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ZONING BOARD OF APPEALS
January 23, 1973

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, New York 14624 on January 23, 1973. The meeting was called to order by the Chairman, Mr. Hunter, at 8:00 P.M.

Present: Robert Hunter, Chairman
Janice Chapman
Gertrude Tanger
John H. Lighthouse
Richard Aureli

Absent: John Palermo
Richard Harrington

Also Present: Town Attorney Patrick Pietropaoli
Deputy Town Attorney Alfred Heilman

Mr. Heilman stated there are two 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 Norton Cadette Cleaners, 420 Norton Street, Rochester, New York for approval of variance to erect sign, 3 ft. x 13 ft. attached to building, internally illuminated, located at 3240 Chili Avenue. B Zone.

David Wilson of Empire Sign Company appeared representing Norton Cadette Cleaners.

Mr. Wilson stated they would be moving the sign from another cleaners to Norton in Chili.

Mr. Wilson said sign would be 3' x 13'; however, Mr. Hunter amended it to be 3' x 12'. It was also stated that the sign would be illuminated from dusk to dawn, with an illumination intensity of 15,000 lumens. (Sign will be yellow face which will cut down on the illumination.)

Mr. Wilson also stated that this sign will be attached to the top of the building and will be in line with the other store's signs currently on the buildings.

Mr. Hunter asked what the value of the sign would be. Mr. Wilson stated that because it was a used sign the approximate value would be \$300.00.

DECISION: It was unanimously decided that request for a variance to erect a sign 3' x 12', attached to the building, internally lighted for a period of three years be granted.

- #2. Application of Lincoln First Bank, 4390 Buffalo Road, North Chili, New York 14514 for approval of variance for one sign, 4'4" x 16'4", internally lighted to be installed on side of building facing Union Street, located at 4390 Buffalo Road. B Zone.

Mr. Charles Frank, neon and electric sign contractor represented Lincoln First Bank.

Mr. Frank stated that Lincoln First Bank would like to erect a sign on the side of the bank building facing Union Street. This sign would be like the sign already on the front of the building; ivory in color with black letters. Level of illumination 500 watts. Value is \$800-900.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

JAN 17 1973

DATE.....

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

GATES-CHILI NEWS

JAN 17 1973

Issue Dated.....

Morale Conway.....

Notary:

MORALE CONWAY

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

My Commission Expires March 30, 1974

Samuel J. Smith.....

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 in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on January 23, 1973 at 8:00 P.M. for the purpose of hearing the following applications:

1. Application of Norton Cadette Cleaners, 420 Norton Street, Rochester, New York for approval of variance to erect sign, 3 ft. x 13 ft., attached to building, internally illuminated, located at 3240 Chili Avenue. B Zone.

2. Application of Lincoln First Bank, 4390 Buffalo Road, North Chili, New York 14514 for approval of variance for one sign, 4'4" x 16'4", internally lighted, to be installed on side of building facing Union Street, located at 4390 Buffalo Road. 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
Town of Chili, N.Y.

Zoning Board of Appeals

January 23, 1973

Mr. Hunter asked about the hours of illumination and it was stated by Mr. Frank they would be from dusk to 9:00 P.M.

Mr. Hunter asked if anyone wished to speak in favor or opposition.

Mrs. Caryle, Assistant Manager of Lincoln First Bank spoke in favor of the sign stating it is between 170-175 ft. from Union Street so the sign would not interfere with anyone. Since front sign is on from dusk until dawn, feels this sign should be also, for safety purposes because area is very dark at night.

Mr. Hunter stated that it was his understanding sign was only to be illuminated during banking hours.

No one was in opposition.

DECISION: Hours of illumination will coincide with sign granted in August of 1972. It will be granted for 2 years and 7 months to coincide with the front sign. This was an unanimous decision.

Held over from December meeting:

Application of Joseph Schuler, 1240 Scottsville Road for approval of sign at car-wash - Mobil. A Zone.

DECISION: Granted for period of three years with following stipulations. 1. Sign should be erected under supervision of Superintendent of Buildings. 2. This shall be the only sign attached to this pole. 3. Sign shall be 15'7" in height. 4. Sign to be illuminated from dusk until 9:30 P.M.

KATHLEEN LUEDKE
Secretary

ZONING BOARD OF APPEALS
February 27, 1973

A meeting of the Zoning Board of Appeals of the Town of Chili was held in the Town Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on February 27, 1973. The meeting was called to order by the Chairman, Mr. Hunter, at 8:00 P.M.

Present: Robert Hunter, Chairman
Janice Chapman
Gertrude Tanger
John Palermo
Richard Harrington
Richard Aureli

Absent: John Lighthouse

Also Present: Patrick Pietropoli, Town Attorney
Alfred Heilman, Deputy Town Attorney

Mr. Heilman stated let record show that these 13 applications were duly published in a paper in the Town of Chili as per legal requirements and affidavits are on file with the Town Clerk.

- #1. Application of Bianchi Asphalt Paving Co., 201 Angelus Drive, Rochester, N. Y. for approval of variance to erect home on undersized lot, 50' x 120' with sideline variances of 40 ft. from Charles (front), 20 ft. from Theron (side), and 6 ft. on other side, located Lot No. 2, Blk. 0, Charles Avenue. D Zone.

Mr. Bianchi appeared, stated would like to ask Board if can build house on this sub-sized lot. Mr. Hunter stated thinks most of us saw this, Lot 2, Block 0 on Charles. Right on corner of Theron, SW corner of Theron and Charles. Is there home on Lot 3? Mr. Bianchi stated no, doesn't think there is. Mr. Hunter stated notes said house on second lot west of corner near as I can tell. 3 is vacant. Do you know owners? Mr. Bianchi stated no, buying from fellow. Mr. Hunter asked any attempt to locate owner of Lot 3 with idea of purchasing it? Mr. Bianchi stated no.

Mr. Hunter stated house either on 4 or 6, Lot 3 vacant. Asking for 40 ft. setback. Does that correspond to home that is there? Or what is reason for 40 ft? Realize most setbacks less than 60 ft., curious to know why 40? Mr. Bianchi stated seems all other houses built 40 ft. and 20 ft. on side line. Mr. Hunter stated required by code on corner lot. Garage in plan? Mr. Bianchi stated yes, single car. Mr. Hunter asked do not anticipate any need to expand home in either direction? Mr. Bianchi stated asking for 6 on other side instead of 4 ft.

Mr. Hunter asked if any other questions from Board? Mr. Aureli asked amended 4 ft. to 6 ft? Mr. Bianchi stated right. Mr. Hunter stated should amend application to 6 ft. Mr. Bianchi stated built house like this on corner of Alfred Avenue, turned out nice.

Mr. Hunter asked is there water available to that home and sewer both? Mr. Bianchi stated yes water and sewer both. Mr. Hunter asked they do stop somewhere beyond Theron? Mr. Bianchi stated yes, couple hundred feet farther.

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

DECISION: Granted unanimously.

