on this matter. No one appeared.

DECISION: Denied. 1. No evidence to show land in question cannot yield reasonable return if used only for purpose permitted by zoning ordinances. 2. Plight of owner is not due to unique circumstances and not general conditions of neighborhood. Use sought would alter locality. 3. Purchased land within 6 months in E Zone, has created own hardship. No evidence presented that hardship exists at present time.

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February 22, 1972

From Public Hearing held January 25, 1972:

Application of Oliver Perry, 4390 Buffalo Road, N. Chili, N. Y. for approval of one sign 8' x 22' on canopy of Peterson Drug Store 4390 Buffalo Road. B Zone.

Mr. Perry and Mr. Rosenberg of Peterson Drug Store appeared. Mr. Rosenberg explained that size of sign was chosen because of location of store and angle. Doesn't have frontage that shows store, other store had 35' front, 35' sign. Here has 22' sign. Also the store is not visible from Buffalo Road.

Mr. Palermo asked height of building on blank wall? Mr. Perry stated 10' to bottom of canopy, 1' canopy. Mr. Harrington questioned cost of drugstore sign? Mr. Rosenberg said \$2500.00.

DECISION: Granted for period of 5 years or as long as the present occupant of the building runs the business, whichever comes first. It is the intention of this Board that a smaller sign than the present 8' x 22' sign be erected following the expiration of this permit. It is further intended that the future sign should be compatible with the adjacent Pocket theatre sign and that therefore, the height of the future sign should not exceed 5 ft. and the length should not exceed 22'. The size of the sign that has been granted is larger than that which is normally allowed. This is being done in recognition of the fact that the sign is mounted on a building which is approximately 400' from the nearest road.

Application of Oliver Perry, 4390 Buffalo Road, N. Chili, N. Y. for approval of one sign 4' x 20' with 2' letters on top of Pocket Theatre, 4390 Buffalo Road. B Zone.

DECISION: Granted for period of three years or for the time that the present operator is doing business in said theatre, whichever comes first, with the following modifications. Height of sign including the identification "Pocket Theatre" not to exceed 5 ft. and length of sign not to exceed 20 ft. The size of the sign that has been granted is larger than that which is normally allowed. This is being done in recognition of the fact that the sign is mounted on a building which is approximately 400' from the nearest road.

Application of Oliver Perry, 4390 Buffalo Road, N. Chili, N. Y., for approval of two signs 4' x 6' on posts 33' off Highway, (Union Street) for snowmobiles and TV Repair Shops located at 4390 Buffalo Road. B Zone.

DECISION: Granted for period of three years for present owners and operators of the two businesses in question.

KATHLEEN LUEDKE
Secretary

ZONING BOARD OF APPEALS

March 28, 1972

A Public Hearing of the Zoning Board of Appeals of the Town of Chili, N. Y., was held in the Administration Office of the Town of Chili, N. Y., 3235 Chili Avenue, Rochester, N. Y., on March 28, 1972 at 8:00 P.M. by the Acting Chairman, Mr. Richard Aureli.

Present: Mr. Richard Aureli, Acting Chairman
 Mr. Charles Pfenninger
 Mr. John Palermo
 Mrs. Gertrude Tanger
 Mr. John Lighthouse
 Mr. Richard Harrington

Also present: Mr. Patrick Pietropaoli, Town Attorney
 Mr. Alfred Heilman, Deputy Town Attorney
 Mr. William Davis, Superintendent of Buildings

Mr. Heilman stated that there has been a notice of this hearing with regard to the first application and there is an affidavit of that publication on file with the Town Clerk.

#1. Application of Robert Lehr, 20 Black Creek Road, Rochester, N. Y.; for approval of renewal of variance for 30' x 60' frame storage building on Lot 126, Black Creek Road, variance granted February 1967. D Zone.

Mr. Aureli asked if Mr. Lehr was present? No one appeared.

DECISION: Denied, didn't show.

#2. Application of Russell P. Bonacci, 22 Bucky Drive, Rochester, N. Y., for approval to build attached garage 12' x 26' on north side of house 2 ft. from property line. E Zone.

Mr. Heilman stated that with regard to the second application that there has been a notice of this hearing and there is an affidavit of that publication on file with the Town Clerk.

Mr. Bonacci appeared and showed the plans to Mr. Aureli. Mr. Aureli questioned how much room on that one side. Mr. Bonacci stated 14 ft. Mr. Aureli asked if originally put on lot the opposite way? Mr. Bonacci stated yes. Mr. Aureli asked how much room between this house and other house? Mr. Bonacci stated 51 feet, he has 14 and there's 37.

Mr. Aureli asked if anyone wished to speak in favor or in opposition to the application. Mr. Samuel Antinone appeared. Asked if it would be too close as he will be building there. Mr. Aureli asked if immediately next door on the north? Mr. Bonacci stated yes. Mr. Aureli asked if garage would be on that side also? MR. Bonacci said it will be. Mr. Aureli asked how long he's lived there. Mr. Bonacci stated empty house next door to him, lot was graded 30 feet over and assumed it was his property.

Mr. Lighthouse asked how far between the two houses? Mr. Aureli stated he has 14 feet and neighbor has 37 feet. Mrs. Tanger asked how far it will be from building to building? Mr. Bonacci stated from his garage to property line will be 2 feet. Mrs. Tanger asked from your garage to his house? Mr. Aureli stated 39 feet. Mr. Bonacci said didn't measure that but if he wants to build 2 1/2 car garage won't leave much room.

DECISION: Granted.

#3. Application of Sally Weber, 970 Paul Road, Rochester, N. Y., for approval of variance to operate beauty parlor at 2675 Chili Avenue. E Zone.

Mr. Heilman stated let the record show that was also published and an affidavit is on file with the Town Clerk.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

DATE *MAR 22 1972*

THIS IS TO CERTIFY THAT THE ATTACHED LEGAL NOTICE(S) WERE PUBLISHED
IN THE.....
GATES-CHILI NEWS

Issue Dated..... *MAR 22 1972*

Norah Conway
.....
Notary:
NORAH CONWAY

NOTARY PUBLIC, State of N. Y., Monroe County
My Commission Expires March 30, 1974

Samuel J. Smith
.....
SAMUEL J. SMITH
Publisher

LEGAL NOTICE

ZONING BOARD OF APPEALS

NOTICE IS HEREBY GIVEN that there will be a Public Hearing of the Zoning Board of Appeals of the Town of Chili, to be held in the Chili Administration Office, 3235 Chili Avenue, Rochester, New York, 14624, on March 28, 1972 at 8:00 p.m. to consider the following applications:

#1. Application of Robert Lehr, 20 Black Creek Road, Rochester, N.Y., for approval of renewal of variance for 30' x 60' frame storage building on Lot 126, Black Creek Road, variance granted February, 1967. D Zone.

#2. Application of Russell P. Bonacci, 22 Bucky Drive, Rochester, N.Y., for approval to build attached garage 12' x 26' on N. side of house 2 ft. from property line. E Zone.

#3. Application of Sally Weber, 970 Paul Road, Rochester, N.Y., for approval of variance to operate beauty parlor at 2675

Chili Avenue. E Zone.

#4. Application of Toper construction, 999 Buffalo Road, Rochester, N.Y., for approval to build home on undersized lot, 50' x 204' with side yard setbacks of 7 feet on North and South. E Zone.

#5. Application of Keith Killingbeck, 10 Cannon Hill Road, Rochester, N.Y., for approval of radio tower for ham radio, left rear of house - approx. 50' in height. E Zone.

#6. Application of Edward Chafel & Robert Ridings, 60 Paul Road, Rochester, N.Y., for approval to erect a 30 sq. ft. sign on front of building - illuminated. B Zone.

All interested parties are requested to be present. By order of the Chairman of the Zoning Board of Appeals of the Town of Chili, New York.

LURAINA E. ROBBINS
Town Clerk
Chili, N.Y.

Mrs. Weber appeared, presented sketch of property, stated would like variance, existing beauty shop of 13 years, has worked here 11 years, presently employ 4 operators, open about 50 hours a week. Mr. Aureli asked if she is going to be sole owner? Mrs. Weber stated she will be owner. Mrs. Tanger asked if she will want a sign or will she change existing sign? Mrs. Weber stated there will be no outside sign, Ann's name will come out of it. Mrs. Tanger asked if sign will be changed? Mrs. Weber stated yes. Mrs. Tanger asked if she wanted to incorporate that in application too? Mrs. Weber stated only sign in window with her name and Chili Beauty Salon. Mr. Aureli asked if taking off her name and keeping Chili Beauty Salon? Mrs. Weber stated yes, taking her name off.

Mr. Aureli asked if anyone wished to appear in favor or opposition to the application. No one appeared.

DECISION: Granted, for as long as Mrs. Weber owns and operates the beauty salon.

#4. Application of Toper Construction, 999 Buffalo Road, Rochester, N. Y., for approval to build home on undersized lot, 50' x 204' with side yard setbacks of 7 feet on north and south (733 Marshall Road). E Zone.

Mr. Heilman stated that this has been properly published and an affidavit is on file with the Town Clerk.

Mr. Bill Padgett appeared representing Toper Construction Co. Stated he is salesman for company. Sold Mr. & Mrs. Springer a home to be built on this lot and would like variance on the grounds that they don't have any other land that could add to it to increase size and really does conform with other lots in neighborhood from there right up to Chili Avenue. Home that is proposed is in price range and size so would be compatible with other houses, also.

Mr. Aureli asked if owned lot next door? Mr. Padgett stated no. Mr. Harrington asked how many square feet it would be? Mr. Padgett said over a thousand, can't remember exactly off-hand but it's a thousand, fifty. Mr. Palermo asked the dimensions of house? Mr. Padgett stated 24' x 44'. Mr. Palermo asked if houses on both sides of this house? Mr. Padgett stated no, vacant lot on north side and vacant parcel of several acres on other side. Mr. Palermo asked if structure on east side of street? Mr. Padgett said yes. Mr. Heilman asked dimensions are 24 x 44 and applying for 7 ft. variance on north and south? Mr. Padgett said yes. Mr. Heilman asked if house to be built on elongated style? Mr. Padgett said yes. Mr. Heilman asked would set the opposite way? Mr. Padgett said yes, and has garage attached to side.

Mr. Davis asked if overall width would be 36 feet? Mr. Padgett agreed. Mr. Davis asked if across entire front? Mr. Padgett stated across the entire front. Mr. Davis asked if garage would be facing front? Mr. Padgett said that's right. Mr. Palermo asked if they own lot at present? Mr. Padgett stated yes, the company owns that lot. Mrs. Tanger asked who owns the lot next door? Mr. Padgett stated the people next door to that. Mrs. Tanger asked if they tried to buy a piece of that land? Mr. Padgett stated had asked one of the neighbors if he would be interested in selling in the event one of our customers would be interested in buying. Told me he would talk to them about it. Asked Mr. Springer if he has talked to him? Mr. Springer stated no. Mr. Heilman asked if that would be on the south side facing away from Chili Avenue? Mr. Padgett stated no, toward Chili Avenue. Mr. Palermo asked if small lot is toward Chili Avenue? Mr. Padgett stated right. Mr. Lighthouse asked how big is that lot? Mr. Padgett stated believes it's exactly the same size.

Mrs. Frederes spoke from the audience. Stated lives next door to this lot and does not approve because I have to give 90 feet to everybody and takes an exception to it and thinks a 50 ft. lot is entirely too narrow for any kind of house.

Mr. Aureli asked if anyone else wished to speak against this application?

Mr. David DeKramer, 22 Benedict Drive, appeared, stated property is directly behind this piece and presented petition signed by thirty people who would just as soon not see this house built on that property. Mr. Palermo asked reasons for petition? Mr. DeKramer stated tried to buy lot 2 or 3 years ago when it was up for auction for taxes and was outbid by Toper Construction Co. Reason wanted lot is it was too small to build house on it. Knew zoning laws said 80 feet, something like that, and wanted to increase size of his property and have larger area for the children to play in and did not intend to build any buildings on it or anything. Just wanted to have lawn or garden or something, would have taken down weeds and everything else.

Mr. Palermo asked if objection is that it's undersized? Mr. DeKramer stated right. When he bought his house 10 years ago, consisted of two lots, one 50 foot and one 52 and at time of purchase lawyers and Town told them had to combine to a 102 foot lot. Could not sell it as building lots. Undersized and against zoning laws so felt that he had to abide by rules and thinks everyone else should too.

Mrs. Cox appeared, stated bought property to build a house and wouldn't let her build. Had to buy a lot and had to be 90 feet wide. Asked and everybody said no.

Mrs. Mildred Fredericks appeared. Stated lives on Marshall Road next door.

DECISION: Denied.

#5. Application of Keith Killingbeck, 10 Cannon Hill Road, Rochester, N. Y., for approval of radio tower for ham radio, left rear of house, approximately 50 ft. in height. E Zone.

Mr. Heilman stated application was properly published and recorded.

Mr. Killingbeck appeared, stated tower is going to be on right side to the rear of the house, right against the house. Mr. Aureli asked if he had talked to any of neighbors? MR. Killingbeck stated no, but thought you sent letters around. Mr. Aureli asked if any interference with ham radios toward regular radio reception or TV reception? Mr. Killingbeck stated according to operator -- proper use. If you know how to use it properly, should be no interference.

Mr. Aureli asked if going to operate this himself? Mr. Killingbeck stated yes. Mr. Lighthouse asked how high tower will be? Mr. Killingbeck stated asking for 50 feet. Mrs. Tanger asked how long he's been operating a ham radio? Mr. Killingbeck stated hasn't operated yet, just going into it now. Mr. Palermo asked if he has license? Mr. Killingbeck stated not yet. Would be another 18 months before he gets license, but if he's going to buy equipment, wants to know if he can build tower. If going to buy equipment, have to have tower to operate.

Mr. Palermo asked how long before you get license? Mr. Killingbeck stated 18 months, probably before because have been going for schooling for almost a year so have about 8 months to go. Mr. Aureli stated if variance granted, would have to have completed in year's time, or started at least. Mr. Killingbeck stated right, would be by next March.

Mr. Heilman asked if he was going to put this up? Mr. Killingbeck said no. Mr. Heilman asked where 10 Cannon Hill Road is? Mr. Killingbeck stated where Ryan tract is. Mr. Davis stated we have had 5 or 6 in town that had variances and never had a complaint on them. Mr. Killingbeck stated it depends on the operator. You have to have a license. Have to know electronics in order to operate one. If there's interference, making a mistake somewhere,

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crossing over frequencies and that, certain things you have got to do.

Mr. Aureli asked if anyone wished to speak in favor of application. No one appeared.

Mr. Aureli asked if anyone wished to speak against the application. Mrs. Marion Simpson, 14 Cannon Hill, appeared. Stated lives next door to Mr. Killingbeck and in a ranch house quite a lot lower than his house. He's in raised ranch on knoll, we are way down here, and he wants 50 ft. tower. In Lexington Parkway have underground wiring and this was one of the good things about this place; didn't have to cope with poles and wires and what not, and people around there just don't feel they want to gaze at a 50 ft. tower.

Mr. Aureli asked how wide tower will be? Mr. Killingbeck stated about a foot. Very, very narrow, would practically hardly notice it. Very narrow tower is all they are, nothing that's going to be standing out to degrade your property.

Mr. Palermo asked what kind of house he has? Mr. Killingbeck stated a raised ranch. Mr. Palermo asked height of house from ground level to peak, approximately? Mr. Killingbeck stated about 20 feet. Mr. Palermo asked how close to house it will be? Mr. Killingbeck stated less than a foot away, it's got to go right against the wall straight up. Going to be very narrow, that's all they are.

Mrs. Schweitz appeared, stated lives in the back house and feels the reception of FM-AM and TV would definitely be in some way disrupted and also the saleability of our house. People that do enjoy their colored TV will not buy a house that is near a tower of this kind.

Mr. Harvey Simpson, 14 Cannon Hill Road, appeared. Stated next door to Mr. Killingbeck. Purchased property in Lexington Tract because of beauty with no poles, underground wiring and here a 50 ft. tower is going up next door to us, totally against it. Also possibility that an accident could happen -- ice storms, tower could come down. Not that far away. Could do damage and even injury if someone was out there. It isn't a tract that is suitable for a pole of this type.

Mr. Pfenninger asked how strong a wind would this tower stand? Mr. Killingbeck stated never looked into it. Pretty sturdy, in four foot of concrete. Mr. Pfenninger asked if they could buckle? Mr. Killingbeck stated built sturdy. Like he mentioned about TV, colored TV - don't interfere at all. You are on a different frequency. They have nothing to do with the TV. That depends on the operator.

MR. Palermo asked if he had a drawing or sketch of what it would look like, what it is made of? Mr. Killingbeck stated can get one. Mr. Palermo asked if he can get one of exact type he is going to install? Mr. Killingbeck stated right, never heard of one coming down from a storm, first time ever heard anything about that.

Mr. Pfenninger asked if he will have guide wires on it? Mr. Killingbeck stated right, will be tied down as well. Would be against the wall; then will have guide wires going both ways. Going to be right on corner so going to be double secure; plus ground, so double secure. Mr. Lighthouse asked if any houses in tract have aerials on their roof? Mr. Killingbeck stated yes, they do. This won't be any different than a TV aerial, except a little higher. Don't think it would be obstructing to anything out there. Won't even notice it in the daytime. Would notice a TV aerial more than this because it's very thin. Looks like a TV antenna.

Mrs. Schweitz stated when it comes to TV or radio reception, definitely does have a bearing on it. Only way it doesn't is if his equipment is working properly and other people's equipment is working properly and this very seldom happens. People always have trouble around here on account of the airplanes. Have the airplanes without having to worry about a tower put up.

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Mr. Ed Schweitz appeared, stated lives behind the house. Thinks neighborhood looks pretty good now and would hate to look out the window and see something sticking a mile in the sky. Got to keep looking at it constantly, right behind it.

Mrs. Simpson appeared, stated they have spoken to an electronics man about this and he agreed that there would probably be interference with our FM reception or television because either his set might not be working properly or ours may not be and consequently, you're really going to get a conflict.

Mr. Palermo asked if he was not in that much a hurry for it? Mr. Killingbeck said right. Mr. Palermo asked if it would give him plenty of time to get the Board the exact antenna to be put up? Mr. Killingbeck stated right. Mr. Palermo asked the contractor that is going to put it up and all the specifications? Mr. Killingbeck stated right. The one that is going to put it up is professional. He'll put it up properly - that is if one goes up. Mr. Heilman asked if he could get the specs back for the next meeting on the last Tuesday in April or would that be too soon? Mr. Killingbeck stated he would get them for April, no problem at all.

DECISION: Reserved pending receipt of specifications.

#6. Application of Edward Chafel & Robert Ridings, 60 Paul Road, Rochester, N. Y., for approval to erect a 30 sq. ft. sign on front of building - illuminated. B Zone.

Mr. Heilman stated this application has been duly published and the affidavit is on file with the Town Clerk.

Mr. Edward Chafel appeared. Stated he was here to ask permission to mount a 30 sq. ft. sign onto the front of new structure. (Mr. Chafel indicated on drawings.) Mrs. Tanger asked if already installed? Mr. Chafel stated sign is not installed. This is front elevation of our new structure and would like to mount the sign right here (indicating).

Mr. Palermo asked if sign is just the deer? Mr. Chafel stated right, just a deer. This was old structure and this is new structure we have just erected and we would just like to mount the sign.

Mr. Pfenniger asked if sign is up? Mr. Chafel said no, haven't had it made yet. Mr. Palermo asked if new structure starts where old building ends? Mr. Chafel said yes. Mr. Palermo asked how deep is old building? Mr. Chafel stated 50 ft. long, 80 ft. deep. Mr. Palermo asked is new part coming up here and this is where you want to put up sign? MR. Chafel stated right. This building is already up, these sidewalks are 18 ft., it will be just the deer, no writing, black sign.

DECISION: Granted as per plans submitted.

Kathleen Luedke
Secretary

(Prepared from minutes transcribed by Gloria R. Sauer, Grand Jury Stenographer.)

ZONING BOARD OF APPEALS
April 25, 1972

A Public Hearing of the Zoning Board of Appeals of the Town of Chili, N. Y., was held in the Administration Office of the Town of Chili, N. Y., 3235 Chili Avenue, Rochester, N. Y. on April 25, 1972 at 8:00 P.M. The Hearing was called to order by the Chairman, Mr. Robert Hunter.

Present: Mr. Robert Hunter, Chairman
Mr. Charles Pfenninger
Mrs. Gertrude Tanger
Mr. John Palermo
Mr. John Lighthouse
Mr. Richard Harrington

Absent: Mr. Richard Aureli

Also Present: Mr. Patrick Pietropaoli, Town Attorney
Mr. Alfred Heilman, Deputy Town Attorney
Mr. William Davis, Superintendent of Buildings

#1. Application of Wesley Moffett, 2044 Chili Avenue, Rochester, N. Y., for approval to erect advertising real estate sign 4' x 8', two faced, on property located at Chili Avenue and Coldwater Road, located as presently existing. D Zone.

Mr. Heilman stated application was duly published and affidavit is on file with the Town Clerk.

Mr. Moffett appeared, stated application for existing sign, has been there for several years, would like to continue for another year.

Mr. Hunter asked if wood sign with painted letters? Mr. Moffett stated yes, been there for several years. Mr. Hunter asked if he realized variance granted for period of one year? Mr. Moffett stated yes.

Mr. Hunter asked if anyone wished to speak in favor or opposition to this application and no one appeared.

DECISION: Granted, unanimously, for period of one year with right to renew.

#2. Application of Creekside Meadows, 8 Autumn Chapel Way, Rochester, N. Y., for approval of two temporary signs, 4' x 8', 2 sided as per sketch submitted, one located on Chili Avenue and one on Beaver Road advertising apartments located at Chili Avenue and Beaver Road. E Zone.

Mr. John Nowicki appeared representing Creekside Meadows. Stated requested continuation until September 1, 1972. Mr. Hunter questioned one on Beaver Road, saw on left of entrance, one on Chili? Mr. Nowicki stated portable signs for real estate agent on Chili. Existing signs, just want to leave until permanent signs arrive, possibly within a month. Will have permanent entrance sign, these temporary advertising signs.

Mr. Hunter asked if anyone wished to speak in favor of this application and no one appeared. Mr. Hunter asked if anyone wished to speak in opposition?

Mrs. Harvey Weber, 3472 Chili Avenue, appeared. Asked what is meant by temporary until September, 1972? She maintains that their address is Beaver Road not Chili Avenue. Don't know why they should put up with their sign. Under impression apartments all filled up. Why do they need signs?

Mr. Nowicki stated sign on Chili has come before Zoning Board, erect 2 signs temporarily, have two signs. Allowed to expand, Phase 2, additional 16 units to be completed by July 1st. Have permanent signs on order, have delivery date of March 30th. At delivery, other signs will come down.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

DATE.....**APR 19 1972**.....

THIS IS TO CERTIFY THAT THE ATTACHED LEGAL NOTICE(S) WERE PUBLISHED
IN THE.....

GATES-CHILI NEWS

Issue Dated.....**APR 19 1972**.....

Norah Conway
.....

Notary:

NORAH CONWAY

NOTARY PUBLIC, State of N. Y., Monroe County

My Commission Expires March 16, 1974

Samuel J. Smith
.....
SAMUEL J. SMITH
Publisher

LEGAL NOTICE

ZONING BOARD OF APPEALS

NOTICE IS HEREBY GIVEN that there will be a Public Hearing of the Zoning Board of Appeals of the Town of Chili, to be held in the Chili Administration Office, 3235 Chili Avenue, Rochester, New York, 14624, on April 25, 1972, at 8:00 P.M. to consider the following applications:

#1. Application of Wesley Moffett, 2044 Chili Avenue, Rochester, New York, for approval to erect advertising real estate sign 4' x 8', two faced, on property located at Chili Avenue and Coldwater Road, located as presently existing. D Zone.

#2. Application of Creekside Meadows, 8 Autumn Chapel Way, Rochester, New York, for approval of two temporary signs, 4' x 8', 2-sided as per sketch submitted, one located on Chili Avenue and one on Beaver Road advertising apartments located at Chili Avenue and Beaver Road. E Zone

#3. Application of Robert Stewart, 50 May Street, Rochester, New York, for approval to erect auction house, corner of Scottsville Road and Morgan Road, 100' long-60' wide, concrete or steel construction. EE Zone.

#4. Application of Howard Williamson, 649 Richardson Road, Rochester, New York, for approval to build a house on an

irregularly shaped and under-sized lot, 80' at front lot line, 180' deep, approx. 57' at narrowest point. S half of lot 36 Ballantyne Acres - Case A-27-D Zone.

#5. Application of Robert Hopkins, 299 Rumson Road, Rochester, New York, for approval of renewal of variance for 2 signs, one on building, 4' x 8'; spot lighted, and one internally lighted on existing pole of Alex Donut Sign, same size sign, advertising Pink Parrot, 3209 Chili Avenue. B Zone.

#6. Application of Archer Homes, 4 Saddle Back Trail, Rochester, New York, for approval of 4' x 8', sign advertising Archer Homes Subdivision Plat Mar- located on Chestnut Ridge Road, Lot #2. E Zone.

#7. Application of Ronald Easton (Ace Swim-Serv) 799 Paul Road, Rochester, New York, for approval of two signs 4' x 8' on building located at 800 Paul Road, advertising Ace Swim-Serv. B Zone.

All interested parties are requested to be present. By order of the Chairman of the Zoning Board of Appeals of the Town of Chili, New York.

LURAINA E. ROBEINS
Town Clerk Chili, N. Y.

Mrs. Weber asked if they don't have three signs? Mr. Nowicki stated one is collapsible real estate sign. Mrs. Weber asked if they will do away with sign on Chili Avenue? Area needs landscaping. Mr. Nowicki stated definitely.

Mrs. White, 407 Beaver Road appeared. Stated why all these signs, and further more don't think people would be against apartments so much...seen plans, had men at her house saying recreation things in back by creek. Ought to be hedgerow, now have maple trees, 40 years before they start to grow. Getting children in yard. This is her place, pay for it, lived there over 20 years. Never had problem with children, had 6 on shed other day. Who pays if they get hurt? Want understanding on this. Everyone took at word when you came in, need signs and this and that. Don't know what Zoning Board deal has with you.

Mr. Nowicki stated in agreement with a lot of things. Want to know when finishing what started...have sign on Beaver, new one with fence on Autumn Chapel Way. 4' x 8' permitted on Chili and Beaver Road. Mrs. White stated ones on Chili are not 4' x 8'. Mr. Nowicki stated those can be removed, temporary extension for two signs, have approval, one on Chili and one on Beaver. Mrs. Weber stated put me down as against it. Mrs. White stated also against it. Bothered about children playing in her yard. People have families with children, let them put recreation area so they can play in own yard.

Mr. Hunter asked if Mrs. White knew for certain children are coming from apartments?

Mr. Charles Winkelholz, 3448 Chili Avenue, appeared. Stated didn't know signs were approved at anytime. Didn't know of any meetings where signs were approved. Certainly would object to going ahead with what they would like to do until do things they promised to do. Remember at two meetings he attended, constantly heard about covered ashcans, concerned about cellars over there. Promised ashcans would be enclosed. As of right now, looking at ashcans day after day. Hasn't been done. Don't know if any other violations to be corrected before these things to be approved.

Mr. Nowicki stated first 5 buildings do not have enclosures for ash cans. Built prior to winter, after frost, no way of digging down to put posts in. There are reasons for things not happening. Lot of plantings in, 20% left to go yet. Recreation area will be done, cannot get in until area dries up and can be filled. Will have equipment back May 1st to finish construction by July 1st. Signs have been in for probably a year and permanent signs to be erected will be only means of advertising. As soon as get ordered letters, other signs will come down, other signs no problem, put there be rental agent. Children are problem, have talked with them. Sure once recreational areas are completed will relieve problem. During construction, children around equipment. Like to see what is going on. Would like to have recreational facilities to keep them away. Kids will be kids. Talked to the, know they are probably going up on Chili, trying to work with them to make nice place for them too.

Mrs. Betty Winkelholz, 3448 Chili Avenue, stated didn't understand what they are building for garbage, thought utility room with everything under cover. Not part of main building, another little house? Mr. Nowicki stated just starting work up that way. Won't see ashcan from whole place. All winter he picked up ashcans over whole place.

Mr. White, 407 Beaver Road, stated would like to see Mr. Nowicki cleans up papers that blow from neighbors yard. Thinks should send someone over once a week to check them.

Mr. Hunter stated wanted people to realize their comments are not properly a matter for this Board. There are ways of getting these complaints to them. This one not officially.

Mr. Nowicki stated for people who are here this evening, if they have particular problems would like to hear complaints, just like he listens to tenant's problems. Any time, just call, in phone book.

Zoning Board of Appeals

April 25, 1972

Mrs. Bernice Wilcox, Stuart Road, wished to comment. Apparently new sign, realize temporary but we are having a celebration in town, think would be nice if some of these things could be held up until after celebration. Too bad to have a lot of signs through center of town at any time, visual pollution especially if this thing is granted, think would be nice to hold up until after celebration.

Mr. Hunter advised that signs are already in. Mrs. Wilcox stated realize already in, certainly a number of signs coming up in Chili Center, too bad it is happening.

DECISION: Granted, unanimously, for period ending September 1, 1972.

#3. Application of Robert Stewart, 50 May Street, Rochester, N. Y., for approval to erect auction house, corner of Scottsville Road and Morgan Road, 100' long - 60' wide, concrete or steel construction. EE Zone.

Mr. Heilman stated with regard to all applications being heard, they have been duly published and affidavits are on file with the Town Clerk.

Mr. David Mogavero appeared representing Mr. Stewart.

Mr. Hunter asked if application were not before Board not too long ago? Mr. Mogavero stated yes but had been waived. Stated will basically be evening function, two to three nights a week. Mrs. Tanger asked if on North corner? Mr. Mogavero stated Northwest corner.

Mr. Hunter stated fundamentally asking for use in area different from what zoning calls for. In order for Board to act favorably, has to believe and have proven hardship and property in question cannot be used for purpose zoned, housing in EE area.

Mr. Mogavero stated not really prepared for hardship case, only thing along those lines, don't think it would be detrimental to area, talked to Mr. Frazier on Monroe County Planning Council, said he would be here this evening, reacted favorably, though fit in completely with lines set up by Master Plan.

Mr. Hunter stated only can act within certain legal constraints. Only legal basis we have for creating variance like this is to have proven it is hardship on property. You have other ways to go at this such as Planning Board, request change in zoning. If they saw fit, would recommend to Town Board and Town Board would make determination. No legal basis to proceed with this Board on this application.

Mr. Heilman stated from legal standpoint, Mr. Hunter perfectly correct. Actually seeking to have land rezoned, really function of Planning Board. Only time Zoning Board can act in that area is to present hardship or land cannot be used for purpose presently zoned for, unique or various terms that court would uphold, No evidence of hardship to Board or use for purpose presently zoned for. Consequently legal opinion, should make application to appear in front of Planning Board. At that time present reasons for this to them. Meets second Tuesday of the month.

Mr. Hunter stated realize Board has no basis on which to make judgment. Mr. Mogavero stated wasn't completely aware of hardship application.

DECISION: Application withdrawn.

#4. Application of Howard Williamson, 649 Richardson Road, Rochester, N. Y., for approval to build a house on an irregularly shaped and undersized lot, 80' at front lot line, 180' deep, approx. 57' at narrowest point, S half of Lot 36 Ballantyne Acres - Case A-27. (Lester St.) D Zone:

Mr. Williamson appeared. Mr. Lighthouse stated thought should determine if north or south half of lot. Mr. Hunter stated Lot 36 on Lester Ave.

(Board members checked plat map book to determine exact location of lot in question.)

Mr. Williamson stated South half of Lot 36. Mr. Hunter asked if third lot in from Ballantyne? Mr. Williamson stated originally second lot. Mr. Hunter stated has been subdivided. Mr. Lighthouse stated originally one lot. Mr. Palermo stated Mr. Bianchi was in for North half a couple of months ago. Mr. Lighthouse asked if sure it was South half, three neighbors called him about this.

Mr. Hunter stated 80' on diagonal front line. 67' actually in terms of perpendicular to sides of lot. Asking to build on undersized lot. How about side lines and front and back lines? Mr. Williamson stated has drawing. (Presented drawing to Mr. Hunter.) Mr. Hunter stated suggesting 8' on either side of structure, does ask for side line variances and 60' front setback which is per code. Doesn't show back, would be something over 100', sure it is all right. As set it needs side line variances for each side. Does he intend to incorporate garage in building? Mr. Williamson stated yes. Mr. Hunter asked if two story home? Mr. Williamson stated yes, two story. Mr. Hunter asked if he foresees any need in the future in terms of adding to structure which would require additional variances? Mr. Williamson stated no, three bedroom home, single car garage. Mr. Palermo asked if garage incorporated into home? Mr. Williamson advised getting variance as contract vendor, Bianchi going to build, won't live in it.

Mrs. Tanger asked if same type house Bianchi has been building? Mr. Williamson stated yes. Mr. Palermo asked if similar to the one next door? Mr. Williamson stated similar to the one building there on other half of lot. Mr. Harrington asked if side lot variance granted on other lot?

Mr. Palermo asked if structure 40' wide, is 57' adequate? Mr. Davis advised 67' when you scale it, not 57'. Mr. Hunter stated if only 40' wide don't need side line variance. If this is 40' and 67' from there to there (indicating on drawing) could place so don't need variance. Mr. Williamson stated originally had 10', wanted to leave 8'.

Mr. Hunter asked if he knew about 40' dimensions? Mr. Williamson stated those are Bianchi's dimensions. Mr. Hunter asked who is owner of record? Mr. Williamson stated he is, Bianchi has option.

Mr. Harrington asked if had tape map of lot to show exact width of lot? Mr. Davis stated it is here in Plat book. Mr. Harrington stated talking about perpendicular, application says 57'. Bill says 67'. Makes big difference if going to apply for side lot variance. No sense granting variance if not necessary. Mr. Williamson stated though lot was 67'. Mr. Hunter stated if Board approves, should be tape location map in record. If true, wouldn't need side variance. Would like to suggest Board reserve decision and Mr. Williamson furnish copy of tape location map for consideration.

Mr. Pietropaoli stated Mr. Davis will get scale and scale off on Plat book. Mr. Hunter stated if satisfied that is 67' could go ahead. Ought to get side lot variance straight. House Bianchi is building next door was 70' x 30', apparently different house. Mr. Williamson stated his drawing, don't know. Mr. Hunter asked if he had seen house going up now, which way does it face? Mr. Williamson stated faces Lester Street. Mr. Palermo asked short side or long side?

Mr. Pietropaoli stated Mr. Davis' scale shows 67'. Mr. Hunter stated record should show lot approximately 67' wide perpendicular to side lines, only thing needed is variance to build on undersized lot. Board should consider this way. If granted, on that basis. Mr. Harrington asked if application should be amended to 67'? Mr. Heilman stated application reads approximately 57'. Mr. Hunter stated should change to approximately 67'. Mr. Williamson stated will agree to that.

DECISION: Granted unanimously with following stipulations: Dimensions of house to be built will be 40' x 26'; House to be placed 10' from either side lot line.

Zoning Board of Appeals

April 25, 1972

#5. Application of Robert Hopkins, 299 Rumson Road, Rochester, N. Y., for approval of renewal of variance for 2 signs, one on building 4' x 8' spot lighted, and one internally lighted on existing pole of Alex Donut Sign, same size sign, advertising Pink Parrot, 3209 Chili Avenue. B Zone.

Mr. Patrick O'Neil appeared to represent Mr. Hopkins. Mr. Hunter stated signs are Pink Parrot signs, two existing signs previously granted by this Board. Would you care to say anything about them?

Mr. O'Neil stated they have been no problem in past year since they have had them up. Mr. Palermo asked if signs would be maintained and operated the same as in the past? Mr. O'Neil said yes. Mr. Heilman asked one has spot light, what hours do they have it on? Mr. O'Neil stated until 2:30 am. Mr. Hunter asked if goose-neck light that shines on it, other sign internally lighted? Mrs. Tanger asked if both on until 2:20 am? Mr. Hunter asked if that is per original conditions under which sign was granted? Mr. O'Neil answered yes.

Mr. Hunter stated original variance stated lighted through normal hours of operation and no later than one half hour after closing. Asked if they close at 2:00 am? Mr. O'Neil said yes. Mr. Hunter asked if ever thought of replacing sign or considering replacement? Mr. O'Neil stated not at present time.

Mr. Hunter asked if anyone wished to speak in favor of application and no one appeared. Mr. Hunter asked if anyone wished to speak in opposition.

Mr. William Wilcox, Stuart Road, stated doesn't know if opposed, what is extended time, one year, two, five? Mr. Hunter stated up to Board, three to four years for permanent type signs, at discretion of Board.

Mrs. Betty Winkelholz, 3448 Chili Avenue, stated doesn't mind signs on building. Now has sign on road, other places going to request signs on road, thinks everyone knows where Pink Parrot and Alex Donut are, pretty soon everyone wants sign. Going to look like West Henrietta Road. Don't think signs necessary.

Mrs. Bernice Wilcox, Stuart Road, stated this is visual pollution and opposed to signs.

Mr. Charles Winkelholz, 3448 Chili Avenue, stated not commenting one way or other, asking if any rules in Chili that limit signs. Henrietta went to work and really a mess. Anything in plans to get organized so that done in decent manner or is every sign going to have to come before zoning? Mr. Hunter stated there are provisions in Master Plan and signs are part of what is covered in that.

Mr. Pietropaoli stated there are provisions in new zoning ordinances which will be discussed at 4 public meetings through the town. First one on May 2 here at Town Hall. Would hope that people interested in zoning would come here. Town Board and members of Zoning and Planning Boards will be there specifically to discuss new Master Plan. Hopefully will be adopted some time this year with suggestions of townspeople adopted into ordinances.

Mr. Heilman stated trying to limit size of signs to approximately 32-36 sq. ft. Trying to have people come in and renew so as to keep control. Not being granted indiscriminately but commercial operations expect to be seen by people and put up signs. That is why part of zoning ordinances.

Mr. Winkelholz stated referring to sign in front of Chili Hardware. He replaces often and every time they go by, somebody has thrown rocks and smashed. Looks awful, Doesn't want it to get so that Chili Center is out of hand. Put some zoning thing through and take all... down, create more problems.

Mr. Heilman stated that is concern of all Boards, want to make town look nice for people who live here, out to achieve that. Dealing with commercial establishments and have to look at their side.

Mr. Winkelholz stated looked at their side. Go back to apartments, everyone in area opposed to them and everything goes through unanimously. Ask me to come to meetings, what is use. This is way feels, go ahead strictly on what they want to do and whatever He has done or petitions he has presented apparently doesn't make a bit of difference.

Mr. Pietropaoli stated not a matter for this Board. Mr. Winkelholz stated just wanted to comment on it. Mr. Pietropaoli stated apparently talking about project gentlemen represented this evening that he was opposed to before. Regarding Master Plan, you will have input. That is why we are coming to people. As Town Attorney the Town Board doesn't plan on passing any comprehensive zoning ordinances and Master Plan without thinking of people about Master Plan. Three years in the making, through services of Monroe County Planning Commission. Don't know if they are right or not, hope they know what they are doing when they put document together. Not infallible, hope we will have input as Town officials and people as residents will have input and together come up with something to benefit Town.

Mr. Winkelholz stated will have something to say about the signs, otherwise waste of time.