- 2. Application of Helen Garneau, 2986 Chili Avenue, Rochester, N. Y. for approval of variance to erect sign on canopy, 1' x 4', unlighted, "Antiques" located at 3313 Chili Avenue. B Zone.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

DATE Feb. 21, 1973

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

GATES-CHILI NEWS

Issue Dated February 21, 1973

Joseph Conway
Notary:

NOTARY PUBLIC
STATE OF NEW YORK
ROCHESTER, N.Y.
1973

Geraldine Snyder
SAMUEL J. SMITH
Publisher

LEGAL NOTICE**ZONING BOARD OF APPEALS**
February 27, 1973

A meeting of the Zoning Board of Appeals of the Town of Chili will be held in the Chili Administration Office, 3235 Chili Avenue, Rochester, N.Y. 14624 on February 27, 1973 at 8:00 P.M. to hear the following applications:

1. Application of Bianchi Asphalt Paving Co., 201 Angelus Drive, Rochester, N.Y. for approval of variance to erect home on undersized lot, 50' x 120' with side line variances of 40 ft. from Charles (front), 20 ft. from Theron (side) and 4 ft. on other side, located Lot No. 2, Block O Charles Avenue. D Zone.
2. Application of Helen Garneau, 2986 Chili Avenue, Rochester, N.Y. for approval of variance to erect sign on canopy, 1 ft. x 4 ft., unlighted, "Antiques" located at 3313 Chili Avenue. B Zone.
3. Application of George & Mary Engels, 3183 Chili Avenue, Rochester, N.Y. 14624 for renewal of variance for one sign 3' x 19', to advertise Engels Mobile Homes, Wholesalers, at 3183 Chili Avenue. B Zone.
4. Application of Wichita Constructors, Inc., 313 S. Market, Wichita, Kansas, for approval to add a 3' x 12' "Grants" sign to the existing pylon "Chili-Paul Plaza" sign, located at 3240 Chili Avenue. B Zone.
5. Application of Wichita Constructors, Inc., 313 S. Market, Wichita, Kansas, for approval of 3 entrance signs, and 3 exit signs, approx. 1' x 4' and 4' high at 3240 Chili Avenue, Chili-Paul Shopping Center, per sketch submitted. B Zone.
6. Application of Wichita Constructors Inc., 313 S. Market, Kansas, for approval of 5' high letters spelling "Grants" on front face of proposed W. T. Grants Building and 5 flagpoles mounted on front wall of building approximately 20 ft. high per sketch submitted. B Zone.
7. Application of YMCA of Rochester and Monroe County, 100 Gibbs Street, Rochester, N.Y. 14601 for approval of special permission to use property for eventual construction of YMCA building and remainder of property to be used for YMCA programs, located on Chestnut Ridge Road, North of Chili Avenue, being tax account #1762-000, property owned by Rudolph Kaiser. EE Zone.
8. Application of Dario Marchionni, 23 Twin Oaks Drive, Rochester, N.Y. 14606, for approval of variance to erect home on Lot #17, Block F, Alfred Avenue, lot size 50' x 120' with front setback to be in line with existing homes. D Zone.
9. Application of Dario Marchionni, 23 Twin Oaks Drive, Rochester, N.Y. 14606 for approval of variance to erect home on Lot 17, Block O, Chester Avenue, lot size 50' x 120', with front setback to be in line with existing homes. D Zone.
10. Application of Dario Marchionni, 23 Twin Oaks Drive, Rochester, N.Y. 14606 for approval of variance to erect building 50 ft. from Scottsville Road (front setback), 6 feet from south lot line, on Commercial corner located at SW corner of Scottsville Road and Harold Avenue. B Zone.
11. Application of Jay C. Widen-

er, 135 Scottsville-Chili Road, Churchville, N.Y. 14428 for approval of variance to erect sign, 4' x 8' "For Sale" on posts and one sign approximately 2' x 2' "For Sale" on property located at 3260 Chili Avenue. E Zone.

12. Application of Slade & Suter, 272 Alexander Street, Rochester, N.Y. for approval of renewal of variance for "For Sale" sign on property at 997, Beahan Road. A Zone.

13. Application of New Apostolic Church, 210 Danbury Drive, Cheektowaga, N.Y. 14225, for approval of variance to erect a church building on property located at SE corner of Marshall Road and Waltham Road. B Zone.

All interested parties are hereby 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.

Mrs. Garneau appeared. Mr. Hunter asked care to make any further comment as to what application about? Sketch of store? This is sign talking about? Mrs. Garneau stated this one exists now. All wants is little 1' x 4' you can see easily from road, but with all cars and everything cannot see from where I have now in store.

Mr. Hunter asked what was in here? Mrs. Garneau stated dry cleaners. Mr. Hunter asked in time to take sign down? Mrs. Garneau stated Mary Elizabeth sign, doesn't want to obliterate.

Mr. Hunter asked have you talked to Mary Elizabeth? Mrs. Garneau stated sign like dot in landscape. Mrs. Tanger asked changed place of business from home to here? Mrs. Garneau stated gave variance for three years and moved. Mr. Hunter asked no lights? Mrs. Garneau stated no. Mr. Hunter asked metal sign? Mrs. Garneau stated wood, been using in front of shop a couple months. Mr. Hunter stated usually get request for much bigger signs, refreshing. Mrs. Garneau stated doesn't ask for much in this life, don't get it anyway.

Mr. Hunter stated for the record, request did go to MCPG for their opinion and they have sent back to us saying decision should be solely with local agency having jurisdiction. Asked if anyone wished to speak in favor or opposition to the application and no one appeared.

DECISION: Granted unanimously for three year period.

3. Application of Mary & George Engels, 3183 Chili Avenue, Rochester, New York 14624 for renewal of variance for one sign 3' x 10' to advertise Engels Mobile Homes, Wholesalers, at 3183 Chili Avenue. B Zone.

Miss Lisa Engels, daughter of applicant, appeared. Mr. Hunter asked if cares to make any comment about this sign? Miss Engels stated no. Mr. Hunter asked if Board had any questions? Mrs. Chapman asked take it sign that is currently there? Miss Engels stated yes. Mr. Hunter asked everything the same as to lights, hours of operation, days of week, etc? Miss Engels stated yes.

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

DECISION: Granted unanimously for one year period.

4. Application of Wichita Constructors, Inc., 313 S. Market, Wichita Kansas for approval to add a 3' x 12' "Grants" sign to the existing pylon "Chili Paul Plaza" sign, located at 3240 Chili Avenue. B Zone.
5. Application of Wichita Constructors, Inc., 313 S. Market, Wichita Kansas, for approval of 3 entrance signs and 3 exit signs, approx. 1' x 4' and 4' high at 3240 Chili Avenue, Chi-Paul Shopping Center, per sketch submitted. B Zone.
6. Application of Wichita Constructors, Inc., 313 S. Market, Wichita, Kansas for approval of 5' high letters spelling "Grants" on front of proposed W. T. Grants building and 5 flag poles mounted on front wall of building approximately 20 ft. high per sketch submitted. B Zone.

Mr. Rock Meunier and Mr. William Kambouris appeared representing Wichita Constructors. Mr. Hunter stated sketch on #6, main building, 5' high letters. 5 flag pole, up between letters. Others have to do with entrance signs. 3' x 12' underneath Center sign and entrance-exit signs indicated on plot map. Mrs. Chapman stated three exits on Chili now, proposing new signs where existing entrances are? Mr. Meunier stated yes. Mr. Hunter asked exit in each location plus entrance off Paul Road? Mr. Meunier stated no sign on far west end. Only signs where now existing. Mrs. Chapman asked planning to take down and replace? Mr. Meunier stated replaced with new exit and entrance signs. Mr. Palermo asked entrance and exit pertains to Grants, because there is one up here? Mrs. Chapman stated not specifically stated in application if taking down existing signs or what. Mr. Meunier stated just

leaving bank signs on pylon. Mrs. Tanger stated strictly say entrance and exit, right?

Mr. Meunier stated drawing shows construction and concrete base. Mr. Heilman asked going to take down signs presently and being replaced? Mr. Meunier stated yes, by these. Mrs. Chapman commented uniform at all the exits.

Mr. Hunter asked how about lighting on signs? Mr. Meunier stated will refer back to specs. Indication of what construction and by whom. Mr. Hunter stated manufacturer, background white colored acrylic plastic, letters formed acrylic 8" high for exit and entrance, block type, both sides of background panel orange color. Mr. Heilman asked illuminated? Mr. Meunier stated yes. Mr. Hunter stated internal, double row fluorescent lights. High output, color white, rapid start, 120 volt ballast. What is total wattage involved? Mr. Meunier stated whatever capability is to illuminate. Comes off primary. Mr. Hunter stated assume 4 ft. fluorescent tubes, double row. Mr. Meunier stated 4 altogether. Mr. Hunter stated two for each side, normal tube 40 watt I think. Mrs. Chapman asked inside? Mr. Hunter stated inside so have filtering effect, translucent. Any indication of what filtering is? Mr. Harrington asked how far back from road? Mr. Meunier stated just a few feet off Chili Avenue. Mr. Harrington asked signs 4' x 4'? Mr. Kambouris stated thinks calls for four 40 watt bulbs, acrylic doesn't shine at all. Mr. Hunter asked what proportion of intensity will get through? Mr. Kambouris stated 40%, subtle light, not too bright. Mr. Hunter stated illumination important and seldom get people to tell us what talking about. Mr. Kambouris stated no different than what there now. Mr. Meunier stated dull white. Nothing to affect traffic.

Mr. Hunter stated this applies to entrance-exit signs, how about Grant's sign on pylon? Mr. Meunier stated extruded aluminum sign. Mr. Hunter asked is that internally lighted? Mr. Kambouris stated same way as what is there now. Mr. Meunier stated exactly the same as what Midland has. Mr. Kambouris stated one 8 ft. on each side, two 8 ft. tubes. Mr. Hunter stated one 8 ft. fluorescent tube for each side, sign under Chi-Paul sign. Mrs. Chapman asked is it clearly illuminated? Mr. Kambouris stated yes, only thing not illuminated now, center knocked out, will be repaired. Mrs. Chapman asked any protection against signs being broken, one at exit on Paul Road originally broken for some time. Talking about kids with snowballs and rocks. Mr. Meunier stated vandalism a part of life. Mrs. Chapman asked any way of protecting or building of material that cannot be broken?

Mrs. Tanger asked where else might we see signs like these around city? Mr. Kambouris stated first Grant's store doing here. Mr. Meunier stated believes at Westgate would see something similar.

Mr. Heilman stated 4 ft. high. If sitting in automobile aren't you approximately 4 ft. off ground? Mr. Kambouris stated 4'8" to the top. Mr. Harrington stated if driving out and trying to see traffic with this 1 ft. high, 4 ft. long sign, would be visual block. Mr. Meunier stated set off the road and to site grade and road about 1 ft. off grade. Mr. Kambouris stated believes about 20 ft. in. Doesn't have set of plans here. Mr. Meunier stated actually road would set up above this. Mr. Hunter stated base below road, about how much? Mr. Meunier stated good 1-1 1/2 ft. Mr. Kambouris stated about the same, within a foot of the same grade with center of road. Have property line and by the time go off about 20 ft., looking at an angle. Mr. Hunter stated standard situation for signs like this, must be common problem with entrance and exit signs. Sure you can appreciate concern with seeing traffic in both directions. Mr. Harrington stated wants to know how far off road going to be placed. Mr. Meunier stated beyond property line. Sure not going to cause any problem in viewing on-coming traffic. Mr. Hunter asked any objection from your point of view if signs be placed under direction of Superintendent of Buildings? Mr. Kambouris stated doesn't want to foul up parking areas. Has to keep in mind has to go according to parking striping. You people require so many parking spaces per square foot. Mr. Pietropaoli stated talking about doesn't want sign to be in way of someone coming out of driveway. That is why want building Superintendent out to see where going, not here tonight. Copy of plans on file with him and he will review and County

will send recommendations on these requests and will put all together and decide what to do.

Mr. Heilman stated questions sign on pole, have any, what is reason for that sign? Between those two poles? Mr. Kambouris stated only thing identifying center is that bank, only tenant there. Would like to put Grants to show there too. Mr. Heilman stated in for application for 5 ft. high letters saying Grants and problem is, 10-15 more tenants there and what about when they come and want sign on pole too. Pretty soon not going to be pole there. Mr. Meunier stated pole won't be big enough.

Mr. Heilman stated also considering eliminating all free-standing signs in a few years. Mr. Kambouris stated Grants wanted another sign and said Town probably would not go with it so said would try to get this. Mr. Heilman asked one on pole not to be illuminated? Mr. Hunter stated internally lighted like the other, assume same construction. Mr. Meunier stated same thing. Mr. Heilman asked why do they want flag poles? Some special reason? Mr. Kambouris stated doesn't know. Can only get that information from Grants for you. Ornamental. Mr. Heilman stated MCPC going to want to know, had question about what purpose going to serve. Mr. Hunter stated no obvious functional purpose to us. Mr. Heilman stated problem with banners hanging down all over, flapping in breeze, gas stations have gone in for that stuff. If flying American flag one thing but... Mr. Meunier stated sure can get information. Mrs. Chapman stated not showing in drawing if anything flying from poles. Mr. Heilman stated little pennants I suppose, place so big in there now... Mr. Meunier stated doesn't know why but could find out.

Mr. Hunter stated sign with Grants letters 5' high, debating earlier that total height shown from ground to top of flag pole 20 ft? Says 20 ft. above ground. Mr. Palermo asked or start 20 ft. above ground? Mr. Kambouris stated top of wall 26 ft. above ground, down about 6 ft. so about 14 ft. above. Mr. Hunter asked 26 ft. from ground to top of this thing here? Mr. Kambouris stated poles supported 6 ft. below, at 20 ft. Mr. Hunter asked 14 ft. above top of thing which holds letters? Mr. Palermo stated pole itself 20 ft. Mr. Hunter stated top of pole at 40 ft. not 20 ft. as it says. This says 20 ft. above ground. Mr. Kambouris stated well 20 ft. in height. Mr. Palermo stated pole 20 ft. more. Mrs. Chapman stated above actual top of main structure. This is part of main structure. Mr. Kambouris stated this is only facade. That is roof line, 16-20 ft. depending on the way look at it. Mr. Hunter stated this goes another 6 ft. support for the letters. Mr. Kambouris stated thinks right if say flag poles 20 ft., base 20 ft. above ground.

Mr. Hunter stated saying these blocks that letters fit in look like 12-14 ft. What is that dimension? Mr. Meunier stated 16 ft. roughly. This wall built off this beam and that is 10 ft. Mr. Kambouris stated about 14 ft., strictly facade. Mr. Hunter asked how wide would that be? Mr. Kambouris stated these are just joints, solid mass and putting joints in for appeal. Mr. Meunier stated approximately 72 ft. wide, three piers. Mr. Hunter stated if panel 8 1/2 ft. wide and 14 ft. high, putting letter in each panel, centering, 5 ft. high. How about lighting? Mr. Kambouris stated all lit, Grants, this is their own sign, nothing to do with it. Mr. Meunier stated similar to new Grants stores in area. Mr. Hunter asked orange letters and each letter internally lighted? What level of illumination? Mr. Meunier stated more or less glow. Mr. Hunter asked what wattage estimated? Mr. Meunier stated doesn't know. Mr. Hunter stated very low doesn't mean much. Mr. Kambouris stated can get you these facts. Mr. Meunier stated probably about 40%. Mr. Hunter asked what are we starting with in terms of wattage? Mr. Meunier stated all regular ballast, 177. Mr. Kambouris stated high output, probably 40 watts. Mr. Hunter asked could you find out and call in tomorrow. Mr. Kambouris stated if had drawings could do it.