Mrs. Bernice Wilcox, Stuart Road, stated on constructive side, suggest that when this comes about, consider some type of uniform sign such as Scottsville and Pittsford are doing, which would be attractive to area of Town.

Mr. Hunter stated hard to resist coming to defense of Board. Over the years has developed informal set of guides it uses for looking at sign requests. Probably sign requests are toughest they deal with and take most time. Many are modified as a result of Board going back to applicant and making suggestions. Don't have formal set of rules, will have and should have. Wanted people to realize they have been operating with some order in mind. May not agree with Board.

Mr. O'Neil stated if it wasn't for commercial businesses that are trying to enter town, taxes would go sky high. Can give some good examples, when Greece didn't let Xerox in 15 years ago, regretting it ever since.

DECISION: Granted unanimously for one year period with following stipulations: To be lighted through normal hours of operation and to be lighted no later than one half hour after closing hour of business; spot lights on sign on building to be properly shielded so no glaring light shines toward road.

#6. Application of Archer Homes, 4 Saddle Back Trail, Rochester, N. Y., for approval of 4' x 8' sign advertising Archer Homes Subdivision Plat Mar - located on Chestnut Ridge Road, Lot #2. E Zone.

Mr. Al Simeone appeared, stated temporary sign, when tract completed will take down. Mr. Hunter asked roughly how many homes will be built? Mr. Simeone stated about 20 lots left. Mr. Hunter asked if sign not up now? Mr. Simeone stated damaged by vandals, having repaired. Mr. Hunter asked if sign has been there previously? Mr. Simeone stated same sign but painted over, cut up by rocks, etc. Mr. Hunter asked if unlighted, single-faced sign? Mr. Simeone stated double-faced, unlighted.

Mr. Hunter asked if any one wished to speak in favor of application and no one appeared. Mr. Hunter asked if anyone opposed.

Mr. Wilcox, Stuart Road, asked how long is a while. Mr. Simeone stated hope to be finished within a year.

Mr. Pietropaoli stated should be corrected to D Zone on application. (Application correct, legal notice in error.)

April 25, 1972

DECISION: Granted for period of one year or until completion of sale of lots in subdivision, whichever comes first, at which time sign to be removed by owner.

#7. Application of Ronald Easton (Ace Swim-Serv) 799 Paul Road, Rochester, N. Y., for approval of two signs 4' x 8' on building located at 800 Paul Road, advertising Ace Swim-Serv. B Zone.

Mr. Easton appeared, stated has leased old Baptist Church, want to put sign on front and side on Coldwater advertising they are there. Mr. Hunter asked if where second-hand furniture store was? Mr. Easton answered yes. Mr. Palermo asked why need signs that big? Mr. Easton stated far from Chili Avenue, thought Jay's was 4' x 4'. Has display center set up, warehouse. Leased with option to buy. If things work out, might move over there.

Mr. Harrington asked if two signs 4' x 8'? Mr. Easton said 4' x 8'? Mr. Hunter asked if unlighted? Mr. Easton said yes. Mr. Hunter asked if wood with painted letters? Mr. Easton stated plywood painted, just as shown on drawing. Mr. Heilman asked if nailed to building? Mr. Hunter asked how long he will have signs? Mr. Easton stated leased for one year, if move may want to change.

Mr. Pietropaoli asked if any sales taking place in this building? Mr. Easton stated yes. Mr. Pietropaoli stated at both locations then. Mrs. Tanger asked if he will have to store outside of building? Mr. Easton answered no.

Mr. Hunter asked about parking situation at this building? Mr. Easton stated in front and down side. Thinks adequate. Most of business will be at old store. What has done is set up pool inside for display purposes. Hope to continue sales where they are, hard to operate two places. Mr. Hunter asked if will have people in building all day long. Mr. Pietropaoli stated actually sales or writing of contracts will be across street. Show me pool on Paul Road and go across street? Mr. Easton stated will have someone at both places, offices at both places.

Mr. Hunter asked if anyone wished to speak in favor of application and no one appeared. Asked if anyone in opposition?

Mr. Winkelholz asked what happens after a year? Mr. Hunter stated has to come back to renew, otherwise would die.

Mrs. Winkelholz asked on building, not on road? Mr. Easton said that was right. Mr. Hunter stated at suggestion of Mr. Palermo, after year, if they wish to go on they may reapply and Board may at that time decide yes or no, new ball game.

Mrs. White, Beaver Road, asked why then need two signs on Paul Road? Would one face Coldwater? Mr. Easton stated yes, way Paul Road sits church sits on angle, sign gets lost on Paul Road.

Mr. Pietropaoli stated Mr. Easton presently has trailer located on premises. Will trailer be taken away when in operation over here? Mr. Easton stated has application in for this season, coming up in a couple of weeks. Mr. Pietropaoli asked if applying to keep trailer? Mr. Easton stated could be, for storage probably, keep about a ton of coal and sand in paper bags in it. Mr. Pietropaoli asked if will keep name on side of trailer too? Mr. Easton stated it does say Ace, on side of truck when bought it. Painted it so would match building.

Mrs. Tanger asked if there isn't trailer next to church too now? Mr. Easton stated not his, don't know who it belongs to. Doesn't own property, cannot do anything about it.

Mr. Winkelholz stated has question about Master Plan. What happens if comes up and everybody decides no signs in Chili at all. Everybody has to take signs down. Mr. Hunter stated would depend on what Boards would feel. Other towns have allowed some reasonable length of time, 3 or 5 years, in which to comply. No more new signs and existing may stay up for X years. Mr. Pietropaoli stated reasonable period of time to amortize cost of sign before it comes down.

Mr. Winkelholz stated felt Board should authorize no signs until Master Plan approved. Mr. Hunter stated cannot do that, not fair.

Mr. Harrington stated apparently consensus of opinion that Board seems to act at own discretion regardless of how people state feelings. Would like to let them know have spent many hours after public has been released, as late as one in the morning, discussing pros and cons and trying to give everything due consideration. Not true that you come in and give opinions and we do what we want to do any way. All in minutes and that is why decisions take so long many times.

Mrs. Weber stated moved into town not quite 7 years ago, spot zoning not for the better, doesn't think anybody doing anything to improve Chili, Chili Center one big mess.

Mrs. Bernice Wilcox stated second application mentioned signs already there, didn't see that it said renewal.

Mr. Hunter stated doesn't really matter unless signs there are violation. Looked at them Sunday, pretty sure they are. Sorry if misconstrued. Mrs. Tanger stated can appreciate his position too, work not completed within a year.

DECISION: Granted unanimously with stipulation that signs to be removed by lessor either at completion of business or after one year, whichever comes first.

Held over from March 28, 1972 Public Hearing:

Application of Keith Killingbeck, 10 Cannon Hill Drive, Rochester, N. Y., for approval of radio tower for ham radio, left rear of house, approx. 50 feet in height.

Mr. Killingbeck appeared and presented drawings in catalog of radio tower which he proposed erecting on his property. Lafayette Radio and Electronics Catalog. Height of tower 46', approximately 12" in diameter, Type EP-5, constructed of steel channel. Tower will be approximately 35' higher than home.

Mr. Harvey Simpson of 14 Cannon Hill Drive also appeared to repeat his objections to tower previously presented at March 28 meeting.

DECISION: Granted, 5 Ayes, Mr. Hunter abstained, per plans and specifications submitted and to be erected by professional contractor and for as long as he owns the house.

Mr. Gary Bonnell, 31 Morrison Avenue, appeared to informally discuss erecting 21' pool in 44' back yard.

Kathleen Luedke
Secretary

ZONING BOARD OF APPEALS
May 23, 1972

A Public Hearing of the Zoning Board of Appeals of the Town of Chili was held on May 23, 1972 in the Chili Administration Office, 3235 Chili Avenue, Rochester, New York 14624. The Hearing was called to order at 8:00 P.M. by the Chairman, Mr. Hunter.

Present: Mr. Robert Hunter, Chairman
Mr. Charles Pfenninger
Mrs. Gertrude Tanger
Mr. Richard Harrington
Mr. John Lighthouse
Mr. Richard Aureli
Mr. John Palermo

Also Present: Mr. Alfred J. Heilman, Deputy Town Attorney
Mr. William Davis, Superintendent of Buildings

Mr. Heilman stated that each of the 10 applications to be heard tonight have been properly advertised in a paper of town-wide circulation and an affidavit is on file in the Town Clerk's office.

#1. Application of J. & J. Tire Sales, 1141 Scottsville Road, Rochester, N. Y., for approval of 1 sign 12' x 6' double faced illuminated, B. F. Goodrich logo sign for center pole mounting, two 12' x 4 1/2' single faced illuminated plastic B. F. Goodrich logo signs for flush wall mounting, three 1' x 10' signs for service bay panels reading alignment, brakes, balancing. A Zone.

Mr. Gerald Wasserman, Secretary of the company appeared. Showed sketch and stated this was what building looks like now. Wishes to add two BFG signs on front and center pole sign in front area. One logo sign on each side of front of building and center pole sign in front of building. This would be free-standing sign up front. Building set at such an angle, no way people can see place from city side unless free-standing sign out front.

Mr. Hunter asked if dimensions were correct, 12' x 6'? Mr. Wasserman stated yes. Mr. Hunter asked if signs on either side 12' x 4 1/2'? Mr. Wasserman stated yes. Mr. Hunter asked about 1' x 10' signs over doors? Mr. Wasserman stated yes.

Mr. Hunter stated the three big signs are quite a bit bigger than anything Board willing to grant for past three years. Worked on ground rule of maximum of 36 sq. ft. Obviously quite a bit bigger than that. Asked if Mr. Wasserman cared to say anything about rationale and availability of other sizes.

Mr. Wasserman stated have alternative sizes. BFG sign company makes them in other sizes, only problem that face of building and signs that are up there now make proposed sign sizes in proportion to signs that are up there now. 4 ft. letters. Building 100 ft. long, if small sign might just as well not put up there.

Mr. Hunter stated recalled when originally asked for sign he has there, only reason granted letters on face of building itself, not sign as such. Generally speaking bigger than anything Board has allowed recently.

Mr. Palermo asked what is next size down? Mr. Hunter stated 16' x 6', 12' x 4'6", 3' x 8', same sign, guess that they are not, single faced. Mr. Wasserman stated ones on building called for 12' x 4'6" which is standard sign that they use. Mr. Hunter stated smaller one that same type 3' x 8' single faced, other one double faced. Mr. Wasserman stated double faced one wants to use on pole.

Mrs. Tanger asked if means 5 signs on face of building in all? Mr. Wasserman stated could forgo bay signs, not that essential. More essential to have BFG identification up there. Franchise dealers, in business standard procedure anybody that handles major brand tires carries identification. Recommended sizes for proper proportion and balance with what have on building now. Mr. Palermo asked what is frontage? Mr. Wasserman stated 100' long and 25' high, quite a big area.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

DATE.....**MAY 17 1972**.....

THIS IS TO CERTIFY THAT THE ATTACHED LEGAL NOTICE(S) WERE PUBLISHED
IN THE.....

GATES-CHILI NEWS

Issue Dated.....**MAY 17 1972**.....

.....*Norah Conway*.....

Notary:
NORAH CONWAY
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 20, 1974

.....*C. Kubit*.....

SAMUEL C. SMITH
Publisher

LEGAL NOTICE

ZONING BOARD OF APPEALS LEGAL NOTICE

NOTICE IS HEREBY GIVEN THAT there will be a Public Hearing of the Zoning Board of Appeals of the Town of Chili, to be held in the Chili Administration Office, 3235 Chili Avenue, Rochester, New York, 14624 on May 23, 1972 at 8:00 P.M. to consider the following applications:

- #1. Application of J. & J. Tire Sales, 1141 Scottsville Road, Rochester, N.Y., for approval of 1 sign 12' x 6', double faced, illuminated, B.F. Goodrich logo sign for center pole mounting, two 12'x4 1/2' single faced illuminated plastic B.F. Goodrich logo signs for flush wall mounting, three 1' x 10' signs for service bay panels reading alignment, brakes, balancing. A Industrial Zone.
- #2. Application of Robert Lehr, 20 Black Creek Road, for approval of renewal of variance for 30' x 60' building, frame for storage, on Lot 126, Black Creek Road, variance granted Feb. 1967. D Zone.
- #3. Application of Esther White, 2844 Chili, Rochester, N. Y., to move house at 2844 Chili (rear) to lot west of 2844 Chili Avenue E Zone.
- #4. Application of Clifford Widener, 3582 Union Street, N. Chili, N.Y., for approval of enlarging kitchen and adding family room to existing residence at 3582 Union Street, pre-existing, non-conforming

isi, 3209 Chili Avenue, Rochester, N.Y. for approval of raising roof over stairway at rear of building, located at 3209 Chili Ave. B Zone.

#6. Application of Roberts Wesleyan College, 2301 Westside Drive, Rochester, N.Y., for approval to convert single family residence located at 3311 Union Street to two family residence. E Zone.

#7. Application of Stallion Development Corp., 1726 Long Pond Road, Rochester, N.Y., for approval of renewal of variance for temporary sign, unlighted, advertising subdivision to be located on property located between 736 and 738 Paul Road, sign 4' x 8'. E Zone.

#8. Application of Gary K. Bonnell, 31 Morrison Avenue, for approval to erect above-ground swimming pool less than 15 feet from lot line and house. D Zone.

#9. Application of Ryan Homes, 2269 Lyell Avenue, Rochester N.Y., for approval to build home closer to side lot line than zoning requirements -1.18 ft. from S. lot line. E Zone.

#10. Application of Mary Engels, 3183 Chili Avenue, Rochester, N.Y., for approval of renewal of variance for existing sign which is illuminated, approx. 2' x 3', advertising beauty shop. B Zone.

All interested parties are requested to be present. By order of the Chairman of the Zoning Board of Appeals of the Town of Chili, New York.

LURAINA E. ROBBINS
Town Clerk
Town of Chili, N.Y.,

Mr. Lighthouse asked what about lighting? Mr. Wasserman stated illuminated, plastic face, nice signs. Don't know if any other dealers in town of Chili, standard identification for these buildings.

Mr. Heilman asked if have signs on building, feel still need free-standing sign? Mr. Wasserman stated has no exposure toward city at all. Mr. Heilman asked if granted free-standing would you need sign on building? Mr. Wasserman stated if had choice, rather have free-standing sign than sign on building, get exposure from city side. Mr. Harrington asked what other sizes for free-standing sign? Mr. Hunter stated 16' x 6'. Mr. Pfenninger asked how far sign would be from highway? (Board members looked at dimensions of various signs in catalog presented by Mr. Wasserman.)

Mr. Wasserman stated could probably still have smaller signs on building. Mr. Hunter asked if Mr. Wasserman would consider sign on side of building such that someone coming down road would be able to see that. Feels free-standing more objectionable kind of sign in terms of cluttering area. Would like to see them on building, something to think about.

Mr. Palermo asked if blue on face of building only in front or carried around side? Mr. Wasserman stated painted blue which does carry around side, part panelled aluminum. Mr. Palermo asked if possible to have two signs in front and one on side of building? Mr. Wasserman stated would be satisfied if that is Board's desire. Purpose of pole sign to get exposure coming from city. If get sign on that side of building so people can see us coming the other way, will be okay. Would be happy if you feel pole sign is objectionable to put three signs on building, one on city side and other two on front of building.

Mr. Palermo asked which size sign? Mr. Wasserman stated prefer to have all equal in size. Rather have 12' x 4 1/2' uniform standard, illuminated. Mr. Hunter asked if Mr. Wasserman would be willing to write these people and see what else is available? Had this happen another time, something to suit your needs and more in keeping with what we are trying to do. Mrs. Tanger stated naturally these are illuminated signs. Mr. Wasserman stated don't know what flexibility on this stuff is, if have in stock or how they work it. Representative was supposed to be with me tonight. Will pursue further with them.

Mr. Hunter stated can reserve decision and Mr. Wasserman check and see what he can find out, call or write letter advising Board. Mr. Palermo stated ought to amend application stating three signs on face of building. Mr. Hunter asked if Mr. Wasserman would be willing to amend request to read three signs on building rather than as application reads now. Mr. Wasserman stated with that reservation would like to reserve right to ask for 12' x 4' signs so get enough coverage on those signs so can see from city. Will amend my request for pole sign to three signs 12' x 4 1/2'. In event I can get smaller signs, think pretty much standard, may have to stick with that.

Mrs. Tanger asked if asking for signs for bays also? Mr. Wasserman stated yes. Mr. Hunter asked if any indication of candle power or wattage on these signs? Mr. Wasserman stated single-faced 7.8 amps, 4 1/2' x 12' sign. Mr. Hunter asked what hours and days would signs be lighted? Mr. Wasserman stated 5 days between dusk and 10:00 P.M. Mr. Palermo asked what is closing time? Mr. Wasserman stated about 8:00 P.M.

Mr. Hunter asked if anyone wished to speak in favor or opposition to this application and no one appeared.

DECISION: Reserved, application amended by Mr. Wasserman to three signs 12' x 4 1/2' on building and service bay panels.

#9. Application of Ryan Homes, 2269 Lyell Avenue, Rochester, N. Y., for approval to build home closer to side lot line than zoning requirements - 1.18 ft. from S. lot line. E Zone.

Mr. Joseph Yankanich appeared. Mr. Hunter stated apparently in our legal notice on the application, address of variance was not published

and Board feels legally cannot conduct hearing this evening. If Board were to render decision, could be overthrown. People did not know where it is. Suggest republishing next month and hearing in June meeting so that people have opportunity to find out where it is. Mr. Yankanich stated he thought adjoining owners had received notices. Mr. Hunter stated letters do not constitute legal notice, letters a courtesy. Mr. Heilman stated court would probably deny.

Mr. Yankanich stated house ready for occupancy. Either have to do something to render situation or have more serious problem than previously had. House is completed and ready for occupancy when sent to do tape map and found error. If have to go another month might be tough. Mr. Heilman stated to be acting properly, nobody knows made application before Board tonight, entitled to know that. Take to court and say not given proper notice, court could say could not come before Board and speak against variance. Understand your position, not really done properly.

Mr. Yankanich asked if will be on docket? Mr. Hunter stated the 4th Tuesday of June. Regarding signs out front in tract, do they indicate lot line or lot numbers? Mrs. Tanger added 82, etc. Mr. Yankanich stated put up to identify lot during construction. Usually just tacked to sanitary sewer lateral. Mr. Lighthouse asked if corner stakes on lot? Mr. Yankanich stated usually destroyed through construction. Instrument survey to identify the lot.

DECISION: Postponed.

- #2. Application of Robert Lehr, 20 Black Creek Road, for approval of renewal of variance for 30' x 60' building, frame for storage on Lot 126 Black Creek Road, variance granted February 1967. D Zone.

Mr. Lehr appeared, presented map from previous owner showing where building was erected. Mr. Hunter asked if closest to Black Creek Road, corrugated steel building? Mr. Lehr stated yes. Mr. Hunter asked if new owner? Mr. Lehr stated yes. Mr. Hunter asked what purpose building is used for? Mr. Lehr stated boat storage and sales.

Mr. Hunter stated assumes not year round sort of thing? Mr. Lehr stated it was, but cutting back to nine months from March to November. Mr. Hunter asked if heated building? Mr. Lehr stated yes. Concrete floor, panelled interior, insulated. Mr. Hunter asked how long he has owned? Mr. Lehr stated two years in July. Mr. Hunter stated essentially reason for request is that this is commercial use in residential area, D Zone. Asked if he has talked to any people who live in area at all? Mr. Lehr stated only two houses on other side, other side Scottsville Road, across street school, and creek in back. Mr. Hunter asked if anyone had commented to Mr. Lehr since notice was published in paper? Mr. Lehr stated no, building has been there about 5 years.

Mr. Hunter asked if anyone wished to speak in favor of application and no one appeared. On question if anyone against application, Mr. Neil Strassner, Names Road, appeared. Asked if variance is for whole thing? Mr. Hunter stated in terms of use of property, used as sales and service. Mr. Strassner stated has marina, originally gave variance. Starting to look like junk yard. Doesn't look very good. Isn't the way originally started, looked very nice. Looks like junk yard. Got enough junk yards in area as it is, don't need any more. If agrees to straighten up area wouldn't object to it.

Mr. Hunter asked if concern is for storage outside of building? Mr. Strassner stated right, outside looking terrible. Gave variance, promised to keep looking neat. Done good job for little while, last year or so looking like awful mess. Mr. Lehr stated been having dirt hauled in and grading off. Mr. Strassner stated complaining how boats strewn all around. Mr. Lehr stated when haul boats in granted going to sit around on ground and move around. Mr. Strassner stated stored terrible, not lined up or anything. Mr. Lehr stated cruisers are in line facing creek. Trying to get front and side graded off, when previous owner owned it, side where creek is is swamp. Had garbage in there. Trying to cover up. Boats are coming in and out, cannot run

run out every 5 minutes and move.

Mr. Hunter asked if boats operated out of area? MR. Strassner stated boats stored there. Mr. Lehr stated canoes on racks. Mr. Strassner stated other boats used to be stored neat, not any more. Mr. Lehr stated busy, cannot stop and park every boat.

Mr. Strassner stated last year started to look bad, before that looked very neat. Mr. Lehr stated as business grows get more customers and more boats. If had \$100,000 would put in blacktop. Trying to improve over what it was before. Would say before it was a junk yard, straightened up a lot more than what it was. Had people come down and comment on how much nicer it is beginning to look. In process of eliminating dirt, actually was garbage there and junk.

Mr. Strassner stated wants to see place cleaned up, don't want to see it get out of our control. Mr. Lehr stated planning on eventually buying Mr. Tacy's house and wouldn't want to live in junk yard, takes time. If saw what swamp was like before, that was junk.

Mr. Pfenninger asked how many boats he has at one time? Mr. Lehr stated busy season has 30-40. Outside 8-10, in building 8-10. Mr. Pfenninger asked if most boats outside? Mr. Lehr stated behind building and parking area for sale. When customers come in for repairs, if busy put along street until we have time to move them.

Mr. Strassner asked if owned right up to creek? MR. Lehr stated no, lease that from R G & E. Mr. Strassner stated state owns along creek. Mr. Lehr stated they own swamp. Mr. Strassner asked if water right of way too? Mr. Lehr stated not listed as navigable body of water, understands R G & E owns it.

Mr. Strassner stated children used to fish up there, now being moved off. Mr. Lehr stated stopped fishing because of boats and equipment, found things missing. Used as picnic area with cans and garbage all over. Have grass cut, lot looks like park. If want to fish, go on other side of bridge. Used to have boy walk ahead of lawn mower to pick up cans, etc. Had customer park, when left Carroll's wrappers etc., all over ground there. That is why stopped fishing. If child fassl in, have insurance problem too. Have to protect own liability. Put sign out - no fishing - clean and neat, grass cut, looks like park. If rent boat, fine, just park.

DECISION: Granted with stipulation that property and equipment be kept in neat and orderly fashion and as long as Mr. Lehr owns the business or for five years, whichever occurs first.

#3. Application of Esther White, 2844 Chili Avenue, Rochester, N. Y., to move house at 2844 Chili (rear) to lot west of 2844 Chili Avenue. E Zone.

Mrs. White appeared, stated would like to move little house on next lot. Wants permit to do that. (Indicated on map) Big house and double garage, want to move little one. Mr. Hunter asked if west of lot on which presently located? Proposing 50 ft. setback? Mrs. White stated goes with rest of houses there. Mr. Hunter stated necessary to have variance, 60 ft. is code. Side line 10 ft. minimum within the code, other side more than 10 ft.

Mrs. White asked if any objection to house going other way, going lengthwise? Mr. Hunter asked if garage is part of this home? Mrs. White stated no. Mr. Hunter asked where doors are? Mrs. White indicated on front and side, have two. Mr. Hunter stated if turn would locate door on side. Asked if line would then be parallel with side? Mrs. White stated parallel with Chili Avenue. Mr. Hunter asked if would still maintain 10 ft minimum and 50 ft. setback? Mrs. White stated yes.

Mr. Hunter asked if subdivided recently by Planning Board? Mrs. White stated combined three years ago for tax purposes. Had put into two separate lots again a year ago. Mr. Hunter stated has letter from Planning Board to Zoning Board dated June 9, 1971 that Board did hear application to resubdivide lot and approval to move smallhouse to new

lot. Approved subdivision with stipulations that appear for house area variance. Implies home is smaller than code calls for. May be speaking of area of lot, roughly 60 x 200, 12,000 sq. ft. Think that is under minimum. E Zone calls for 15,000 sq. ft. Home roughly 700 sq. ft. 1050 sq. ft. required. It is size of home in question. Planning Board granted resubdivision to include smaller lot. Referred to this Board actual size of home, square footage. Single story home? Mrs. White stated yes.

Mr. Hunter stated code calls for 1050 sq. ft., this is roughly 750; asked number of rooms? Mrs. White stated living there, 6 rooms and bath, lives there now. Mr. Hunter asked how many in family? Mrs. White stated just herself, all alone. Mr. Hunter asked would like to rotate 90° if agreeable to Board? Mrs. White stated if possible. Mr. Palermo asked if 25.7 ft. side would be facing road? Mr. Hunter stated that is what proposing as understands, parallel to Chili Avenue. Mrs. White stated yes.

Mr. Aureli asked if has basement in home? Mrs. White stated yes, has half basement. Mr. Hunter asked what about garage? Mrs. White stated would like eventually. Mr. Hunter asked if would require variance for garage? Mrs. White stated doesn't know. Mr. Hunter stated talking 60.6 ft. and 35.7 wide, 10 ft. on one side, 24.9 ft. Mr. Harrington stated 14 ft. if 10 ft. from other lot line. Mr. Hunter stated prefer not to grant variance which later on will require another variance. Mrs. White stated have driveway now, so would leave and do away with turn around and have garage put up here. Mr. Hunter asked if attached? Mrs. White stated don't know. Mr. Hunter asked if present intention would be when put garage in would comply with side lot variance? Mrs. White stated right.

Mr. Hunter asked if anyone wished to speak in favor of application and no one appeared. On question of anyone wishing to speak in opposition Mr. Gerald Meade, 2852 Chili Avenue appeared. Asked what dimensions of dwelling were? Mr. Hunter stated 34.4 feet long and said variance, one side 20.3, other side 25.7 feet, jog in back, approximately 780 sq. ft.

Mr. Meade stated, basically personal reasons for objecting, influences value of his property. Background dates back some 5-6 years on the dwelling, was about 20 ft. square. This Board granted permission to put addition on for 5 year period, stipulation that it would be moved from property at that time. Mrs. White stated not granted to me, granted to husband, did not know about it.

Mr. Hunter stated gentleman was correct, read decision at that time: "Granted for a period of five years, to construct a 12' x 22' addition on the westerly side of the pre-existing, non-conforming house at the rear of 2844 Chili Avenue. At the end of the five year period, the entire structure, including the pre-existing, non-conforming house as well as the said addition to be demolished or removed and any excavation filled and graded. This variance shall not be renewable after the five years."

Mr. Meade asked whose name property was in at time granted? Mr. Hunter stated Mrs. White says both her and husband's names. Mrs. White stated didn't know anything about it. Mr. Meade asked if granted to owner of property? Mr. Hunter stated considered granted to property, had owners here at time.

Mr. Bill Effridge, 2845 Chili Avenue, appeared, one reason, didn't get notification on any of these variances. People on either side of him get them for all the times this has been before Board, never received one. Just stated courtesy, in other words, lack courtesy. Mr. Hunter stated if true, omission, no intention to leave anybody out.

Mr. Effridge stated is resident, owns property, like to be classed as person. Also agree with Mr. Meade for value of property. Cannot agree on it, was garage. If new house, would agree. Has been garage and rebuilt. Mrs. White stated no, mother and dad lived there for years. Built as house for years. Mr. Effridge stated in construction business for 40 years, nobody can pull wool over his eyes. Mrs. White stated never garage, was house, beauty shop was in garage 25 years ago.

Mr. Hunter asked whether claiming hardship for what asking for, hardship on property.

on property? Mrs. White stated want to sell it and cannot sell with little house back there, want to sell big one.

DECISION: Denied with the following vote: Mr. Harrington Aye; Mr. Pfenninger, No; Mrs. Tanger, no; Mr. Lighthouse, no; Mr. Aureli, no; Mr. Palermo, no; MR. Hunter no. Board finds no hardship on property in question. Nothing unique in character of neighborhood, all lots approximately same size.

#4. Application of Clifford Widener, 3582 Union Street, N. Chili, N. Y., for approval of enlarging kitchen and adding family room to existing residence at 3582 Union Street, pre-existing, non-conforming building. E Zone.

Mr. Gary Bischooping, son-in-law of Mr. Widener, appeared. Stated wants to put addition on. (Indicated on drawing) proposed addition 46 ft. from center line of road, that is why needs variance.

Mr. Hunter asked if attached to south side of existing home? Dimensions not given? Mr. Bischooping stated yes, 18' x 21'. Existing porch would be torn off and would extend kitchen, kitchenette and cannot have appliances, in dining room. Want to make kitchen larger so can have appliances out there and add family room.

Mr. Hunter stated setback is non-conforming. Mr. Bischooping stated won't be obstructing vision on road at all. Mr. Hunter asked what is approximate area? Mr. Bischooping stated have small bedroom here (on drawing), another two bedrooms, small kitchenette, living room and dinette. Mr. Hunter asked if one level, single story? Mr. Bischooping stated has second story but don't use it. Mr. Hunter asked what style would he term it? Mr. Bischooping stated looks like cape cod with no dormers. Have two boys and live with father-in-law.

Mr. Hunter asked presently live there and putting addition on and still would have two families there? Mrs. Bischooping stated just her father. Mr. Hunter asked what use will put this to? Mr. Bischooping stated make kitchen bigger so can take appliances out of dining area. Very small living room with two growing boys would like to have family room for them. No basement so would have 8' x 10' room used for laundry room. Would be entrance here.

Mr. Hunter asked if use barn as garage? Mr. Bischooping stated garage and storage. Mr. Hunter asked if addition will be same type as far as siding? Mr. Bischooping stated aluminum siding now and will have that on addition. Will have slanted roof. Mr. Palermo asked if same lines? Mr. Bischooping stated not exactly, roof pitched and slanted on other side. Mrs. Bischooping stated addition 1961 has slanted roof, will match that, won't be out of proportion.

Mr. Hunter asked if anyone wished to speak in favor or opposition to this application and no one appeared.

DECISION: Granted unanimously as per plans submitted.

#5. Application of Michael Truisi, 3209 Chili Avenue, Rochester, N. Y., for approval of raising roof over stairway at rear of building located at 3209 Chili Avenue. B Zone.

Mr. Valvano, architect for Mr. Truisi, appeared, presented drawings of proposed changes. Stated at rear of property has existing structure level with basement presently covered with shed approximately 2 1/2 ft. high. Would like to improve appearance of that by building brick structure over it, remove shed and have doorway going down to basement and storage down to side. Extend canopy over to door to provide protection. Would like to build flight of stairs from existing door to service upper floor.

Mr. Hunter asked what it is used for? Mr. Valvano stated presently unused because being reviewed by Dept. of Labor. Cannot use because it has certain violations, appealing it. Would like to use as assembly hall. Mr. Hunter stated one area for about three or four downstairs. Mr. Valvano stated three stores below, presently upper floor locked up,

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cannot use, in process of appealing to Dept. of Labor. Would like to with hope of getting approval go ahead and build stairway which will give upper space a second remote exit in the most practical way possible.

Mr. Hunter asked where other stair is? Mr. Valvano stated two stairs there now. From rear two flights go up now, too close together as far as state is concerned. Would like to eliminate this flight here, not any good, too close together. This stair wide enough and by providing exit at this end of space, get hopefully remotest exits can provide within practical reason. Therefore, would like to build stairway. Provide covering here, for odds and ends and cover for this door and roof over this structure.

Mr. Hunter asked if major purpose for construction is to facilitate use of upper story? Mr. Valvano stated no, very well aware has to appeal to State. Wants presently to build structure with this roof over to here. Mr. Hunter stated done in contemplation and hope of using upstairs, hopes will get approval from State.

Mr. Harrington asked if storage here and there? Mr. Valvano stated this for waste and things like that, this for Alex Donuts and whoever wants to use it. Here will have stairway. Whole area presently in appeal to State and waiting for meeting with them but at this time and in compliance with this request would like permission to build this which has nothing to do with upper floor.

Mr. Hunter stated that piece doesn't, stairway does. Would be interested in knowing, if State approved use of upstairs, when that happens what kind of use? Mr. Valvano stated reception hall for weddings and things like that. Mr. Heilman asked where is parking going to be? Mr. Valvano stated parking in front and some at rear. Mr. Hunter asked how much he estimated will need for that? Mr. Valvano stated can assure there should be enough. Mr. Heilman asked how much land Mr. Truisci owns behind that building? Mr. Valvano stated on site plan, shows land at rear and in front.

Mr. Hunter stated 24.5 ft. off corner at rear lot line. Mr. Valvano stated canopy will come over to about here, just back of Pink Parrot exit. Stated would like to suggest that reviewing of this not be based on upper floor approved or not approved, flight of stairs will serve if used for some other purpose.

Mr. Palermo asked if any storage under here now? Mr. Valvano stated presently nothing in that space, just a flight of stairs. Mr. Hunter asked why before this Board? Mr. Davis stated hasn't got variance, too close to rear lot line. Had variance on other side, had 40 ft. on West, now going 12 more feet.

Mr. Valvano stated existing structure, not adding structure, already there. Mr. Davis stated not there on original prints. Mr. Valvano stated original drawings show as basement. Mr. Hunter stated foundation not structure by our codes, don't think require building permit for basement. Mr. Valvano stated whether build basement or not, extreme boundaries are considered part of building and are subject to setback requirements. Mr. Hunter stated structure being planned now not in original print and that is why felt should come before this Board.

Mr. Truisci stated has room for 100-150 cars in back there, has permission to use land in back of his. Mr. Hunter asked if laid out with aisles so know can get that many back there? Mr. Truisci stated no. Mr. Hunter asked who owns property? Mr. Truisci stated Sun Oil Co.

Mr. Heilman asked if upstairs is presently used? Mr. Valvano stated no, locked up, getting ready for review by State Dept. of Labor. Mr. Heilman asked if being reviewed to allow use of upstairs? Mr. Valvano stated correct, all locked up. Mr. Heilman asked if under appeal at this time? Mr. Valvano stated correct, but not subject of request. Mr. Heilman stated wondered what hardship was at this point. Mr. Valvano stated quite a hardship, not able to use it. Mr. Heilman stated appealing that, has not been decided yet, possible they might decide in your favor. Mr. Valvano stated still needs this, to help provide remote exit.

Mr. Hunter stated structure actually comes back within 24.5 feet of back lot line. Valid question. Hardship on piece of property which required you to show this addition this close to lot line. Mr. Valvano stated already there and wants to improve it and use it. The way it is now, one big shed and difficult to use. Mr. Hunter stated couldn't find hardship on that piece of property, own opinion.

Mr. Truisi stated hardship in case of future use of basement, won't be able to use basement, this way could build doorway. Mr. Hunter stated should have been planned in building to begin with, not after get building up. Mr. Truisi stated ideas change as you go along. Mr. Hunter stated if change within the code, fine, asking for variance which calls for us to find hardship to property. Mr. Valvano stated should look at appearance, hardship in terms of visual pollution to everyone who sees it. Owner trying to improve that end of building, very strong issue. Mr. Hunter stated can accept what says about improving building. Legally can only give judgment if find hardship on this property if required to be used in this way. Just telling how we view it at this time. Mr. Truisi stated flat roof like that accumulates everything, hard to keep rain and everything out of there.

Mr. Hunter asked if anyone wished to speak in favor of the application and no one appeared. On question of whether anyone wished to speak against the application Mr. Charles McCall, 3202 Chili Avenue appeared. Stated lives directly across from property. Understands putting stairway up there to hold dances there. If holds dances, absolutely no parking. Donut shop closes at 6:00, no parking for customers. Back of building using Sun Oil property, what if Sun cuts off? Not parking there for business he has now. As far as dances there, Pink Parrot below. Not right to have dances and beer together. Closed dances at Chili Grange, ask Board not to consider proposal, says wants weddings, will have dances.

Mr. Hunter stated thinks within prerogative of Board to grant structure but not allow stairway. Mr. McCall stated if wants to build first floor OK but if putting stairway, against it because of no parking. Had nothing but trouble since Mike has been over there. Had phone calls and police in there just because of place across the street. Ask Board not to put stairway there.

Mr. Truisi stated main objective is for weddings and parties, as far as dances go has to be approved by State, cannot have until approved by State to begin with.

Mr. Hunter asked if anyone else wished to speak in opposition to application and no one appeared.

DECISION: Denied unanimously. 1. No evidence of hardship on existing property, has not shown that property fails to show reasonable return at present. Nothing unique about property which would suggest to Board there is a hardship. 2. Presently under appeal to State Dept. of Labor so mute point for Board to consider until appeal settled. 3. Inadequate parking for additional space to be added.

#6. Application of Roberts Wesleyan College, 2301 Westside Drive, Rochester, N. Y., for approval to convert single family residence located at 3311 Union Street to two family residence. E Zone.

Mr. Howard E. Smith, Business Manager for the College, appeared. Stated this is known as the Harold Adams house across from fire house on Union Street, college acquired in November of 1969. Mr. Adams who is still living has lifetime use of downstairs of house. Not using upstairs at present. No buildings or houses around, garage and shed. Used for married students, faculty or staff. Have housing problems as far as married students go. Cramped for quarters, would like to use upstairs of Adams house as apartment. Would not have to have outside stairway added. Would have to put partition in front hall. Mr. Adams uses side entrance now. This is proposed, we would like to lay out, showing existing partitions and proposed partitions. Plan to attach to sewer line and water line, has septic tank and well now. Plan to change electricity to 200 amp service rather than existing service.

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Mr. Hunter asked, apartment on ground floor and one above? Mr. Smith stated 2 1/2 story building, red brick asphalt siding. Sits back from road. Mr. Hunter asked would be one apartment at one level and second at next level, lay out for second level?

Mr. Pfenninger asked if college is buying for investment? Mr. Smith stated yes, Mr. Adams has use of house until no longer living. Had since 1969, done nothing except keep in repair.

Mr. Hunter asked if claiming hardship on this property for single family residence? Basically zoned E, for single family homes. For this Board to allow some other use has to find hardship, something about that property which will not allow it to be used for present purpose for which is coded. Mr. Smith stated mentioned are in need of apartments and would like to make this eventually into two apartments, only one right now. Mr. Hunter stated need you have as a school rather than with property itself. Board's concern has to be with property itself. Not making claim for hardship on property. Would like to be able to convert and use as two family. What is square footage? 720 sq. ft? Two story storage area on back, roughly 140 sq. ft, about 860 per floor total.

Mr. Smith stated no buildings around there, isolated. Mr. Pfenninger asked who owns property south of you? Mr. Smith stated thinks it is Glidden, no, that is north.

Mr. Hunter asked if other building on property is garage? Mr. Smith stated garage and sort of shed. Uses it for his car and thinks small tractor in shed. Roof between the two also. Mr. Hunter questioned need for more parking? Mr. Smith stated has turn-around spot there, driveway quite long, don't want to back out to Union Street, 55 ft. from house to shed. Keep it maintained for him now.

Mr. Hunter asked if anyone wished to speak in favor or opposition to the application and no one appeared. Mr. Heilman asked purpose when life tenant's interest terminates would be to use downstairs also for married students or faculty? Mr. Smith stated yes.