Mr. Hunter asked how about hours of operation of these signs you have lighted? What days and hours proposing? Mr. Meunier stated would have to get information from Grants also, their hours of operation. Mr. Kambouris stated probably from dusk until closing, 9:30 or 10:00. Mr. Heilman stated maybe get that information back to us, cannot act on that tonight anyway. Mr. Hunter stated hours intend to operate and hours would like to have signs lighted and which days of week. Mr. Kambouris stated thinks will have on automatic control so if have dark day will be lighted earlier. Will call Grants tomorrow morning and get information for you. Mrs. Tanger stated hours on all the signs. Mr. Hunter stated if one different from others would like to know. Mr. Kambouris stated three sets....

Mr. Aurell asked when is that going to be completed? Mr. Meunier stated June. Mr. Kambouris stated Grants should be fixturing about first, second week in June and probably open in August. Mrs. Chapman asked will signs go up ahead of opening? Mr. Kambouris stated everything scheduled in. Mr. Meunier stated in conjunction with opening.

Mrs. Chapman asked going to take the sign down you have over there? Mr. Menier stated Grants' requested it to make people aware building store. Mr. Hunter stated should have come through this Board, up illegally. Mr. Meunier stated Grants came and asked, told I knew nothing about it, want to make aware that they were building store.

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 to the application.

Mrs. Shirley Whelpton, 3187 Chili Avenue, stated opposed to the sign on the sign. Mr. Hunter stated one on Chi-Paul Center sign. Mrs. Whelpton stated doesn't think necessary as well as Chi-Paul, that is name of the shopping center, really thinks that is all they need. Big sign on building going to be sufficient to be seen and thinks discriminating against small businesses along street and going in there to have favoritism with Grants, thinks possibly if bank sign on there and that taken down and just have one sign, Chi-Paul

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

DECISIONS: All 3 applications reserved pending receipt of comments from MCPC.

7. Application of YMCA of Rochester and Monroe County, 100 Gibbs Street, Rochester, N. Y. 14601 for approval of special permission to use property for eventual construction of YMCA building and remainder of property to be used for YMCA programs, located on Chestnut Ridge Road, North of Chili Avenue, being tax account #1762-000, property owned by Rudolph Kaiser. EE Zone.

Mr. Joseph Turri, attorney with Harris Beach & Wilcox appeared to represent the YMCA. Stated Y is the contract vendee of this parcel of property and believes Mr. Kaiser, who is owner, is with us tonight as well. Never met gentleman, not positive. Before gets into what it is actually asking for would like to submit purchase offer as evidence to Board that we are contract vendee and do have right to purchase and point out to the Board that one of the contingencies of the sale was that we have closing on or before March 1, 1973. Certainly not dictating to this Board when to make decision but would ask that it keep in mind that there is potential difficulty in any event. Mr. Finkel has met with the Planning Board and at least one other time with this Board informally. Also here tonight and if any questions I don't answer, sure he would be happy to.

Mr. Turri continued, one of the things that has upset a number of municipalities whenever Y has come in and asked for such special permission as we are asking that is for the future, a potential building of Y facilities and activity fields, etc., is question, are we opening up for Christians? Definitely not the case, common misconception. Y is non-

sectarian, non-denominational institution. Teaches Christian ethic more than religion. Does not rightly teach religion, slogan religion caught, not taught. Due to the fact that Y non-profit, depends to great extent on community support on planning and purchase of property funded through capital fund drives. Doesn't solicit communities to come into community and develop it as program feature. Did not solicit in Chili, approached by small groups of concerned citizens who asked if would lend hand in program activities. Since 1969 have had considerable local support, Shirley Wheipton now Chairman of Steering Committee locally. There is membership and do perform certain program activities at least in nature of Father-son Indian Guide type program. Doesn't know if exist now, similar organizations for mother and daughters and have Gray Y which is another activity confined not to building that we think of as Y but to the other activities conducted in neighborhood homes or facilities such as schools. Mentions that because knows part of concern always for traffic. Want to realize although would anticipate membership at some point of 2500, this membership would not mean 2500 cars or people in or around Y at any time. In fact there is strict schedule requirement based on size of facility which would not accomodate more than about 250 and usually these are family groups where have two, three, four from family or one mother bringing 4 or 5 children for some recreation.

Mr. Turri continued, problem with many, of course, why we are asking for special permission tonight rather than in 5 years or 2 years or whenever decided to build facility, because found in past when the actual community support is large enough to build facility that we had been surrounded by businesses or homes or residential developments so that when went in to purchase 7-10 acres of land, ended up paying phenomenal amount of money which made concept prohibitive. Ask for relief now so can anticipate support now and look to future when need greater.

Mr. Turri stated on property itself, which we have contracted to purchase, it is on west side of Chestnut Ridge Road to the north of Chili. Picked property because about 7 acres and will give sufficient space for building and landscaping and activity fields along with considerable access to the road. Close to the Chili-Paul Shopping center so that mothers or whoever can overlap activities, bring children to Y, do shopping and pick up later. There are utilities there with exception of sewers which we hope to be there in some point in near future. Good size frontage which will permit ready visibility from road and we are now within 5 mile radius of what believe to be membership's basic group and will in future with population trend moving to south and west still remain in center as hub. Here are two pictures of the view from north to south on Chestnut Ridge and subject property on right in that picture or parcel nearest car.

Mr. Hunter asked picture looking south? Mr. Turri stated right, looking south on Chestnut Ridge. As indicated, do not have specific plans for specific building, would like to submit for Boards review artistic rendition of facility recently completed in Pittsford. On back of the picture is typical floor plan. Not lodging and restaurant type facility. Found it is not economical nor needed in a non-urban area. Also submit development plan for that facility that you have picture of and if you drive by, looks substantially like artists rendering does. Plans will give more comprehensive picture of amount of landscaping that is done on facilities and attempt to utilize natural land. Mr. Hunter asked will we be able to have all of these? Mr. Turri stated yes.

Mr. Hunter asked could you locate property in relation to Chestnut Ridge School down on corner there? Mrs. Chapman asked do two properties abut at rear? Mr. Turri stated not sure if abut or not. Mr. Finkel stated thinks back property line may adjoin some school property but thinks about 1500 feet up the road from the school. Mrs. Chapman stated wondering if there was common boundary between two. Mr. Finkel stated thinks there is, yes.

Mr. Turri stated certainly in that regard we are familiar with that area and it is not a use inconsistent with the use currently there. In fact it is not use inconsistent with strict residential area, if any of you pick up Brighton-Pittsford Post, see anyone advertising residential property for sale near Y, always thrown in as added inducement. One of the questions that has been raised at informal hearings previously had is where under the code Y facility would fall. Looking specifically at Section 19-7 of the Zoning Ordinances of the Town of Chili and we can see that there are 6 permitted uses which are permitted without qualification or special application to this Board, after which there is special provision for additional 9 uses. Such as professional offices, schools, public libraries, church, park building, etc. Special provision provides that "Before any land shall be used or building or structure constructed, special application must be made to and special permit granted by Zoning Board of Appeals subject to the following general provision" which is relevant to this application and lists specific permitted uses. Y does not specifically fall, doesn't believe, into any of these uses. Similar to many of them but doesn't think can call exactly any one of these uses. Thinks for guidance as to why made application to this Board would refer to Section 19-3, very end of that section, paragraph 1 provides that "No land shall hereafter be used for any purpose or use except as herein provided. Land or building uses not specifically provided for herein are deemed to be and shall be prohibited unless and until specific or general provisions therefore shall hereafter be made by the Zoning Board of Appeals or the Town Board of the Town of Chili as the circumstances of each particular case may require." Thinks when look at term specifically provided by and go back to Section 19-7 and says specific provisions, thinks we can see there might be some connection. Feels we would fall into this type of category where would seek special permit from this Board. In that category indicated by Section 19-5, the 13th definition there is definition of club. In trying to be legalistic, looks like many statutes has read, seem to read backwards, "Membership recreational building but not including club, the chief activity of which is a service customarily carried on as a business". Interesting to note that Town Board in acting ordinances defined club but didn't put in category of use, specifically in residential or business or commercial section. Believes that reason for this is that club and type of activity carried on can fall in number of categories and Town Board envisioned different applications to this body which is expert body on zoning and said will leave up to special permit or exception for this Board to decide where does this type of club most logically belong. If social club and operated as bar, restaurant, wouldn't want in middle of housing project, probably in public district. On other hand, when one of our specific purposes is to teach and use professional guidance in our teaching and operate a little bit not as church but by teaching that sort of Christian ethic probably more in line with EE use. May look at Section 19-103 entitled "Power of Zoning Board as to exceptions". Section reads "When in its judgement the public convenience and welfare shall be substantially served and the appropriate use of neighboring property will not be substantially or permanently injured, the Zoning Board of Appeals may in a specified case, after public notice and hearing and subject to the regulations herein established as follows: Paragraph 1 "Grant a permit wherever it is provided in this ordinance that the approval of the Zoning Board of Appeals is required". Would submit that no matter where we start from in ordinances, it is circle and all leads to same point, request to this Board for a special permit or permission to operate under specially provided use under the EE or residential use and on this basis that we request that this Board grant us such a special permission to operate & facility and to construct one on subject property and happy to answer any questions might be able to answer. Sure there are other people who would have additional information anyone might need.

Mr. Aureli asked definitely 5 years or sooner or later? Mr. Turri stated sooner or later, depends on growing sentiment of community or ability to raise money. Non-profit, cannot capitalize money and throw into account. Mr. Aureli asked before construction would begin would have to have all the money to pay for the building? Mr. Turri stated would

have to finance to certain extent. Facility would ultimately, including land, site development, amount to \$1.5 million proposition. Sure could refinance and have memberships and draw money from that. Mr. Hunter asked what would be best estimate as longest time that this might happen? Mr. Turri stated before construction would start estimate probably 5-6 years. Mr. Finkel stated guess could answer we would hope to get started within 5-6 years depending on availability of finances, could go 8-10 years. Current intention to move in these areas as quickly as possible. If Chili grows as rapidly as Pittsford and Greece, won't take long. Our growth in area, not Town-growth.

Mr. Heilman stated you are requesting that this Board pass resolution that if and when contract vendee, YMCA, wishes to construct Y facility on the property they plan to purchase that at that time Y shall be entitled to apply to this Board for special permit pursuant to this resolution and that application be made under that section where Board has power to grant special provision to permit Y to be included in this class of buildings. That property not be changed, stay EE residential and that this YMCA for this particular case be added to that section of our zoning. Mr. Turri stated partially correct. Asking that it be retained as EE residential. Asking at this point for special permit itself to be distinguished from building permit which would have to obtain at that time and further comply in all respects with the ordinances of the Town when we are to build but would seem special permit could be granted at this time.

Mr. Heilman stated permit granted would be open-end as far as time concerned but only for purpose of erecting Y on the property and no other facility or other type of building and property to remain EE. Mr. Turri stated Y building and accessory uses as far as outside activities.

Mr. Dario Marchioni, 23 Twin Oaks Drive, asked does the land pay taxes? Mr. Turri stated at present and say because there is some litigation going on, Y does not directly pay taxes, it is tax exempt organization. Organized under Not For Profit Corporation Law of State of New York. By the same token however, think we can look at it in number of ways. There is recreational facility available to the general public on desired basis. This will preclude necessity to tax a number of people who may not wish to use facility so that other people might use it. Amount of benefit which might be added from the real estate taxes on that piece of property would be far out-weighed by the amount of benefit to the community which would not have to pay out of own pocket in tax dollars for such recreational facility.

Mr. Marchioni asked if approve now, will pay taxes until build? Mr. Turri stated would think that as soon as Y becomes owner would be entitled to tax exempt status. Mr. Pietropaoli stated would pay if the assessment rolls are closed prior to the time attain title, would have to pay for that period of time. At the next annual assessment roll review, then could be entitled to exemption.

Mr. Heilman stated approximately 7 acres in size. Mr. Turri stated exemption not specifically for Y, many religious oriented institutions.

Mr. Hunter asked if anyone wished to speak in favor of application? Mr. Frederick Waters, 468 Chestnut Ridge Road, stated has been affiliated with Y for 4 years through Y Indian Guides. 3 of 4 years has served as executive of this organization. Feels this type of facility badly needed in this area because came out of area that had one and interest has remained because of own desire. Can only say that facility of this type in community, addition to the community because people like self are interested in youth, citizens of tomorrow, going to be great deal of help to the community. Only wishes less than 5 years because will have one of three sons who will enjoy facility. Wants to see it. If this is passed people like self and other gentlemen sitting here have something to work with to go into the community and develop interest in organization and if get interest in Town itself behind Y, going with the Y, joining Y, then maybe won't take that long to build.

Mr. Donald Leiske, 4 Ronnie Lane, stated supported Y for same reason. Knows what has done for self, associated for 7 years. On committee at Arnett because don't have facility in Chili to serve on. Would like to spread allegiance to Town where will do most good.

Mr. John Windsor, 57 Bright Oaks, stated been involved with Y for 3 years. In favor because seen what other towns have done with the facility that we can do in this area. Just so many programs you can do in someone's home and more you can do if have building where you can do these things. That is why in favor.

Mr. Robert Lezo, 65 Laredo, stated part of Chili program. Also supports development of Y in area in conjunction with other individuals. Did support town programs in past, has been excellent and feel would be asset.

Mrs. Shirley Whelpton, 3187 Chili Avenue, stated probably wondering why woman heading steering committee of Southwest District YMCA. Goes back to beginning of this when president of Chili Businessmen's Association. We brought offer to Y to come to Chili and area and also am member of the Gates-Chili Chamber of Commerce, board member and representing them also on Y steering committee and as result over the years being represented with the Y as cause for community, became steering committee chairman. Speaking also on behalf of businesses of Gates-Chili area and they feel definitely backing it, otherwise would not be here tonight. Realize not just Gates and Chili, Southwest district encompasses part of Ogden, Riga and Wheatland besides Gates and Chili areas. Actually Chili should be proud of having it in their town because there are 5 other towns that this could be located in.

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

DECISION: Special permission granted unanimously to the YMCA to use property for eventual construction of YMCA building and remainder of property for YMCA programs.

8. Application of Dario Marchioni, 23 Twin Oaks Drive, Rochester, N. Y. 14606 for approval of variance to erect home on Lot #17, Block F, Alfred Avenue, lot size 50' x 120', with front setback to be in line with existing homes. D Zone.