DECISION: Denied unanimously. From evidence presented to Board, purchased property and knew there would be life tenant who would reside in bottom half, knew it was single family house in area zoned for single family homes. Not claiming hardship due to loss of money or no reasonable return, merely want place for married students or faculty to live. Nothing unique to character of property.

#7. Application of Stallion Development Corp., 1726 Long Pond Road, Rochester, N. Y., for approval of renewal of variance for temporary sign, unlighted, advertising subdivision to be located on property located between 736 and 738 Paul Road, sign 4' x 8'. E Zone.

Mr. Charles Lissow, President, appeared. Stated asking for permission to leave sign up, got variance last year for it. Started construction about two months ago, would probably want another year and then should be through with subdivision, 15 lots, 4 sold.

Mr. Aureli asked if sign needed repair? Mr. Lissow stated going to be touched up, needs repairing.

Mr. Hunter asked if anyone wished to speak in favor or opposition to this application and no one appeared.

DECISION: Granted unanimously with stipulation that sign is to be removed by owner upon completion of tract or end of one year, whichever occurs first.

#8. Application of Gary K. Bonnell, 31 Morrison Avenue, for approval to erect above-ground swimming pool less than 15 feet from lot line and house. D Zone.

Mr. Bonnell appeared and presented map showing exact location of pool. Stated actually 11.5 feet from side line and back of house. Mr. Hunter stated recalls pool back here in adjacent yard. Mr. Bonnell

stated one in another yard which is built in.

Mr. Heilman asked about fencing? Mr. Bonnell stated already existing, in now, chain link 4 feet high, all the way around back yard, existing fence here that goes down here to kennel area, only one entrance to area, rest to house. Mr. Heilman questioned utility wires? Mr. Bonnell stated no wires back here.

Mr. Hunter asked if feels application will comply with code except for distances? Mr. Bonnell stated talked with neighbors on either side, understanding original code for 15 feet was not so much structural as for noise variance. That is what neighbor told me at that time. 21 foot pool. Only reason don't shift down further, there is another tree down here don't want to get any closer because of leaves, don't want to cut tree down.

Mr. Hunter asked if anyone wished to speak in favor of or opposition to the application and no one appeared.

DECISION: Granted unanimously.

#10. Application of Mary Engels, 3183 Chili Avenue, Rochester, N. Y., for approval of renewal of variance for existing sign which is illuminated, approx. 2' x 3', advertising beauty shop. B Zone.

Lisa Engels, daughter of applicant appeared. Stated mother called away.

Mr. Harrington asked if neon sign in window? Mr. Hunter stated assumed it was. Asked what hours of operation are? Miss Engels stated not sure, all night or 9:00 P.M. Mr. Hunter stated original variance for not later than 10:00 P.M., probably on timer.

Mr. Hunter asked if anyone wished to speak in favor of or opposition to the application and no one appeared.

DECISION: Granted unanimously for three year period with stipulation that sign shall be lighted no later than 10:00 P.M.

Mr. Scardetta, Engineer for Dr. Roncone, appeared informally to discuss plan to construct professional building at SE corner of Old Scottsville Chili Road and Chili, proposed raised ranch style, approx. 80' x 52', parking for approx. 35 cars, to provide 7 offices.

Mr. Jim Biddle, Rochester Acoustical Co., Paul Road and Millstead, appeared informally to discuss 12 foot addition to former residence used for offices.

Mr. Raymond Cunneen appeared informally to discuss 4' x 4' sign advertising save 3¢ self-service, to be put up at George Rice Mobil Station.

Kathleen Luedke
Secretary

ZONING BOARD OF APPEALS
June 27, 1972

A Public Hearing was held by the Zoning Board of Appeals in the Chili Administration Office at 3235 Chili Avenue, Rochester, N. Y., 14624 on June 27, 1972. The Hearing was called to order at 8:00 P.M. by the Acting Chairman Mr. Aureli.

Present: Mr. Charles Pfenninger
Mrs. Gertrude Tanger
Mr. John Palermo
Mr. John Lighthouse
Mr. Richard Aureli
Mr. Richard Harrington

Absent: Mr. Robert Hunter, Chairman

Also Present: Deputy Town Attorney Alfred J. Heilman
Superintendent of Buildings William Davis

Mr. Heilman stated all 21 applications before the Zoning Board tonight have been legally published in the Gates-Chili News, a paper which is of town-wide circulation, and affidavits are on file with the Town Clerk.

#1. Application of Ryan Homes, 2269 Lyell Avenue, Rochester, N. Y., for approval of building home closer to side lot line than zoning requirements - 1.18 ft. from S. lot line at 28 Baylor Circle. Zone E.

Mr. Joseph Yankanich appeared representing Ryan Homes. Stated due to lay out, home built incorrectly on lot. Basically last lot in subdivision, one to the north which doesn't help in case of resubdivision.

Mr. Aureli asked if 33 ft. between homes? Mr. Yankanich stated yes, but only 1.18 ft. to lot line and 27 ft. on other side. Mr. Aureli asked who laid out? Last home? Mr. Yankanich stated next to last, one vacant lot to the north. I staked out, debatable. Existing home to the north. House adjacent to the one built has vacant lot. Couldn't change side lines around to make resubdivision.

Mr. Lighthouse asked if house is sold? Mr. Yankanich stated contingent, conditional on approval of variance. Mrs. Tanger stated person next door doesn't have garage, how much in between? Mr. Yankanich stated 12 ft. garage would leave 20 ft. between houses, normal. Mrs. Tanger stated way situated, could build larger garage there than that. Mr. Yankanich stated would then have 14 ft. between houses.

Mr. Aureli asked if talked to neighbor about purchasing additional land? Mr. Yankanich stated substandard lot then, set up for minimum size lots. Mr. Aureli asked if talked to people? Mr. Yankanich stated no objection, in audience. Potential homeowners have been informed.

Mr. Harrington asked what would happen if this man would decide to put fence on lot line? Mr. Yankanich stated happens all the time in city, not good situation in suburbs. Mr. Harrington stated if had words and put up 4-6 ft. fence, this man could not even get ladder in there to paint house. Mr. Yankanich stated maintenance free siding. If had to make repair, neighbor would allow to be made for betterment of community.

Mr. Aureli asked if all lots 80 ft? Mr. Yankanich stated all 80 ft. or minimum square footage. Mr. Davis stated West Canon Estates is D Zone. Mr. Yankanich stated spot D zoning. Mr. Palermo stated application should be amended to read D Zone.

Mr. Aureli asked if anyone wished to speak in favor of application? Mr. Jim Stocks appeared, potential homeowner. Stated has no objection to being close to lot line. Has talked to both neighbors. Neighbor to the South is here tonight. No objections. Neighbor to the North works evenings and has no objections. Wife home and could call her. She has no objection.

Zenobia Green, 30 Baylor Circle, appeared, stated has no objection, neighbor to the south.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

DATE.....**JUN 21 1972**.....

THIS IS TO CERTIFY THAT THE ATTACHED LEGAL NOTICE(S) WERE PUBLISHED
IN THE.....

GATES-CHILI NEWS

Issue Dated.....**JUN 21 1972**.....

Norah Conway.....

Notary:

NORAH CONWAY

NOTARY PUBLIC, State of N. Y. Monroe Co.

My Commission Expires March 30, 1974

S. J. Smith.....

SAMUEL J. SMITH

Publisher

LEGAL NOTICE

ZONING BOARD OF APPEALS

NOTICE IS HEREBY GIVEN THAT there will be a Public Hearing of the Zoning Board of Appeals of the Town of Chili, to be held in the Chili Administration Office, 3235 Chili Avenue, Rochester, New York, 14624, on June 27, 1972 at 8:00 P.M. to consider the following applications:

- 1 - Application of Ryan Homes, 2269 Lyell Avenue, Rochester, N.Y. for approval of building home closer to side lot line than zoning requirements - 1.18 ft. from S. lot line at 28 Baylor Circle, Zone E.
- 2 - Application of Benjamin Sarfaty, 2854 Chili Avenue, Rochester, N.Y., for approval to build homes on under sized lots, Lot A - 86.59' x 200', Lot B - 86.58' x 200' located at 518 Paul Road, Zone E.
- 3 - Application of Frank & Mary Brienza, 44 1/2 Black Creek Road, Rochester, N.Y., for approval of variance to build carport 2' from East lot line at 44 1/2 Black Creek Road, D Zone.
- 4 - Application of Bianchi Asphalt Paving Co., 201 Angelus Drive, Rochester, N.Y. for approval of variance to build on undersized lot 50' x 120', side yards to be 5' on each side, front setback 40' being located west of 45 Harold Avenue, Blk. F, Lot 12 Harold Avenue, D Zone.
- 5 - Application of Bianchi Asphalt Paving Co., 201 Angelus Drive, Rochester, N.Y. for approval of variance to build on undersized lot 50' x 120', side yards 5' each side, front setback 40', Lot 17, Blk. G, 31 Alfred Avenue, D Zone.
- 6 - Application of Toper Construction Inc., 999 Buffalo Road, Rochester, N.Y., for approval of variance to build on undersized lot, 50' x 120', side yards 7' each side, front setback 40', Lot 23, Blk. F, 20 Alfred Avenue, D Zone.
- 7 - Application of Toper Construction Inc., 999 Buffalo Road, Rochester, N.Y., for approval of variance to build home on undersized lot, 85' x 255' deep, located 416 Paul Road, E Zone.
- 8 - Application of Roger Anderson, 32 Cross Bow Drive, Rochester, N.Y., for approval to install in-ground pool 16' x 32', 10 ft. from lot line and 10 ft. from residence at 32 Cross Bow, E Zone.
- 9 - Application of Wilbert Rabb, 2775 Scottsville Road, Scottsville, N.Y., for approval of variance to place a tent approx. 40' x 60' at rear of property at 2775 Scottsville Road for use for public parties during summertime, E Zone.
- 10 - Application of Don Ryan Realty, 105 Little Creek Circle, Rochester, N.Y., for approval of 2 "For Sale" signs, 1 located on SE corner of King and Union and one on West side of Union near intersection of King Road, approx 3' x 4' and 4' x 6', unlighted, E Zone.
- 11 - Application of Mobil Oil, Inc., 3152 Chili Avenue, Rochester, N.Y., for approval of 3'7" x 3'7" metal sign located on S. side at end of pump island approx. 20' from Chili Avenue, at 3152 Chili Avenue, B Zone.
- 12 - Application of Grant Cotter, 972 Chili Center-Coldwater Road, Rochester, N.Y., for approval to erect 1 car garage, 16' x 26' attached to existing residence, 5 feet from South lot line located at 972 Chili Center-Coldwater Road, D Zone.
- 13 - Application of Layout Construction Inc., 1669 Penfield Road, Rochester, N.Y., for approval of 2 signs to advertise subdivision, one at South end Lexington Pkwy., one at South end Dauntion Drive, E Zone.
- 14 - Application of United Methodist Church of N. Chili, 48 Parkway Drive, N. Chili, N.Y., for approval to convert church parsonage into 2 family dwelling at 4341 Buffalo Road, B Zone.
- 15 - Application of Dario Marchioni, 21 Alfred Avenue, Rochester, N.Y., for approval of variance on front lot line setback, lot size 100' x 120', house to be set in line with existing homes, located Lots 16 and 17, Blk. O, Chester Avenue, D Zone.
- 16 - Application of Rochester Acoustical Inc., 44 Paul Road, Rochester, N.Y., for approval of building 12' addition on Millstead side of building used for offices located at 44 Paul Road, A Zone.
- 17 - Application of Winsor Ireland, 268 Archer Road, Churchville, N.Y., for approval of renewal of variance to use existing out building at 268 Archer Road for living quarters, E Zone.
- 18 - Application of Fred Ogborne II, 47 Hay Market Road, Rochester, N.Y., for approval of erecting attached 2 car garage less than 60 feet from the front lot line at 47 Hay Market Road, E Zone.
- 19 - Application of A. Walter Kaufmann, 2448 Westside Drive, North Chili, N.Y., for approval of variance to permit converting 8 room single family residence into duplex with 1 apartment up and 1 down, each with private entrance, located at 4336 Buffalo Road, B Zone.
- 20 - Application of Ronald Blackman, 92 Hubbard Drive, N. Chili, N.Y., for approval to extend garage 2 ft. to N. side lot line being 8.1' to north side lot line at 92 Hubbard Drive, D Zone.
- 21 - Application of Frederick Metzger & Ronald Mowers, 3200 Chili Avenue, Rochester, N.Y., for approval to erect an addition to present building approx. 14,000 sq. ft. as per sketch submitted at 3200 Chili Avenue, B Zone.

All interested parties are

requested to be present. By order of the Chairman of the Zoning Board of Appeals of the Town of Chili, New York.

Luraina E. Robbins
Town Clerk
Chili, N.Y.

Mr. Heilman asked if realizes 1.18 ft. doesn't leave lot of land assuming own house and owners might sell house and create problem regarding painting and mowing grass alongside house? Mr. Stocks stated aware, maintenance free siding. Mr. Aureli stated if put up 20 ft. garage only 13-14 ft. Mr. Stocks stated no objection. Mr. Heilman asked if windows on that side? Mr. Stocks stated no windows. Mr. Heilman asked if plans for fireplace? Mr. Stocks stated no.

Mr. Aureli asked if anyone wished to speak in opposition to the application and no one appeared.

DECISION: Denied unanimously

#2. Application of Benjamin Sarfaty, 2654 Chili Avenue, Rochester, N. Y., for approval to build homes on undersized lots, Lot A 86.59 ft. x 200 ft., Lot B, 86.58 ft. x 200 ft., located at 518 Paul Road. Zone E.

Mr. Sarfaty appeared, stated appeared before Planning Board and received approval from them, believes this is just formality. Mr. Aureli stated yes, still have undersized lots. Have plans to build on this right away? Mr. Sarfaty stated yes, setbacks will be complied with. Have permits from State and submitted to Mr. Davis and have plans for one of the houses which will be own residence.

Mr. Heilman asked if still planning to follow recommendations regarding driveways? Been to the County regarding road cuts? Mr. Sarfaty stated received approval in the mail from them today.

Mr. Heilman asked if easement on the back of these lots? Mr. Davis stated backs up to the school property. Mr. Heilman asked if doesn't know if any easement? Mr. Sarfaty stated none on property now that know of.

Mr. Aureli asked if anyone wished to speak in favor or opposition to the application and no one appeared.

DECISION: Granted unanimously.

#3. Application of Frank and Mary Brienza, 44 1/2 Black Creek Road, Rochester, N. Y., for approval of variance to build carport 2 ft. from East lot line. D Zone.

DECISION: Postponed, feeling of Board applicant unable to appear at this time due to flooding conditions in area.

#4. Application of Bianchi Asphalt Paving Co., 201 Angelus Drive Rochester, N. Y., for approval of variance to build on undersized lot 50' x 120', side yards to be 5' on each side, front setback 40', being located west of 45 Harold Avenue, Blk. F, Lot 12, Harold Avenue. D Zone.

Mr. Frank Iacovangelo appeared representing applicant. Stated here to represent applications 4, 5, 6 and 7. Has individual plot plans for each lot, doesn't know if already supplied.

Mrs. Tanger asked if two lots there on Harold Avenue? Mr. Iacovangelo stated not aware of that. Mr. Aureli asked if Mr. Bianchi owned adjacent lots? Mr. Iacovangelo stated didn't know of any.

Mr. Pfenninger asked if lots vacant next to this lot? Mr. Iacovangelo stated didn't know.

Mr. Aureli asked if wants to build within 5 ft. of side lot line? Mr. Iacovangelo stated right. Mr. Lighthouse asked if 40 ft. wide house? Mr. Iacovangelo stated yes, including garage. Mr. Aureli asked if changed to look like these (indicating sketches of homes)? Mr. Iacovangelo stated corner lot, that would have raised ranch.

Mr. Palermo asked if garage will be incorporated into house? Mrs. Tagger asked if this is directly west of 45 Harold Avenue? Mr. Iacovangelo stated didn't know exactly where it is.

Mr. Aureli asked what other houses in that area are? Conform don't

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they? On 50 ft. lots. Mr. Heilman asked how do side lot lines and front and rear setbacks conform to existing homes? Mr. Iacovangelo stated basically the same as what is there already, not to zoning.

Mr. Heilman asked as far as other ones, 40 ft. setback, etc? Mr. Iacovangelo stated substantially the same as what is there already. Houses there built on 50' lots because of ordinances at that time. Will conform to others.

Mr. Heilman asked if Town has easement across back of other lots for drainage? Mr. Iacovangelo stated didn't know. Mr. Heilman asked if would be adverse to giving easement across back to the Town? Mr. Iacovangelo stated absolutely not, would reserve right to the Town for any easements they would need.

Mr. Aureli asked if anyone wished to speak in favor of application? Mr. Don Stymus, 53 Harold Avenue, appeared. Stated bought lot 13, he and neighbor, Galitzdorpher. When lawyer drew maps up on it never said there was another lot in between us. Mr. Galitzdorpher has 25 ft. of land which is no good to him. Galitzdorpher's thinking was to swap 25 ft. of this man land and I would and he would end up with 50 ft. lot in between. (Board members checked plat book to see location of Stymus and Galitzdorpher lots.)

Mr. Iacovangelo stated would be willing to put that off and see what would be involved. May be easier way to do that. Could we adjourn to next meeting? Mr. Heilman stated could have Board reserve decision on that item.

No one else appeared to speak on this application.

DECISION: Reserved pending opportunity for applicant to discuss with adjacent neighbors.

#5. Application of Bianchi Asphalt Paving Co., 201 Angelus Drive, Rochester, N. Y., for approval of variance to build on under-sized lot, 50' x 120', side yards 5' each side, front setback 40', Lot 17, Blk. G, 31 Alfred Avenue. D Zone.

Mr. Iacovangelo stated application incorrect. Corner lot on corner of Alfred Avenue and Theron Street. Whoever made out application wrote 50x 120 ft. lot. Plot plan shows will front on Theron. 17 ft. from front lot line and rear lot line of 7' and side line setback of 40 ft. from Alfred Avenue.

Mr. Harrington asked if should amend application to read as such? Mr. Heilman stated thinks lot adequately described as to where and what street. Dimensions just off which would not create legal problem, just typographical problem. Everyone has notice of where lot is located.

Mr. Aureli asked what is to the south? Mr. Iacovangelo stated didn't know. (Board checked plat book.)

Mr. Aureli asked if sewers down there? Mr. Davis stated yes, says Blk G. Mr. Harrington asked what is other side lot setback? Mr. Iacovangelo stated another 40 ft. setback from side lot line. Mr. Heilman asked if that is on other side of Alfred? Mr. Davis stated yes.

Mr. Aureli asked if anyone wished to speak in favor or opposition to this application and no one appeared.

DECISION: Granted with 40 ft. setback from Alfred Ave., 18 ft. from Theron Street side and 6 ft. at other side line.

#6. Application of Toper Construction Inc., 999 Buffalo Road, Rochester, N. Y., for approval of variance to build on under-sized lot, 50' x 120' side yards 7' each side, front setback 40', Lot 23, Blk. F, 20 Alfred Avenue. D Zone.

Mr. Aureli stated basically only problem is front here? Mr. Heilman asked if houses on both sides of that one? Mr. Iacovangelo stated believes own both of Toper's, down't know if houses, doesn't own on either side.

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Mr. Heilman stated doesn't own lot next to them, but 24 is vacant, one on other side is oversized double with house on it.

Mr. Aureli asked if anyone wished to speak in favor of opposition to the application and no one appeared.

DECISION: Granted, Mr. Harrington yes, Mr. Pfenninger yes, Mrs. Tanger no, Mr. Lighthouse yes, Mr. Palermo yes, Mr. Aureli yes.

#7. Application of Toper Construction Inc., 999 Buffalo Road, Rochester, N. Y., for approval of variance to build home on undersized lot, 85' x 255' deep, located 416 Paul Road. E Zone.

Mr. Aureli stated applying basically for 5 ft., supposed to be 90 ft. Asked if house already sold? Mr. Iacovangelo stated no, not sold.

Mr. Palermo asked if same type of house? Mr. Iacovangelo stated no, little larger house, think house plans are here.

Mr. Aureli asked if anyone wished to speak in favor or opposition to application and no one appeared.

Mr. Palermo asked if neighbors on both sides of this lot? Would stay in line with setbacks on other houses? Mr. Iacovangelo stated yes, will conform as best we can.

DECISION: Granted unanimously.

#8. Application of Roger Anderson, 32 Cross Bow Drive, Rochester, N. Y., for approval to install in-ground pool 16' x 32', 10 ft. from lot line and 10 ft. from residence at 32 Cross Bow. E Zone.

Mr. Anderson appeared and presented tape map and sketch of proposed pool by Tallman. Mr. Aureli stated doesn't have much back yard. Mr. Anderson stated lacking 10 ft. In ground, concrete, steel wall pool with vinyl liner. Mr. Aureli stated no other way can build in there. Asked if has talked to neighbors? Mr. Anderson stated two here who are on back lot line.

Mr. Heilman asked where utility wires come in? Mr. Anderson stated roughly in this vicinity (map) within 10 ft. from water to lot line.

Mr. Palermo asked how far from neighbors back line, how deep are their lots? Mr. Anderson stated have both of them here. Approximately same general size lots as mine, house placement approximately 40-50 ft. Mr. Phillip Roy of 51 Hitree Lane stated approximately 100 ft. from back lot line.

Mr. Aureli asked if anyone wished to speak in favor of application? Mr. James Manion of 49 Hitree Lane stated thing concerning him is fence. Mr. Aureli stated has to go with zoning codes, at least 4 ft. fence and placed according to our regulations here.

Mr. Roy asked if require map by professional engineer? Mr. Aureli stated depends on what looking for. Mr. Roy stated depend on builder being cognizant of Chili code. Mr. Aureli stated plus building inspector goes out to check. Mr. Davis added Town does have tape map on all properties.

Mr. Heilman started fence has to be 5 ft. from inside wall of pool. Mr. Davis added or has to fence entire back yard but must be 5 ft. from pool. Mr. Anderson stated will outline area to be fenced so if have questions...don't know, probably concerned because of hedge in back, would place so that maintain reasonable appearance for him so has way of maintaining hedge in back. Mr. Aureli stated would have to work out with code. Mr. Manion stated if fence on lot line or 6 in. on his side, no objection.

DECISION: Granted unanimously.

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#9. Application of Wilbert Rabb, 2775 Scottsville Road, Scottsville, N. Y., for approval of variance to place a tent approx. 40' x 60' at rear of property at 2775 Scottsville Road for use for public parties during summertime. E Zone.

Mr. Rabb appeared. Mr. Aureli asked if operating this now? Mr. Rabb stated not started, for July and August.

Mr. Lighthouse asked if commercial property? Mr. Rabb stated yes, Mr. Harrington asked what type tent, open sides? Mr. Rabb stated yes, just top, sides open. Mr. Pfenninger stated has concrete slab there.

Mr. Aureli asked if have parties on weekends? Mr. Rabb stated yes, Fridays, Saturdays, whenever clubs want to have parties.

Mr. Heilman stated may be E District with variance granted. Did Mr. Rabb have variance to put commercial property in residential area? Mr. Rabb stated had once before. Mr. Heilman asked if something on property now? Mr. Rabb stated restaurant in front and cement floor in back. Mr. Heilman asked fronts on Scottsville Road and have parking facilities and such? Take down at end of summer season? Mr. Rabb stated after Labor Day, approximately 2 months.

Mr. Heilman asked if would meet with fire department and go along with restrictions as to things to have there? Mr. Rabb stated yes, Mr. Palermo asked if has every summer? Mr. Rabb stated didn't have for 3 or 4 years. Have to rent tent, costs quite a bit of money.

Mr. Heilman asked how high is tent? Mr. Rabb stated about 10 ft. Mr. Heilman asked if have lighted? Mr. Rabb stated temporary electric lighting, had underground wiring put in.

Mr. Aureli asked if anyone wished to speak in favor of or opposition to the application and no one appeared.

Mr. Heilman asked what is next to Mr. Rabb's property? Mr. Rabb stated nothing, no immediate neighbors.

DECISION: Granted for period ending September 30, 1972 and 239M to be submitted to MCPC.

#10. Application of Don Ryan Realty, 105 Little Creek Circle, Rochester, N. Y., for approval of 2 "For Sale" signs, 1 located on SE corner of King and Union and one on West side of Union near intersection of King Rd., approx. 3' x 4' and 4' x 6'. Unlighted. E Zone.

Mr. Bob Whelehan appeared. Mrs. Tanger asked if signs are already up? Mr. Whelehan stated yes. Mrs. Tanger asked if had up previously? Mr. Whelehan stated no. Mr. Aureli asked if strictly for sale signs? Mr. Whelehan stated correct. Mr. Aureli asked if anyone wished to speak in favor or opposition to this application and no one appeared.

Mr. Palermo asked how long will they have them? Mr. Whelehan stated have listing for one year.

DECISION: Granted for one year from date of listing. To be submitted to MCPC.

#11. Application of Mobil Oil, Inc., 3152 Chili Avenue, Rochester, N. Y., for approval of 3'7" x 3'7" metal sign located on s. side at end of pump island approx. 20 ft. from Chili Ave. B Zone.

Mr. Raymond Cunneen, Mobil Oil Co., appeared. Presented picture with indicated sign. Mr. Heilman asked if in last month informally? Mr. Cunneen stated yes. Mr. Aureli asked if applying for one year? Mr. Cunneen stated one year at a time.

Mr. Davis asked why need two signs? Mr. Cunneen stated one between pumps not visible until you get alongside it. Good to get new customers, proof - 25% increase last month. Mr. Davis stated two signs a foot apart saying same thing. Mr. Cunneen stated one is more visible, doesn't have oil carousel and pump blocking view. Have one sign on end of island.

Mrs. Tanger stated one sign on application. Mr. Cunneen stated other sign on island, message unit already granted. Mr. Davis stated no, not correct. Mr. Cunneen stated all Mobil stations have that unit, did not know had to request. Talking about Wayland, Damico, Booth stations. Island message unit. Never received notification that it was in violation.

Mr. Palermo stated came in one time to show different signs. Mr. Heilman asked if represents Mobil? Mr. Cunneen stated in Gates and Chili. Mr. Heilman stated with regard to promotional sales, go in and put signs up on poles. Does he plan to come in for application to put signs up? Mr. Cunneen stated if Board asks for it. 18 week promotion with 2-3week lull. If could be accomplished in those weeks for each promotion. Mr. Heilman stated thinks will look into problem, whole town putting up these signs...

Mr. Cunneen asked if possible to apply and receive permission to have this sign prior to promotion? Have only 3 weeks notification of promotions. Mr. Palermo stated brought up about a year ago. Showed us several different types of signs including these. Mr. Cunneen stated size of sign always consistent. If could get variance regardless of script, will apply but do we have to apply for each sign?

Mr. Heilman stated thinks what Town is interested in is number of signs per station. Wouldn't be unreasonable from commercial standpoint, concerned with fact that some stations may have 5-6 signs, Supervisor concerned may be getting out of hand. Just asked as point of information.

Mr. Palermo asked if requesting one sign or two signs? Mr. Cunneen stated if need to ask for middle one, would have to request for this. One in question is 3'7" x 3'7" which is movable. Other one not movable, permanent, as pumps and carousel. Mr. Palermo asked if place on old oil racks or something? Mr. Cunneen stated three way concave sign. One at each island, other says Mobil Detergent Gasoline.

Mr. Aureli stated if once catches on, will they leave sign up or take down? Mr. Cunneen stated not promotion. Mr. Aureli stated then basically indefinitely if successful.

Mr. Harrington stated suggests that they make public aware that when you have 3¢ off if purchase 8 gals. or more they are not allowed to get giveaway. Mr. Cunneen stated put something in the window to nature or no stamps or premiums at self-service island. Dealer still pays same for gasoline regardless of what he sell it for. Only way able to reduce price, not just because customer gets out and pumps gas, people enjoy doing something for money they pay. Only way they can afford it, stamps quite costly and promotion offers, lower price instead of premiums.

Mr. Aureli asked if anyone wished to speak in favor or opposition to the application and no one appeared.

DECISION: Granted unanimously for one year period, to be submitted to MCPC.

#12: Application of Grant Cotter, 972 Chili Center-Coldwater Road, Rochester, N. Y., for approval to erect 1 car garage, 16' x 26' attached to existing residence, 5 ft. from South lot line, located at 972 Chili Center-Coldwater Road. D Zone.

Mr. Cotter appeared and presented drawing. Stated wall would be 5'7" from lot line, wall of garage would be 16'2" from neighbors house. Mr. Aureli asked if has talked with neighbors? Mr. Cotter stated here tonight.

Mr. Aureli stated now don't have garage at all. Not remodeling, brand new garage? Mr. Cotter stated yes. Mrs. Tanger asked how wide is lot? Mr. Cotter stated 70 ft. House is 38 ft. long, garage 16 ft. wide.

Mr. Heilman asked if not going to use for any other purpose except own vehicles and such? Mr. Cotter stated right. Mr. Heilman asked if has

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talked to people on sides? Mr. Cotter stated yes, here. Bedroom side of his house 10'7" from that lot line.

Mr. Aureli asked if anyone wished to speak in favor of the application? Mr. Herman Dohr, 974 Coldwater Road, stated in favor of Mr. Cotter building garage.

Mr. Aureli asked if anyone opposed to application and no one appeared.

DECISION: Granted unanimously.

#13. Application for Laycult Construction Inc., 1669 Penfield Road, Rochester, N. Y., for approval of 2 signs to advertise subdivision one at South end Lexington Pkwy., one at South end Daunton Dr. E. Zone.

Mr. Cliff Williams appeared and presented drawing of how signs will appear. Mr. Harrington asked what size? Mr. Aureli stated 3.8 l/x x 8'. Asked if will start building in there soon? Mr. Williams stated hopefully. Mrs. Tanger asked if a new builder down there? Mr. Williams stated Don Cultrara.

Mr. Heilman asked how high signs will be? Mr. Williams stated didn't know. Mr. Aureli asked if will be in front of monument out there now? Mr. Williams stated back in tract itself. Mrs. Tanger stated at end of tract Mr. Heilman asked if just want signs for one year? Mr. Williams stated yes. Mr. Heilman asked no lighting? Mr. Williams stated no. Mr. Heilman asked how many lots? Mr. Williams stated didn't know. Mr. Aureli stated though about 400. Mrs. Tanger asked if custom built? Mr. Williams stated some may be semi-custom built, still ranches and splits.

Mr. Aureli asked if anyone wished to speak in favor or opposition to application and no one appeared.

DECISION: Granted for one year. To be erected under Supervision of Superintendent of Buildings.

#14. Application of United Methodist Church of N. Chili, 48 Parkway Drive, N. Chili, N. Y., for approval to convert church parsonage into two family dwelling at 4341 Buffalo Road. B Zone.

Messrs. Bennett and Ahrens, Trustees of the church appeared. Mr. Ahrens stated involves making changes on second floor as far as plumbing and power are concerned. (Presented sketch.) Zoned commercial right now.

Mr. Aureli asked no structural changes outside? Mr. Bennett stated one family, want to change to two. Thinking of having assistant pastor and want to have facilities for living quarters.

Mrs. Tanger asked if there was a hardship on the property? Mr. Bennett stated yes, actually property receive rent from and helps financial picture of church and would help in this respect. This is part of assistant pastor's income --- living quarters would be free. If goes out and rents apartment, pays X dollars.

Mr. Aureli asked if rented now? Mr. Bennett stated have rented as single. Mr. Aureli asked if minister doesn't live in it now? Mr. Bennett stated have another parsonage that he lives in. All zoned commercial and 4 family dwelling next to it. Mr. Aureli asked the square footage? Mr. Bennett stated didn't have it. Mr. Ahrens stated it is big. Mr. Aureli stated have to have minimum square footage if approve it. Mr. Bennett stated only single family apartments.

Mr. Heilman asked if one for assistant pastor and other to be rented? Mr. Bennett stated yes; presently rented as single dwelling. Mr. Heilman asked if owned by the church? Mr. Bennett stated right. Mr. Aureli asked how long has church owned? Mr. Bennett stated 150 years, original church parsonage, not something new.

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Mr. Harrington stated thinks we would have to have plans with square footage of each floor plan because of code. Mr. Bennett stated could tell you, square footage in new ones greater than what is existing. Can submit square footage to you very simply. Mr. Aureli stated could bring or send dimensions in. Mr. Bennett stated put them on these drawings and resubmit them.

Mr. Aureli asked if anyone wished to speak in favor or opposition and no one appeared.

DECISION: Denied, no hardship shown on property as presently exists.
Mr. Harrington no, Mr. Pfenninger no, Mrs. Tanger no,
Mr. Lighthouse no, Mr. Palermo no, Mr. Aureli yes.

#15. Application of Dario Marchioni, 21 Alfred Avenue, Rochester, N. Y., for approval of variance on front lot line setback, lot size 100' x 120', house to be set in line with existing homes, located Lots 16 and 17, Blk. O, Chester Avenue. D Zone.

Mr. Marchioni appeared. Mr. Aureli asked if putting home in line with existing homes? Mr. Marchioni stated right. These are 50' lots but combining to make bigger.

Mr. Davis stated no road and no water up there, just sewer. Mr. Marchioni stated house across the street, road is there, about 10 ft. from lot line. Mr. Davis stated County owns lots. Mr. Marchioni stated right. If ask for 50 ft. lot, road in front of it, combining lots so road would have to be extended. (Presented rendering of house.) Stated completely raised ranch, garage floor 1 1/2 feet higher than existing street. Everything up high, more expensive to bring in dirt but only way to build there.

Mr. Aureli asked if anyone wished to speak in favor or opposition to the application and no one appeared.

DECISION: Reserved. Board has been informed by Building Superintendent that road is non-existent in front of these lots, feel cannot grant variance because CO could not be granted without road there. Would like to have Supt. of Highways opinion.

#16. Application of Rochester Acoustical Inc., 44 Paul Road, Rochester, N. Y., for approval of building 12 ft. addition on Millstead side of building used for offices located at 44 Paul Road. Zone A.

Mr. Biddle appeared before the Board. Stated addition to office on Millstead side. Mr. Aureli asked this is variance looking for? Mr. Harrington asked if in informally last month? Mr. Biddle stated yes, other questions from Planning Board at that time. Question about dumpster along warehouse and question of paving also. Mr. Palermo asked if problems going to be satisfied? Mr. Biddle stated didn't know. Discussed putting stockade type fence, probably best to put in there, can put alongside tree.

Mr. Lighthouse asked if has discussed with next door neighbor? Mr. Biddle stated has not personally discussed with him, could check with him. Mr. Lighthouse stated if goes out 12 ft. will be right in front of his house. Mr. Biddle stated quite a distance, sits out further on angle.

Mr. Aureli asked how far from here to road? Mr. Biddle stated approximately 44 ft.

Mr. Heilman asked as far as fence, would be willing to work out? Mr. Biddle stated discussed fence and paving with Planning Board, don't know if question in their mind, Ridings & Chafel have gravel drive which is preferable in that type situation. Would be willing if creates that much of problem. Hate to spend money and have break up.

Mr. Aureli asked if anyone wished to speak in favor of or opposition to application and no one appeared.

DECISION: Reserved. Before granting variance, must comply with pre-

existing stipulations set out by Zoning Board on December 17, 1968 and then variance will be granted. To be submitted to MCPC.

- #17. Application of Winsor Ireland, 268 Archer Road, Churchville, N. Y., for approval of renewal of variance to use existing out-building at 268 Archer Road for living quarters. E Zone.

Mr. Ireland appeared, stated owner of property in question. Mr. Aureli asked if existing building? Mr. Ireland stated existing for 16 yrs. Thinks 4th time has come for variance. Situation same as always, small house in rear of property built for mother to live in and now rent it.

Mr. Palermo asked if going to stay the same? Mr. Ireland stated yes. Mr. Lighthouse asked how long asking for? Mr. Ireland stated would like forever but get for 5 years.

Mr. Aureli asked if anyone wished to speak in favor or opposition to application and no one appeared.

DECISION: Granted unanimously for five year period.

- #18. Application of Fred Ogborne II, 47 Hay Market Road, Rochester, N. Y., for approval of erecting attached 2 car garage less than 60 ft. from front lot line. E Zone.

Mrs. Ogborne appeared, presented drawing, stated this is house and that is garage we want to put up.

Mr. Aureli asked why is garage so far out? Mrs. Ogborne stated that is the way he wants it. Others built by builder, ours raised ranch with nothing underneath where garage is. Wanted to put patio back there, don't know reasons.

Mr. Heilman stated going to present problem with regard to all the other houses on the block to some degree. Mr. Aureli stated there are homes in area like yours with garage. Mrs. Ogborne stated ours only one with it forward. Have colonials with garage forward. Mr. Harrington stated they conform with lot lines though.

Mr. Palermo asked dimensions of house? Mrs. Ogborne stated didn't know, thinks 40' x 24'. Mr. Harrington asked if Ryan home? Mrs. Ogborne stated yes, would only need about 9 feet at front.

Mrs. Tanger asked if setback about 50 ft? Mrs. Ogborne stated 51 ft. from road. (Board checked plat map.)

Mr. Aureli asked if anyone wished to speak in favor or opposition to this application and no one appeared.

DECISION: Denied. Mr. Harrington no, Mr. Pfenninger no, Mrs. Tanger yes, Mr. Lighthouse no, Mr. Palermo no, Mr. Aureli no.

- #19. Application of A. Walter Kaufmann, 2448 Westside Drive, North Chili, N. Y., for approval of variance to permit converting 8 room single family residence into duplex with 1 apartment up and 1 down, each with private entrance, located 4336 Buffalo Road. B Zone.

Mr. Kaufmann appeared, stated this is revised tape location map, added a couple of things to the legal one, houses on right and garage and fact that zoned commercial.

Mr. Heilman asked if opposite application from United Methodist Church? Mr. Kaufmann stated cemetery next to us and they are across from cemetery. Wasn't aware of their application until saw on list. Mr. Heilman asked if next to doll museum? Mr. Kaufmann stated house between us and doll museum.

Mr. Aureli asked if lives in this home? Mr. Kaufmann stated no. Mr. Aureli asked if rented now? Mr. Kaufmann stated yes.

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Mr. Davis asked who owned originally? Mr. Kaufmann stated Roushey's, second house west of doll hospital, east of cemetery.

Mr. Aureli asked if hardship on property? Mr. Kaufmann stated just acquired it and figuring income, marginal rental income with commercial tax and only about 8% return, low in rental, looking for way of improving. Just around corner from college and demand for small low cost apartments is high.

Mrs. Tanger asked if apartment in garage? Mr. Kaufmann stated yes. Mrs. Tanger asked if now rented? Mr. Kaufmann stated former owners living in it right now. Mrs. Tanger asked if has been rented before? Mr. Kaufmann stated yes. Mr. Aureli asked if owns now? Mr. Kaufmann stated yes, closed on it.

Mrs. Tanger asked if three apartments on that property? Mr. Kaufmann stated yes. Mr. Heilman asked if presently two? Mr. Kaufmann stated yes. Mrs. Tanger asked when apartment was put up in garage? Mr. Kaufmann stated about 12-16 years ago.

Mr. Aureli asked if figures total square footage? Mr. Kaufmann stated house is 24' x 28', would be possible for small bedroom here if did not use for dining room, 2 1/2 story house and attic large enough to make bedrooms up there but not making part of this application. Mrs. Tanger asked if any idea of square footage in each? Mr. Davis stated 672 sq. ft. Mr. Aureli asked what we call for in one bedroom? Mr. Heilman stated one bedroom 750 sq. ft.