Mr. Marchioni appeared, stated wants to build house. Mr. Hunter stated one lot east of Theron on north side of Alfred Avenue. Can you tell us is there a home on Lot 16 and 18? Mr. Marchioni stated owns this one. Mr. Hunter asked home on that one? Mr. Marchioni stated home built on Lot 16. Mr. Hunter stated house on either side of lot in questions. Asking for 50' ft. setback? Mr. Marchioni stated no, in line with houses. Mr. Hunter stated in line with homes on 16 and 18. No side line variances? Mr. Marchioni stated 10 ft. on one side and 14 ft. on other. Mr. Hunter asked will there be garage incorporated? Mr. Marchioni stated yes. (presented picture) Mr. Hunter stated similar to others you have built over there. Actually one of those that is over there in picture. Very attractive. Mr. Marchioni stated mine has balcony in front.

Mrs. Tanger asked how wide is house? Mr. Marchioni stated 26 x 40. Never get drop of water, no basement, everything graded. Mr. Harrington stated asking to build on substandard lot, no side variances. Mr. Hunter stated setback roughly 40 ft.

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

Mr. Heilman asked going to build house yourself? Going to be sure house in line with houses on both sides. Mr. Marchioni stated Mr. Davis checks on those. Mr. Aureli asked what is value of that house completed? Mr. Marchioni stated \$23,300. Real estate takes some out. Nice house for the money. Lots of things in it for the area, if put basement everybody got trouble with water, no water in our basement.

DECISION: Granted unanimously.

9. Application of Dario Marchioni, 23 Twin Oaks Drive, Rochester, N. Y. 14606 for approval of variance to erect home on Lot 17, Block O, Chester Avenue, lot size 50' x 120', with front setback to be in line with existing homes. D Zone.

Mr. Hunter asked that is internal lot, 4 lots east of Burton, north side of Chester. Mrs. Tanger asked if dweres and water there? Mr. Marchioni stated yes, house right across the street on Lot 9. Mr. Hunter asked house No. 47, is that on 9? Mr. Marchioni stated in front of this house and lot stops here, last lot. Mr. Hunter stated one I have last on 6 is really on 9. Mr. Marchioni stated road stops here but sewer and water over to here. Mr. Hunter asked over to Burton? Under impression stopped at Theron. Mr. Marchioni stated all stop at different places. Other Lot 16 street stops about half way, blacktop stops and all stones.

Mr. Hunter asked isn't home on 18 or 16? Mr. Marchioni stated no. Mr. Hunter asked any homes west of 17 on north side? Mr. Marchioni stated brother-in-law owns 19 and 18 and wants to join together. Mr. Hunter asked who owns 14, 15, 16? Mr. Marchioni stated father-in-law owns 14 and 15. Would like to combine together into one house but the Board turned down because Board street doesn't finish to end of lot. If put house here still enough and street will end here. Mr. Hunter asked wanted to build earlier on 16? Mr. Marchioni stated correct, no street. Mr. Hunter stated put building on 17, cannot use 16. Mr. Marchioni stated if want to put together will put together, otherwise only use 17. Would add cost to lot. Mr. Hunter asked if combining two would you build different house? Mr. Marchioni stated they don't sell over there until have this type price. Had one before that took 4 years to sell. On Alfred Avenue, nobody wants because area says this price, cannot sell expensive house.

Mr. Hunter asked how long have you owned 17? Mr. Marchioni stated and 16, about a year. Mr. Hunter asked bought from County? Mr. Marchioni stated yes because this is last house, they said cannot build any more. Mr. Hunter stated guess if had to do over would only buy 17. Mr. Marchioni stated doesn't have to pay for it yet. If take 16 have to pay for it. Have contract that when house is up then I pay for them. Mr. Hunter stated if don't build, don't pay and eventually take back. Mr. Marchioni stated would like to build this kind of house. Mr. Heilman stated made application June 25, 1972 for approval of variance Lot 100 x 120', lots 16 and 17, Block O Chester Avenue. Same one as tonight. Were you represented by yourself that night. Mr. Marchioni stated cannot afford lawyer. Mr. Hunter stated represented yourself on that occasion also. Apparently elected not to do that, was that approval given? Mr. Marchioni stated denied because street ended. Mr. Pietropaoli stated went over too far, road not done on 16. Mr. Heilman stated decision made on previous application "Denied until such time as the roadway is extended the full width of the property". Mr. Palermo asked is paved portion of Chester beyond this house? Mr. Marchioni stated paved in front of house across the street, road ends in front of 17. Road in front of whole lot.

Mr. Hunter stated if correct in that house 47 on lot 9 there is road and saw it. There is road in front of 47. Anyone at 45, next door to this one? Says lot 9. Mr. Marchioni stated records show from here to here. Took lot here and cut in half to make 75 ft. Can see house on 9. 75 ft. lot. Mr. Palermo asked same type of house on that lot? Mr. Marchioni stated yes, same house, trouble free.

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

DECISION: Reserved pending confirmation on existence of utilities by Superintendent of Buildings.

10. Application of Dario Marchioni, 23 Twin Oaks Drive, Rochester, N. Y. 14606 for approval of variance to erect building 50 ft. from Scottsville Road (front setback), 6 feet from south lot line, on Commercial corner located at SW corner of Scottsville Road and Harold Avenue. B Zone.

Mr. Marchioni stated has copy of pictures of building. Nice little ranch type building. Mrs. Tanger asked what to be used for? Mr. Marchioni stated office building for myself. Mr. Hunter stated saying office could use in your business. Mr. Marchioni stated personal office for myself. Commercial corner but very odd-shaped type property so only way to make best use of land to build triangle building, only 350 sq. ft. It would be 50 ft. from the front, 20 ft. from the other side and 6 from the other side. These requirements according to County. Mr. Hunter asked talked to MCPC? Mr. Marchioni stated they said 6 ft.

Mr. Heilman stated County has informed they will get answer back to us before next meeting. Mr. Hunter stated no recommendation from them as to what their decision will be. Mr. Heilman stated presently B Zone, correct? Could Mr. Marchioni tell Board the dimensions of property for the record? Mr. Marchioni stated front 84.70, other side 122.78 and other front 142.6.

Mr. Heilman stated one requirement in zoning is 100 foot setback in B Zone. Mr. Marchioni stated if put hundred feet... Mr. Heilman stated in street. Mr. Marchioni stated would like to build very nice looking building, it looks attractive, for personal use. Have construction company, have secretary. Mr. Heilman asked own property to the immediate south, on Scottsville Road? Mr. Marchioni stated no sir. Mr. Hunter asked do you own this piece of property? Mr. Marchioni stated yes sir, about 3 1/2 years.

Mr. Hunter asked understand suggesting would normally be how many employees? Mr. Marchioni stated secretary, myself and salesman. Mr. Hunter asked parking spaces for 5 or 6 if needed. Mr. Marchioni stated by doing this way would have no traffic problems, no objection from people saying traffic coming in and out, needs office, might as well be there.

Mr. Heilman asked if one cut into Harold Ave? Mr. Marchioni stated 120 ft. from center of Scottsville Road, plenty of room; one car in 6 hours. Mr. Heilman asked have come up with different arrangements for this piece of land? Mr. Marchioni stated County had list of what they wanted, tried to match. Cannot do much more than that. Mr. Heilman asked asking this Board to be relieved of requirement as of far as front setback? Mr. Marchioni stated yes, only have 122 feet.

Mr. Aureli asked how many square feet? Mr. Marchioni stated 350. Mr. Heilman asked if blacktopped at same time? Mr. Marchioni stated yes sir, make look nice. Mr. Aureli asked brick building? Mr. Marchioni stated all brick veneer, mason contractor.