Mr. Kaufmann stated actually on conversion, 7' x 14' enclosed porch on both floors that would use for basement entry and second floor entry and this would make difference in square footage.

Mr. Heilman asked says just closed and at time was aware one family house? Mr. Kaufmann stated right. Mr. Heilman asked if knew what taxes were at that time? Mr. Kaufmann stated yes, assumed as commercial may be easier to get variance than in other zones. Mr. Heilman stated wondering what hardship was. Mr. Kaufmann stated as far as renting of single house, income that can generate from that makes marginal proposition. Mr. Heilman stated thinks about a month ago Methodist church was in on property on Union for converting from single into double, know Board at that time saw fit not to grant request because hadn't shown hardship, except there was question of, valid point, to some degree, to use for married students, saying don't believe in any of evidence presented to Board shown hardship outside of fact that would generate more money for you to have two family rather than one family.

Mr. Kaufmann stated thinks correct in saying there may be apartments around, 2-3 bedrooms in Meadow Brook Farms but rent a bit high, get into around \$200-250. Thinking that if there are apartments, people who need apartments at low range so if I can present something that is rent maybe \$50 less than that, not only going to enhance my position as far as income but present possibilities for apartments.

Mr. Heilman stated test that has been set down in this state on this issue before the Board, may exercise discretion and grant use variance on ground of hardship, land cannot yield reasonable return if used only for the purposes used in that zone, plight of owner due to unique circumstances which may reflect unreasonable use of zoning ordinances and use to be authorized will not alter essential character of locality. Doesn't believe putting consideration into that, talking about economics. Know that property has two rental units on it to generate income and hardship of generating more income rather than some unique thing to building.

Mr. Kaufmann stated one statement points out sufficient and adequate income. Mr. Heilman stated reasonable return. Mr. Kaufmann stated 8% return on rental property not reasonable, can get that in long term savings certificate at 7%. Mr. Heilman stated depreciating property too... Mr. Kaufmann stated paper income. As far as changing nature of neighborhood, have multiple dwelling around me, right across the street building has several apartments and doll hospital has more than

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one apartment in it. Mrs. Tanger stated created own hardship by buying it.

Mr. Heilman stated in best interests to present hardship, if any other things you feel are hardship to this property, should direct remarks to the Board regarding it, if not can go on to next step.

Mr. Harrington stated Mr. Kaufmann said figures out 8% return on that piece of property as it stands now, asked if had figured out before closed the deal? Mr. Kaufmann stated been working on it, had figures as near as could tell, had incorrect tax statement for one part which made some difference so that there was minor adjustment in this area. With figures had prior to that, yes was aware.

Mr. Aureli asked if thought of leasing for commercial enterprise downstairs? Mr. Kaufmann stated this is direction will have to move if doesn't turn out to be profitable.

Mrs. Tanger asked how would he park the cars? Mr. Kaufmann stated there is area between the houses here, room for at least two cars in here and pull off in here. Also, don't know, not sure, there is solid line here for parking along Buffalo Road here. Would be room for three cars in drive.

Mr. Aureli asked if anyone wished to speak in favor or opposition to application and no one appeared.

DECISION: Denied, no evidence of hardship shown on property as presently exists. Mr. Harrington no, Mr. Pfenninger no, Mrs. Tanger no, Mr. Lighthouse no, Mr. Palermo no, Mr. Aureli yes.

#20. Application of Ronald Blackman, 92 Hubbard Drive, N. Chili, N. Y., for approval to extend garage 2 ft. to N. side lot line, 8.1' from side lot line. D Zone.

Mr. Blackman appeared and presented letter to Mr. Aureli as follows: "To Honorable members, Chili Zoning Board of Appeals, Mr. Robert Hunter, Chairman. Please be assured that the remodeling plan submitted by my next door neighbor, Mr. Ronald Blackman, for your consideration tonight meets with no objection from me. Your approval for his request will be much appreciated. Thank you. /s/ Carl C. Moore, Jr. 88 Hubbard Drive."

Mr. Blackman stated McCombs has sketches, drew rough one, have garage cannot use because door too small. Mr. Aureli asked if want to add two feet? Mr. Blackman stated yes, two feet to the side and to the front about 5 ft. so can incorporate door into garage. There will be 12 ft. from where the garage comes out to the front.

Mrs. Tanger asked how wide is lot? Mr. Blackman stated 75 ft. Mr. Aureli asked instead of 10 ft. will have 8 ft. from lot line? Mr. Blackman stated when completed garage will be 15 ft. wide. Been there two years and haven't been able to use it yet. Bottom low and get water in it. Want to put 9 ft. door on front and door coming into house from garage. 18 ft. between buildings.

Mr. Aureli asked if anyone wished to speak in favor or opposition to this application and no one appeared.

DECISION: Granted unanimously.

#21. Application of Frederick Metzger & Ronald Mowers, 3200 Chili Avenue, Rochester, N. Y., for approval to erect an addition to present building approx. 14,000 sq. ft. as per sketch submitted. B Zone.

Mr. Mowers appeared, stated wished to make correction to application, plans drawn up to show around 10,000 sq. ft. because have stayed proper distances on lot line without getting variance.

Mr. Aureli asked if planning on taking out parking in front? Mr. Mowers stated parking have there now out and drive through area probably only a couple cars in there, salesman, office entrance here in front. Mr.

Aureli asked parking in front? Mr. Mowers stated drive through area.

Mr. Heilman stated Planning Board recommends no parking in front. Mr. Mowers stated yes, did explain this and seemed to feel reasonable to pave this and get rid of mess. Curb which side would dictate, entrance and exit, have for salesmen coming and going.

Mr. Aureli stated still have parking at front door. Mr. Mowers stated 3 spaces. Mr. Aureli asked if refacing front of building? Mr. Mowers stated do away with all windows as here now. Mr. Aureli asked if been to Planning Board? Mr. Mowers stated informally to see where to get started. Told us to get things drawn up and come to you people and then come back to them. Mr. Aureli stated have to go back to Planning Board. Mr. Heilman stated for site plan and things like that. Mr. Davis stated architectural review.

Mr. Heilman stated recollection was that were going to face front and do something with the tops. Mr. Mowers stated originally two separate buildings, and had tied in and to make look good we would be willing. existing doorways to get into factory. Employees would be parking in back and coming in from back, front doors fire doors.

Mr. Heilman asked about structure to be torn down? Mr. Mowers stated 300 sq. ft. barn used for shipping and receiving to be torn down. Mr. Heilman stated employees going to park back there and have agreement with church for parking. Mr. Mowers stated agreement with church when they built.

Mr. Aureli asked what is along east lot line? Mr. Mowers stated no man's land, haven't cleaned it, would like to get together with church and clean up.

Mr. Aureli asked how much will this increase work force? Mr. Mowers stated have approximately 13,000 sq. ft. Mr. Aureli asked how many new jobs? Mr. Mowers stated none, immediately, gradually has to create new jobs, right now jammed, to get rid of barn...

Mr. Palermo asked size of new addition? Mr. Mowers stated originally said 14,000, by time found had to be 10 ft. setback got down to 10,000. Mr. Heilman stated properly described as far as public notices, only question reduction in what asking for regarding space.

Mr. Aureli asked how many years been there? Mr. Mowers stated 12-13. Mr. Lighthouse asked construction of building? Mr. Mowers stated block, or brick. Mr. Heilman asked if any signs? Mr. Mowers stated no, sign would be nothing more than sign on building, very inconspicuous, within regulations. Mr. Palermo asked church on one side and house on other? Mr. Mowers stated right.

Mr. Aureli asked if anyone wished to speak in favor of application and no one appeared. On question of anyone wishing to speak against application, Mr. Baker, 841 Paul Road, stated wanted to see where building will be constructed. Parking lot in back yard right now. Ground pitched and drains into his property now.

Mr. Mowers stated last fall had regraded, Mr. Baker never complained about this, could see condition, regraded and gravelled out to ditch and took pains to raise edge so would drain to us and down driveway and not into Bakers. Mr. Baker stated still drains in. Mr. Mowers stated paid a man to do this, McCall's yard higher too.

Mr. McCall, 3202 Chili Avenue, stated getting water off building now, every time a down pour, get wash-out.

Mr. Selden Marshall, 836 Paul Road, stated if you like to live with dust and dirt from trucks and cars, good place to be.

Mr. Baker stated all stone, did have filled in. Setting here, about 30 ft. from lot line. How would you like to sit in back and see cars looking at you. If barrier put up there, worrying about tractor trailers and cars, what is to prevent them from going out of gear?

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Mr. McCall asked which way is pitch of roof? Mr. Mowers stated when build new building will arrange pitch so water doesn't run toward you.

Mr. Marshall stated made mistake 10-12 years ago in letting them in there. Mr. Mowers stated garage would be in there without variance, now light commercial. Mr. Baker stated if keep adding on don't consider light commercial. Mr. Marshall asked who determines industrial? Mr. Aureli stated Planning Board and Town Board.

Mr. McCall asked who keeps property clean? Kids throw garbage all over yard and don't clean up. Mr. Marshall stated would like anyone to come over some night and sit in my garage at 5:00 or 8:30 when kids get through or trucks come in.

Mr. Aureli asked what are hours of operation? Mr. Mowers stated 8:00 to 8:30. Mr. Marshall stated the last variance when asked for drive, thinks was supposed to be landscaped then. Mr. Heilman stated this is Zoning Board and what he is here for is Variance. After this have to come back before Planning Board at Public Hearing and go over site plans and Planning Board will listen to people's complaints and decide what will be in best interests of community. Informally suggested this area free of parking, area blacktopped. Suggest coming to Planning Board and let them hear your objections.

Mr. Aureli stated powers of Zoning Board cannot change zoning, can give permission to go further and go to Planning Board and Public Hearing. Not approving building, just saying OK to go to Planning Board.

DECISION: Granted with stipulations that suggestions given by Planning Board after June 13, 1972 informal hearing be complied with: 1. No parking in front of building on Chili Ave. 2. Chili Ave. side of building to be given new facade. 3. All storage of raw and waste material to be inside. 4. Appear before Planning Board on July 11, 1972 with proposed plans.

Held over from May 23, 1972 meeting:

Application of J. & J. Tire Sales, 1141 Scottsville Rd., Rochester, N. Y., for approval of 1 sign 12' x 6' double faced, illuminated, BFGoodrich logo sign for center pole mounting, two 12' x 4 1/2' single faced illuminated plastic BFGoodrich logo signs for flush wall mounting, three 1' x 10' signs for service bay panels reading alignment, brakes, balancing. Zone A.

DECISION: Granted, three 12' x 4 1/2' to be placed on building and three 1' x 10' signs for service bay panels. Signs to be lighted no later than 10:00 P.M.

Kathleen Luedke
Secretary

ZONING BOARD OF APPEALS
July 25, 1972

A Public Hearing was held by the Zoning Board of Appeals of the Town of Chili on July 25, 1972 in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624. The meeting was called to order by the Chairman, Mr. Robert Hunter.

Present: Mr. Robert Hunter, Chairman
Mr. Charles Pfenninger
Mrs. Gertrude Tanger
Mr. John Lighthouse
Mr. John Palmero
Mr. Richard Aureli

Absent: Mr. Richard Harrington

Also Present: Mr. Alfred Heilman, Deputy Town Attorney
Mr. Stephen Chudyk, Comm. of Pub. Works, Supt. of Hys.
Mr. William Davis, Supt. of Buildings

Mr. Heilman stated that all applications to be considered have been published in a paper of general circulation and affidavits are on file with the Town Clerk.

#5. Application of Pitt Orchard, Inc., 3189 Delaware Avenue, Kenmore, N. Y., for approval of variance for 8' x 16' sign on poles, advertising new stores and store space for rent, not illuminated, located 3240 Chili Avenue. B Zone.

Mr. Frank Lojacimo, Vice President, appeared. Mr. Hunter asked if had sketch of proposed sign. Mr. Lojacimo stated had sign up once before and unfortunately blew down past winter. Sign had up was much larger than this. This 8' x 16'.

Mr. Hunter asked what sort of sign it is supposed to be? Mr. Lojacimo stated wood, plywood painted white background with red lettering on it. Mr. Hunter asked how about location as far as height and where on property? Mr. Lojacimo stated back from road about 100 ft., 100 ft. away from road here, this is plot plan, approximately right here. Probably 3-4ft. off ground.

Mr. Pfenninger asked if put where old sign was? Mr. Lojacimo stated right where old sign was before (indicated bank and Loblaws store on map). Mrs. Tanger asked how far from little roadway? Mr. Lojacimo stated from where it was before to here about 25-30 ft. Just want exposure to fronting on Chili, identifying area to be developed.

Mr. Hunter stated only comment, still pretty big sign compared to what normally willing to grant. Realize back from road but talking about 128 sq. ft. and generally talk about 36 sq. ft. for maximum sign. Do they really feel they need something this big? Mr. Lojacimo stated would prefer something larger. Thinks 36 sq. ft. from 100 ft. from road just too small. Couldn't get enough on that to be visible from road. Thinks sign before was 10' x 20' which would be 200 sq. ft. Thinks would need in order to identify itself from road.

Mr. Hunter asked what period of time asking for? Mr. Lojacimo stated maximum a year. Mr. Hunter stated would consider temporary sign, there is maximum of one year. Mr. Lojacimo stated there is sign there identifying center closer to the road. Mr. Hunter stated thinking on signs has changed in that period.

Mr. Heilman asked how high sign would be? Mr. Lojacimo stated 3-4 ft. plus 8ft., 12 ft. maximum height. Mr. Hunter asked if double-faced? Mr. Lojacimo stated single-faced, facing Chili.

Mr. Hunter asked if anyone wished to speak in favor or opposition to the application and no one appeared.

DECISION: Granted for one year, maximum size of sign to be 36 sq. ft., to be erected under supervision of Superintendent of Buildings.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

JUL 19 1972

DATE.....

THIS IS TO CERTIFY THAT THE ATTACHED LEGAL NOTICE(S) WERE PUBLISHED
IN THE.....

GATES-CHILI NEWS

JUL 19 1972

Issue Dated.....

Norah Conway
.....
Notary Public
NORAH CONWAY
NOTARY PUBLIC
My Commission Expires March 30, 1973

C. Keelitz
.....
SAMUEL J. SMITH
Publisher

LEGAL NOTICE

ZONING BOARD OF APPEALS

The Zoning Board of Appeals of the Town of Chili will hold a Public Hearing at the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on July 25, 1972 at 8:00 P.M. to consider the following applications:

#1. Application of Hubbard Foods Inc., Walpole, New Hampshire, for approval to erect restaurant on portion of Tax Acct. #1174-600, NE corner, 150' frontage on Scottsville Road, 210' deep, located at 1140 Scottsville Road. Zone A.

#2. Application of John Ranieri, 296 Chili-Scottsville Road, Churchville N.Y., for approval of a dog kennel at 296 Chili Scottsville Road. Zone EE.

#3. Application of Mary Ann Zaleski, 192 Hillary Drive, Rochester, N.Y., for approval of variance to operate one operator beauty shop in portion of residence located 192 Hillary Drive. E Zone.

#4 Application of Ronald Cusimano, 36 Harold Avenue, Rochester, N.Y., for approval to erect 12' x 24' above-ground pool 10' from back lot line and 6'7" from back of house and 10' from East side lot line at 36 Harold Avenue. D Zone.

#5. Application of Pitt Orchard Inc., 3189 Delaware Avenue, Kenmore, N.Y., for approval of variance for 8' x 46' sign on poles, advertising new stores and store space for rent, not illuminated. B Zone, located 3240 Chili Avenue.

#6. Application of John Romansky, 328 Long Pond Road, Rochester, N.Y., for approval of converting single family residence to two-family residence located at 340 Ballantyne Road. EE Zone.

#7. Application of Mobil Oil Company, 675 Brooks Avenue, Rochester, N.Y., for approval of variance for portable sign, 3'7" x 3'7" to be located at end of pump island at David Booth Mobil Station at 2765 Chili Avenue. E Zone.

#8. Application of David Barnes, 29 College Avenue, North Chili, N.Y., for approval to build garage north of present garage and convert present garage and breezeway into family room, garage to be 4 ft. from lot line. E Zone, located 29 College Ave.

All interested parties are requested to attend. By order of the Chairman of the Zoning Board of Appeals of the Town of Chili.

LURAINA E. ROBBINS
Town Clerk
Chili, N.Y.

July 25, 1972

- #1. Application of Hubbard Foods, Inc., Walpole, New Hampshire, for approval to erect restaurant on portion of Tax Account #1174-600 NE corner, 150' frontage, on Scottsville Road, 210' deep, located 1140 Scottsville Road. Zone a.

Mr. Thomas Solomon, Attorney, appeared and stated here to get permission to erect and operate restaurant. Believes NW corner of lot. 1140 Scottsville Road, really runs NE-SW, really NW side of lot.

Mr. Solomon continued, currently this lot has operation known as J. Kozel & Son metal fabricating plant, 9.1 acres. NW corner 150' frontage to 200 deep, about 30,000 sq. ft., intend to operate quality restaurant. Here because ordinance requires in order to operate commercial in industrial zone, have to have variance and zone is industrial. Need two additional variances, minimum area permitted in industrial, 62,500 sq. ft., only need 30,000 sq. ft. Variance to lot size. Rear line variance, industrial 80', will only be 55', side and front and height comply with all appropriate measurements. (Presented maps and diagrams, colored drawings for each member of Board.)

Mr. Solomon explained the drawings, first page site plan. Shows dimensions of how restaurant will look on parcel itself. Second page rendition of what restaurant will look like from front and actual floor plan. Page three side view. Page 4 diagram of area currently taken from tape location maps of existing buildings on lot plus two adjoining lots. In addition shows what restaurant will look like when added to area.

Mr. Hunter asked whole lot in question on right side, piece talking about in corner in middle of page? Mr. Solomon stated right. Page 5 shows everything on previous drawing except us. That is how interpreted sheet I had that wanted subject lot and adjoining lots and diagram showing how it fit in here. Brought along tonight Harvey Rosenbloom, real estate appraiser 30 years and served on Zoning Board in Rochester, exper, giving copy of qualifications, would like to have Mr. Rosenbloom give presentation.

Mr. Rosenbloom appeared, stated Scottsville Road from canal southerly has been zoned and used industrially for many decades. Many commercial uses in area, some pre-existing and some granted by variance. Penn Central and predecessors major land owners in zone, in 1969 sold to Kozel 9.1 acres from which subject property being subdivided. Operate and maintain steel fabricating business at 1140. 680 ft. frontage to railroad right of way. Scottsville main entrance to airport before construction of new terminal and proximity to airport objectionable to many users. Development of industrial park made better for commercial, good convenient location. Have been variances granted, Olympic Park granted variance for bowling alleys and golf course, many commercial uses within park itself. Drive-in at 1200 granted in 1955, 1971 additional variance granted for Carroll's drive-in restaurant. Demand and economic pressure for road front development has been great and undeveloped frontage too valuable for industrial storage which presently used for storage of steel and enclosed by chain link fence and barbed wire. Hubbard Foods proposed to develop 150 x 200 at NW corner, 30,000 sq. ft., and generous size for proposed use although less than 62,500 required by industrial zone. Hubbard Foods subsidiary of old line, well established NE business enterprise and enjoys high financial rating, AAA in Dunn and Bradstreet. Family business, third generation, active owner management. Presently part of business community, one on West Henrietta and other on Winton north within Rochester, opposite Taylor Chevrolet. Hub House very interested in expanding within Monroe County business community and is owner operated enterprise, not franchised, owner run business, not drive-in, sit down, buys goods and services locally, no alcoholic beverages. Ample off street parking with good traffic flow, 62 ft. between entrance on south and exit on north. Congenial surrounding considered attractive for restaurant business and applicant intends to make site outstanding. Designed by Thomas Boyde, Jr., local, will be similar to the two existing locations. 100 ft. setback will be landscaped with lawn and shrubs and screening and lighting will be in good taste. Ordinance calls for 80' rear, plan indicated 55' and lack of 25' will be of no significance to Kozel property in rear. Facility would be worthwhile addition to Scottsville Road and to Town of Chili, sure would serve real need in area, many industrial

Plants near

plants nearby who find difficult to find good place to ear and would add improvement over present use and should help increase property values nearby. Happy to answer any questions about presentation or areas in which feel qualified to talk.

Mr. Hunter stated basically interested in reason for request. This is industrial property, commercial use prohibited by our code. Curious to know by what basis recommending or justifying commercial property in industrial area? Mr. Solomon stated Kozel didn't need all land for industrial purposes. Front footage along Scottsville valuable for commercial enterprise, especially where not being used industrially. Hubbard looking for additional areas to go into. Felt fit in well, lot of customers at this point.

Mr. Rosenbloom stated Kozel bought 9.1 acres, large investment and probably wants to recoup some by selling frontage, too valuable to use for storage of steel.

Mr. Hunter stated faced with request to rezone this piece of property since prohibited use put upon this Board to feel this is justifiable use. Guess that is why asking question.

Mr. Solomon stated managing supervisor of Hub restaurants Warren Harvey who will discuss operation of restaurant.

Mr. Harvey stated as Mr. Rosenbloom mentioned previously, privately owned corporation, not franchised. Own and manage as corporation. Old line company. Restaurants geared primarily for family and family operation, not carryout or fast food. Seat 54 people there in booths and counter stools. Operation run on 24 hr. 7 days, employ approximately 25 people. Building, supplies everything purchased locally in Rochester, Home offices in New Hampshire. Building modern design, conservative not outlandish. Maintain large grass area around building and shrubs and bushes around perimeter as well as red wood fencing around property. Regarding refuse, take care of own refuse. Cannot think of anything else. Did bring along picture plus copies of menus which will give you idea of what type of food we serve.

Mr. Hunter asked take it building is one that you use, common design? Mr. Harvey stated yes. Mr. Hunter asked about parking? Understood 54 seats in restaurant, how much parking? Mr. Harvey stated 30 parking spots, shows on front page of drawing. Mr. Hunter stated assumes number based on previous experience. Mr. Harvey stated is sufficient, have 22 at Winton Road, really very little problem. Same size restaurant. Henrietta has 38-40 parking spots.

Mr. Heilman asked how far are openings from 47 entrance? Across from Standard Building? Mr. Davis stated opposite J & J Tires, on east side of road. Mr. Hunter stated 47 toward city more. Mr. Rosenbloom stated north of Standard which is adjoining property. Mr. Hunter asked at what time expect peak traffic to occur in restaurant? Mr. Harvey stated busiest hours between 6 AM and 2 PM, biggest operating hours.

Mr. Hunter asked if any idea of what kind of traffic could expect? What frequency of occurrence of automobiles in and out. Mr. Harvey stated judging by turn-over in seats, half hour to 45 minutes on average. If had one customer per car, one in and out every 45 minutes.

Mr. Heilman asked if anticipate any truck problems? Mr. Harvey stated our type of business does not appeal to truckers. In both operations discouraging trucks parking along right of way, no room in lots, appeal not to truckers.

Mrs. Tanger asked if West Henrietta has more seating capacity? Mr. Harvey stated no, the same.

Mr. Lighthouse stated doesn't see any signs of any kind. Mr. Harvey stated West Henrietta has sign. Mr. Solomon stated no application for sign pending today but if grant, would come back at another time with sign. Felt tonight ought to spend energies on whether or not want restaurant in area and then debate sign. Mr. Hunter stated would like to ask one question in this regard, fixed sizes of signs? Have own feelings about maximum sizes, don't want to be put in position like that. Mr. Solomon stated signs on West Henrietta and Winton entirely different. New sign for Winton 35 sq. ft. Would be willing to be flexible. Would probably come before Board with maybe three alternate drawings. Interested in upgrading area, asset to property, would landscape totally as in drawing. Want to make attractive, don't want to wreck with sign. Operated on Winton almost a year without sign. Good looking

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with wrong sign.

Mr. Heilman stated in terms of outside lighting, do see a few lights shown here. Is that what you would be talking about? Relatively low in height and illumination. Mr. Harvey stated that is size would use. Only lighting shown on drawing. Believes 20 lamps on perimeter. Mr. Solomon stated all look like carriage lamps. Mr. Hunter asked if knew wattage of those individual lamps? Mr. Solomon stated mercury vapor, about 1,000 watts per light. Mr. Hunter asked if translucent material as far as enclosure? Mr. Solomon stated developed for Winton Road property which is in middle of residential area. Mr. Hunter stated if clear glass would be more light coming out, frosted glass of some kind. Mr. Palermo stated no lights on chimney like over here.

Mr. Hunter asked if correct in stating of Board passes on this Planning Board would have to give architectural review. Mr. Heilman stated right, site plan.

Mr. Palermo asked no other identification, no name on the building or anything? Mr. Harvey stated no. Mr. Rosenbloom stated building is identification.

Mr. Heilman stated have lawn in front of building, will that run right up to Scottsville Road? Mr. Solomon stated 100 ft. of lawn, one of trade marks to keep green area in front.

Mr. Hunter asked if approved, would essentially be all built and constructed at the same time? Mr. Solomon stated yes. Mr. Heilman asked if has been to NYS DOT for approval? Mr. Solomon stated no, probably this week.

Mr. Hunter stated application has been sent to MCPC and essentially their recommendation is that decision be made by this Board on basis of local consideration. Mr. Solomon stated precedent for commercial uses along Scottsville Road set forth by Mr. Rosenbloom, thinks front footage has become too valuable and for economic reasons, if developed in way not objectionable to plans all neighborhood would benefit esthetically and economically to area, quarter million dollar operation. Mr. Hunter stated may well be merit to what says, not within province of this Board to take that into consideration. Mr. Solomon stated feels zoning ordinances unique, easy to upgrade zone, glad to have because upgrades area. Mr. Hunter stated personally might like one thing and as member of Board something else.

Mr. Heilman asked if will lease property with right to purchase? Mr. Solomon stated believes after so many years. Mr. Heilman asked how long have restaurants in city been in operation? Mr. Harvey stated Henrietta's 3 yrs. and Winton 3 yrs. Mr. Heilman asked if still leased? Mr. Harvey stated building and equipment owned by Hubbard Foods, land leased for tax purposes. Mr. Rosenbloom added option to buy land within term of lease.

Mr. Hunter asked if claiming any hardship in this particular piece of property with relation to its use as industrial property? Mr. Solomon stated no, not in sense offered for sale and use in industrial.

Mr. Hunter stated anyone who would like to come forward and look at plans is welcome to do so.

Mr. Harold Krenske, Webaco Oil Co., appeared, stated has property right across road. When heard Hub intended to build, checked into their operations and found clientele they cater to would make desirable neighbor to have. Also feel that nice building across street would improve it. J & J did beautiful job on building. landscaped and worked on building to improve in front and think that would be big improvement. Improve appearance and would make look lot better when you come up or down Scottsville Road, now all you have is wire fence. Would be glad to welcome them to our community.

Mr. Cardell, owner of Standard Builder, appeared, stated on legal notice said NE corner and changed to NW, isn't that NE corner still? Mr. Solomon stated lot slants at that point. Mr. Hunter stated the way north shows should be NW. Mr. Cardell stated Scottsville runs east and west.... Mr. Rosenbloom stated river runs north and south. Mr. Solomon stated NE corner by railroad.

Mr. Cardell stated didn't really have objection to this but ordinances are sufficient to safeguard interests. Seems building too close to our business, only 50 ft., doesn't know why didn't get more land. When park cars park plenty close to fence. Mr. Palermo asked what Mr. Cardell has on his lot line? Mr. Cardell stated just fence, no buildings or storage.

Mr. Cardell added when signs come up would make sure would not obstruct our business.

Mr. Lighthouse asked if Standard is industrial or commercial? Mr. Rosenbloom stated industrial. Mr. Cardell stated been there since 1940. Mr. Davis stated pre-existing.

Mr. Hunter asked if anyone else wished to speak in favor or opposition to the application and no one appeared.

DECISION: Denied, no evidence of hardship. Suggested appear before Planning Board to seek rezoning.

2. Application of John Ranieri, 296 Chili-Scottsville Road, Churchville, N. Y., for approval of dog kennel at 296 Chili-Scottsville Road. Zone EE.

Mr. Ranieri appeared, stated not in business of selling, boarding or raising dogs. Owns three dogs, one show dog, one hunting dog and one watch dog. Kept kenneled, don't run loose. 10 acres of land, not small lot. Understands need variance to have three dogs.

Mr. Hunter stated need kennel license to make legal. Mr. Ranieri stated not in kennel business. Mr. Hunter asked if any of the dogs are female and may have pups? Mr. Ranieri stated two females but don't breed, two Doberman Pinschers and a German Short-hair use for hunting. They are kenneled and do have 10 acres of land.

Mr. Hunter asked if had talked with any neighbors about application? Mr. Ranieri stated people across the street and one side not against it. Mr. Hunter asked if has lived in area for some time? Mr. Ranieri stated a year in fall, owned property for three years. Mr. Aureli asked if kennel behind house? Mr. Ranieri stated in back, with doggy doors to get in and out.

Mr. Hunter stated takes it not familiar with ordinances until recently. Asked how did he learn of it? Mr. Ranieri stated dog warden, told would only license two. Mr. Hunter asked if feels dogs are quiet. Mr. Ranieri stated if somebody comes in start rumpus, people on one side have rabbits that run loose and then hunting dog will bark.

Mr. Aureli asked how far is nextdoor neighbor? Mr. Ranieri stated about 75-80 ft. to house. Mr. Heilman asked on each side? Mr. Ranieri stated on one side, on other side said didn't care, probably 200 ft. Mr. Heilman asked how far back from there to lot line? Mr. Ranieri stated about 6-700 ft.

Mr. Heilman asked if just have three animals? Mr. Ranieri stated all has is three. Mr. Heilman asked if had restriction for three dogs no objection. Mr. Ranieri stated right.

Mr. Hunter asked if anyone wished to speak in favor or opposition to this application and no one appeared.

DECISION: Granted for lifetime of present three dogs.

- #3. Application of Mary Ann Zaleski, 192 Hillary Drive, Rochester, N. Y., for approval of variance to operate one operator beauty shop in portion of residence located 192 Hillary Drive. E Zone.

Mr. Peter Zaleski appeared. Mr. Hunter stated reason for application, existing residential neighborhood and asking for permission to operate commercial enterprise. Mr. Zaleski stated wife was beautician for 5 years, wanted to do part-time in home. Talked to people in neighborhood and nobody objects, know most of people and would be interested in coming in. Basically people in neighborhood coming in.

Mr. Hunter stated reason for it has nothing to do with property in question, want to do part-time work. Mr. Zaleski stated have spare room with bathroom next to it and could put in plumbing and use for shop instead of extra room.

Mr. Hunter asked :

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Mr. Hunter asked if would have ample parking off street? Mr. Zaleski stated has two car driveway. Mr. Palermo asked how many cars at one time? Mr. Zaleski stated probably 8 cars in driveway. Don't think that many; just one or two at a time. Cannot take more than that anyway.

Mrs. Tanger asked if would be run just by Mrs. Zaleski, no others? Mr. Zaleski stated one operator. Mr. Heilman asked if 5 days a week? Mr. Zaleski stated usually no clients beginning of week, Wednesday, Thursday, Friday or Thursday Friday, Saturday. Mr. Heilman asked by appointment, how many hours? Mr. Zaleski stated 6-8 hours, 9 to 4 o'clock. Mr. Hunter asked if no evening hours?

Mr. Heilman asked if don't want any kind of sign? Mr. Zaleski stated no, just people that they know.

Mr. Hunter asked if anyone wished to speak in favor or opposition to application and no one appeared.

DECISION: Denied, no evidence of hardship.

- #4. Application of Ronald Cusimano, 36 Harold Avenue, Rochester, N. Y., for approval to erect 12' x 24' above-ground pool 10 ft. from back lot line, 6'7" from back of house and 10 ft. from East side lot line at 36 Harold Avenue. D Zone.

Mrs. Cusimano appeared and presented sketch showing houses next to theirs and where pool would be in yard. Mr. Hunter stated essentially oval pool.

Mrs. Tanger asked how deep is lot? Mrs. Cusimano stated 50' x 120'. Mr. Heilman asked how close to electrical line? Mrs. Cusimano stated 9 ft. Mr. Palermo asked if will be 10 ft. from electrical wire? Mrs. Cusimano stated 9 ft. from electrical wires. Mr. Hunter stated 9 ft. at closest point, not over pool. 9 ft. dimension, does that represent horizontal measurement, level line? Mr. Heilman stated down to ground, distance to pool should be 10 ft.

Mr. Hunter asked if saying that with exception of this idea just talked about and except for distances from house and lot line will be able to comply with swimming pool code in all other ways? Mrs. Cusimano stated right.

Mr. Hunter asked if anyone wished to speak in favor or opposition to the application and no one appeared.

DECISION: Granted.

- #6. Application of John Romansky, 328 Long Pond Road, Rochester, N. Y., for approval of converting single family residence to two-family residence located at 340 Ballantyne Road. EE Zone.

Mr. Romansky appeared and presented sketch of proposal. Stated would like to put new section in and make double out of house. Have enough square feet in house but would like to make addition. Mr. Hunter stated addition on back 24' x 36'. Asked dimensions of lot? Mr. Romansky stated 8 acres, map doesn't show house but is right about here.

Mr. Hunter stated frontage 386.12 ft., a little over 8 acres. This is zoned EE. Asked if claiming hardship on property? Mr. Romansky stated yes and no. Used to work at American Laundry, closed down, would like to use for income property.

Mr. Hunter stated is concerned with personal situation. What about as far as property itself? Claiming that that property cannot be used for single family homes? Making any claim to that effect? Mr. Romansky stated not really, just personal.

Mr. Davis asked if zoned right across street for industrial? Between two railroad tracks industrial. Mr. Romansky stated made industrial but don't know what doing with it. Knows 84 Lumber is but don't know about Rodney Farms. (Presented plans for addition to Board.)

Mrs. Tanger asked if he plans to live there? Mr. Romansky stated some day. Plans rent both now. Mr. Hunter asked what is age of existing home? Mr. Romansky stated doesn't have slightest idea, old house, fixed up but can only do so much. Stated front of addition will be facing rear of property. Mr. Hunter asked front of rear facing rear? Mr. Romansky stated yes, thinks will be pretty nice.

Mrs. Tanger asked if plans to do anything to present house? Mr. Romansky stated fix it up more and more. Mrs. Tanger asked if more at this time? Mr. Romansky stated not that much, but doing it right along as fast as money is available. Mr. Lighthouse stated outside looks pretty nice.

Mr. Hunter stated proposing two bedroom, single story addition. Mr. Romansky stated doesn't know if that is quite the way it will be in end. Mr. Hunter asked if garage on the property now? Mr. Romansky stated shed on property. Mr. Hunter asked if used as garage? Mr. Romansky stated keeps tractor in there. Plans to put garage in eventually (indicated on map). Basically have section 33', old section 24'. Have addition 24' so stay that way. Have garage and driveway, depends on how works out.

Mr. Hunter stated fair-sized piece of property. Why did he go this route instead of building extra home? Have room. Mr. Romansky stated talking about \$20,000 vs. \$6-7,000. Quite a bit of money and don't feel have it to put in there. Maybe eventually will put own house in there. Don't know. Mr. Hunter asked where he lives? Mr. Romansky stated Long Pond, in Greece. Bought this before had Long Pond house, when money was rolling in wasn't so bad.

Mr. Heilman asked what is property on each side presently zoned? Mr. Romansky stated all farm land. Mr. Davis stated all farm land, EE. Mr. Romansky stated some sections commercialized 3-4 years ago, nothing done with it. Asked the neighbors and they don't have objections.

Mr. Hunter asked if anyone wished to speak in favor or opposition to this application and no one appeared.

DECISION: Denied, no evidence of hardship.

#7. Application of Mobil Oil Company, 675 Brooks Avenue, Rochester, N. Y., for approval of variance for portable sign, 3'7" x 3'7", to be located at end of pump island at David Booth Mobil Station at 2765 Chili Avenue. E Zone.

Mr. Raymond T. Cunneen appeared. Stated sign identical and same picture as showed Board last time for George Rice sign. Sign in question to be located at eastern end of front pump island. Purpose of sign to direct incoming traffic to appropriate island.

Mr. Heilman stated thinks went into it last time, one in middle, this is in addition to that one. Mrs. Tanger asked this isn't stationary sign too? Mr. Heilman stated indicated permanent concave sign, one applying for portable sign. Mrs. Tanger asked if will have 2¢ off on existing sign too? Mr. Cunneen stated only purpose is that big one gets incoming traffic and center one has different copy at different time of year according to promotions that come out.

Mr. Palermo asked if one-sided sign? Mr. Cunneen stated two-sided sign, ordinarily used out at edge of curb where it is permitted so that traffic coming from both ends can see it. In this case being put at end of island.

Mr. Davis asked how come last time said sign would say 3¢ off and now it is 2¢? Mr. Cunneen stated cannot control dealer's price, independent dealer. Felt not making sufficient profit to remain in business so raised price from 36.9 to 37.9 against my better judgment.

Mr. Heilman asked if Board were to grant sign would be for specific purpose of self-service saving and if promotion went out sign would disappear? Mr. Cunneen stated correct. Mr. Hunter asked if asking for any particular time? Mr. Cunneen stated one year.

Mr. Davis asked if really another price war coming around that every station in town will have? Mr. Cunneen stated Mobil will not grant dealer assistance, attempting to keep stable market. All other companies give aid to dealer so that they can lower prices. We have not and still maintain growth in sales higher

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than other companies. If we dropped prices bottom would drop out and only buyer would gain. Mr. Davis asked if Mr. Booth is in favor of doing it because guy down the street cut his price? Mr. Cunneen stated he is in favor of it, volume has dropped considerably and Rice's picked up considerably. Mr. Davis stated knows Dave was not in favor of that but has hurt his business but think still not in favor of it. Mr. Cunneen stated agrees, has to do it to survive. Most constant thing about business of oil companies are inconsistencies, change overnight.

Mr. Hunter asked if anyone wished to speak in favor of opposition to application and no one appeared at this time. After hearing last application, Mr. Myers of 2758 Chili Avenue appeared and stated had been here every time Mobil Oil attempted to change things at station across the road. Have done nice job of keeping within regulations set for them and happy with cleanliness and appearance of place. Came to talk in favor.

DECISION: Granted for one year period, to be used for self-service promotion only.

- #8. Application of David Barnes, 29 College Avenue, N. Chili, N. Y., for approval to build garage north of present garage and convert present garage and breezeway into family room, garage to be 4 ft. from lot line, located 29 College Avenue. E Zone.

Mr. Barnes appeared, stated would like to put garage in, don't have experience with Zoning Boards, Biologist at Roberts Wesleyan College. Doesn't know if 4' proper. Would like to put in family room and cheapest way to do is to convert garage into family room and to do that and be on safe side in terms of reselling property should have right to put garage on other side of present garage. That is rationale of 12' asked for which would take me within 4' from lot line.

Mr. Hunter asked what would distance be between garage and residence next door? Mr. Barnes stated home next door owned by college, 12' between the two buildings. He has approximately 8' from house to lot line and we would be 4'. Mr. Palermo asked, house next to him, which side of their living area? Mr. Barnes stated their bedrooms would be next to my garage, cape cod house very much like ours, same general dimensions.