Mr. Hunter asked assume granted variance, build, operate in for two years and decide not place to have office. What would you do with building? Mr. Marchioni stated could come back and ask you what to do with it. Really at your mercy because cannot do anything with it. Mr. Hunter stated appreciate have concern as to permanence of something like this. Mr. Marchioni stated nice looking building for area. Mr. Palermo asked how long do you think will be before outgrow building? Mr. Marchioni stated cannot outgrow, just small business. Own land over here. Have trees, shrubs, going to put grass, trees and shrubs in front to make look decent. Does something neat when builds.

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

DECISION: Reserved pending receipt of comments from MCPC.

11. Application of Jay C. Widener, 135 Scottsville-Chili Road, Churchville, N. Y. 14428 for approval of variance to erect sign, 4' x 8' "For Sale" on posts and one sign approximately 2' x 2' "For Sale" on property located at 3260 Chili Avenue. E Zone.

DECISION: Denied, no one appeared, application called twice.

12. Application of Slade & Suter, 272 Alexander Street, Rochester, N. Y. for approval of renewal of variance for "For Sale" sign on property at 997 Beahan Road. A Zone.

Mr. Ed Willis appeared. Mr. Hunter asked any comment care to make on application? Mr. Willis stated request renewal. Had quite a bit of inquiries about it but at same token can help generate industrial movement to Town of Chili too. Mr. Hunter stated attractive sign and in good shape. Questions from Board? Mr. Heilman asked asking for one year? Mr. Willis 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 one year.

13. Application of New Apostolic Church, 210 Danbury Drive, Cheektowaga, N. Y. 14225, for approval of variance to erect a church building on property located at SE corner of Marshall Road and Waltham Road. EE Zone.

Mr. Joe Benzinger appeared, attorney from Buffalo representing Buffalo branch of church. Stated applicant under contract to buy three lots at corner of Marshall and Waltham Road in Township. These comprise in frontage on Marshall some 245 ft. and along Waltham about 175. Three lots, depth of each being 175 ft., depth on Waltham Road. As contract purchaser the church is buying contingent upon being able to use premises for construction of church building and church-related parking lot. Doing research down here noted code required special permit to be given upon application to Board and hence presentation here. Building intended to be constructed on the premises would be a first quality, one story church building with basement, full basement, approximately 28 ft by 70 ft long, and then with improved parking lot according to specified parking space per so many seats of the church building. Also in attendance this evening Rev. Carl Meissner, District Elder of Buffalo branch of church, two assistants and had pleasure of meeting owner of premises, Otto Layer of Indian Hills Development Corp. With whole array of principals here, if you would like to direct questions, either all or one of gentlemen will field same.

Mr. Hunter asked do you have any plans in written form that you can show us? Indicated size 28 x 70 ft. Any sketches of preliminary plans which would give feel about what would look like. Mr. Benzinger stated this is basic sketch showing suggested location of building with parking lot. Should like to amplify this presentation with pictures of other church buildings of similar dimension and located in Western New York.

Rev. Meissner stated this is type of building and pictures of type of building. Mr. Hunter asked 28 ft. on Marshall Road and 78 ft. from back? Rev. Meissner stated 150 seating to 160 and 40 parking spaces. This is rough sketch to show approximately how can orient lot and parking area. Mr. Hunter asked figures to show how many people per car could expect to get? Showing ratio of 1 to 4, seems high to me personally but making judgement. Rev. Meissner stated hard to say, takes care of all the building in the eastern cities and every location has different ratio and this is most average. Have down as low as 2 seats to one car and as much as 1 to 8. Seems to be medium. Does have space to put another row of 14 more cars, also space here but doesn't feel would be needed in this particular application.

Mrs. Chapman asked what size congregation you have? Rev. Meissner stated about 110-120. Mr. Aureli asked where hold services now? Rev. Meissner stated 126 Filmore Street. Lot of people live in the Gates area and moving out. This building (in picture) in Niagara Falls. Similar to this. This building will be just one bay longer than this particular building. Everything practically identical. Have built 40 in this part of USA in past 4 years. Mr. Hunter asked in near or distant future to expand building? Rev. Meissner stated would rather have small building and when congregation gets over 150, usually split and start another congregation in another area. That is why stick to smaller buildings. Mr. Hunter stated whatever ultimately come up with would be permanent plan. Rev. Meissner stated if they grow we take wherever people who are over-flow are and start another congregation and building.

Mrs. Tanger asked only one congregation in this city now? Rev. Meissner stated one on east side of city, Carter Street. Intend to relocate that also in the coming year. Mr. Hunter asked how handle church school? Rev. Meissner stated has Sunday School and youth group activities. Mr. Hunter asked in basement while service going on? Rev. Meissner stated Sunday School before service and youth group activities on Saturdays and evenings. Mr. Hunter asked no individual classrooms? Rev. Meissner stated temporary dividers because used also for fellowship. Would like to indicate church is built all complete, not started and half finished. Mr. Hunter stated good point. Rev. Meissner stated these churches are built paid in cash by the church. No mortgage on churches. When ready to build will build and complete, landscaped, parking done and completely furnished.

Mr. Heilman asked how soon thinks will be beginning? Rev. Meissner stated in present plans, if can acquire land, next year would probably be building church. In area now which is going down hill and doesn't have parking facilities. Would hope to start next year probably. Mr. Heilman stated in 1974.

Mr. Palermo asked how long is length of construction? Rev. Meissner stated put up building in 24 hours but brick-work takes longer. Stone and brick. Thinks about three months in construction. Does come as package deal, manufactured in factory and sent out. Put up in 24 hours and put brick-work up.

Mr. Hunter stated believes present ruling requires building start within one year. Mr. Benzinger stated this is not application for building permit and approval by Planning Board. Mr. Pietropaoli stated construction has to start within a year from granting of approval of variance. Rev. Meissner stated or goes back to r-1. Mr. Hunter stated could reapply, protection so don't allow something and change character of neighborhood. Mr. Heilman stated stays residential, just have permit to construct church. Architectural review before Planning Board would have to be done for all new buildings. Mr. Benzinger stated site plan approval. Mr. Heilman stated right and comply with all regulations of Town. Have to get Health Department approval because of number of people, facilities available.

Mr. Hunter asked would you be willing to leave this for our records? Rev. Meissner stated this would be specific plan planning to build there. Very few variations to this particular plan. Mr. Hunter stated still have to submit specific plans later on. We would like this. Mr. Heilman stated come informally before Planning Board and present plans of proposed building and they decide if any changes needed as far as grading, elevations, parking, lights, etc. Have shot at you at that time. Mr. Benzinger asked do they make recommendations to this Board? Mr. Heilman stated no.

Mr. Pietropaoli asked Mr. Layer are these three lots already filed as subdivision lots? Mr. Layer stated Section 4 of Lexington, Nos. 236, 237 and 238 I believe. Mr. Pietropaoli stated would have to be combined into one big lot.

Rev. Meissner asked say we plan to build next year and year from now, next February, certainly could not start construction. Would there be consideration given that if take out permit in February and start construction as soon as weather permits? Mr. Pietropaoli stated as long as buy permit. Other thing should be aware of is that would probably have to resubdivide lots into R lot of 200 x 175 ft. and file in County Clerk's office.

Mrs. Harold Cox, 754 Marshall Road, stated three lots adjoining my house. Interested in what type of church and are they affiliated with Jehovah's Witnesses? Rev. Meissner stated no, incorporated church. Mrs. Cox asked where is church located now? Rev. Meissner stated 136 Filmore Street. Mrs. Cox asked what religion are they? Mr. Hunter stated would have to ask them. Mrs. Cox asked would church be built adjoining my property or parking lot adjoining my property? Mr. Hunter stated this is preliminary plan, suggesting this at this point. Rev. Meissner stated church will face Marshall Road. Mr. Hunter asked will you consider natural screening such as shrubs? Mr. Heilman stated before would be able to build would have to come before Planning Board and would have an opportunity to discuss questions that you raise now as far as screening or what type protection you could have.