Mr. Hunter asked if would be doing work himself? Mr. Barnes stated would hire contractor, at least for framing of it and perhaps would do interior work. Mr. Aureli asked if approved do you plan to do it immediately? Mr. Barnes stated would be able to tell potential buyer that most houses have garage, this doesn't but you can build garage. Do not have funds to remodel and build garage. Mr. Hunter stated part of ordinance is that would have to build within one year. If went the year and had not started to build this would expire and could no longer have variance.

Mr. Barnes stated guesses would tell potential buyer that you approved it once and perhaps you would again because of first approval. Perhaps would not be fair to him.

Mr. Hunter asked if has discussed with neighbors? Mr. Barnes stated didn't know was to do it. Understood put into papers, haven't talked to neighbors about it. Mr. Hunter asked if any neighbors aware? Mr. Barnes stated guesses chap next door, renter from college, have not talked to college's lawyer or member of administration.

Mr. Hunter asked if lot dimensions on the map? Mr. Barnes stated yes, 76 x 204'. Mrs. Tanger asked what width of garage would be? Mr. Barnes stated present and new should be 12'. There is present breezeway 8 ft. and existing garage 12' and though would be room 20' wide. If not acceptable, would like to appeal for some lesser amount of space. Would move garage over somewhat, thinks could move within 10 ft. without appealing and perhaps appeal for smaller amount of space than asking for here. If turned down if there is compromise that would let me be less than 10 ft., would like you to consider compromise and tell me how many feet you would give me.

Mr. Palermo asked how old is house? Mr. Barnes stated thinks about 20 years old. Mr. Hunter stated guesses maybe 22 or 23 years old,

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those homes before Springbrook Drive were built, in that area. Architecturally, what does roof look like on present garage? Mr. Barnes stated roof runs parallel to road, follows contour of house. Can continue roof from house to garage.

Mr. Hunter stated space suggesting between two buildings is kind of small for my point of view. Mr. Barnes stated thought perhaps it was too but advised by builder to look at that as alternative and if that is not acceptable ask that you consider something less than legal 10'. Mr. Hunter stated for Mr. Barnes to build now, have approximately 6 more feet to use within 10 ft. limit.

Mr. Heilman stated said neighbor was school, have you talked to them? Mr. Barnes stated business office rents out on temporary basis to faculty. Mr. Heilman asked if they have raised no objections to being within 12 ft.? Mr. Barnes stated hasn't talked to them, in terms of saying this is opportunity to say yes or no, haven't done that, certainly could.

Mr. Hunter stated not required, in general want to know what neighbors know about application and how they feel about it. If you could say talked to them and were in favor would be in your favor. Not required. Do publish legally but unfortunately not everyone sees notices.

Mr. Hunter asked if anyone wished to speak in favor or opposition to application and no one appeared.

Mr. Barnes stated thought of alternative, move present garage and use breezeway and extra space. On that basis thought of making room go deeper into property. Have shown as 20 ft., thought in terms of 30 ft. Mr. Hunter stated have lots of depth on lot. Mr. Barnes stated though if would accept something less than 10 ft. and indicated built only 20 ft. deep may have to reapply to go 30 ft. Mr. Hunter stated no, not as long as comply with minimum rear setback, no problem there.

DECISION: Denied, no evidence of hardship.

Mr. Weit, 316 Paul Road, appeared, stated received notification would have to move pool, less than 15 ft. from side lot line. Asked if could apply to leave it where it is. Mr. Hunter explained procedure to apply to Zoning Board for variance.

Held over:

Application of Frank and Mary Brienze, 44 1/2 Black Creek Road, to build carport 2' from east lot line at 44 1/2 Black Creek Road. D Zone.

DECISION: Denied, no one appeared.

Application of Dario Marchioni, 21 Alfred Avenue, for variance on front lot line setback, lot size 100' x 120', house to be set in line with existing homes, located Lots 16 and 17 Chester Avenue. D Zone.

DECISION: Denied, until such time as the roadway is extended the full width of the property.

KATHLEEN LUEDKE
Secretary

ZONING BOARD OF APPEALS
August 22, 1972

The Public Hearing of the Zoning Board of Appeals of the Town of Chili was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, N. Y., 14624 on August 22, 1972. The Hearing was called to order by the Chairman at 8:00 P.M.

Present: Mr. Robert Hunter, Chairman
Mr. Charles Pfenninger
Mrs. Gertrude Tanger
Mr. John Lighthouse
Mr. John Palermo
Mr. Richard Harrington
Mr. Richard Aureli

Also Present: Mr. Alfred Heilman, Deputy Town Attorney
Mr. William Davis, Superintendent of Buildings

Mr. Heilman stated with regard to nine applications in front of Board tonight, these have been duly published in one of the newspapers of general circulation in the Town and affidavits are on file with the Town Clerk.

- 1. Application of Carroll's Development Corp., 968 James Street, Syracuse, N. Y., 13203 for approval of a variance for one free-standing sign, mounted on 13'4" pole, sign size 9'3" x 5'7", illuminated, double faced, located on property at 1200 Scottsville Road. Zone A.

Mr. Gary Grab appeared representing Rochester Poster, erecting the sign for Carroll's. Mr. Hunter asked if had sketch showing sign? Mr. Grab stated 12' high pole and overall height is 17'7". Mr. Hunter stated different height than shown in application, what does 13'4" represent? Mr. Grab stated pole size actually 12'. Mr. Hunter stated total height 17'7". Asked proposed hours of lighting of sign and days of week to be lit? Mr. Grab stated opening hours, not certain hours they are open.

Mr. Hunter stated one comment would make in regard to application. Height of sign and size greater than Board willing to grant in last three years. In terms of height, around 15 ft. from crown of road maximum and 36 sq. ft. as maximum size, prefer smaller. This sign around 53 sq. ft. Custom designed sign? Mr. Grab stated standard size they use. Two sizes, one larger than this. Sign already made in Texas, shipped here and ready to go.

Mr. Hunter asked what happens if Board says won't allow this sign? Mr. Grab stated refer back to Carroll's and either put smaller sign or none. Mr. Hunter asked what is value of sign in place? Mr. Grab stated to sell or erect? Mr. Hunter stated both, what will it have cost them by the time it is in position and ready to go. Mr. Grab stated over \$5,000.

Mr. Heilman stated asked about illumination. Mr. Hunter stated really only specified hours. Anything about candlepower? Mrs. Tanger stated operates on 6.3 amps, 120 volts. Mr. Hunter stated really no way of knowing from those specs illumination of that sign. Mr. Grab stated as to brightness? Very dark orange face, not going to get light shining down on parking lot, just enough to illuminate itself. Mr. Palermo stated background orange. Mr. Hunter stated letters white.

Mr. Heilman asked if signs on building now? Mr. Grab stated yes, built right on the end of the building. Mr. Hunter stated standard Carroll's building. Mrs. Tanger asked if Carroll's visible on Scottsville Road from both ways without sign? Mr. Grab stated believes fire department has quite a few trees along drive and blocks building.

Mr. Hunter asked what is setback of building? Mr. Davis stated 104 ft., lower than Scottsville Road. Mr. Hunter asked where would put sign? Mr. Grab stated as close to road as Board would allow. This is lay out now of property they own and use. Would like to put this sidewalk stops here, trees in here, put sign in here as close to road as possible. Mr. Hunter asked in green island here? Mr. Grab stated in that general area, drawing a little vague. Mr. Hunter asked if edge of pavement here and this property line? Mr. Grab stated believes so.

Mr. Heilman asked if in and out signs illuminated? Mr. Grab stated doesn't believe so. Mrs. Tanger asked if sign doesn't revolve? Mr. Grab stated no.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

AUG 16 1972

DATE.....

THIS IS TO CERTIFY THAT THE ATTACHED LEGAL NOTICE(S) WERE PUBLISHED
IN THE.....

GATES-CHILI NEWS

AUG 16 1972

Issue Dated.....

Anthony Bonaldi.....

Notary:
ANTHONY BONALDI
NOTARY PUBLIC, State of N. Y., Monroe County
My Commission Expires March 30, 1977

Samuel J. Smith.....

SAMUEL J. SMITH
Publisher

LEGAL NOTICE

ZONING BOARD OF APPEALS

The Zoning Board of Appeals of the Town of Chili will hold a Public Hearing in the Chili Administration Offices, 3235 Chili Avenue, Rochester, N.Y., 14624 on August 22, 1972 at 8:00 P.M. to consider the following applications:

1. Application of Carroll's Development Corp., 968 James Street Syracuse, N.Y., 13203, for approval of a variance for one free-standing sign, mounted on 13'4" pole, sign size 9'3" X 5'7", illuminated, double-faced, located on property at 1200 Scottsville Road, Zone A.

2. Application of Patrick J. Roncone, 3227 1/2 Chili Avenue, Rochester, N.Y. 14624 for approval to erect professional building with setback variance on property located at 3253 Chili Avenue, Zone B.

3. Application of Bruce F. Chandra, 17 Baylor Circle, Rochester, N.Y., 14624, for approval of erecting a 2 car garage, 22' X 24', on north side lot line, approximately 8' from lot line at 17 Baylor Circle, D Zone.

4. Application of Edward Weit, 316 Paul Road, Rochester, N.Y., 14624, for approval to have above-ground pool less than 15' from side lot line, located at 316 Paul Road, E Zone.

5. Application of William Paul Harris, D.D.S., 20-12 Lee Gardens Apartments, Rochester, N.Y., 14624 for approval of renewal of variance to operate dental office in apartment building located 20-12 Lee Gardens Apartments, D (MR) Zone.

6. Application of Lincoln Rochester Bank, 4390 Buffalo Road, North Chili, N.Y. 14314, for approval of 2 signs, one 4'1" x 4'1" on pole at entrance on Union Street, "Drive-in Teller", non-illuminated; one 4'4" x 16'4", single-faced, illuminated on front of building, B Zone.

7. Application of Joseph Schuler, 1300 Scottsville Road, Rochester, N.Y., for approval of erecting gasoline pumps at existing car wash - 2 islands, 4 pumps, located at 1280 Scottsville Road, A Zone.

8. Application of George T. Coon, 17 Fenton Road, Rochester, N.Y., 14624, for approval to erect 2-faced sign advertising real estate office, on poles, in front of residence at 17 Fenton Road, D Zone.

9. Application of Page Airways, Inc. 1265 Scottsville Road Rochester, New York for approval to erect an addition 30' x 64' to the south side of the present hangar at 1265 Scottsville Road, A Zone.

All interested parties are requested to attend. By Order of the Chairman of the Zoning Board of Appeals of the Town of Chili.

Luraina E. Robbins
Town Clerk
Chili, New York

Mr. Harrington asked how many Carroll's stores in Monroe County? Mr. Grab stated doesn't work for them, doesn't know. Mr. Harrington asked if any signs smaller than this put up for Carrolls? Mr. Grab stated no.

Mr. Davis asked what is next size sign? Mr. Grab stated 14 ft. across the top. Mr. Harrington asked if has installed other signs for Carrolls? Mr. Grab stated yes, this size and larger one, nothing smaller. Pretty much their standard size. Just started using big one.

Mrs. Tanger stated basically one Carroll's sign, only have one on building itself. Mr. Grab stated goes around face of building. Wraps all the way around, all block, name on front. Mrs. Tanger stated name appeared on front, not on sides.

Mr. Heilman asked if any thought of low-profile sign, illuminated? Mr. Grab stated sure this one could be lower. Mr. Heilman stated sign 3-4 feet tall, set on ground with lights that shine on it? Mr. Grab stated if wide open coming both ways might be of some value, Mr. Aureli asked trees at fire department, how far out do they come? Mr. Grab stated doesn't know for sure, it is lower than the road.

Mr. Heilman stated problem because sign proposing bigger than one usually allowed. May be alternative to find out if could have low profile sign in front. Mr. Hunter stated suggesting something shorter than.... Mr. Heilman stated than on pole. Mr. Hunter stated as alternative. Mr. Heilman stated go back depending on what Board decides. Mr. Grab stated could be lower if height is problem. Mr. Hunter stated not a lot different than allowed in past but thinks Board should be consistent unless some reason. Mr. Grab asked if ever had application for larger one? Mr. Hunter stated larger and taller.

Mr. Hunter asked if anyone wished to speak in favor or opposition to the application and no one appeared.

DECISION: Denied: Mr. Harrington yes; Mr. Pfenninger yes; Mr. Lighthouse no; Mrs. Tanger no; Mr. Aureli no; Mr. Palermo no; Mr. Hunter no.

2. Application of Patrick J. Roncone, 3227 1/2 Chili Avenue, Rochester, N. Y., 14624 for approval to erect professional building with setback variance on property located at 3253 Chili Avenue. Zone B.

Mr. George Scardetta, Engineer, appeared representing Dr. Roncone. Stated this is revised site plan taking into account some of the comments made by Board and feedback from MCPC where suggested turning building around. Reduced size of building, gives more parking spaces, reduces requirement. Building would require 39 parking spaces based on one space for 200 ft. of building space plus one for every two employees. Able to provide 40 spaces with this arrangement. This represents building on site which would be commensurate with area, fairly attractive, fits in with plenty of room and should be credit to area.

Mr. Hunter asked when in before? Mr. Scardetta stated informatly in June, missed July meeting. Mr. Palermo stated one time before with present structure.... Mr. Davis stated that burned down.

Mr. Hunter stated has parking space requirements on square footage and employees of building. In what way in terms of tenancy visualized, feel will be adequate? Mr. Scardetta stated plans 7 offices, and approximately 2 employees per office. Mr. Hunter stated says 7 offices, asked what might they be? Mr. Scardetta stated intended to be professional building, not just general offices. Doctors, possibly attorneys, dentists, Dr. Roncone is dentist, really is professional building or medical building if want to call it such.

Mr. Hunter asked what visualize as far as hours of operation? Daytime or sometime other than that? Mr. Scardetta stated would say strictly daytime. Dr. Roncone stated primarily physicians and dentists hopefully. They operate primarily daytime hours. Maybe some one night a week. Depends

on individual practicing in building. Mr. Hunter stated trying to get some feel of use of parking in evening. Dr. Roncone stated doubts if anyone there. Mr. Scardetta stated may be someone in emergency cases, may be some, not vacant but minimal.

Mrs. Tanger asked if plans to have this lighted? Mr. Hunter asked parking area? Mr. Scardetta stated wasn't planning on it. If Board feels necessary, more than happy to. Mrs. Tanger stated wondering because didn't see. Dr. Roncone stated probably would add to it, helpful for evening hours. As far as burglaries concerned, might be idea that would do this. Mr. Scardetta stated certain amount of lighting for building entrance and from security standpoint. As far as lighting whole lot, no plans.

Mr. Heilman stated these are not plans submitted to MCPC. Mr. Scardetta stated no. Mr. Heilman stated haven't submitted these plans to them since that time, would have to be done for this Board to decide. Mr. Scardetta stated comments were rather nebulous. Mr. Heilman stated isn't something would like to do. Under Sec. 239-m of General Municipal Law have to if it falls within 500 ft. of County Road or Interstate highway or expressway or park, MCPC has to review plans and make recommendations back to Board before Board acts. Mr. Scardetta asked if they can make anything more specific? Mr. Aureli stated first plans were sent to them and this is what they proposed that you do. Mr. Heilman stated fill out application with copy of these plans and call them and tell them what you have done in regard to meeting requirements.

Mr. Scardetta stated someone who wasn't man enough to sign comments submitted, if they don't like them tell us what they want, ready to cooperate. Mr. Heilman stated have people assigned to this area, if ask them they will tell you.

Mr. Hunter read the site plan comments from MCPC. Mr. Hunter stated Mr. Scardetta says he has done this. Mr. Scardetta stated within scope of what letter says. Mr. Hunter stated relocated building as they suggested. That apparently is their comment on original application. Mr. Scardetta stated has done what they asked for.

Mr. Hunter asked where are property lines here in relation to center line of Chili and your parking? Right to edge of property line, no provision for any screening of parking, realize working with small site. Mr. Scardetta stated plans to keep existing trees except for one or two. Could plant something there. This is property line, not road line. Have room to work with as far as screening concerned.

Mr. Hunter asked doesn't this go to Planning Board for architectural review? Mr. Heilman stated here for variance at this point. Mr. Hunter asked in terms of setback and what else? Mr. Davis stated property big enough. Mr. Heilman stated if Zoning Board grants variance, have to come before Planning Board for site approval. So that we have shot at you there as far as screening, parking facilities, trash and things of that nature. Everybody comes before Planning Board for site approval whether shopping center or building.....

Mr. Scardetta stated taking one step at a time. First objective was to comply with your requirements. Mr. Heilman stated this is formal application for variance. Thinks should submit this document with another application. Will take to MCPC, tell them revised plan and get feedback and this Board will act to grant variance. Mr. Scardetta stated would like to see more constructive criticism in comparison to what got last time. Mr. Heilman stated why not fill out and leave it here, ask them to get feelings to us so that Board can give approval at next meeting. Then go to Planning Board for final site plan. May have to set up drainage district through Town Board.

Mr. Aureli asked if has any proposed tenants? Dr. Roncone stated not yet. Mr. Hunter asked if anyone wished to speak in favor of or opposition to this application and no one appeared.

DECISION: Reserved pending report from MCPC.

3. Application of Bruce F. Chantra, 17 Baylor Circle, Rochester, N. Y. 14624 for approval of erecting a 2 car garage, 22' x 24' on north side lot line, approximately 8' from lot line at 17 Baylor Circle. D Zone.

Mr. Chantra appeared and presented map. Stated here is proposed new construction. Mr. Hunter stated talking about 8' from lot line. Mr. Chantra stated unfortunate document at best. Doesn't tell story. According to figures and way house positioned supposed to have 11.5 feet and doesn't. Tapes off, less than that. In order to get 22' wide garage to allow walk-up from lower level will need 2' variance to be 8' from lot line.

Mr. Hunter asked if saying tape maps in error? Mr. Chantra stated correct. Mr. Hunter asked if had new survey done? Mr. Chantra stated no. Mr. Hunter stated that ought to be established first. Apparently Mr. Chantra checked. Mr. Chantra stated in back have stake with red flag and here is telephone cabinet box which assumes is on or close to lot line. Reads 11'6". Mr. Hunter stated Mr. Chantra says has 3 1/2 foot discrepancy. Doesn't know if a fair assumption or not.

Mrs. Tanger asked if new house? Mr. Chantra stated yes. Mr. Heilman stated tape maps say not to be used as boundaries, not instrument survey and information shown should not be used for building purposes and location of property lines.

Mr. Hunter stated if in error and give variance for one thing and turns out being something else, could be problem. Mr. Chantra stated thinks he is within inches. Mr. Hunter stated if give variance and 5 years from now sell house and find difference may be problem. Mr. Chantra asked if you allow to get closer to where thinks line is? Mr. Heilman stated granted variance 8' from line and in fact where you build garage is 6' from line, your mistake and not Board's.

Mr. Chantra stated only approximately 40 ft. between houses. Going to absorb 22 ft, 18 ft. left. Mr. Heilman stated when you sell house attorney for buyer not going to think unreasonable, going to tell client not to buy because of that. Mr. Hunter stated trying to protect you so that if granted, granted properly.

Mr. Chantra asked what should he do? Mr. Hunter stated suggest get surveyor and find out where line is and go from there. Mrs. Tanger stated garage might fall within limitations allowed, may not have to have variance. Mr. Aureli stated quite a few houses there do have two car garages, seem to have a lot of room. Mr. Chantra stated will be first on Baylor Circle. Mr. Aureli stated talking about ones with existing garages. Mr. Chantra stated none with attached. Mr. Aureli stated might be within lines and not have to come up here.

Mr. Hunter stated can delay action until have surveyed so know where sits there. If do require variance then Board can grant. Can get facts of case but saying not make decision. Commented on distance between your home and next door. Mr. Chantra stated approximately 33 or 34 ft. from my house to their line and should be another 10 ft. from line to the next house. Little over 40 ft. taped out. That is why gave argument. Mr. Hunter stated you say 40 ft. and garage 22 ft., that would leave 18 ft. between buildings. Mr. Chantra stated a little over 40 ft. This is why point followed to this conclusion, need 2' variance to allow putting garage up.

Mr. Hunter asked home to north, has garage now? Mr. Chantra stated not yet, would be on other side. Mr. Hunter asked where would garage go on that home? Mr. Chantra stated further north, would come before you if they wanted on south side. Every house offset to the north.

Mr. Palermo stated there are some houses where they have garages. Mr. Chantra stated on circle portion of street, a couple underneath. Mr. Palermo stated have some houses where garage to garage, not all on left side of house. Mr. Chantra stated neighbors garage would have to go on north.

Mrs. Tanger asked if has to be 22' wide? Mr. Chantra stated in order to give walkout to garage from lower level would have to be, raised ranch. Mr. Hunter asked if stairs exist now? Mr. Chantra stated well will be dug when garage put in. Couldn't put walkout in back, sump pump in corner. Mr. Hunter asked how wide? Mr. Chantra stated 3 1/2 ft., tight at best with 22 ft. garage. Mr. Palermo asked how many steps up to garage? Mr. Chantra stated 7 or 8 steps, maybe 5 or 7.

Mr. Palermo asked how far is neighbor on this side? Mr. Chantra stated approximately 40 ft. Mr. Palermo stated doesn't have garage now. Mr. Chantra stated no. Mr. Hunter asked how wide is lot? Mr. Chantra stated nominally 80 ft.

Mr. Hunter asked if anyone wished to speak in favor of or opposition to this application and no one appeared. Advised Mr. Chantra will hold off on decision and see what can do about getting line legally located. Will wait to hear from him. Mr. Chantra asked if must appear before another meeting? Mr. Hunter stated call and see if in order, wouldn't need to come back. Have all information we need. Question of where it is. May not need it after all.

Mr. Aureli asked if discrepancy in Mr. Chantra's favor or not? Mr. Chantra stated other way. Mr. Aureli asked have line too close to your house? Mr. Chantra stated yes. Mr. Hunter stated more space on other side than had planned.

DECISION: Reserved pending receipt of new survey of property.

4. Application of Edward Weit, 316 Paul Road, Rochester, N. Y. 14624, for approval to have above-ground pool less than 15 ft. from side lot line, located 316 Paul Road. E Zone.

Mr. Weit appeared, presented drawing indicated location of home, pool lot line and back lot line. Mr. Hunter asked this is where pool now located? Mr. Weit stated right. Mrs. Tanger asked if deck here? Mr. Weit stated south of the pool. Mr. Hunter asked if Gartland next door? Mr. Weit stated doesn't think can see deck from street, thinks garage would cover it. Mr. Hunter stated asking for side line variance of less than 15 ft., asking for 10 ft? Mr. Weit stated 10 ft. from fence, approximately 10 1/2 to lot line. Would have to take down pool and move it. No other place, can see on sketch only place would be closer to willow tree and now on border because of roots. No place over here, 15 ft. from house, 20 ft. from tree.

Mr. Hunter asked what is diameter of tree? Mr. Weit stated overhang is bigger, approximately 30 ft. Mr. Hunter stated leaf area around 30 ft., in total, asked age of tree? Mr. Weit stated about 15 years old.

Mr. Hunter stated has letter here which will be entered into record, objecting to application, if would like to read it, welcome to. (See copy of letter attached to minutes.)

Mr. Pfenninger asked how far from pool to tree? Mr. Weit stated approximately 20 ft. Not leaf area, would come to pool. Mr. Hunter stated trunk small and leaf area larger. Mr. Pfenninger stated if move pool would be under tree then. Mr. Weit stated plus have old leach bed which would have to dig out.

Mr. Harrington asked how long has pool been up? Mr. Weit stated this is fourth year. Mr. Harrington asked if had to have permit to put pool up four years ago? Mr. Davis stated was when first started, today people don't know about it. Saw him a year ago, at that time thought would move it. Mr. Hunter stated doesn't remember when pool ordinance came in. Mr. Weit stated believes July, 1968. This was only spot could possibly put pool, 10 ft. from fence and 15 ft. from back lot line which thought was ordinance.

Mr. Heilman asked how far from rear of garage? Mr. Weit stated approximately 34 ft. Mr. Harrington stated could move closer to house and toward center. Mr. Weit stated have breezeway and walk. Mr. Harrington stated trying to think of alternative. Mr. Weit stated cannot understand what 4 1/2 ft. on that pool is going to solve. This is lot line,

320 Paul Road
Rochester, New York (14624)
August 16, 1972

#4
8/22/72

Mr. Robert Hunter, Chairman
Chili Zoning Board of Appeals
3235 Chili Avenue
Rochester, New York (14624)

Gentlemen:

We oppose the application of Edward Weit, 316 Paul Road, Rochester, New York for approval to have an above ground pool less than 15 ft. from side lot line located at 316 Paul Road, E Zone. The applicant has not fulfilled the requirement that he has a practical difficulty or undue hardship as required by New York State Town Law, Article 16, Section 267-5.

The applicant's lot width is 100 ft. which is sufficient width to comply with the Chili Swimming Pool Ordinance, Chapter 14, Section 14-4-A2 which requires a minimum pool location of 15 ft. from a side yard or rear yard line.

The applicant erected the pool in the summer of 1969 in violation of Chili Ordinance, Chapter 14, Section 14-3-A which requires a building permit before erection or assembly of a pool. Mr. William Davis, Building Inspector, was informed many times of this violation. Many other violations were observed during this period of time, namely:

Chili Ordinance

- Sect. 14-5-D-1 Rescue pole is required to be stored within 15 ft. of pool.
- Sect. 14-5-D-2 Ring buoy with 25 ft. of rope be stored within 10 ft. of pool is required.
- Sect. 14-7-H Removal of ladder when pool is unattended is required.
- Sect. 14-10 Use of a swimming pool shall be in a reasonable manner and at reasonable times so as not to cause undue discomfort and/or annoyance to adjacent residents.

The applicant has violated all of these sections. On many occasions, there have been many noisy, late in the evening swimming parties and excessive loudness on the part of other participants in the pool at other times.

Approximately June, 1972, the applicant drained part of his pool for obvious reasons and started to construct a pool deck or platform. Again, Mr. Davis informed the applicant of this violation. During this period of appeal, the applicant continued to use the pool in an unreasonable, noisy atmosphere and continued the work on the deck or platform.

Because of the above reasons, we strongly oppose the granting of approval of this application.

Betty Gartland
Betty Gartland

Joseph C. Gartland
Joseph C. Gartland

hedge along here. Mr. Davis asked how high? Mr. Weit stated 6-7 ft. Mr. Pfenninger asked if people next door have swimming pool? Mr. Weit stated yes. (Mr. Weit submitted letter to Mr. Hunter.)

Mr. Heilman asked if pool presently existing? Mr. Weit stated yes. Mr. Heilman asked when put in? Mr. Weit stated 4 years ago. Mr. Heilman asked to best knowledge had no knowledge of existing zoning for pools? Mr. Weit stated though 10 ft. from lot line, what 4 1/2 ft. will solve here doesn't know. Mr. Heilman asked have large willow tree overhangs pool now? Danger to pool if moved closer to it? Mr. Weit stated not trunk, roots, problem with pool now.

Mr. Heilman asked how about things falling into pool? Mr. Wein stated gets leaves in pool now, has to trim every fall. Mr. Heilman stated received letter that Mr. Davis notified you on many occasions, true to best recollection or just this year? Mr. Weit stated at his house last year and didn't think any action taken because thought in compliance with zoning. Mr. Heilman stated this year informed you violating zoning, first knowledge. Since that time came informally to Board and made formal application tonight to present this to Board with regard to pool. Fence on side, correct? Mr. Weit stated yes, 10 ft. to fence. Mr. Heilman asked how high? Mr. Weit stated three ft. wood rail fence. Mr. Heilman asked if plantings along fence? Mr. Weit stated on this side 6 ft. Mr. Heilman asked person next to you has hedge, of what type is it, privet? Mr. Weit stated yes.

Mr. Heilman asked in summertime, when you use pool this hedge is in full bloom? Mr. Weit stated yes. Mr. Heilman asked at least 6 ft. high? Mr. Weit stated at least. Mr. Heilman asked if use pool at night frequently? Mr. Weit stated no. Mr. Heilman asked about how many times would use after 11:00 at night? Mr. Weit stated maybe once, that would be himself only. Mr. Heilman asked if have parties, these might be in yard but not necessarily in pool? Mr. Weit stated correct. Mr. Aureli asked if have heater in pool? Mr. Weit stated no.

Mrs. Tanger asked if checked zoning laws before installing? Mr. Weit stated had understanding 10 ft. from side. At the time, really didn't feel could put closer to tree plus leech bed comes from back of house there. Mr. Heilman asked where electricity lines are? Mr. Weit stated served from front. Mr. Heilman asked if any lines in this area? Mr. Weit stated no. Mr. Heilman asked if any easements in this area? Mr. Weit stated just leech bed that he knows of. Mr. Aureil asked if tied into sewers? Mr. Weit stated yes, from front. Mr. Heilman asked when began to build deck? Mr. Weit stated this year. Mr. Heilman stated shows deck to be 8' x 11', how high? Mr. Weit stated about 3 ft. Mr. Heilman asked just above top of pool? Mr. Weit stated right. Mr. Hunter asked if deck complete now? Mr. Weit stated yes. Mr. Hunter asked if worked on it recently? Mr. Weit stated maybe two weeks ago, finished. Mr. Heilman asked how much done before Mr. Davis stopped at house? Mr. Weit stated had just started at that time. Mr. Heilman asked if he mentioned anything to Mr. Weit about deck at that time? Mr. Weit stated didn't believe so.

Mr. Aureli asked if pool sits right on ground or in 6" or so? Mr. Weit stated might be two or three inches down in some places to keep level.

Mr. Hunter asked if anyone wished to speak in favor of the application? No one appeared. Mr. Hunter stated in addition to letter of objection put on record that have petition with 11 signatures dated August 22, 1972 in favor of granting variance. (To be on file.) Mr. Hunter asked if anyone wished to speak in opposition and no one appeared.

DECISION: Granted, unanimously.

5. Application of William Paul Harris, D. D. S., 20-12 Lee Gardens Apartments, Rochester, N. Y., for approval of renewal of variance to operate dental office in apartment building located 20-12 Lee Gardens Apartments. D (MR) Zone.

August 22, 1972

To: Zoning Board Appeals Hearing
Town of Chili, Chili, New York

Re: Request for Pool Variance for Edward Weit

We, the undersigned, neighbors of both concerned parties, (Weit; Gartland), support the request for a variance because said pool in question has been installed for a period of four years, has not been a nuisance, and was so placed by honest mistake of requestee.

Furthermore, relocation of said pool would cause inconvenience, hardship, and ecological problems.

This petition has not been requested directly by either party, and is merely an expression of support to grant the variance.

David R. Kelly
Barbara M. Kelly Kelly, 308 Paul Road

William H. Sporn
Catherine J. Sporn Sporn, 300 Paul Road

Ruth Poole
Leon Poole Poole, 312 Paul Road

Carmen L. Bonanno
~~_____~~ Bonanno, 314 Paul Road

Mr. Leo A. Puchup
Mrs. Leo A. Puchup 330 Paul Road
Howard J. Lamb 338 Paul Road

August 22, 1972

Dr. Harris appeared, stated asking for continuance of variance. Mr. Hunter asked previously granted variance on this? Dr. Harris stated yes, one in 1967 and one in 1962. Mr. Hunter stated two 5 year variances. Asked if any comment would care to make as far as operation? Dr. Harris stated same offices, hours, parking, no changes. Mr. Hunter asked what are hours? Dr. Harris stated 8 - 5:00 Monday, Tuesday, Wednesday, Friday, Saturday until three, no evenings, no Thursdays. Mr. Hunter asked if any outside sign? Dr. Harris stated only one small allowable sign, 18" x 25" at the road, standard size allowed by dental society. Mr. Hunter asked parking spaces available? Dr. Harris stated in apartment parking lot. Most people in apartment out when I am there, never been problem with parking. Mr. Hunter stated this agreement is with owners of apartment for use of parking?

Mr. Hunter asked if anyone wished to speak in favor of or opposition to this application and no one appeared.

DECISION: Granted for 5 years or until Dr. Harris terminates use of property, whichever shall be first.

6. Application of Lincoln Rochester Bank, 4390 Buffalo Road, North Chili, N. Y. 14514 for approval of 2 signs, one 4'1" x 4'1" on pole at entrance on Union Street, "Drive-In Teller", non-illuminated, one 4'4" x 16'4" single faced, illuminated on front of building. B Zone.

Mr. Harvey Wilson of Federal Sign appeared. Stated reason asking for this is that bank by law has to change name. Going to be Lincoln First. When do this, 40 locations involved. Standardized on these signs. Using standard signs at these locations but trying to build any special signs for one location. Cost would get out of hand. Ask permission to put the signs up as shown on plot plan and drawings.

Mr. Palermo asked same size in North Chili as on another bank? Mr. Wilson stated different sizes in the 40 but this is one of the smaller front signs. On this 4'4" high x 16'4", existing letters not 7 3/4" high. If used smaller sign, never read letters from highway. Ratio has to be maintained with symbols and letters. That dictates size of sign have to use.

Mr. Hunter stated commented earlier in last three years not willing to grant size larger than 36 sq. ft. Did he consult with towns to see if would be problem? Mr. Wilson stated to be honest, first communities run into where have specific sizes of square footage. Meet ordinances as required but if decreased size of sign could not read it. Mr. Hunter asked if talked with any of these people before designing? Mr. Wilson stated no, didn't design symbol and letters, designed and turned over to us.

Mr. Hunter stated mentioned two or three sizes of that sign. Smallest and biggest? Mr. Wilson stated this is smallest of this type. If made smaller in length size would decrease here and of no use to us. Mr. Hunter stated curious what size choice offering. Mr. Wilson stated another one 40 ft. long, this is smallest. Mr. Davis asked how big is present sign? Mr. Wilson stated letters cover that span. Mr. Davis stated bigger than this. Mr. Wilson stated thinks so.

Mr. Hunter stated does have large setback. Mr. Wilson stated would like to work with larger one, wouldn't have to repair front of building. Going to put this over where take old letters off. Replacing what is there.

Mr. Hunter asked how will it be illuminated? Mr. Wilson stated internally. Mr. Hunter asked if on translucent background? Mr. Wilson stated white plastic with flat letters. Mr. Hunter asked illumination level of sign? Mr. Wilson stated not bright light, cannot tell candlepower, not white, off-white and will cut down on glare. Not flashing or gaudy. Would only burn probably sometimes an hour after they close. Mr. Hunter asked total wattage being used? Mr. Wilson stated didn't know. Mr. Heilman asked just on Friday night, to be on until maybe 9:00? Mr. Wilson stated would assume according to local banking hours. Did not ask for timer so imagines would be turned off manually when bank closed. Mr. Heilman stated during day sign would not be on. Mr. Wilson stated thinks dusk until closing. Mr. Hunter stated normally close before dusk, what are their Friday night hours? Mr. Davis stated until 8:00 P.M. Mr. Heilman stated a couple of houses across the way on Union. Mr. Hunter stated only on Union St. where there would be any problem at all.

Mr. Wilson stated other stores open more than bank. Mr. Heilman stated bank closest to street. Mr. Wilson stated will face center of shopping center, wouldn't be that close to anyone's house. Mr. Hunter stated wishes when get applications would be some specification that tells illumination can expect, need something to define. Mr. Wilson stated with fluorescent tubes cannot get too bright. Mr. Hunter stated need this to know what allowing.

Mr. Wilson stated have sign for exit only, didn't want traffic going wrong way. Mr. Hunter stated presently have sign, proposing to put another one in its place? Mr. Wilson stated all existing signs will come down, not illuminated, metal faced sign. Mr. Harrington asked if supposed to be picture of other side? Mr. Hunter stated have only one other sign in front of Board, Drive-In Teller. Mr. Palermo stated exit sign also. Mr. Hunter asked exit only up here? Mr. Wilson stated never had to apply for directional signs in past experience. Mr. Hunter stated under our ordinances you are, sorry. Mr. Wilson stated only applied for the two with advertising on.

Mr. Wilson stated this section has symbol on it, Mr. Hunter stated shows 5 signs, have seen three. Mr. Wilson stated exit only sign, non-illuminated, porcelain. Mr. Hunter asked letters would be made of what? Mr. Wilson stated porcelain also, stamped and porcelainized.

Mr. Hunter stated should amend application to five signs, total. 1) 4'4" x 16'4", 2) exit only 1'1" x 1'5", non illuminated double faced, 3) Drive-in Teller 1'5" x 3'1", non illuminated = double faced, 4) 4'1" x 4'1" double faced, non-illuminated Drive-in Teller., 5) same as three.

Mr. Wilson stated only one illuminated on front of building. Mr. Palermo asked if all signs existing are coming down? Mr. Wilson stated yes. Mr. Hunter stated heights of signs 2) 6'5" to top, 3) and 5) 6'5" to top, 4) 12'1" to top. Asked if construction on all signs except one is the same? Mr. Wilson stated pole sign double faced, not two flat panels enclosed, retainer to give depth and finished look.

Mr. Hunter asked what colors used? Mr. Wilson stated black rust and ivory, lower part in reverse of top. Usually required by ordinances to put direction signs up. Mr. Hunter stated thinks way our ordinance written would require approval of all of these signs.

Mr. Hunter asked if anyone wished to speak in favor of or opposition to this application and no one appeared.

DECISION: Approved unanimously for requested signs plus one exit only sign 3'1" x 1'5" and two directional signs 1'5" x 3'. Three years.

7. Application of Joseph Schuler, 1300 Scottsville Road, Rochester, N. Y. for approval of erecting gasoline pumps at existing car wash - 2 islands, 4 pumps, located at 1280 Scottsville Road. A Zone.

Mr. Hunter asked if correct tax account number and address? Mr. Entress believes correct address 121- Scottsville Road and, tax Account No. 1172-000, amend application if agree to show those numbers. Mr. Schuler agreed.

Mr. Bertrand Russell appeared representing Mr. Schuler. Stated map done by engineering firm that will do the work. Mr. Schuler stated wants to put 4 pumps and two islands in front of car wash. Mr. Russell indicated location of tanks.

Mr. Hunter asked if this is property line? Mr. Schuler stated yes. Mr. Hunter stated this is island here, what would distance be from property line? Mr. Russell stated 15 ft. Mr. Hunter stated that is property line, not street. Mr. Russell stated right. Mr. Hunter stated next island 20 ft. from that, 20 ft. between islands, what is total distance to car wash? Mr. Russell stated 101 ft. to building. Mr. Hunter asked if entrances are now as show them? Mr. Russell stated yes. Mr. Hunter stated 21 ft. entrance on SW and 21 ft. on other side. Theater property line here, apparently this is unused area. Mr. Schuler stated 41 ft. from building to property line.

Mr. Pfenniger asked if owns gas station on triangle? Mr. Schuler stated closed as gas station, has other plans for property.

Mrs. Tanger asked what is this presently? Mr. Schuler stated car wash, remodeling this. Mrs. Tanger stated nothing in there now. Mr. Schuler stated putting in new equipment. Mr. Davis stated same one granted variance to have fruit stand in one end.

Zoning Board of Appeals

August 22, 1972

Mr. Hunter stated has been sent to MCPC, have not received reply. Cannot make decision until receive comments from them.

Mr. Russell stated present time grass area and this superimposed on the plot plan. Mr. Hunter asked about paving area under proposal? Mr. Russell stated requirement to have concrete pads through here, all blacktopped other than where pads are.

Mr. Heilman stated doesn't show any indication for signs there. Mr. Russell stated not at present time. Mr. Heilman asked if plans to have sign? Mr. Russell stated up to people who furnish pumps.

Mr. Hunter asked if anything in way of a building? Mr. Russell stated sometimes in order to keep attendant, put small glass enclosed building on one end. Islands 19 ft. long by 5 ft. wide.

Mrs. Tanger asked if strictly pumps, not service station? Mr. Russell stated no repair work, oil change, just gasoline. Mrs. Tanger stated no building in connection.

Mr. Aureli asked if self-service? Mr. Russell stated full time attendant. Mr. Hunter asked if sell oil? Mr. Russell stated this is done in some locations, more of nuisance than anything else. This is what islands will look like. 19 ft. by 5 ft., flat lights, two pumps and oil unit on one island and probably other will have small kiosk where cash register is located.

Mr. Heilman asked if open 24 hours? Mr. Russell stated no sir. Normal operation 8 am to 6 pm or 8 am to 9 pm. Depending on demand by public.

Mr. Hunter asked if only lighting proposing over the two islands? Mr. Russell stated there is perimeter lighting around building at this time. Mr. Hunter asked if additional lighting, only over the island? Mr. Russell stated hardware being put in by Mobil Oil Company and have no proposal for lighting at the present time. Mrs. Tanger asked if Mr. Russell represents oil company? Mr. Russell stated working for Mr. Schuler. Mr. Aureli asked if car wash open 24 hours? Mr. Russell stated same hours as presently.

Mrs. Tanger asked if redoing car wash and putting new equipment in it? Mr. Schuler stated automatic equipment. Mr. Davis stated station and car wash work together. Mr. Schuler stated pro rate charge for car wash. Mr. Russell stated really haven't set up definite concept of how.

Mr. Aureli asked if self-service car wash? Mr. Russell stated at least two attendants at all times. Mrs. Tanger asked approximate distance between McIntee's station and Schulers? Mr. Schuler stated 5-600 ft. Mrs. Tanger asked existing one or new one? Mr. Schuler stated new. Mrs. Tanger stated existing better than 700 ft. Mr. Palermo stated this is toward city.

Mr. Hunter stated understood shows signs, not part of application. Mr. Russell stated these are cardboard signs, oil company furnishes for specials, we will have none of that. Mr. Heilman stated no question in mind as far as towns policy on signs, limit to 36 sq. ft. area. Mr. Russell stated whatever additional lighting if any or signs would have to be provided by oil company. Mr. Heilman stated as long as would be aware that future applications for signs would be limited to that if granted at all. Mr. Russell stated sure they understand that, took picture primarily to show length of island and space in between.

Mr. Hunter asked since no service as such planned, correct in assuming no overnight storage of vehicles? Mr. Russell stated should be none, neither inside or out. Mr. Hunter stated refuse, trash, oil cans, etc., how take care of these? Mr. Schuler stated small dumpster that they pick up once a week. Mrs. Tanger asked where it would be? Mr. Schuler stated in back of car wash. Mr. Hunter stated not visible from street.

Mr. Russell stated sure what proposing will look better than present building and cattails in front now. Mr. Harrington asked how many bays will car wash have? Mr. Russell stated single bay, drive in one end and out the other. Mr. Schuler stated one bay will be taken off to allow more turning space. Mrs. Tanger asked if similar to the one on Chili Avenue? Mr. Russell stated thinks will be better, equipment better. Mr. Schuler stated building will be all glass in front, where overhead doors were. Mr. Heilman asked in process of being remodelled now? Mr. Schuler stated yes. Mr. Heilman asked when anticipate will be finished? Mr. Russell stated doesn't know.

Mr. Lighthouse asked if bays long enough to accomodate automatic equipment? Mr. Russell stated yes, should be done within 3 or 4 weeks time. Mr. Heilman asked if have office connected with that? Mr. Russell stated no additional buildings. Mr. Lighthouse stated doesn't know how people know car wash without sign. Mr. Russell stated will ask for signs at correct time.

Mr. Hunter asked reasoning for location of pumps, impression too close to road? Mr. Russell stated laid out by engineering department of Mobil. Going to ask that we set back a few feet. This would be determined by local code. Mr. Hunter stated doesn't think spelled out that way, concern would be from safety point of view. Mr. Heilman stated probably be questioned by MCPC. Mr. Hunter stated they may have specific questions, or suggestions.

Mr. Aureli asked if all blacktopped? Mr. Russell stated this all blacktopped now, except areas grass, will be all blacktopped. Mr. Palermo asked how many people working there? Mr. Russell stated normal periods, two people in car wash. Highly automated. Mrs. Tanger asked if new concept for Mobil? Mr. Lighthouse stated have one on Henrietta Road. Problem, have to wait until fellow comes out to gas pump, expect one guy to take care of car wash and pumps. Mr. Russell stated normally have girls pumping gas and two men in car wash unless lunch period or something. At my locations two people handle it. Mr. Hunter asked with this many pumps? Mr. Russell stated more pumps. Represent myself and helping Mr. Schuler lay out. In car wash business for 26 years.

Mr. Hunter asked if anyone wished to speak in favor or opposition to this application and no one appeared.

DECISION: Reserved.

8. Application of George T. Coon, 17 Fenton Road, Rochester, N. Y., 14624 for approval to erect 2-faced sign advertising real estate office, on poles, in front of residence at 17 Fenton Road. D Zone.

Mr. Coon appeared, stated only thing wants to show, has sign made up 10" x 20". Left address off because want primarily as exposure to public. Doesn't own office, accounts for 25% of income. Not full-time, needs exposure to keep license active. Doesn't have office at present.

Mr. Palermo asked 10 x 20 inches or feet? Mr. Coon stated inches, letters would be professionally painted. Mr. Heilman asked what would sign be made of? Mr. Coon stated wood, painted white with black letters. Mr. Heilman asked how high? Mr. Coon stated lot does go down from road, doesn't know really from crown of road, might be 3-4 feet from the ground level.

Mr. Hunter asked what size? Mr. Coon stated 10" x 20", could be smaller. Mr. Heilman stated book says signs over 2 square feet must apply. Mr. Hunter stated really doesn't need us... Mr. Heilman stated questions had were how high and where it will be from road. Mr. Coon stated will make sure of setback regulations before putting it up. Mr. Heilman stated usually have 15 ft. easement, 30 ft. from center of road? Mr. Hunter stated doesn't know what Fenton Road is... Mr. Lighthouse stated thinks 40 1/2 feet. Mr. Davis stated for three rod road but if town road could be anything.

Mr. Heilman stated other thing on height of sign, doesn't see any problem on that. Mr. Coon stated less than 5 ft., sure. Mr. Hunter stated thinks way code written home free. Decided this applicants sign is smaller than that which is required to come before the Board.

DECISION: Withdrawn.

9. Application of Page Airways Inc., 1265 Scottsville Road, Rochester, New York, for approval to erect an addition 30' x 64' to the south side of the present hangar at 1265 Scottsville Road. A. Zone.

Mr. Frank Dublin, Page Airways, Mr. Jeremiah Kennedy, Attorney and Mr. Mike Fortier, Engineer from Wilmore Inc., appeared. Mr. Kennedy stated certain elements peculiar to situation if familiar with Page. Page, while corporate headquarters in Rochester, rapidly expanding in private passenger aviation field, Washington, Florida, Texas, Michigan, Albany, Pittsburg, only distributor for Gulf Stream 2, ultimate in executive aviation aircraft in world. Selling aircraft all over. All done out of this headquarters. Peculiar because looks as though quite a bit of property but in 1955 through exchange of lands, city of Rochester wanted to build fire academy on river so could have access to pumping facilities and water. Land owned by Page and land owned by airport later exchanged and land which is now fire academy went into city and these lands into Chili. If look at plot, lines land actually owned by Page Airways. Rest of land owned by county and leased from the county by Page Airways. Trying to keep building on own land, done little building on county land. Only development on county land, as you look north, lunch area, part of terminal, actually general aviation terminal for airport, did build end on airport property. Contention of the city it is in city because airport formerly city property and pay taxes to the city rather than Chili. In connection with operation of executive aircraft used to furnish crews to operate Gannett, Xerox, etc., planes. When Xerox moved headquarters to Westchester, set up own flight department. Recently Gannett entered into contract to buy G 2 and down in facilities in San Antonio being outfitted. There quarter Million dollars of avionic equipment and chairs and seats go into plane. Naturally maintenance required quite a bit of help. Kodak has G 2, Xerox has G 2, most industries in NE have one. Would like to build up operational fixed base with capacity to service them rather than have to ship them to facilities in Florida or San Antonio. Believes in future will be more demand for hangar facilities and as develop hangar facilities logically reach leased land so that hangar can be extended. Put one addition on and next will be on leased land. Gannett invisions will have to increase from 3 people to about 7 people and means have to have office space for mechanics and equipment in addition have to expand our land capacity because most planes come equipped with one or two inertial guidance systems. This is type of equipment proposed to build up radio capacity here.

Mr. Kennedy continued, want to build it here. Would like to build office addition on the front of existing building in this area here. This is hangar and want to build in here. Will tie in with present building. In town of Chili on land we own. Only logical place can do any development, has to keep area on west of building free for people coming and going from general aviation terminal. Wants to keep this side open to extend hangar facilities to east. Cannot build in here, getting into taxi-ways and entrance to hangar and interfering with arrivals at terminal. Anyone with private aircraft probably told to come to Page by tower. Parking on leased ground, have people coming and leaving cars, departing by air. If look at lay out of proposed addition, Gannett would occupy tenant space and radio facilities, office, hangar and conference room could be used, have to expand present facilities, anybody that comes into terminal free to use it. In addition have loading and unloading carried on through parts department presently located off hangar in ease of building. Does require truck transports because jet engines have to be exchanged because have to be replaced every so many hundred hours. Have to be able to move equipment in and out of parts department. Does have letter, been to airport people and have letter signed by Mr. Fitch in which indicated has reviewed plans and would not interfere with radar or in any way with lighting of airport. Would not create hazard to activities of airport.

Mr. Heilman asked if three cuts in presently to Scottsville Road? Mr. Fortier stated yes, existing. Mr. Hunter stated reference to conflict with easements or sewers, resolved? Mr. Fortier stated checked out and gone down and checked with filed easements. There is easement on county property (indicated on map), nothing on Page property. Investigated utilities, also airport electrical line was discontinued across here. Sanitary line does stop somewhere in this area, Page ties into that, water line in right of way, not easement.

Mr. Hunter asked sewer line interrupted? Mr. Fortier stated starts here and runs other way. Mr. Kennedy stated where rental plane building used to be, may have had to do with lighting for that, also short runway in there for light planes. Mr. Fortier stated poles still there, wired independently now.

Mr. Hunter questioned dimensions, shows setback of 16'± from right of way? Mr. Fortier stated 50 ft. from center of road. Mr. Hunter stated property line, setback of 16 ft. with proposed addition. Width or length appears to be 68 ft. Should be 68? Mr. Fortier stated was 60, increased, in error. Mr. Hunter stated width 30 ft. Mr. Fortier stated correct, 30 ft. off face of hangar.

Mr. Hunter asked if concrete block? Mr. Fortier stated brick faced, brick and block wall with 12" wall. Mr. Hunter asked if entrances entirely from within? Mr. Fortier stated probably one entrance out of tenants bay, Gannett's, not sure of that. Mr. Hunter asked strictly personnel entrance? Mr. Fortier stated just Gannett people. Mr. Hunter asked walk to parking spaces? Mr. Fortier stated this is parking now, just cut back parking, would be little walk there, existing parking spaces. Mr. Hunter asked presently setback approximately 46 ft.? Mr. Fortier stated correct.

Mr. Kennedy stated at occupancy not sure if going to have one DH or two fellows qualified on DH, two on Grumann, three mechanics and 4 pilots and possibly a girl, lots of scheduling. Mr. Harrington asked if only operating one plane now? Mr. Kennedy stated has DH 125, capabilities probably 7-8 people. Grumann Gulf Stream actually same as BOC 11, capability 45,000 ft. Intercontinental. 4,800 miles. One getting was sold to fellow in Germany, died and unable to swing deal. Available in San Antonio, really why trying to expedite this. Pilots have been to school, plane should be finished on October 1st. Want to be operational around first part of October. Ship will be in here someplace. Days of twin engine planes going out and people getting jets, talking about 4-5 million dollar aircraft. Quite a bit of backup has to go with this in way of pilots and mechanics. In parts, factory recommends spare parts, might need inventory of \$80,000. Quite sophisticated operation. Avionic part highly sophisticated too. Have to have trained people. Know reason why, one 2/3 of all G 2's last year, Page installed 2/3 of equipment. When started three years ago, 3 distributors. Today Page only one in world. Could be beginning of bigger operation, more employment. Would like to keep on own land, willing to continue to pay taxes to Town of Chili.

Mr. Hunter stated has been referred to MCPC, they will us decision up to us. Do point out "The three curb-cuts indicated on the plan seem excessive, particularly in light of the heavy amount of traffic on Scottsville Road. Therefore we strongly urge eliminating all but one curb-cut with internal circulation to be made via a service road." Mr. Hunter asked if talked to MCPC at all? Mr. Kennedy stated may have to go back, curb cuts exist now. Mr. Dublin stated do service Greyhound buses that come in and have Army personnel on Army aircraft. Mr. Hunter stated questioning number, would seem. Mr. Fortier stated might be difficult to cut down to one.

Mr. Kennedy stated airport security big thing, that is why Gannett wants to be as close to their plane as they can be. All fenced off, gates locked. Certain amount of servicing has to come in through this area. Could probably get along without curb cut in center. Mr. Heilman stated talk to MCPC. Mr. Dublin stated isn't that up to New York State Dept. of Transportation? Mr. Fortier stated not asking for it, already there.

Mr. Hunter stated changed character by proposal. Mr. Heilman stated did think middle one might become problem. Mr. Fortier stated doesn't think that would be objectionable on Page's part. Mr. Hunter stated have to check with New York State Dept. of Transportation. Mr. Fortier stated already talked to they are aware, didn't ask them for anything because didn't need it, they are aware of the situation. Mr. Hunter stated form says must be approved by NYSDOT, say exists? Mr. Fortier stated wonders if they think asking for curb cuts. Mr. Heilman stated Glenn Cook the one working on it. Mr. Fortier stated could meet with him and go through it.

Mr. Heilman asked if going to take away many parking spaces? Mr. Kennedy stated going to make executives walk a little more, parking reserved. Mr. Heilman asked where can they park? Mr. Kennedy indicated on map.

Mr. Heilman stated variance asking for, supposed to be 100 ft., from front, also need area variance? Take up more than 30 per cent of ground? Mr. Kennedy stated supposes they do. In terms of space, cannot tell how much land leased from county, three different leases, go east to fence where Koliak picks up and leased property. Down other way to fence, then north for taxiways and improvements, believes 8 or 9 acres of leased ground from county. Mr. Fortier asked would room be based on owned property or combination?

Zoning Board of Appeals

August 22, 1972

Mr. Hunter stated separate tax account, thinks have to look at it alone. Mr. Kennedy stated does have other land under control, believes 20 year lease, about 5 years old. Mr. Hunter stated thinks would have to look at it as this piece of property. Mr. Heilman quoted size requirements from zoning ordinances.

Mr. Fortier stated existing structure exceeds that. Mr. Kennedy stated lease, although 20 years, will probably renegotiate at higher price. Mr. Fortier stated part of building on leased land. Mr. Heilman asked what is right across the street? Mr. Fortier stated golf course. Mr. Heilman asked if going to maintain 24 hours a day? Mr. Dublin stated personnel there 24 hours, addition basically 9-5 operation. Mr. Fortier stated Gannett would have access during the night but office function. Mr. Hunter asked no reason for sign in connection with this building? Mr. Fortier stated no. Mr. Hunter asked if anyone wished to speak in favor or opposition on this application and no one appeared.

DECISION: Approved subject to removing center road cut as suggested by MCPC and receiving approval by NYS DOT.

Mr. Ford, Chestnut Ridge Road, appeared informally to discuss possibility of putting circular driveway and eventually fruit stand on property on Chili Avenue between Lexington Parkway and Daunton Drive.

Mr. Lodan appeared representing Church of Jesus Christ of Latter-Day Saints Reorganized. Discussed possibility of purchasing property at Paul Road and 490 expressway for use of church and temporarily using existing residence as sanctuary.

KATHLEEN LUEDKE
SECRETARY

ZONING BOARD OF APPEALS
Special Meeting - September 12, 1972

A Special Meeting of the Zoning Board of Appeals was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on September 12, 1972 at 7:00 P.M. The meeting was called to order by the Chairman Mr. Hunter.

Present: Mr. Robert Hunter, Chairman
Mr. Charles Pfenninger
Mrs. Gertrude Tanger
Mr. John Lighthouse
Mr. John Palermo
Mr. Richard Harrington
Mr. Richard Aureli

Also Present: Mr. Alfred J. Heilman, Deputy Town Attorney
Mr. William Davis, Superintendent of Buildings

Mr. Heilman stated that the notice of this hearing had been published in a newspaper of town-wide circulation and an affidavit is on file in the Town Clerk's office.

Application of Lancaster Homes, Inc., 2269 Lyell Avenue, Rochester, N. Y.
for approval of rehearing of new facts with regards to zoning variance on
Lot 82, located at 28 Baylor Circle. D Zone.

Mr. Joseph S. Guadagnino appeared representing Lancaster Homes. Stated application submitted on new facts which feels will meet with approval in granting variance asked for in permit. Officially have acquired from Mrs. Green, adjoining land owner, option to purchase approximately 9 ft. for proposed easement. Set option with understanding that if variance granted will purchase easement and if not, option will cease. Have for examination survey made by our engineer, glad to pass among members or Board so can see approximately what intentions are with regard to easement. By purchasing easement then would be able to comply with your zoning laws. (passed out maps of property.)

Mr. Guadagnino stated would like to interject that do have large drawing which would help you to visualize where property located and exactly where easement will be granted by conveyance on this big map drawing by our engineer. If look at 82 and 83, compare large sketch together with small one, can easily visualize what have in mind. Feels can comply with zoning law provided Board sees it our way. Feels can handle without too much difficulty.

Mr. Davis asked not buying 9 ft. stip? Mr. Guadagnino stated purchasing only easement, not buying land. Fee title to easement will remain in owner of property of lot 83.

Mr. Davis asked just buying easement? Mr. Guadagnino stated correct, easement runs with the land, forever with the land. For example, public utilities easements, telephone, gas and electric permanent, runs with the land. Although fee owner of land granted right to utility to use this particular land for whatever purpose deemed purchased for. Very common in many instances like this, in city problems where common driveway where two houses or properties use driveway, common easement drawn for both parties concerned. Easement under eaves encroaching on adjoining property owners land and easement drawn up for that particular purpose. Used in many, many ways and feel that as stated in application that this could work out very easily here.

Mr. Harrington asked if property owner of 83 realizes that if sells home at future date would have to sell with easement? Mr. Guadagnino stated easement would be recorded. Has cleared with Mrs. Green's attorney and believes contacted Mrs. Green. Have FHA and Columbia Savings Bank approval, telephone calls in, will have correspondence in hands this week. Mr. Barone of FHA in Buffalo assured approval has been granted, paperwork not in from Buffalo to Rochester. Made telephone call and assured have easement approval, committee has taken under consideration and approved with no difficulty realizing have had problem of course many times in past. Has letter from attorney on behalf of Mrs. Green who has granted option to purchase this easement. Definitely will make available for your counsel letter from Columbia Bank and FHA, forthcoming.

Mr. Heilman asked if easement for 46 ft.? Mr. Guadagnino stated yes. Mr. Heilman stated Mrs. Green property owner from whom easement proposed to purchase. Condition of easement is that Mrs. Green understands they will not build on this property, cannot put fence or any other structure. Mr. Guadagnino stated Mrs. Green talked to, understands by putting fence across cuts off easement right. Mrs. Green (in audience) stated yes, understood.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

DATE.....**SEP 6 1972**.....

THIS IS TO CERTIFY THAT THE ATTACHED LEGAL NOTICE(S) WERE PUBLISHED
IN THE.....

GATES-CHILI NEWS

Issue Dated.....**SEP 6 1972**.....

Norah Conway
.....
Notary:
NORAH CONWAY
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 19**74**

Samuel J. Smith
.....
SAMUEL J. SMITH
Publisher

er 6, 1972

LEGAL NOTICE

ZONING BOARD OF APPEALS

A Special Public Hearing of the Zoning Board of Appeals of the Town of Chili will be held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on September 12, 1972 at 7:00 P.M. for the purpose of hearing the following application:

Application of Lancaster Homes, Inc., 2269 Lyell Avenue, Rochester, N.Y., for approval of rehearing of new facts with regards to zoning variance on Lot 82, located at 28 Baylor Circle, D Zone.

All interested parties are requested to be present. By order of the Chairman of the Zoning Board of Appeals of the Town of Chili.

LURAINA E. ROBBINS
Town Clerk
Chili, New York

Zoning Board of Appeals - Special Meeting

September 12, 1972

Mr. Guadagnino stated reason for permanent easement so that adjoining property owner can put ladder up and pait, certainly won't be able to put Building on easement. Mr. Hunter stated wouldn't be able to put fence on there either. Purpose of easement to make that side of home accessible for any repairs necessary. Mr. Guadagnino stated correct and so that can comply with zoning law and satisfy requirements.

Mr. Davis asked what is stopping them from putting fence down line here? Mr. Guadagnino stated believes could not be done in zoning laws, believes has to be so many feet away from property line. Mr. Davis stated that would be property line. Mr. Guadagnino stated except easement will be property line in compliance with zoning law. If put fence there killing purpose. Would not be suitable for his purposes.

Mr. Hunter stated home next door, if were to build garage, would need variance. Doesn't see problem in terms of property line, that allows it. No problem with distances between buildings, understands 33 ft. between two homes. There is garage on home in question already.

Mr. Guadagnino stated of the opinion that Mrs. Green might consider putting small car breezeway, nowhere near, small breezeway would solve problem. That is what interested in doing. Mr. Heilman stated even if two car garage still have 10 ft. between garage and his house with easement. Mr. Guadagnino stated plenty of room.

Mr. Hunter stated worst would have 11 ft., 10 between their building and line and 1.1 on other. Mr. Heilman stated our zoning would not permit to build anything bigger than 22 ft., would have to get variance to go further. Mr. Hunter stated in past have tried to maintain distance between buildings of 15-16 ft., would be possible to build within 11 ft., smaller distance than we would like to see.

Mr. Guadagnino stated Mr. Titus says 35 or 34 feet between buildings. Mr. Titus stated 32+ inches from property line to Mrs. Green's house, approximately 34 ft. between two buildings as it is right now. If build 20 ft. two car garage would leave 14 ft. Thinks probably 15 ft.

Mr. Hunter stated that would be only concern, true could build within 10 ft. of line and if include there would be only 11 ft. and few inches, a little less than we would prefer to see. Interested in Mrs. Green's comment.

Mrs. Green stated does plan to build two car garage, 22 ft. Mr. Hunter stated that would be 11 ft. then. Would be within 11 ft. of property line. Mr. Davis stated 14 ft. Mr. Heilman stated 12 ft. Mr. Hunter stated 12 ft. awfully tight, normal if case before us like this would not allow anything less than 15 or 16. Citing previous decisions of Board, access for fire equipment, etc., taken into account. Need to get out into the open so understand. Other questions?

Mr. Guadagnino asked Mrs. Green if builds 22 ft., might consider 20 ft. standard two car garage, would you consider 20 ft. or 22 ft? Mrs. Green stated would prefer 22 ft. for storage.

Mr. Hunter stated Board has to decide on that basis but end result of that would be 12 ft. between buildings. Board has to consider that in decision. Mr. Heilman stated only question, doesn't know if Mr. Guadagnino made clear, map easement going to be if granted, available to both parties. Talk about fence up on something, they could, but other person has right to tear down. If put up fence and town wants to extend road they can come in and take down. Has talked to Mr. Guadagnino since there is presently a motion pending with regard to Board's original decision and in pleadings that were served on various member of the Board petitioner does allege will cost in excess of \$8,000, doesn't know if wants to go into estimate. Mr. Hunter asked if move home? Mr. Heilman stated right.

Mr. Guadagnino stated didn't allege these things. Motion pending, jointly adjourned for this hearing. Didn't go into facts assume available to Board. Two important points here, this type of problem unfortunate, engineer made error and of course wasn't discovered until CO was applied for and to move building would be extremely expensive situation, over \$8,000 in approximation and of course type construction worries our vice president and head of construction, exactly what condition would house be in after moving. Feel in view of fact that neighborhood as you can see from enlarged maps basically not changed, not changing neighborhood in any manner or form, keeping in scheme of neighborhood. Have to admit, human error, all make mistakes, sure you all do. Done by engineer, have to live with it.

Mr. Hunter asked if anyone wished to speak in favor of the application. Mr. Jim Stockes, potential property owner for lot 82 appeared. Stated would like to bring out some aspects. Obviously is hurting Ryan Homes, going to cost them money. Wife and I directly affected. Has list of inconveniences, some small - some bigger. Has paid for 2 phones because originally expected to move in end of May and had phone installed, paid 2 phone bills until end of July. Second, first time supposed to move before knew house offset, had truck rented to move furniture and needless to say lost deposit on truck. Had 4 extra months rent which feels would have been considerable sum toward mortgage in terms of say \$600, sure wouldn't all go toward principal but over period of 30 years have certain amount of money to pay off and interest part of that, \$600 fair amount. Going to move in end of May. Been packed since half-way through May, lived out of suitcase over 4 months. Had to reapply for mortgage twice, had to store furniture, kicked out of apartment August 1st. Furniture in storage. Have no place to live, living with in-laws, inconvenient for them, needless to say inconvenient for me and wife. As you can tell wife pregnant, due in 4-6 weeks, no home. Would like home that can bring baby home to. First, family, tough if no place to live. Have registered to vote, believes if move cannot change address after 15th of month from what they tell me when registered. Plan to go to school, been for one year school before that, applying for degree. Registration next week, school starts following week. Feels that would be inconvenient for self to have to go to school 4 nights and try to study in house with two families in it. Fact that hospital ready for us to register now, no address, cannot register without address. Last thing, veteran, served 4 years for our country, don't think awfully much to ask if country will let have place to live. Big inconvenience all the way around.

Mr. Hunter stated sure it has been. Mr. Stockes stated quite hard on us, they are main inconveniences, quite a list.

Mrs. Stockes appeared, stated would like to say that when put heart and soul into first house and really have found perfect house, built and ready to move and somebody says cannot, extremely upsetting when you don't know where you will bring baby home to, hasn't got much time, house to settle and things to get for new baby and not experienced at settling a new house and all will have to be done by end of October. Certainly would appreciate if things could be settled.

Mr. Hunter asked if anyone wished to speak in opposition to the application and no one appeared. Stated had one comment to them speaking for Board, sorry have had to go through this, wouldn't know what like, not in their shoes. Think should realize that what has happened done to protect them and future owners. Could have approved application in June and let go through and you end up with problem at future date. Reason passed. Appreciate what saying and sympathetic, reason not for us but for you.

DECISION: Approved subject to completing the option to purchase an easement 46' x 9' from Zenobia Green and forwarding letters covering agreements as stated. Granted under unique circumstances and not intended to set precedent in regard to disposition of future cases.

KATHLEEN LUEDKE
Secretary

ZONING BOARD OF APPEALS
September 26, 1972

A Public Hearing was held by the Zoning Board of Appeals in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on September 26, 1972. The Hearing was called to order by the Chairman, Mr. Hunter.

Roll Call: Mr. Robert Hunter, Chairman
Mr. Charles Pfenninger
Mrs. Gertrude Tanger
Mr. John H. Lighthouse
Mr. John R. Palermo
Mr. Richard Harrington
Mr. Richard Aurell

Also Present: Mr. Alfred Heilman, Deputy Town Attorney
Mr. William Davis, Superintendent of Buildings

Mr. Heilman stated the eleven applications that are appearing before the Board tonight have been published in a paper of general circulation in the Town and legal requirements have been carried out and affidavits are on file in the Town Clerk's office.

1. Application of Fred Kuhs and Pat DeCroce, 3313 Chili Avenue, Rochester, N. Y. for approval of painted sign, 4' x 8' advertising land for building-lease at 3313 Chili Avenue. B Zone.

Mr. DeCroce appeared, presented information sheet to Mr. Hunter. Zoned B Commercial, 8 acres on Chili and Chili-Scottsville, Naums, fabric shop, cleaners, dance studio, gas station, 2 houses, lumber company. Mr. Hunter stated sign has been there, in effect asking for renewal. Asking for what in terms of time? Maximum of one year. Mr. DeCroce stated one year. Mr. Hunter stated would like another year, any questions from Board? Mr. Palermo asked if same sign as has up there? Mr. Hunter stated wooden, painted sign, unlighted. Mr. DeCroce stated yes, 100 feet back.

Mr. Hunter asked if anyone wished to speak infavor or oppostion to this application and no one appeared.

DECISION: Granted unanimously for one year period.

2. Application of American Oil Company, P. O. Box 4340, Rochester, N Y. 14611 for approval of two 28" x 44" curb signs with stands and one 3' x 8' pole sign on property located at 4371 Buffalo Road, North Chili. B Zone.

Mr. David Adam appeared representing American Oil, marketing representative for western side of city. Stated this is 3 x 8 pole sign and these are the 28 x 44 free-standing signs. Mr. Hunter asked if double-faced sign? Mr. Adam stated yes it is, flip panel which reveals service like clean windshiefl, check motor oil. These can be flipped either as price advertisement or service advertisement. Mr. Hunter stated this is 3 x 8 pole sign, lighted? Mr. Adam stated no. Mr. Hunter asked approximate value in place? Mr. Adam stated approximately \$60.

Mr. Hunter stated other 2 signs 28 x 44 curb signs. Mr. Adam stated correct, will not be used as price type sign as this shows, strictly for advertisement. Lead free Amoco is insert, clean windshield, check motor oil. MR. Hunter asked if temporary, movable? Mr. Adam stated permanently on island, could be moved inside if needed. Mr. Hunter asked on the island? Mrs. Tanger asked not on curb? Mr. Adam stated not on curb. Mr. Hunter asked if width perpendicular to the length of the island? Mr. Adam stated correct, two way sign, Mr. Hunter asked if two islands? Mr. Adam stated yes. Mr. Hunter asked one on each, fastened down? Mr. Adams stated heavy mounts, approximately 50 lbs., steel construction. Mr. Hunter asked unlighted? Mr. Adams stated yes.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

SEP 20 1972
DATE.....

THIS IS TO CERTIFY THAT THE ATTACHED LEGAL NOTICE(S) WERE PUBLISHED
IN THE.....

GATES-CHILI NEWS

Issue Dated..... SEP 20 1972

Norah Conway
.....
Notary:

NORAH CONWAY
NOTARY PUBLIC State of N. Y. Monroe Co.
My Commission Expires March 30, 1974

Carmel Keelity
.....
SAMUEL J. SMITH
Publisher

LEGAL NOTICE

Zoning Board of Appeals

A meeting of the Zoning Board of Appeals of the Town of Chili will be held on September 26, 1972 at 8:00 p.m. in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624, to consider the following applications:

1. Application of Fred Kuhs and Pat De Croce, 3313 Chili Avenue, Rochester, N. Y. 14624, for approval of painted sign, 4' x 8' advertising land for building-lease at 3313 Chili Avenue. B Zone.
2. Application of American Oil Company, P. O. Box 4340, Rochester, N. Y. 14611, for approval of two 28" x 44" curb signs with stands and one 3' X 8' pole sign on property located at 4371 Buffalo Road, North Chili. B Zone.
3. Application of Lakeside Builders, 1726 Long Pond Road, Rochester, N. Y. 14606, for approval to erect 2 story frame house 7.5 feet to the south side lot line, located lot # 13 Paul Road Estates, House No. 9 Stal-Mar Cycle. E Zone.
4. Application of John Fantigrassi, 170 Brook Road, Rochester, N. Y. 14623, for approval of a renewal to operate roofing and sheet metal business located at 170 Brook Road. EE Zone.
5. Application of William F. Bunkhartzmeyer and Charles F. Vowles, 4481 Buffalo Road, Churchville, N. Y. 14428, for approval of a free-standing, illuminated sign, double-faced on existing pole on property at 4481 Buffalo Road. B Zone.
6. Application of Clifford Smith, 33 Tarrytown Road, Rochester, N. Y. 14624, for approval to erect 17' x 25' garage (attached) on property within 5' of lot line at 33 Tarrytown Road. D Zone.
7. Application of Thomas Corcoran, 45 Laredo Drive, Rochester, N.Y. 14624, to have garage less than 10 feet from lot line on property at 15 Tarrytown Drive. D Zone.
8. Application of Harold Ford, 230 Chestnut Ridge Road, Rochester, N.Y. 14624, for approval of variance to erect stand for selling fruits and vegetables on property at 2669 Chili Avenue. E Zone.
9. Application of Darwin Turner, 14 Ronnie Lane, North Chili, N.Y., 14514, for approval of renewal of variance to do upholstery work in residence on part-time basis. E Zone.
10. Application of Agway Petroleum Corp., Box 706, Syracuse, N.Y., to operate (re-open and re-establish) service station on property located at 1391 Scottsville Road. B Zone.
11. Application of Floyd Sterner, 330 Stone Point Road, Rochester, N.Y. 14624, for approval of 14' x 8' sign 20 ft. from corner at Southwest corner of Stillmeadow and Brian Drive. E Zone.

All interested parties are requested to be present. By order of the Chairman of the Zoning Board of Appeals.

Luraina E. Robbins
Town Clerk

Mr. Hunter asked if Mr. Adam happened to know what approval already exist for signs in that station? Mr. Adam stated to his knowledge has no permit at this time. Mr. Hunter stated reason raising question noticed in looking over station Sunday for this application seemed to be several signs down, stamps, several others. Frankly concerned, have decided to keep signs down at service stations and find showing up without going through formality of approval. Doesn't know if others have been approved. Mr. Davis stated have on big one. Mr. Adam stated as go through course of dealers do have some signs remaining on Grassy island, try to pull in and keep as neat appearing as can. Mr. Hunter stated one sign orange or light buff background. Mr. Adam stated may be one made up by dealer, doesn't have sign that affect.

Mr. Hunter stated has been sent to MCPC as required and they recommend local agency having jurisdiction make decision. Doesn't appear to have any other comments.

Mr. Lighthouse stated would like to know where pole sign will be. Mr. Adam indicated on diagram. Mr. Aureli asked how high is it? Mr. Adam stated won't be obstructing intersection or view of oncoming traffic. Height about 3 feet off ground, 2 feet off ground.

Mr. Hunter asked can Mr. Adam tell in terms of those locations what distance are we talking from right of way? Going to choose one or the other? Mr. Adam stated from road approximately 20 ft. This one considerably longer because there is grassy area in here 15 ft. and this is about 7-8 ft. past that. Gives indication. As far as in between, 40-50 ft. between the two. Mr. Hunter asked what will determine which location will be used? Mr. Adam stated if obstructing any traffic at intersection will move over here. Doesn't see any obstruction on either pole.

Mr. Palermo asked where is present large sign? Mr. Adam stated centered in grassy area. Mr. Palermo asked separate from that? Mr. Adam stated single lighted pole that we use. Mr. Palermo asked how high? Mr. Adam stated 40, 30, 25-30 ft. Metal light pole. Both of these front poles have lights on them. Mr. Lighthouse asked if going to hang sign on pole? Mr. Adam stated yes. Mr. Palermo stated pole there already. Standard pole for colonial light fixture. Mr. Adam stated right, adds rather than detracts. Mr. Hunter asked if could keep pictures as part of application? Mr. Adam stated yes you may.

Mr. Hunter asked if anyone wished to speak in favor or opposition on this application and no one appeared.

DECISION: Denied with the following vote: Mr. Palermo no; Mr. Aureli no; Mr. Lighthouse yes; Mr. Pfenninger no; Mr. Harrington yes; Mrs. Tanger no; Mr. Hunter no.

3. Application of Lakeside Builders, 1726 Long Pond Road, Rochester, N. Y. 14606, for approval to erect 2 story frame house 7.5 ft. to the south side lot line, located Lot #13 Paul Road Estates, House No. 9 Stal-Mar Circle. E Zone.

Mr. Charles Lissow appeared and presented tape location map. Stated what happened, apparently lot staked out, when engineer staked, staked wrong. Staked as 90 ft. lot. House built on it should have had 13 ft. on each side. Only on 85 ft. lots instead of 90, wound up with 7.5 ft. on side. Mr. Hunter stated looked at this but unable to tell which house it was. One home built on that side, is this it? Talking 7.5 ft? Mr. Lissow stated only lot on this side of street built so far, nothing next to it.

Mr. Hunter asked what is width of lot next door? Mr. Lissow stated 85 ft. also. Mr. Hunter stated on radius so actually little less than 85 ft. 12 through 14, 85 ft.

Mrs. Tanger asked if people living in there? Mr. Lissow stated using as model home. Mr. Palermo asked distance to the other lot line? Mr. Lissow stated 13 1/2 ft. Mr. Hunter asked what is planned as far as home to be built on Lot 14? Mr. Lissow stated hasn't got definite contract, people don't have mortgage commitment. 54 ft. house, if hold 10 ft. from the south side, would give almost 20 ft. on this side. 27

feet between houses. Mrs. Tanger asked if includes garage? Mr. Lissow stated yes, has copy of plans. Mr. Palermo asked which side will garage be on? Mr. Lissow stated south side. Mr. Palermo asked short side of 13 lot? Mr. Lissow stated right. Mr. Hunter asked what would be distance between two buildings? Mr. Lissow stated 7.5 and approximately 20, 19 1/2 or 20. Mr. Hunter stated if they happen to buy that particular home. Mr. Lissow stated hasn't got mortgage, has contract.

Mr. Hunter stated legally could build 10 ft. from line, would be 17.5 ft. Mr. Palermo asked if Lot 14 garage would be on south? Mr. Lissow stated all garages on south side. Mr. Hunter asked if home has contract for is two story with two car garage incorporated? Mr. Lissow stated yes. Mr. Hunter stated concerned about likelihood of somebody who buys that might want to expand. Mr. Lissow stated if did would be on other side. Large house, 1959 sq. ft. Mr. Palermo asked 54 ft. included garage? Mr. Lissow stated yes. Mr. Hunter asked any idea of people who are trying to buy 14 as far as preference as to location of home on lot? Mr. Lissow stated mentioned problem with 13 and didn't have any objection as long as meet with town requirements, fine with them. Mr. Hunter stated actually if set way over could end up with less distance between that home and 15 than this one. Could end up with 20 ft. there and 27 ft. here. Mr. Lissow stated putting a 54 ft. could come off and center between two, next lot 90 ft. which gives more room to work with as far as setting house.

Mr. Heilman asked have most of these lots in subdivision vacant at the time? Mr. Lissow stated 3 houses up and bringing in building permits for three to start. Mr. Heilman stated isn't in front of board, but may be in future? What kind of assurance or guarantee that this won't happen in future with remaining lots? Have problem with people who apparently...

Mr. Lissow stated can tell reputation in Greece, 96 lots, 1 side line variance. Unfortunately happened and doesn't know whether all our mistake or partially engineers mistake or what. Didn't realize until house up and tape map made. Mr. Palermo asked any precautions can take to overcome this in future? Mr. Heilman stated hard for board to understand how somebody doesn't get out with tape map before digging hole and start putting in block and mortar. Mr. Lissow stated just starting on that side and nothing to go from to stake. Mr. Heilman stated spend money having surveyed and staked out, seems incredible somebody doesn't measure before building house in wrong place. Mr. Hunter stated getting a number of these and trying to find way to protect you and us. Mr. Lissow stated trying to get tape map made as soon as foundation complete. Would know way ahead of time if house built wrong. Mr. Heilman stated would seem even at that point would be too late, costs to dig hole and put in foundation, somebody ought to measure before you do anything, save yourselves trouble. Mr. Palermo stated sometimes mason might put block on wrong side of line. Mr. Lissow stated right.

Mr. Hunter asked if anyone wished to speak in favor of or opposition to this application and no one appeared.

DECISION: Granted unanimously. Board wished to go on record, making exception in this case but might not look favorably on future applications on remaining lots in this area.

4. Application of John Fantigrossi, 170 Brook Road, Rochester, N. Y. 14623 for approval of a renewal to operate roofing and sheet metal business located at 170 Brook Road. EE Zone.

Mr. Fantigrossi appeared, stated no comment, would like to continue to operate the way has been for 12-14 years. Mr. Hunter stated original application shows 1964, that would be 8 years. Mr. Fantigrossi stated before that didn't have permit. Mr. Hunter asked if nature of business changed any since last application? Mr. Fantigrossi stated not very much, almost same.

Mr. Hunter asked about external appearance of property, buildings, etc. Mr. Fantigrossi stated little extra work and more equipment around outside of property. Mr. Hunter asked equipment, when say equipment what are you talking about? Mr. Fantigrossi stated roofing equipment, tar kettles, drums of tar, pretty well on rear of property, back of barn and garage.

Mr. Hunter stated just noting reference to earlier variance. Indication of what was to be stored outside. No storing of materials outside. Saying there is equipment stored outside. No signs attached to this business. Mr. Fantigrossi stated no, don't have to worry about signs. Mr. Hunter asked how many people employed? Mr. Fantigrossi stated 10. Mr. Hunter asked hours of operation? Mr. Fantigrossi stated 8-4:30, 5 days a week. Mr. Davis stated men don't come to shop. Mr. Fantigrossi stated men report to work on job, once in a while report to farm. Mr. Hillman asked how long is application for? Mr. Hunter stated believes 3 years, renewed 7/22/69, little over three years, letter written 7/12 pointing out variance had expired as of that date. Apparently one before that three years too.

Mr. Hunter asked if anyone wished to speak in favor or opposition to this application and no one appeared.

DECISION: Granted unanimously for a five year period with the stipulation that there be no outside storage of materials.

5. Application of William F. Burkhartzmeyer and Charles F. Vowles, 4481 Buffalo Road, Churchville, N. Y. 14428 for approval of a free-standing, illuminated sign, double-faced on existing pole on property at 4481 Buffalo Road. B Zone.

Mr. Burkhartzmeyer appeared, stated actually what sign is basically taking same sign but changing face of it and almost same identical location. Mr. Hunter asked if sign already there? Mr. Burkhartzmeyer stated was sign there, sticking to same size that was there before, change name. Mr. Hunter asked new sign? Mr. Burkhartzmeyer stated yes, definitely.

Mr. Hunter stated in terms of size, not indicated on application. 4'10" by 6'1", outside dimensions? Mr. Burkhartzmeyer stated yes, taking about 1 inch lap that goes into metal part so actually probably take an inch off dimensions to fit into frame.

Mr. Hunter stated looks like whole pole 16'6" high, correct? That exists? Mr. Burkhartzmeyer stated right. Mr. Hunter asked tell us what value will be in place if application granted? Mr. Burkhartzmeyer stated \$150 approximately. Mr. Hunter stated doesn't have anything to indicate what going to say. What will sign itself say? Mr. Burkhartzmeyer stated will have name and address and few other lines, not too sure, fine bedding and furniture. Mr. Hunter asked lettering in one color, illuminated abck? Mr. Burkhartzmeyer stated yes; soft lighting, nothing exotic. Mr. Hunter asked any idea what power talking about as far as lamp sizes; illumination level? Mr. Burkhartzmeyer stated thinks 4 lamps, fluorescent tubes in there. Mr. Hunter stated standard 4 ft. tubes. Mr. Burkhartzmeyer stated thinks three 4 and one two.

Mr. Hunter asked what was business in there before? Mr. Burkhartzmeyer stated paint and hardware store. Same pole but new sign up. Just for name purposes. Mr. Hunter asked if steel pole? Mr. Burkhartzmeyer stated yes, approximately 5 inch round, in the ground good. Mr. Harrington asked if hanging sign? Mr. Burkhartzmeyer stated yes, with guy wires.

Mr. Hunter asked hours of operation? Mr. Burkhartzmeyer stated 10 AM to 9 PM, sign wouldn't be on, just soft lights in store. Monday through Friday and Saturday 9-6. Mr. Hunter asked would want sign to be illuminated during hours actually operating? Mr. Burkhartzmeyer stated yes, at night have soft lights on in store. Mr. Hunter asked if any others outside lights in area now? Mr. Burkhartzmeyer stated just a couple lights going into parking area.

Mr. Hunter asked if anyone wished to speak in favor of or opposition to the application and no one appeared.

DECISION: Granted unanimously for a three year period or as long as applicant operates the business, whichever comes first.

6. Application of Clifford Smith, 33 Tarrytown Rd., Rochester, N. Y. for approval to erect 17' x 25' garage (attached) on property within 5 ft. of lot line at 33 Tarrytown Rd. D Zone.

Mr. Ken Zimmerman of T & Z Contractors appeared. Stated house right on circle. Garage 17 ft. by 25 feet deep. Mr. Hunter stated on that basis with that width saying would be 5 ft. to the property line. Mr. Zimmerman stated right. Mr. Hunter asked on that basis what would be total distance between proposed garage and structure adjacent to it? Mr. Zimmerman stated 15 ft. Mr. Hunter stated home next door 10 feet from lot line. Frankly closer than we would like to have it. What is need for 17 ft.? Mr. Zimmerman stated has three steps coming from house and cement and without 17 ft., doesn't think could get car in and get out without removing steps. Mr. Hunter asked width of steps? Mr. Zimmerman stated doesn't know offhand.

Mr. Hunter stated doesn't know how much clear space in garage with 17 foot width. Essentially owner looking for one car garage plus storage in 17 ft. Know if talked with neighbors to ask how they feel? Mr. Zimmerman stated people directly to the north are all right, no complaints. Mr. Hunter asked people that would be 17 ft. from? Mr. Zimmerman stated right, talked to them and no complaints. Mr. Hunter asked anyone else? Mr. Zimmerman stated cannot say, doesn't know.

DECISION: Granted unanimously.

7. Application of Thomas Corcoran, 45 Laredo Drive, Rochester, N. Y. 14624 to have garage less than 10 feet from lot line on property at 15 Tarrytown Drive. D. Zone.

Mr. Corcoran appeared before the Board. Mr. Hunter asked sketch represents what you would like to do? Mr. Corcoran stated garage already built and selling property and somebody surveyed and instead of doing ours did house next door. This is abstract taken, should be 10 ft. from line and is 9.2, already up. Mr. Hunter asked this was discovered in process of selling home? Mr. Corcoran stated 9.2 feet which should be 10 ft.

Mr. Hunter asked how long ago was garage put up? Mr. Corcoran stated 1968, 4 years ago. Mr. Hunter asked what is distance between this garage and structure over here? Mr. Corcoran stated another home over about 15-20 ft. Couldn't tell exact measurement. Mr. Hunter stated: looked at it the other day, guessed at 20 ft.

Mr. Hunter asked if anyone wished to speak in favor of or opposition to the application and no one appeared.

DECISION: Granted unanimously.

8. Application of Harold Ford, 230 Chestnut Ridge Road, Rochester, N. Y. 14624 for approval to erect stand for selling fruits and vegetables on property at 2669 Chili Avenue. E Zone.

Mr. Ralph Wickens, attorney, appeared representing Mr. Ford. Stated owns property on Chili Avenue and owns adjoining house. Also owns land on Paul Road on which he grows vegetables and fruit. Would like to have stand down there on Chili to market these fruits and vegetables that he grows himself. Would like variance to have building and not to exceed 20 x 20 ft. and also sign that could be in front, not permanent, would only have when open for business and this would be during growing season, probably June through December but not permanent thing that would operate year round. Market own products. No question about traffic because has got driveway they can pull off road, permission from state to do this. Not parking all around going to pick up corn or something which could object to. These taken care of. Did say building he would have there, certainly would be attractive because owns property himself. Doesn't want to destroy value of own property and also owns adjoining house. So would behoove him to keep attractive/

Mr. Hunter asked if any plan for that structure being submitted as part of application? Mr. Wickens stated doesn't think so, not more than 20 x 20. Mr. Hunter stated Board would be interested in building itself, would guess before approve finally would be subject to those plans. Needs to go before MCPC. Mr. Heilman stated not sent formally, informally. Mr. Hunter stated would not be able to render decision tonight, Mr. Ford appeared informally before and we did discuss basic question and had concern about traffic problem and pulling in and out. Has he talked

to MCPC for permission? Mr. Wickens stated permission to put in driveway approved by State, state road.

Mr. Palermo asked if wood structure on there now? Mr. Wickens stated temporary, didn't know had to have variance, being his property and farm at one time thought could sell there. Mr. Hunter stated on question of cuts, does Mr. Ford have permission in writing? Would like to have copy as part of application. Mr. Ford stated yes for the driveway, got the application, doesn't have it with him. Mr. Hunter stated should submit copy to the Board as part of application giving their approval.

Mr. Heilman asked presently this is in E Zone, is that correct Mr. Wickens? Mr. Wickens stated right. Mr. Heilman asked would it be fair to say essential character of that locality is residential, mostly houses? Mr. Wickens stated has apartment house there and not very far Idylbrook area not too far. Beauty parlor on right side of it. Mr. Heilman asked is there some unique circumstances presenting to Board that would require Board to grant variance, wouldn't be able to use land as residential? Mr. Wickens stated cannot sell produce where he grows it, not enough traffic by there and Chili Avenue logical place to do it. Mr. Heilman stated thinks has to prove to Board that land would not give him reasonable return if were to use residential. Mr. Wickens stated rental property he owns, old homestead converted into two family house. Wants to increase productivity of property by disposing of produce which he grows on Paul Road in vegetable stand.

Mr. Aurell asked if part of house next door? Mr. Wickens stated separate lot. Mr. Aurell asked not on old homestead? Mr. Wickens stated all same property. Mentioned I think owned it, farm part of Lexington Subdivision and kept two old homesteads and he built new house. Mr. Palermo asked if two separate lots, tax accounts? Mr. Wickens stated yes.

Mrs. Tanger asked present property not part of Ford property? Mr. Wickens stated sold some to Scott years ago, but that came from Ford too, that is reason said all Ford property.

Mr. Hunter stated only legal basis Board can grant application is to find hardship on property. Does Mr. Wickens know if has attempted to sell property for residential use in recent years? Mr. Wickens stated no, sold land off for Lexington. Mr. Hunter stated this particular lot no attempt to sell for any purpose. Mr. Wickens stated no, right.

Mr. Hunter asked if anyone wished to speak in favor or opposition to this application and no one appeared.

DECISION: Denied unanimously. No evidence of hardship, no uniqueness to the property to allow Board to grant variance.

9. Application of Darwin Turner, 14 Ronnie Lane, North Chili, N. Y. 14514 for approval of renewal of variance to do upholstery work in residence on parttime basis. E Zone.

Mr. Turner appeared before the Board. Mr. Hunter stated apparently had variance to operate business in home. Mr. Turner stated works in garage. Mr. Hunter stated granted for three years last time. Been any change in nature of business since that time? Mr. Turner stated no. Mr. Hunter stated when went by home no idea business in home. Mr. Turner stated no traffic, does own estimating and pick up when does job. Boy does help some.

Mr. Davis stated knew when got three years ago and never saw sign of truck or anything or ever had complaint. Any complaints I get them. Mr. Turner stated everything inside, nothing outside. Mr. Aurell asked use station wagon to pick up? Mr. Turner stated pick up truck with camper on it.

Mr. Hunter asked if anyone wished to speak in favor or opposition to this application and no one appeared.

DECISION: Granted unanimously for five year period with stipulation that there be no outside storage of materials.

10. Application of Agway Petroleum Corp., Box 706, Syracuse, N. Y., to operate (re-open and re-establish) service station on property located at 1391 Scottsville Road. B Zone.

Mr. John Wiley, Agway representative from Syracuse, appeared, presented photo of existing premises as they now are, abandoned service station owned by Marciano's who are here tonight. Propose to substantially renovate property pursuant to plan passing out and plan for improving property is to seal off lube bays and to in effect attempt to retail only gas. Very similar to what Hess and Minuteman doing. Agway just getting into gas business, knows that this is what tomorrow's retailing going to be. Has 5 up already, set high standards for operators. Found with county survey a little off from plan originally drew and would have to be somewhat modified. Pit plan shows two pump islands in front. One exists, would tear out and put in two brand new islands. Would remove other side island completely and make building improvements as seen on plans. Pave yard completely. Anticipate hours 6 AM to 12, 6 days a week and 8 AM to 10 PM on Sundays. Have individual operating whose only concern to sell gas, not to collect junk cars or get involved in mechanical work.

Mr. Hunter stated say sell gas only. Also motor oil? Mr. Wiley stated yes we would. Mr. Davis stated wouldn't change oil. Mr. Wiley stated no sir, seal bays off completely so cannot be done. Mr. Hunter asked no tires, batteries or anything else? Mr. Wiley stated no.

Mrs. Tanger asked any signs? Mr. Wiley stated indicated Agway logo and price signs at intersection. Quite truthfully not going to use Agway sign, going to use standardized sign, T C R, name of refinery owns in Texas. Basic business delivering gas to farmers at varying prices and might be more competitive in most places. Would be 9 ft. by 6 ft plastic, two-faced, internally lighted sign. Not flashing, not furning. Request permission to maintain 4 x 8 ft. price sign lit by quartz lamp light. That would be extent of all signs on property.

Mr. Hunter asked wish to include signs tonight? Say 9 x 6, 54 square feet. Quite a bit bigger than what willing to grant in past three years. Maximum in area of 32-36 sq. ft. total size. Is this sign custom made? Mr. Wiley stated almost is, now talking with sign companies to have made. Subsidiary sign already has made. Does not mean could not adapt or come up with smaller sign. Mr. Hunter stated town code in process of being revised along lines of new master plan. One of the things that this Board considering recommending is elimination of all free-standing signs within period of three years. How would Mr. Wiley feel about putting sign up and have cut down in three years? Considering making recommendation, not fact at this point.

Mr. Wiley stated guesures in the particular situation, major oil companies death, only thing they spend money on is advertising. For example \$350 million for Humble to change to Exxon. My philosophy would like to have some recognition that have name people saying going to. Saying going down to station name. Has to be name. No objection to taking down if alternative to put name on property, building, whatever. These two only requests for sign permits, nothing on building.

Mr. Hunter asked estimated value of 32 sq. ft. sign, double-faced, and other one, what kind of investment would that represent? Mr. Wiley stated has quote on 9 x 6 of about \$600. Mr. Hunter asked sign itself and cost of installing? Mr. Wiley stated going to use base existing on property. Does have to fabricate pole, not sure what will cost, not more than \$8-900.

Mr. Palermo asked what is height of pole? Mr. Wiley stated 12 ft. Mr. Heilman asked if signs on pumps? Mr. Wiley stated just 8" decals. Mr. Heilman stated no signs, had lot of applications lately for pump yourself gas and those type. Coming in for any kind like that? Mr. Wiley stated cannot prophesy what will happen tomorrow. Doesn't believe will bury extra pipe in event go self-service but would have to come before Board to do so. Our philosophy that people still want service. Attempt to duplicate what HESS has done with their own stations.

Mr. Heilman asked just sell gas and oil, no Agway products? Mr. Wiley stated no sir. Would probably do as Hess does, promote anti-freeze or motor oil to retail gas. Mr. Hunter stated any other signs would require that they be approved. Proposing to with present building? Mr. Wiley stated yes, didn't see building plan, drawing done by engineering firm in Rochester showing plan to renovate by fixing aluminum facade under which strip lighting and white brick fibre glass material on front of building. Gives indirect lighting and reflective lighting rather than direct.

Mr. Palermo asked what is size of building? Mr. Davis stated 30 x 45. Mr. Heilman asked what will do with existing bay areas? Mr. Wiley stated frame in and seal off. Mr. Aurell asked if putting one on Spencerport Road? Mr. Wiley stated no. Mrs. Tanger asked if one in area? Mr. Wiley stated three in Syracuse, 2 in Massachusetts. Mr. Heilman asked if Agway will retain control or just lease? Mr. Wiley stated law rules out now making control over individual operators difficult, attorneys trying to piece out what control can affect. As much control to insure that you maximize everything including image and service to people, this is what has that majors don't have. There are limits legally as to what can do. Will exert strong control.

Mr. Heilman stated say renovate building pretty much from what it is at present. Mr. Wiley stated yes. Mr. Heilman stated usually on these types of situations owners have to come before planning board for architectural or site plan approval. Not refurbishing. Mr. Wiley stated putting another coat on outside of building, in no way changing structure. Mr. Hunter stated would have to check, thinks would have to come before Planning Board for that purpose. Mr. Heilman stated say going to blacktop. Any other plans as far as plantings along roads? Questions Planning Board would be more interested in. Working for 3-4 years to come up with comprehensive plan in Town and alleviate what they call sore spots. Mr. Wiley stated this is why before you tonight. Thinks this eliminates what must be sore spot for your. Mr. Heilman stated other people might have additional ideas.

Mr. Palermo asked what fencing or screening? Mr. Wiley stated abutting property owned by Marciano's, doesn't think have definite plans for that. There is hedge along property line to the rear between houses, no problem there. Mr. Heilman asked are cuts presently existing? Mr. Wiley stated same plans, not checked with State highway. Mr. Heilman stated 4 cuts, 2 on each road. Mr. Wiley stated pursuant to New York state law.

Mr. Hunter stated assumes no need for outside storage of oil cans, etc. Mr. Wiley stated no sir. Bays have typically ended up doing that, will cut into side of building, existing side door for access to the bays to get trash in and out. Are in no way affecting structure of building. Paving needs more than refurbishing job, not changing grades. Not changing other than up-grading and putting new finish on building.

Mr. Hunter asked if total job done as one job, refurbishing, blacktopping, new pumps, etc. Get into situation where new building built, blacktopped a year later. In time, how soon done? Mr. Wiley stated would like to start construction next week. If would have to wait could not make promise. Mr. Hunter stated intent to follow up and do whole job. Mr. Davis stated thinks talking about new gas station, blacktopped now, not like new station. Mr. Palermo stated thinks has in mind is this project going to be completed before you open for operation? Mr. Wiley stated very definitely. Never believed in opening place without finishing. Poor advertising.

Mr. Harrington asked has it been decided if should go to Planning Board? Mr. Hunter stated thinks will have to check it. Doesn't recall fine line of regulation. Mr. Harrington stated doesn't see necessity. Mr. Davis stated reads any addition or new building in industrial or commercial has to go to Planning Board. Mr. Hunter stated would interpret as not being in that area. Mr. Davis stated wouldn't come to Board to put siding on house and that is what doing. Doesn't have to advertise, go to Board and look at it, matter of holding them up.

Mr. Wiley advised signs they wish included in application are 9 x 6 ft. sign, 12 ft. pole to bottom of sign, 18 ft. total height. Other sign 4 x 8 ft. mounted on same pole.

Mr. Heilman asked when was station last operated? Mr. Marciano stated thinks took over in 1965. Mr. Davis stated last two times came in they could not use as gas station. Mr. Marciano stated about 4 years. Mr. Davis stated only change that could not sell to public, had gas for own trucks. Zoning Board said could not have trucking firm and sell to public. Used for own trucks. Mr. Marciano stated gas stored constantly up until a month or two ago for own use.

Mr. Hunter asked if anyone wished to speak in favor or opposition on this application and no one appeared.

DECISION: Granted with the following stipulations: 1. Approved as per plans and specifications submitted to Zoning Board of Appeals. 2. Vent pipes for buried tanks to be behind front line of building. 3. No merchandise displays to be any closer to the road than the front line of building. 4. No motor vehicle repairs allowed. 5. No outside storage of vehicles. 6. Enclosed storage of all refuse within the building or within stockade type fence not visible from the road. 7. No selling or rental of automobiles and trailers on premises. 8. Internally lighted sign to be stationary sign with maximum size of 36 sq. ft., height not to exceed 16 ft. measured off crown of nearest abutting road. sign to be illuminated only when station in operation. Sign to be erected on existing base, used for identification and not price of gas. 9. Approval granted for sign for a period of three years. 10. There are to be no other signs banners or promotional devices other than signs specifically authorized in this special permit. 11. Sales to be limited to gasoline, motor oil, anti-freeze and occasional promotional sales connected with or to promote sale of gasoline. 12. All operating conditions referred to above to be made a part of each and every lease between Agway Petroleum Corp. and the lessee of this station.

11. Application of Floyd Sterner, 330 Stoney Point Road, Rochester, N. Y. 14624 for approval of one 4' x 8' sign 20 ft. from corner at Southwest corner of Stillmeadow and Brian Drive. E Zone.

MR. Sterner appeared, submitted picture of sign which is already erected. Stated wasn't aware had to have permit to do it. Bill caught me. Primarily for sale of houses and representing Bianchi who owns land and something that will be up temporarily until get houses sold. About 20 lots and they have been approved. Mr. Hunter stated can be granted for period up to one year. What would you like? Mr. Sterner stated doesn't think capable of building more than 15 houses a year, two years anyway. Mr. Hunter stated year most can give at one time. Wood sign, painted, unlighted. Mr. Sterner stated sign sits in front of model house on corner. 4 x 8 ft.

Mr. Heilman asked how many lots does he own there? Mr. Sterner stated 28. Mr. Heilman stated bought from committee. Mr. Hunter asked up and down road see being developed there? Mr. Sterner stated Brian Drive runs into Sand Pebble, most on Sand Pebble, only three on Brian. Runs east and west.

Mr. Hunter asked if anyone wished to speak in favor or opposition to this application and no one appeared.

DECISION: Granted for one year period.

Mr. George McCadden appeared informally to discuss possibility of converting single family residence on Reed Road to 4 family apartment building.

Held over from August 22, 1972: Application of Joseph Schuler to erect gasoline pumps at car wash at 1210 Scottsville Road.

DECISION: Granted with following stipulations: 1. As per Zoning ordinance, all plans and specifications must be submitted to the Planning Board of the Town for its approval. 2. Vent pipes for underground tanks to be located as dictated by Planning Board. 3. No merchandise displays to be any closer to the road than the front line of the building. 4. No motor vehicle repairs allowed. 5. No outside storage of vehicles. 6. Enclosed storage of all refuse within the building or within stockade type fence not visible from the road. 7. No selling or renting of automobiles or trailers on premises. 8. There are to be no other signs, banners or promotional devices other than signs specifically authorized by this Board. 9. All operating conditions referred to above to be made a part of each and every lease between Joseph Schuler and the lessee of this station.

Held over from August 22, 1972: Application of Bruce F. Chantra, 17 Baylor Circle to erect garage 8 ft. from north lot line.

DECISION: Approved unanimously.

Held over from August 22, 1972: Application of Patrick J. Roncone to erect building with front setback variance at 3253 Chili Avenue.

DECISION: Granted on second plans submitted by applicant.

Held over from June 27, 1972 meeting: Application of Rochester Acoustical Inc., 44 Paul Road, Rochester, N. Y. for approval of building 12 ft. addition on Millstead side of building used for offices located at 44 Paul Road. Zone A.

DECISION: Granted, 6 ayes, Mr. Hunter abstained.

KATHLEEN LUEDKE
Secretary

ZONING BOARD OF APPEALS
October 24, 1972

A meeting of the Zoning Board of Appeals of the Town of Chili was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on October 24, 1972. The meeting was called to order by the Chairman Mr. Hunter at 8:00 P.M.

Present: Mr. Robert Hunter, Chairman
Mrs. Janice Chapman
Mrs. Gertrude Tanger
Mr. John Lighthouse
Mr. John Palermo
Mr. Richard Aureli

Absent: Mr. Richard Harrington

Also Present: Mr. Patrick Pietropaoli, Town Attorney
Mr. Alfred Heilman, Deputy Town Attorney
Mr. William Davis, Superintendent of Buildings

Mr. Heilman stated that all 5 applications before the Board tonight were duly published in a paper of general circulation in the Town and affidavits were on file with the Clerk.

#4. Application of Albert and Ruth Abbazia, 49 Brasser Drive;
Rochester, N. Y. 14624 for approval to operate kennel on property at 49 Brasser Drive. E Zone.

Mrs. Abbazia appeared. Mr. Hunter asked can you tell us reason for application? Mrs. Abbazia stated has two poodles, toy and mini-toy. Had puppies and kept them. When came to license, said could not have unless had kennel license, keep three toys and mini-toy poodle.

Mr. Hunter asked four dogs altogether? How long anticipate having four dogs? Mrs. Abbazia stated until they die. Mr. Hunter asked if talked to neighbors about this to see how they might feel, basic purpose of ordinance to control number of dogs. Mrs. Abbazia stated dogs not outside dogs. Outside three times a day. My four dogs don't make one normal size dog. See no objection. Next door neighbor, saw a week or so ago, didn't know had four dogs. Knew had two originally, never saw other two. Hasn't talked to any neighbors at all.

Mrs. Chapman asked doesn't plan to have runs outside or keep outdoors? Mrs. Abbazia stated only reason want kennel license because you require it. Mrs. -Chapman asked doesn't plan to breed as commercial operation? Strictly that they have had puppies. Mrs. Abbazia stated to comply with your rules.

Mr. Aureli asked two new dogs are puppies? Mrs. Abbazia stated male and female which will have spaded, puppies nice but had enough. MR. Aureli asked original dogs were puppies? Mrs. Abbazia stated yes.

Mr. Hunter asked what is normal life expectancy? Mrs. Abbazia stated no idea, 8-10 years, 12 at most, would imagine. Couldn't tell you. Mr. Hunter asked how old are two older dogs? Mrs. Abbazia stated thinks two years old. Other two are six months.

Mr. Hunter asked if anyone wished to speak in favor of application? Mrs. Ralph Smith, 54 Brasser Drive appeared. Stated next door neighbor. Has nothing against it. She has four, has others next to her would like to kill them. Mr. Hunter asked if across the street? Mrs. Smith stated on circle, our houses divide line. Mrs. Abbazia stated if room a circle, lives where you are sitting and I live next to here.

Mr. Hunter asked if anyone wished to speak in opposition and no one appeared.

DECISION: Denied.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

OCT 18 1972
DATE.....

THIS IS TO CERTIFY THAT THE ATTACHED LEGAL NOTICE(S) WERE PUBLISHED
IN THE.....

GATES-CHILI NEWS

OCT 18 1972
Issue Dated.....

[Signature]
Notary:
OCT 20, 1972

[Signature]
SAMUEL J. SMITH
Publisher

LEGAL NOTICE

A meeting of the Zoning Board of Appeals of the Town of Chili will be held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, N.Y. 14624 on October 24, 1972 at 8:00 p.m. for the purpose of hearing the following applications:

1. Application of Carroll's Development Corp., 968 James Street, Syracuse, N.Y. 13203, for approval of variance for free-standing sign, 61 1/4" X 61 1/4" over-all height 17 ft., double-faced, illuminated, candlepower approx. 1,000 lumens, located 1200 Scottsville Road, Zone A.

2. Application of William Hamilton and John Oliver, 3851 Union Street, North Chili, N.Y. 14614, for approval to operate antique shop in barn behind residence located at 3851 Union Street, Zone EE.

3. Application of Victor Ciaccia, 3945 Dewey Avenue, Apt. 22D, Rochester, N.Y. 14616, for approval of variance to build on lot 92 ft. wide in EE Zone located at 16 Beaver Road, EE Zone.

4. Application of Albert & Ruth Abbazia, 49 Brasser Drive, Rochester, N.Y. 14624, for approval to operate kennel on property at 49 Brasser Drive, E Zone.

5. Application of John G. Doerr, 11 North Street, Churchville, N.Y. 14428, for approval of variance to convert single family dwelling to two family dwelling, located at 4351 Buffalo Road, North Chili, B Zone.

All interested parties are requested to be present. By order of the Chairman of the Zoning Board of Appeals.

LURAINA E. ROBBINS
Town Clerk
Chili, N.Y.

#1. Application of Carroll's Development Corp., 968 James Street, Syracuse, N. Y. 13203, for approval of variance for free-standing sign, 61 1/4" x 61 1/4", over-all height 17 ft., double-faced, illuminated, candlepower approx. 1,000 lumens, located 1200 Scottsville Road. Zone A.

Messrs. Bole, Texlite Sign Co., and Grab, Rochester Roster, appeared. Mr. Hunter stated doesn't specify in particular where you want to locate this sign, can gentlemen tell what proposal is? Mr. Bole stated doesn't believe brought plot plan. Mr. Hunter stated no, didn't see it. Mr. Bole stated plot plan forwarded before. Electricity in grassy plot in front of building. Mr. Hunter asked island out front? Mr. Bole stated yes.

Mrs. Tanger asked right on road? Mr. Bole stated 15-20 ft. set back, from road, ingress property. Mr. Hunter asked 15-20 ft. off road, in relation to property line? Mr. Bole stated thinks off property line. Don't hold me to that number.

Mr. Lighthouse asked describe sign? Same as have on Monroe Avenue in front of Carroll's? Mr. Bole stated this is. Mr. Aureli asked orange sign? Mr. Bole stated orange sign with green, Carroll's at bottom. Mr. Hunter stated doesn't show anywhere on this plan. Mr. Bole stated graphics, no. That is configuration. Green, orange strip and Carroll's.

Mr. Heilman asked pole 12 ft. high? Mr. Bole stated 12 ft. Calculations on pole and sign. Mr. Hunter stated notices a bit higher than normally willing to allow, thinks approximately 15 1/2 ft. a standard height. Any particular reason why needs to be that height? Mr. Bole stated could drop 2 ft. easily, not obstructed on either side. Mr. Hunter stated perfectly level area as far as could tell. Fixed sign, right? Mr. Bole stated yes, it is fixed.

Mrs. Tanger asked if illuminated 24 hours? Mr. Bole stated strictly at night. During open hours only, operational hours of store. Mr. Hunter asked hours of store? Mr. Bole stated 11-12 o'clock. Mr. Hunter asked 7 days? Mr. Bole stated yes.

Mr. Hunter asked value of sign in place? Mr. Bole stated total value, \$11-1200. Mr. Hunter stated Town in process of considering new codes of which signs are part. Possible among those considerations would be one that would eliminate at some time free-standing signs. How would you feel if application approved and three years from now have to take down? Mr. Bole stated would be three years ahead. Location proven many times with this type sign, Carroll's does so much advertising in whole area that if people see it will stop in because familiar with it. Had graphics outfit, Chase, come in and design something first class, no gingerbread, no sparkling lights. Something could put in front of hospital or doctor's office. Should have graphics with me. Mr. Hunter stated would like to have them, understand what sign going to look like. Mr. Bole stated if gave permit, could drive by tomorrow and look at it.

Mr. Heilman asked presently have signs on building? Mr. Bole stated building fascia sign part of building. Mr. Heilman asked dimensions of that sign? Mr. Bole stated 4 ft. high by dimensions of building. Mr. Grab stated actually sign with writing not more than 15-20 ft. long. Orange goes around whole building. Mr. Bole stated actually sign that says Carroll's 4 ft. x 18 ft. 7 in. Mr. Heilman asked illuminated now? Mr. Bole stated yes sir, till 12:00. Mr. Heilman asked how far back is building from sign? Mr. Davis stated pretty close to 100 ft. Building back 104 ft. Mr. Heilman stated about 80 ft. back. Anything that blocks sign to right or left on that side of Scottsville, building, fence? Mr. Grab stated lot of trees by fire bureau. Mr. Heilman asked on both sides? Mr. Grab stated east side. Mr. Bole stated building set back so far, difficult to see until just on top of it.

Mr. Hunter asked if anyone wished to speak in favor of this application? Mr. Bole asked right, in assuming that with this size we have tried to conform with size requirements have now? Mr. Hunter stated yes, thinks allowed maximum of 36 sq. ft. Your sign about 25? I believe 26 sq. ft. Well within what we would like to see in terms of size.

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Mr. Aureli asked newly developed sign, not like any other sign you have? Said something about looks like doctors' office. Mr. Bole stated when say Carroll's sign, 15 or more available. More recently has gone to white sign that says Carroll's with orange block. This is newer than that in the sense none of that gingerbread, strictly Carroll's logo in corner and Carroll's across bottom. Mr. Hunter asked indication of what future Carroll's signs going to be. Mr. Bole stated yes, hate to admit in front of you, but not only Town Hall ever been in.

Mr. Hunter asked if anyone wished to speak in favor or opposition to this application and no one appeared.

DECISION: Approved with the following stipulations: 1. Height of sign to be 16 feet measured from crown of nearest road. 2. Sign to be lighted no later than 1/2 hour after closing. 3. Sign to be erected under supervision of Superintendent of Buildings. 4. Granted for three year period.

#2. Application of William Hamilton and John Oliver, 3851 Union Street, North Chili, N. Y. 14514, for approval to operate antique shop in barn behind residence located at 3851 Union Street. Zone EE.

Messrs. Hamilton and Oliver appeared. Mr. Hunter asked can you tell about situation? Gathers from having looked at this Sunday already in business. Mr. Oliver stated right. Mr. Hunter asked how long? Mr. Oliver stated just over a year on weekends. Mr. Hunter asked unaware required to have permit? Mr. Oliver stated didn't know at first was going to work out. Thought would try out first. Figures it has worked out, figures get straightened out with Town before get in trouble. Didn't realize was going to work out.

Mr. Hunter stated been operating in violation of law. Mr. Oliver stated just operated last summer and this year, not in winter. Mr. Hunter asked weekends only? What hours? Mr. Oliver stated yes, 12 to 6 PM.

Mr. Hunter asked any idea since you have been in operation how much traffic generated by this? Mr. Oliver stated varies, this weekend three customers all weekend. Mrs. Tanger stated sign says Wednesday also. Mr. Oliver stated didn't follow through because nobody came in.

Mr. Hunter stated in EE Residential zone. In order for this Board to act favorably on your application have to be able to show hardship on that property in terms of inability to use as residential property. Prepared to make that claim? Mr. Oliver asked why hardship? Mr. Hunter stated because zoned residential property. In order to use property for other than what zoned, have to be able to show and Board able to believe that there is hardship on the property. Gather not making such a claim. Mr. Oliver stated no, seems ridiculous to say hardship if trying to make business there. Mr. Hunter stated Town is essentially, land placed in various zones, can be residential, commercial, industrial, etc. Each laid out to allow certain uses within those zones. Have areas where we do allow commercial enterprises. Zone you are in doesn't allow.

Mr. Oliver asked how do we get hardship? Mr. Hunter stated doesn't get hardship unless there is one. For us to have some understanding of what hardship must be. Land in question for some reason or other, size, shape or location, couldn't normally be expected to be used in manner for which zoned. If you can show that, Board can consider that. Seen property, just driving by, find hard to understand that you could make such a plea. You have that right. Not making that claim? Mr. Oliver stated right.

Mr. Aureli asked do you own the property? Mr. Oliver stated yes. Mr. Aureli asked how much property? Mr. Oliver stated over 2 acres of land. Mr. Lighthouse asked was that barn part of farm? Mr. Oliver stated yes, at one time. Mr. Aureli asked strictly antiques? Mr. Oliver stated yes. Mr. Hunter asked does one of you live on the property? Mr. Hamilton stated yes, I do.

Mrs. Tanger asked how large is sign? Mr. Oliver stated right now small sign. Mrs. Tanger asked what are dimensions? Mr. Oliver stated doesn't know exact size. Mr. Hunter stated 3 x 3, 2 x 3. Mr. Oliver stated 2 x 3. If goes through would like to put sign on top of barn. Mr. Hamilton stated on face of it. Mr. Palermo asked what size would that be? Mr. Oliver stated about size of desk. Mr. Hunter asked non-illuminated, painted? Mr. Oliver stated yes, wouldn't be messy place or anything. The way it looks now would always look. Mr. Hunter stated certainly neat appearance.

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Mr. Heilman asked where do people park? Mr. Oliver stated right in front of barn. Mr. Hamilton stated no need to park on road. Mr. Heilman asked how much space? Mr. Hamilton stated at least 8 cars. Mr. Heilman asked this kind of business not auction type or anything. Mr. Hamilton stated part hobby and part business. Mr. Heilman stated customers would not come all at one time.

Mrs. Chapman asked working at other than this business? Not your sole source of income? Mr. Oliver stated no, I work at Kodak and he is at Kirsch Co.

Mr. Pietropaoli asked anticipate expansion of business at this location? Mr. Oliver stated no need for any expansion. Mr. Pietropaoli asked if business were to pick up do either of you feel would give up present line of work and enter into this business full time? Mr. Oliver stated not until retires.

Mr. Lighthouse asked wouldn't anticipate flea market? Mr. Oliver stated no, too many at one time. Place wouldn't hold that many people at one time.

Mr. Palermo asked wouldn't envision business getting larger to move into quarters larger than now? Mr. Hamilton stated other than barn, also has adequate area within house to display glass pieces, etc.

Mr. Palermo stated this is where want to stay. Mr. Hamilton stated right, use barn for large pieces of furniture, glass and those that have value have in house. This is where work from. Mr. Oliver stated could be inspected inside at any time.

Mr. Hunter asked if anyone wished to speak in favor or opposition to this application and no one appeared.

DECISION: Denied unanimously, no evidence of hardship presented.

#3. Application of Victor Ciaccia, 3945 Dewey Avenue, Apt. 22D, Rochester, New York 14614, for approval of variance to build on lot 92 ft. wide in EE Zone located at 16 Beaver Road. EE Zone.

No one appeared. Called again before closing meeting and no one present.

DECISION: Denied, no one appeared.

#4. Called at beginning of meeting at request of applicant.

#5. Application of John G. Doerr, 11 North Street, Churchville, N. Y. 14428, for approval of variance to convert single family dwelling to two family dwelling, located at 4351 Buffalo Road, North Chili. B Zone.

Mr. Doerr appeared. Mr. Hunter asked can you tell about this application? Mr. Doerr stated house older home. Has downstairs rented out now. Contemplating making into two family home. Mr. Hunter asked these drawings show areas of the two floors? Mr. Doerr stated took tape survey of the home when bought it, house real old home. It is cut up like that. Took outside measurements so have roughly square footage of space for each family. Mr. Hunter asked do you know square footage? Mr. Doerr stated didn't know, didn't know what allowed. Two bedrooms downstairs, living room, kitchen. Upstairs one bedroom apartment, kitchen, living room dinette.

Mr. Davis asked is this by house church owns? Mr. Doerr stated down farther, right across from Pages Pizza. Green house. Mr. Heilman asked does he own property? Mr. Doerr stated yes, bought in January this year. Mrs. Chapman asked do not live there yourself? rental property? Mr. Doerr stated yes.

Mr. Hunter stated this is in commercial zone, right? Actually no provision in the Town Code for a double family home as you know. Think essentially has same situation had earlier. Claiming hardship on this piece of property in regard to its present use compared to use proposing for it? Mr. Doerr stated not as such, no. Could still be one family home except with one family, had 5 bedrooms and quite large for one family to rent out. Mrs. Chapman asked family in it at moment doesn't use upstairs? Mr. Doerr stated right. Not going to add onto the building, outside will remain the same.

Zoning Board of Appeals

October 24, 1972

Mr. Aureli asked anticipate turning into commercial store? Mr. Doerr stated not at present but if opportunity comes might consider it. Lot kind of small in frontage. Mr. Palermo asked how large is lot? Mr. Doerr stated thinks 202 ft. back but frontage 55 ft. For commercial actually almost have to have two lots for ample parking. Mr. Palermo asked would be some type of hardship for use as commercial property? Mr. Doerr stated yes, thinks it would be. Lot undersized like most of the older lots are.

Mr. Heilman asked how close is front of house to the street? Mr. Doerr stated pretty close, within probably 20 ft. or less because Buffalo Road has been extended back. Thinks tape shows lot back further but thinks Buffalo Road got bigger in last several years. Mr. Heilman stated Buffalo Road two lands and then shoulder. Mr. Doerr stated shoulder in front of this property so makes look smaller. Mr. Palermo asked size of Buffalo Road? Mr. Davis stated thinks 3 rod road.

Mr. Hunter asked actual size of lot? Mr. Doerr stated 56.48 ft. at front, 83 ft. at back and 200 ft. on one side, 201 on other. Mr. Heilman asked presently house on each side of that too? Mr. Doerr stated house on both sides, center of two houses. Mr. Heilman asked occupied by one family? Mr. Doerr stated believes they both are, cannot swear to this because does not live there himself. Mr. Hunter asked have you talked to neighbors about how they would feel about this? Mr. Doerr stated has not bourtg up to any neighbors. Mr. Hunter stated essentially saying doing this in hope of improving income from property. Understand you to say if were to be approved were considering addition? Mr. Doerr stated no addition at all.

Mr. Heilman asked have enough room if were two family? Mr. Hunter stated area isn't shown but roughly 22 ft. x 23 ft. upstairs. Mr. Heilman stated 506 sq. ft. Mr. Hunter stated roughly 500 sq. ft. What does MR code call for for single family? Efficiency 500 sq. ft., one bedroom 750 according to code. This would definitely be on small side. What does he visualize apartment upstairs would be like in terms of rooms? Mr. Doerr stated one bedroom and living room, kitchen with dinette between them, two main rooms mainly. Mr. Lighthouse asked if bath upstairs? Mr. Doerr stated yes.

Mr. Hunter asked what is access to the upper floor? Mr. Doerr stated will make access, natural stair case comes down side here. Front down here, back down here, stair case right here, private access on own side of house. This is bigger side, guesses before used to be garage out back, now only building on property. Actually access would be on own side, not in with the other people's.

Mr. Hunter asked how about parking? Where park automobiles associated with this building? Mr. Doerr stated house situated toward east lot line. There is ample parking. Boulder in here, could be stoned over here. Driveway doesn't go all the way to back of house, big gully in vack goes way down toward creek.

Mr. Aureli asked how long owned property? Mr. Doerr stated January of this year. Mr. Hunter asked was this occupied as single family residence? Mr. Doerr stated single family rented property before bought it. Mrs. Chapman asked if same tenants? Mr. Doerr stated no, these people are from Pennsylvania.

Mr. Hunter asked if anyone wished to speak in favor or opposition to this application and no one appeared.

DECISION: Reserved pending receipt of opinion from MCPC and more complete floor plans of proposed change.

KATHLEEN LUEDKE
Secretary

ZONING BOARD OF APPEALS
November 28, 1972

A Public Hearing was held by the Zoning Board of Appeals of the Town of Chili in the Town Administration Offices, 3235 Chili Avenue, Rochester, N. Y. 14624 on November 28, 1972. The Hearing was called to order by the Chairman Mr. Hunter at 8:00 P.M.

Present: Mr. Robert Hunter, Chairman
Mr. Richard Harrington
Mrs. Janice Chapman
Mrs. Gertrude Tanger
Mr. Richard Aureli
Mr. John Palermo

Absent: Mr. John Lighthouse

Also Present: Mr. Patrick Pietropaoli, Town Attorney
Mr. Alfred Heilman, Deputy Town Attorney
Mr. William Davis, Superintendent of Buildings

Mr. Heilman stated that all five formal applications before the Board tonight have been published in paper of general circulation in the Town and affidavits of publication are on file with the Town Clerk.

1. Application of Janet Springer, 12 Chestnut Ridge Road, Rochester, New York 14624, for approval of variance for YMCA offices in property at 12 Chestnut Ridge Road. D Zone.

Mrs. Springer and Gray Wright, Program Director of the YMCA, appeared. Mrs. Springer stated as you know, have beauty shop in back of 12 Chestnut Ridge Road and front of the existing building would be for Y which are 3 rooms for the office. Mr. Wright stated just going to be used for offices for administrative purposes, no programs or anything.

Mr. Hunter asked how many people? Mr. Wright stated secretary and myself. No more than two cars during the day. Mr. Hunter asked what hours and days? Mr. Wright stated secretary's from 10-2:00. I am going in and out, 9-5:00, 5 days a week.

Mr. Hunter stated there was question about sign. Mr. Wright stated thought would only be 2 x 2 sign. Mr. Hunter stated as recall, size smaller than size requiring permit. Mr. Heilman stated 1 x 2 smallest requires permit.

Mr. Hunter stated thinks was noticed in record when originally requested variance for use of property as beauty shop, did indicate would like tenant at front of building and Board said OK but when proposed tenant there, would like to approve or disapprove.

Mr. Heilman stated 2 sq. ft. maximum size on sign, or artificially lighted sign. Mr. Hunter stated if want something bigger have right to apply for it. Board would have to make decision whether allow or not.

Mr. Palermo asked have many people calling there? Mr. Wright stated maybe once every 4 months when start program might come to register kids, like have one program like gym hockey program. All other programs will be registering kids at schools themselves. Mr. Palermo asked any other administrators from other offices down there? Mr. Wright stated no, just secretary and myself will be using office.

Mr. Hunter asked in terms of parking space, adding two cars with occasional visitors? Mr. Wright stated right. Mrs. Chapman asked Mrs. Springer, feel would not inconvenience customers in any way? Mrs. Springer states busiest time on weekend and they will not be there. Secretary just there until 2:00 and Gray in and out all day anyway. Shouldn't be problem.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

NOV 22 1972
DATE.....

THIS IS TO CERTIFY THAT THE ATTACHED LEGAL NOTICE(S) WERE PUBLISHED
IN THE.....

GATES-CHILI NEWS

NOV 22 1972
Issue Dated.....

Norah Conway
.....
Notary:

NORAH CONWAY

NOTARY PUBLIC, State of N.Y. Monroe Co.
EXPIRES 12/31/74

Kathleen A. Murray
.....
SAMUEL J. SMITH
Publisher

LEGAL NOTICE

ZONING BOARD OF APPEALS

A Public Hearing will be held by the Zoning Board of Appeals of the Town of Chili in the Town Administration Offices, 3235 Chili Avenue, Rochester, N. Y. 14624 on November 28, 1972 at 8:00 P.M. to consider the following applications:

1. Application of Janet Springer, 12 Chestnut Ridge Road, Rochester, New York 14624 for approval of variance for YMCA offices in property at 12 Chestnut Ridge Road. D Zone.
2. Application of Parkminster Presbyterian Church, 2710 Chili Avenue, Rochester, N.Y. 14624, for approval of sign to be attached to building, 4' x 6', "Parkminster Book Store," located at 2709 Chili Avenue. E Zone.
3. Application of Beaver Road Church of Christ, 375 Beaver Road, Rochester, N.Y. 14624, for approval of variance to erect 4' x 6' sign, illuminated, in front of church, approximately 110 ft. from Beaver Road. E Zone.
4. Application of Victor Ciacia, 248 Marblehead Drive, Rochester, N. Y. 14615, for approval of variance to build on lot 92' wide x 290' deep, located 16 Beaver Road Ext. EE Zone.
5. Application of Genesee Packing Company and Empire Beef Company, 171 Weidner Road, Rochester, N.Y. 14623, for approval of variance to build offices on front of existing building with front setback on addition to be 85 feet. A Zone.

All interested parties are requested to be present. By order of the Chairman of the Zoning Board of Appeals.

LURAINA E. ROBBINS
Town Clerk

Mr. Heilman stated take it not going to be traffic problems with just you and secretary and not going to conflict with your hours of operation. When people come to register for these programs, say once every 4 months? Programs run in conjunction with other facilities? Mr. Wright stated use schools and churches for our programs. Mr. Palermo asked register at the schools? Mr. Wright stated started Gray-Y for kids. Have meetings at school after classes so don't have to leave school or come to Y for any reason. Mr. Palermo asked about registering part? Mr. Wright stated bring registration forms with them to the activity. Don't have to come to Y.

Mr. Hunter asked if anyone wished to speak in favor or opposition to this application and no one appeared.

DECISION: Granted for 3 year period or as long as YMCA is tenant. Sign to be no larger than 2 sq. ft. without further application to Board.

2. Application of Parkminster Presbyterian Church, 2710 Chili Avenue, Rochester, N. Y. 14624, for approval of sign to be attached to building, 4' x 6', "Parkminster Book Store", located at 2709 Chili Avenue. E Zone.

Rev. Showalter appeared together with Mr. O'Dwyer, Attorney, and Mrs. Frazer, manager of store. Mr. O'Dwyer stated secretary read basic part of application. Would like to add to our application for the Board fact that would like to include lighting on that particular sign and these in three fixtures. Fixed lighting, not blinking, permanent lighting turned on and off by switch, don't flash. These three fixtures are there. Flat sign, has wording set forth in application and would like approval to have approval of your Board to have that sign left where it presently is. Series of events, Town did have inquiries made by the church and thinks acted in good faith, did not receive reply so proceeded forward. Did want to find out what deal was and did not get reply so would like blessing of Board for the sign. Thinks probably some of Board has seen it and if so, thinks can make determination on own.

Mr. Pietropaoli stated thinks did ask about whether variance would be required for the store but never received inquiry for the sign which is topic of this application. Rev. Showalter stated has testimony from Mr. Evans saying called at 11:45 on October 9th and talked to switchboard and no one called back. Mr. Pietropaoli stated as far as this Board concerned and legal staff, never got request on sign. Mr. O'Dwyer stated wanted to know church was acting in good faith.

Mrs. Chapman asked are these actual dimensions of sign as it exists? Seems larger than that. Rev. Showalter stated has bill of sale from man who made sign with dimensions on it. Mr. Hunter stated sketch doesn't appear to be in scale, 2 to 1. Rev. Showalter stated sketch made by man in sign business.

Mr. Hunter stated has not seen sign, maybe wasn't lighted when was there. Specifically where on building located? Rev. Showalter stated right above the door on the soffit. Mr. Hunter asked on Chili Avenue... Mr. O'Dwyer stated right on building over door. If look to right of superette as face building would see entrance into bookstore and over store, sign affixed to the building in 4 points on the sign.

Mr. Hunter asked if flat sign? Mr. O'Dwyer stated over entrance. Rev. Showalter stated slopes. Mr. O'Dwyer stated pitches out from the structure. Mr. Hunter asked if goose-neck lights? Rev. Showalter stated existing lights already there. Mr. Palermo asked already there? Rev. Showalter stated there from photography store there before. Merely added light bulbs. Mr. Palermo asked how many lumens? Rev. Showalter stated 200 watt bulbs.

Mr. Heilman asked when is sign lighted? Mr. O'Dwyer stated hours of operation. Rev. Showalter stated lighted from dusk until 9:00 Monday through Friday and 5:00 on Saturday. If dusk falls before 5:00 on Saturday will be so. Mr. Heilman asked who puts lights on? Rev. Showalter stated staff of store.

Mr. Heilman stated thinks Duncan mentioned wanted to amend application to include illumination of sign. Mr. O'Dwyer stated correct.

Mr. Hunter asked if anyone wished to speak in favor of application or in opposition and no one appeared.

DECISION: Granted for a three year period or as long as the business is in this location, whichever shall come first. Sign to be lighted from dusk until 9:00 P.M. Mon. through Fri. and dusk until 5:00 P.M. on Sat.

3. Application of Beaver Road Church of Christ, 375 Beaver Road, Rochester, N. Y. 14624 for a variance to erect sign in front of church, 4' x 6', illuminated, approximately 110 ft. from Beaver Road. E Zone.

Messrs. Padgett and Cain appeared representing the church. Mr. Hunter asked if have sketch showing location of church and sign? Mr. Cain stated right. This is building, center of Beaver Road here, moved back to be off of State property. MR. Hunter stated as close to road as you can get it but on your property. Mr. Cain stated 110 ft. from center of road.

Mr. Padgett stated State has purchased good deal more land than needed for road so therefore sign would still be , even though long way from pavement, still off of state property also. Mr. Hunter asked anybody know pavement width of Beaver Road? Mr. Davis stated 4 rod probably, 66 ft. Mr. Hunter stated curious just about pavement itself. Mr. Davis stated assume about 40. Mr. Hunter stated probably about 90 ft. from edge of pavement then. Would want parallel to church rather than parallel to road? Mr. Padgett stated right.

Mr. Aureli asked what is construction of this sign? Mr. Cain stated 4 x 4 redwood, white plexiglass. Mr. Padgett stated seems to illuminate very well by internal light. Mr. Aureli asked two-sided? Facing road with lights on front? Mr. Cain stated two 6 ft. flourescent tubes, one at top and one at bottom. If doesn't work would like option.

Mr. Hunter stated say sign illuminated, internal? Mr. Cain stated this is how we hope to erect using two 6 ft. lights on inside behind sign. Mr. Hunter asked single-faced only from road and from behind would be dark? Mr. Cain stated right.

Mr. Hunter asked how about hours of lighting? Mr. Cain stated until come up with better idea would use eye to turn on at dusk and off at morning. Mr. Hunter asked 7 days a week? Mr. Cain stated yes. Mr. Hunter stated as recalls, no buildings across the road. Mr. Cain stated just property next to us. Mrs. Chapman asked isn't there quite a buffer row of trees? Mr. Padgett stated Beaver Creek between building and house. Mr. Cain stated wanted this type of lighting so wouldn't bother somebody close by.

Mr. Palermo asked if have sketch of sign? Mr. Hunter stated yes, it is here. Mr. Palermo asked on posts? Mr. Cain stated 4 x 4 posts on four sides. Mr. Heilman stated two feet off ground and 4 feet high. Two 6 ft. flourescent lights? Mr. Cain stated one at top and one at bottom facing up, plexiglass. Mr. Heilman asked case-type sign, all enclosed? Mr. Cain stated everything printed on here except telephone numbers and times, everything else cemented and cannot be changed.

Mr. Hunter asked what is material? Mr. Cain stated all plexiglass, put on and won't come off.

Mr. Palermo asked mentioned might want little roof over top? Mr. Cain stated if this type of lighting doesn't work, put pitched roof with lights inside but light would be hidden. Mr. Padgett stated checked illumination by sign lighted through the sign and seems to be very satisfactory to light with flourescent lights inside. Mr. Palermo stated if that becomes necessary thinks ought to add in there for this little roof. Mr. Davis stated still part of sign, not changing anything. Mr. Hunter stated thinks Board should make decision if accept or not so would not be necessary to come back.

Zoning Board of Appeals

November 28, 1972

Mr. Harrington asked multiple colored? Mr. Cain stated white with black letters.

Mr. Hunter asked if anyone wished to speak in favor or opposition to this application and no one appeared.

DECISION: Granted for three years with option to use alternate lighting plan involving roof on top of sign. Hours of lighting to be at discretion of church.

4. Application of Victor Ciaccia, 248 Marblehead Drive, Rochester, N. Y. 14615 for approval of variance to build on lot 92 ft. wide x 290 ft. deep, located 16 Beaver Road Ext. EE Zone.

Mr. Ciaccia appeared, presented drawing, stated this is what lot looks like and this would be house built on it. 16 ft. from this lot line and 16 ft. from there and entire house 60 ft. with garage. Mr. Hunter asked three bedroom ranch proposing and single car or car and one-half garage? Mr. Ciaccia stated car and one-half garage.

MRs. Tanger asked what is square footage? Mr. Ciaccia stated approximately 1100.

Mr. Hunter stated shows 16 ft. on either side. Could make two car garage within code. Feel could put double car garage on in additional 6 ft? Mr. Ciaccia stated yes it is. Mr. Hunter stated EE calls for 100 ft. in code. Mr. Palermo asked what size garage? Mr. Ciaccia stated 16 x 22.

Mrs. Tanger stated that lot up higher with lower lots on each side? Mr. Ciaccia stated in front it is, as it goes back, levels off. Mrs. Tanger stated last month neighbor here and mentioned drainage problem, straightened out with him? Mr. Ciaccia stated hasn't talked to him.

Mr. Aureli asked building house? Mr. Ciaccia stated selling property, getting variance to sell. Mr. Aureli asked should house be moved over 6 ft either side? Mr. Ciaccia stated yes.

Mr. Palermo asked any objection if granted with contingency that that size house as shown on drawing be constructed on that lot? Mr. Ciaccia stated no objection. Mr. Aureli asked what is on either side? Mr. Ciaccia stated house on either side, on one side 65 ft. back and other side closer to the road, older home. Mrs. Tanger asked this is where it goes up? Mr. Ciaccia stated yes, as it goes back, when get to where 65 ft. it slopes. Mr. Palermo asked how far are houses from your lot line? Mr. Ciaccia stated house on this side very far away, 50 ft. Mr. Hunter stated George Peterson home, thinks probably right. This one might be fairly close on this side. Mr. Ciaccia stated closer, doesn't know exactly. Mr. Hunter stated could be 7-8 ft., at the time built could have been under 10% ordinance. Asked would there be problem to move house further to the right? Mr. Ciaccia stated no because going back 65 ft. from the road, front of lot up but will be bull-doing down, no problem.

Mr. Hunter stated thing wondering about, might be wise to move this way so if wanted to go to double 24 ft. garage still could do, avoid future variance. Possible as far as you are concerned? Mr. Ciaccia stated right.

Mr. Hunter asked if talked with neighbors? Mr. Ciaccia stated talked with them before, not within last month or so. Mr. Hunter stated one here at last month's meeting and expressed some concern about drainage. Feel can be worked out to mutual satisfaction and willing to work with him on this? Mr. Ciaccia stated right.

Mrs. Tanger asked if building this house? Mr. Ciaccia stated selling contingent to getting 100 ft. variance. Wants to use these plans and has talked to MR. Peterson.

Mrs. Chapman stated if this variance allowed perhaps should have in suggest moving house that distance. Particularly since not building yourself, perhaps other person would not realize discussion had taken place. Mr. Ciaccia stated sees no reason why person going to build it wouldn't go along.

Mr. Hunter stated only variance asking for and need is for width of lot, comply with code in all other ways. Asked if anyone wished to speak in favor or opposition to this application and no one appeared.

DECISION: Granted as per plans submitted.

5. Application of Genesee Packing Company and Empire Beef Company, 171 Weidner Road, Rochester, New York 14623, for approval of variance to build offices on front of existing building with front setback on addition to be 85 ft. Zone A.

Mr. Sidney Levine appeared representing Empire Beef. Stated as application says, want to put offices across front and brought basic sketch with him. This part here is 16 ft. further out than this area here. Right now building flush.

Mrs. Tanger asked trailer there now? Mr. Levine stated temporary office as no room inside. Brought plan we drew. This is building and 128 ft. from center of road. 119 on this side. Want to go out 16 ft. out here to new addition, would be like this. Mr. Hunter asked know actually what these distances convert to to edge of property? What is 119 ft. from property line? Mr. Levine stated estimate within a couple of feet, 33 ft., about 20 ft. road so 108 ft. less 16 ft. Mr. Hunter stated say 20 ft. road, have to consider whole right of way. 66 ft. road, 33 ft., 95 ft., right? Mr. Levine stated in application made 85 ft. Expecting building to be 85 ft. from road line to here. Mr. Hunter stated if that is 66 ft. road, doesn't check.

Mr. Davis stated on original map shows as two rod road, 40 1/2 ft. and all of a sudden make 3 rod so 33 ft. Original map showed three rod road. Mr. Hunter stated 85 ft. would not be, this may not be correct then. If consider three rod or 66 ft. would give 95 ft. from here to here, take 16 ft. away down to 79 ft. based on new right of way. Mr. Levine stated under impression that 100 ft. setback required from lot line. Mr. Hunter stated when building built narrower road than now. Based on that talking about 79 ft. from new line. If this dimension correct that is 33 ft from this, gives 95 ft. Mr. Davis stated original map, we figured 104 ft. to center of road so would be 88 ft. Mr. Levine asked wouldn't 33 ft. right of way come into this area somewhere so might be 79 ft. from here to here but would be closer to 85 ft. from new building to the lot line. Mr. Palermo stated original lot line. Mr. Hunter stated trying to establish in relation to line now. 95 ft. from new line to present edge of building. Take 16 ft. from that would be 79 ft. Mr. Palermo stated still in same spot.

Mr. Davis stated might tell how changed business. Used to slaughter, don't anymore. Mr. Levine stated cattle area open whed. Mr. Davis stated back in over this way, closed off old doors where cows used to go down. Mr. Levine stated haven't slaughtered in almost 4 years now.

Mr. Hunter asked what is across street now? Mr. Davis stated Olympic Park, bare ground. Mr. Levine stated go-cart thing of Olympic. Mr. Davis stated owns right down to corner of Weidner. Mr. Levine stated nothing here, all woods. River back here.

Mr. Aureli asked what is construction going to be, facing? Mr. Levine stated probably brick, hasn't decided. Cinder block covered with facing to make more attractive. Really doesn't know what. Just to doll it up a little bit.

Mr. Hunter stated could add in other spaces without a variance. Have reason want up here? Mr. Levine stated present office up there now, just inside in this area here. Since scales and all traffic, enable any visitors to office, more convenient in front. Other parts of building really don't lend itself to putting office anyplace else. Mr. Hunter stated have code, asking to divert from that code and for us to have some

Justifiable reason to be willing to grant variance of this type. Functionally, present office here now. Mr. Levine stated phone lines and toilets and although new office would have toilet facilities anyway, but could utilize sewer lines, sanitary lines from present toilets and more economical to put there. Mr. Hunter asked no idea what difference would be, considered any other location for it? Mr. Levine stated haven't considered any other location to be honest. Have basic sketch if want to see what inside of new building would look like. 4 loading docks and new addition which is 16 ft. across front, would contain lunchroom for men; bookkeeping office and toilet facilities for men. Front entrance here. Sales office, private office and storage room make up present office.

Mr. Hunter stated assume you intend in part to improve appearance of building. Mr. Levine stated front, definitely. Mr. Heilman stated in past have been asking applicants to go in front of Planning Board as far as design. Mr. Hunter stated esthetic appearance. Mr. Heilman stated informally, but when do get plans drawn up, come in front of Planning Board and they have opportunity. Mr. Levine stated would be glad to.

Mr. Heilman asked this is going to front on Weidner Road? Mr. Levine stated right. Mr. Heilman asked also going to ask for sign on building itself? Mr. Levine stated there is one on building now, would like to move to this location, script different, same letters and size.

Mr. Heilman asked illuminated? Mr. Levine stated no. Mr. Heilman asked fastened to building? Mr. Levine stated right, fastened to the building, big plastic letters. Mr. Hunter asked dimensions of rectangle? Mr. Levine stated letters 36" high, width something like 24" per letter. Mr. Hunter stated 14 spaces, about 28 ft. Honestly bigger than normally willing to allow, but let Board consider, consider anything smaller? Mr. Levine stated will consider anything. Mr. Hunter asked these would be block plastic letters, unlighted? Mr. Levine stated ones has now are block, might change script but same size. Just name, nothing else. Isolated, nobody around us.

Mr. Heilman asked should amend to read 79 ft. rather than 85 in application? Mr. Hunter stated right, based on terms of distance in front. Mr. Heilman stated also amend to remove existing sign on building now to be put on building to be put up. Mr. Hunter stated talking about new letters, talking about same basic size on new building but new letters. Mr. Palermo asked where is sign presently? Mr. Levine stated presently up above, this would be down lower.

MR. Hunter asked if anyone wished to speak in favor or opposition to this application and no one appeared.

DECISION: Granted with application to read 79 ft. setback.

Mr. Zukoski representing the Varsity Inn appeared to discuss erecting sign on front of property. Will make formal application for December meeting.

Held over from October 26, 1972 meeting:

Application of John G. Doerr, 11 North Street, Churchville, N. Y. for approval of variance to convert single family dwelling to two family dwelling located at 4351 Buffalo Road, North Chili. Zone B.

DECISION: Denied unanimously, no evidence of hardship.

KATHLEEN LUEDKE
Secretary

ZONING BOARD OF APPEALS
December 26, 1972

A Meeting of the Zoning Board of Appeals of the Town of Chili was held in the Chili Administration Office at 3235 Chili Avenue, Rochester, N. Y. 14624 on December 26, 1972 at 8:00 P.M. The meeting was called to order by the Chairman Mr. Hunter.

Present: Robert Hunter, Chairman
Richard Harrington
Janice Chapman
Gertrude Tanger
John Lighthouse
Richard Aureli
John Palermo

Also Present: Patrick J. Pietropaoli, Town Attorney
Alfred J. Heilman, Deputy Town Attorney
William A. Davis, Superintendent of Buildings

MR. Heilman stated there are 4 applications before this Board that were published in a paper of general circulation and the affidavit of that publication is on file with the Town Clerk.

1. Application of Vincent Pagluico, 2970 Chili Avenue, Rochester, N. Y. 14624 for appeal of Building Inspector's refusal to have floodlights removed from Reynold's Bungalow located at 25 Chestnut Ridge Road, installed in violation of order of Zoning Board of Appeals dated February 6, 1957. E Zone.

Attorney Neil Bubel appeared representing Mr. Pagluico. Stated Zoning Board of Appeals granted variance to Howard Reynolds to erect grocery store. One of the conditions stated that any floodlights shall be installed under direction of building inspector. Floodlights were installed on the building and I sent notice to building inspector and stated that Reynolds had placed lights on building despite order. No plans filed with building inspector's office or permission given to install. Request remove as installed illegally. Contention that did not apply to the building inspector as per order because if he had, sure inspector would have talked to the applicants in regard to the lights before allowing to be installed. We must exhaust our administrative requiters before allowed to go to court and last act to appeal to Board and request that you order lights removed and have him comply with the order of the Board regarding floodlights.

Mrs. Pagluico stated floodlight hits 75% on my property, only 42 ft. away from my property. Those lights hit me right in the bedroom. Entitles to fresh air once in a while. Cannot open windows, got to have double drapes and shade. If not entitled to open window, what good is living in Zone E.

Mr. Heilman asked Mr. Bubel in presentation referred to that there were no plans on file with building inspector, some authority to file plans for floodlights? Mr. Bubel stated said must get permission from inspector and only way can see to get is to present plans showing circumference and diameter of area light would cover to show wouldn't obstruct or bother anyone in neighborhood. Also sure building inspector would have talked to the applicant before permitting. Mr. Heilman asked no reference to specific requirements? Mr. Bubel stated no.

Mr. Pietropaoli asked if owner of supermarket had come to inspector and said want to put light up, this is where I want it, come have look at it and building inspector went out to look at location, would that be sufficient permission as to variance granted in your opinion? Mr. Bubel stated naturally that would be strictly complying with terms, would feel should talk with the people in the neighborhood before allowing light to be installed but if made proper inspection and if your answer written that he did and was told just how far light would shine and all, supposes in a way has complied.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

DEC 20 1972

DATE.....

THIS IS TO CERTIFY THAT THE ATTACHED LEGAL NOTICE(S) WERE PUBLISHED
IN THE.....

GATES-CHILI NEWS

DEC 20 1972

Issue Dated.....

Norah Conway
.....

Notary:

NORAH CONWAY

NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 1974

Kathleen A. Mullaney
.....

SAMUEL J. SMITH

Publisher

LEGAL NOTICE

Zoning Board of Appeals

A Public Hearing will be held by the Zoning Board of Appeals of the Town of Chili in the Town Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on December 26, 1972 at 8 :00 P.M. for the purpose of hearing the following applications:

1. Application of Vincent Pagluico, 2970 Chili Avenue, Rochester, New York 14624 for appeal of Building Inspector's refusal to have flood-lights removed from Reynolds' Bungalow located at 25 Chestnut Ridge Road, installed in violation of order of Zoning Board of Appeals dated February 6, 1957. B Zone.
2. Application of Jack and William Friel, 1509 Scottsville Road, Rochester, New York 14624 for approval of one free-standing sign advertising Varsity Inn, 36 Sq. Ft., height 11 ft., lighted, approximately 60 feet off road. A Zone.
3. Application of Brunswick Olympic Bowl, 1300 Scottsville Road, Rochester, New York 14624 for approval of free-standing roadside sign to replace existing sign and replace existing flashing marquee sign on front of building. A Zone.
4. Application of Joseph Schuler, 1300 Scottsville Road, Rochester, New York 14624, for approval of variance to erect one free-standing sign 8' x 4' approximately, non-rotating, internally illuminated, approximately 13 ft. over-all height, on property at 1210 Scottsville Road. A Zone.

All interested parties are

requested to be present. By order of the Chairman of the Zoning Board of Appeals.

LURAINA E. ROBBINS
Town Clerk
Town of Chili, N.Y.

Mr. Hunter asked need for any more statements? Mr. Heilman asked Mr. Davis, you are building inspector in the Town, correct? Mr. Davis stated yes. Mr. Heilman asked at one time you were requested to go out and look at floodlights on back of store? Mr. Davis stated yes, went and looked at it and talked to Pagluico's about it. Mr. Heilman asked do you remember when? Mr. Davis stated at first had assistant, sent him over first, over a year ago, September sometime. Did go into it and looked it over. Mr. Heilman asked did you go over personally? Mr. Davis stated couple of days later and went inside and they showed me condition. Mr. Heilman asked did you look at light in question? Mr. Davis stated on corner of building, attached to building. Mr. Heilman asked as far as your determination, is light properly attached to that building? Mr. Davis stated not authority on lights because electrical work done by Underwriters so no authority on lights but did get him to paint outside of the light, did cut down brightness of the light. Mr. Pietropaoli asked do you approve of light in present location? Mr. Davis stated as far as location. Mr. Pietropaoli asked no objection as far as light being there? Mr. Davis stated had break-ins and row of trees, kids around back there. Mr. Heilman asked were trees taken down at somebody's request? Mr. Davis stated doesn't know. Mr. Heilman stated doesn't have anything else.

Mrs. Pagluico stated trees were dead and did lot of damage in my yard, told them about it. Broke our fence and trees and had garden and big branch came down in my yard and yet played ball and cleaned up but eventually had to come down because they were dead. That's before light went up. In July trees down and September put lights up. Mr. Hunter asked what year? Mrs. Pagluico stated July of 1971. If those trees were there, probably would break some of that light. Get light direct. The wrong lights to be up, can be different kind if he wants them.

Mr. Neil Giuliano, 2975 Chili Avenue, stated doesn't want light like that shining in bedroom window. In this day and age with all kinds of light can light all he wants in his property, seems unreasonable to put floodlight on top of roof. I know I would complain if own back there. Only 40 ft. from line. Light shines more on their property than his property.

Mr. Bubel stated would like to ask building inspector one questions, were lights installed under your direction? Mr. Davis stated no, lights there and then they called me, never saw putting lights up.

Mrs. Giuliano, 2975 Chili Avenue, stated not against light if he put something in front to protect neighbors. As husband said, wouldn't want it shining in bedroom. Light didn't help after put up, robbed. Another time kids or someone took bakery and threw all over Chili Avenue, half on our lawn. Lights don't protect, why bother neighbors. If living in residential should have privacy, could have lights but to protect own building and property.

Mr. Pietropaoli asked Mr. Bubel are there lights in front of this house on Chili Avenue, in front of house of applicant, street lights, traffic, anything? Mrs. Pagluico stated on corner of private road. Mr. Pagluico stated there is light because Reynolds put road there, if not put road there, light would not be there. Mr. Pietropaoli asked light on that service road? Mr. Pagluico stated that light 150 ft. away from me. Light back of me only 41 ft. I own 80 ft. behind me. Mr. Pietropaoli asked any lights illuminating entrance to Old Ivy Circle? Mr. Pagluico stated yes there is on Old Ivy Circle. Mr. Giuliano stated one on every corner, that is not point to have light on every street and corner, have to have for safety. Talking about backyard, only privacy man has in backyard. Wouldn't want in my backyard, that is for sure. Mrs. Pagluico stated according to master plan cannot put anything beyond 50 ft., that I know. Mr. Pietropaoli stated that has not been adopted yet. Mr. Hunter stated proposed, not adopted. Mrs. Pagluico stated that is old master plan.

Mr. Heilman stated unless Mr. Bubel has specifics as far as light concerned itself, no more questions.

Mr. Hunter asked if anyone wished to speak in favor or opposition to this application and no one appeared.

DECISION: On February 5, 1957 there was a hearing before the Zoning Board of Appeals and on that date there was granted a variance to one Howard Reynolds. This stated that floodlights should be installed under the direction of the building inspector. This was not acted on in 1957 but in fact were put up in 1971 and although it wasn't done under the supervision of Mr. Davis, he did testify that as far as he is concerned he would approve it as presently installed in a capacity other than electrical inspection as this is under the authority of the Underwriters to approve that. There was no testimony by Mr. Bubel as to any specifics as to illumination or intensity and there was testimony that there is other ample illumination in the area. Denied unanimously.

2. Application of Jack and William Friel, 1509 Scottsville Road, Rochester, N. Y. 14624 for approval of one free-standing sign advertising Varsity Inn, 36 sq. ft., height 11 ft., lighted, approximately 60 feet off road. A Zone.

Mr. Paul Bronson appeared on behalf of Messrs. Friel. Stated submitted application for variance on sign, doesn't know what questions might have, called clerk and apparently all forms in order.

Mrs. Chapman asked same sign submitted informally last month? Mr. Bronson stated has been reduced in size. Mrs. Chapman asked same lettering and sign? Mr. Bronson stated 7 x 6 outside dimensions, indented, comes out to 34 sq. ft. Location to be determined by building inspector, willing to locate anywhere as long as satisfactory with Town, line of sight no problem.

Mr. Hunter asked if two-faced illuminated sign? Mr. Bronson stated yes, apparently, not that familiar. Going to be floodlights elevated toward sign, pointed to the sky, not reflecting off building. Mr. Hunter asked one on each side? Mr. Bronson stated yes, doesn't know wattage. Mr. Hunter asked proposed hours of lighting? Mr. Bronson stated during hours of operation, 2:00 in the evening, thinks stop admitting at 1:00. Mr. Hunter asked 7 days a week? Mr. Bronson stated most probably would be.

Mrs. Tanger asked did you explain to Friels that if in future required free-standing signs should go, they would be willing to take down? Mr. Bronson stated is builder who put addition on, foreman out of town and briefed me on it. Pretty sure they did discuss it.

Mr. Hunter asked if other questions from Board? Mr. Heilman stated no questions, thinks asked all questions last time around. Mr. Hunter asked if anyone in audience wished to speak in favor or opposition to application and no one appeared.

DECISION: Granted for three years, unanimously, with installation of floodlights on ground to illuminate sign to be approved by Superintendent of Buildings.

3. Application of Brunswick Olympic Bowl, 1300 Scottsville Road, Rochester, N. Y. 14624 for approval of free-standing road-side sign to replace existing sign and replace existing flashing marquee sign on front of building. A Zone.

Application was withdrawn by applicant on December 19, 1972.

4. Application of Joseph Schuler, 1300 Scottsville Road, Rochester, N. Y. 14624 for approval of variance to erect one free-standing sign 8' x 4' approximately, non-rotating, internally illuminated, approximately 13 ft. over-all height, on property at 1210 Scottsville Road. A Zone.

Mr. Michael Peck appeared representing Mobil Oil. Stated has three sketches on specifications for location and type of sign would like to install. Has plot plan showing location of sign. Would like to make correction in original application. Stated sign would be approximately 13 ft. high, as it stands now, 15'7". On third page, specifications on sign and square area attached. Pole 12 ft., sign 3'7". Internally illuminated, non-rotating. Standard Mobil 1D sign, one right here at

corner of Paul and Chili Avenue.

Mrs. Tanger asked this isn't sign you have reference to? Mr. Peck stated no that is location of sign, this would be what sign would look like, just Mobil ID.

Mr. Lighthouse asked 10 ft. off road? Mr. Peck stated yes, 10 ft. and 40 ft. Mr. Davis stated 10 ft. from lot line. Mr. Peck stated yes 10 ft. from lot line, not road.

Mr. Hunter asked two-faced sign? Mr. Peck stated right. Mr. Hunter stated nothing here I see and maybe missed it, that gives intensity of illumination. Anything in specs on that? Mr. Peck stated doesn't know if has it.

Mr. Harrington asked standard Mobil sign? Different intensities of light? Mr. Peck stated no, all the same unless get into larger sign, might have more lights. Mr. Harrington asked standard intensity for that size sign? If same size as one up here, would look the same? Mr. Peck stated yes, exactly the same. Doesn't flash or blink. Standard intensity, same as one on service station on corner.

Mr. Hunter stated interested in illumination actually coming out of the sign measured in lumens or something.

Mr. Heilman asked what hours would light be on? Mr. Peck stated not sure in that we don't operate location, Mr. Schuler is operator, would imagine something like 9 AM to 7, 8, 9PM, doubt if past 9 o'clock.

Mr. Aureli asked sign won't have car wash underneath it also? Mr. Peck stated no, it will not.

Mr. Hunter stated the Town is in process of looking at revised code for the Town and included in this code would be provision for signs different than presently exists. If this code were to call for removal of free-standing signs by some reasonable period of time as part of the code, would client still want to put up? Mr. Peck stated sure he would, expense of installing sign is Mobil's, will put up for period of a year. If less than a year, would not install sign.

Mr. Heilman asked what is value of sign? Mr. Hunter asked total value of sign in place, installed, approximately. Mr. Peck stated could take guess, thinks around \$1,000, could be \$2-300 either way. Have it somewhere, if want to get it, could find. That is including installation fee.

Mr. Palermo asked any other sign going to be on this post? Mr. Peck stated won't be any other signs on that post, if somebody else comes along and attaches sign relating to car wash, will ask to take down because my sign. Mr. Palermo asked has jurisdiction on what goes on post? Mr. Peck stated does maintain sign.

Mr. Davis stated does have variance for car wash? Mr. Heilman asked where is sign for car wash? Mr. Davis stated on building. Mr. Peck stated does have system where can put banners on pole for promotional things. For this operation would not require, will probably do away with because do run into zoning difficulties.

Mr. Heilman asked can you tell Board whether or not if this is going to be only application for signs, specifically referring to applications for self-service signs by companies. Is it your intention that this sign will be your advertisement for this station? Mr. Peck stated that is intention at this time. No plans now or in visible future to request self-service or mini-service. Doesn't say won't come down the line within 6 months or a year and be possibility.

Mr. Heilman asked what is directly across from the sign? Mr. Peck stated abandoned building directly across and airport. Page on the left, airport, Kodak and building. Mr. Hunter stated possibly Little's.

Zoning Board of Appeals

December 26, 1972

Mr. Hunter asked if anyone in the audience wished to speak in favor or opposition to this application and no one appeared. Mr. Hunter stated this does have to be sent down to MCPC and cannot act until we hear their decision.

DECISION: Reserved pending receipt of opinion from MCPC.

Mr. Finkel of the YMCA appeared informally to discuss proper procedures for locating a YMCA branch on property on Chestnut Ridge Road. Attornies will advise.

KATHLEEN LUEDKE
Secretary