Rev. Meissner stated there are 45 ft. from your lot line over the parking lot, all grass at present time, about half a lot. Mrs. Cox asked how many feet is your church going to be set back? Adjoining my house?

Mrs. John Frederes, 739 Marshall Road, stated Jehovah's Witnesses have combined city church and bringing that congregation to this church and traffic is terrific and noise from children running around and car doors. Mrs. Cox stated in time might build another church, other church burned down and all coming out here at present. Mrs. Frederes stated lives right across from church on West side of Marshall Road. Original owner of these lots. Rev. Meissner stated when start building will be completed and will be like this.

Mr. Hunter asked if anyone wished to speak in favor of application. Mrs. Cox stated thinks in favor but not positive.

Mrs. Frederes stated in favor of church but worried about congestion.

Rev. Meissner asked if anyone mentioned services Sunday morning and evening and once on Wednesday so doesn't have any congestion.

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

DECISION: Reserved pending receipt of comments from MCPC.

KATHLEEN LUEDKE
Secretary

ZONING BOARD OF APPEALS
March 27, 1973

A meeting of the Zoning Board of Appeals of the Town of Chili was held in the Town Administration Offices, 3235 Chili Avenue, Rochester, N.Y. 14624 on March 27, 1973 at 8:00 P.M. The meeting was called to order by the Chairman, Mr. Hunter.

Roll Call: Mr. Hunter
Mrs. Chapman
Mrs. Tanger
Mr. Palermo
Mr. Harrington

Absent: Mr. Lighthouse
Mr. Aureli

Also Present: Mr. Pietropaoli
Mr. Heilman
Mr. Davis

Mr. Heilman stated that all six applications have been published in a paper of local distribution and affidavits are on record of that publication so that they meet the requirements under Zoning Code.

#1 Application of Mr. and Mrs. Robert Murphy, 321 Chestnut Ridge Rd. Rochester, N.Y. for approval of a variance to operate a kennel on property located at 312 Chestnut Ridge Rd., D Zone.

Mrs. Joyce Murphy appeared. Stated husband wanted to raise Springers and wanted to have kennel license for that. Mr. Hunter asked how many dogs? Mrs. Murphy stated probably three or four. Mr. Hunter asked size of dog, volume of bark? Mrs. Murphy stated big hunting dog. Would be in back of lot. Mr. Hunter asked big hunting dogs, raising some puppies? Mrs. Murphy stated yes, wanted to raise them. Mr. Hunter asked to what age, raise and sell? Mrs. Murphy stated yes. Mr. Hunter asked might have while full grown? Mrs. Murphy stated until 6-8 months old sometimes. Mr. Hunter asked roughly how big? Mrs. Murphy stated like a collie or a shepherd, big dog.

Mr. Hunter asked would be kept in backyard somewhere? Mrs. Murphy stated fenced in, in a coop. Mr. Hunter asked how big is lot? Mrs. Murphy stated 100 x 450, would keep in the back. Mr. Hunter asked would fence in most of it? Mrs. Murphy stated would be in back. Mr. Hunter asked how about closeness of neighbors? How far from your home to nearby neighbors? Mrs. Murphy stated about a lot from a house there now, about 200 feet. Mr. Hunter asked on the right or left of your home? Mrs. Murphy stated on the right side. Mr. Hunter asked how about the other side? Mrs. stated nothing, fields. Mr. Hunter asked homes across the street? Mrs. Murphy stated yes.

Mrs. Chapman asked anything down Golden Road from you on that side of the road? Mrs. Murphy stated there are three homes. Mrs. Chapman asked on the same side as you? Mrs. Murphy stated opposite side.

Mrs. Hunter stated thinks aware basically in the code allowed to have 2 dogs and thinks one of the reasons say that is concern for noise and nuisance value to other people. Any comment how you would feel about having as many as three, how much noise? Mrs. Murphy stated would hope wouldn't be any. Mr. Hunter stated would hope there wouldn't be. Mrs. Murphy stated if had problem would have to get rid of dog doing it.

Gates-NEWS-Chili

1269 CHILI AVENUE * ROCHESTER, NEW YORK 14624

MAR 21 1973

DATE.....

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

GATES-CHILI NEWS

MAR 21 1973

Issue Dated.....

Maureen Conway
.....

Notary:

MAUREEN CONWAY

Notary Public, State of N. Y. Monroe Co.

My Comm. Expires March 20, 1974

Kathleen A. Murray
.....

SAMUEL J. SMITH

Publisher

LEGAL NOTICE

ZONING BOARD OF APPEALS March 27, 1973

A meeting will be held by the Zoning Board of Appeals of the Town of Chili in the Town Administration Office, 3235 Chili Avenue, Rochester, New York 14624 on March 27, 1973 to consider the following applications:

1. Application of Mr. and Mrs. Robert Murphy, 312 Chestnut Ridge Road, Rochester, N.Y. for approval of a variance to operate kennel on property located at 312 Chestnut Ridge Road. D Zone.
2. Application of Joseph Call, 29 Loring Place, Rochester, New York, for approval of a variance to erect 1 1/2 car garage, 16' x 28', approximately 7 feet from East lot line, located at 29 Loring Place. D Zone.
3. Application of Patrick J. Roncone, et al, 3227 1/2 Chili Avenue, Rochester, N.Y. for approval of a variance to erect sign to advertise office space in professional building, approximately 4' x 8', unlighted, located at 3253 Chili Avenue. B Zone.
4. Application of Chili Fire Department, Inc. 3231 Chili Avenue, Rochester, New York for approval of variance to erect 3 signs, 4' x 8', unlighted, 10 feet off road, advertising Chili Firemen's Carnival, to be located Union Street & Chili Avenue, Chili Avenue and Westside Drive, Scottsville Road and Ballantyne Bridge.
5. Application of Vastola Development Corp., 611 Plank Road, Webster, N.Y. 14580 for approval of variance to erect home on corner lot, building to be 60 ft. from Pine Ridge Drive and 56 ft. from Andony Lane, Lot No. 54 Andony Lane. E Zone.
6. Application of Richard Woolauer, 22 Chester Avenue, Rochester, N.Y. for approval to erect garage 15' x 24', 1 foot to west side lot line, located at 22 Chester Avenue. D 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

Mr. Harrington stated says three dogs, is this puppies at one litter? What is average size for Springer Spaniels litter? Mrs. Murphy stated 6 or 7. Mr. Harrington stated talking only have three or four at one time. Mrs. Murphy stated usually sell quite a few at beginning. Mr. Harrington stated sell puppies at 6 weeks and keeping two or three until 8 months. Mrs. Murphy stated until sold, always have one or two left over. Mr. Harrington asked possess male and female now? Mrs. Murphy stated yes.

Mr. Hunter stated if say one litter 5-6 puppies, talking 6-8 dogs at one time. Wouldn't be able to be sold until 6 weeks old, correct? Mrs. Murphy stated right. Mrs. Tanger asked now have male and female, right? Mrs. Murphy stated yes. Mrs. Tanger asked and poodle? Mrs. Murphy stated right, puppy. Would like to raise but in the house.

Mr. Palermo asked lot next door is building lot? Said lot between your home and another home. Lot between where could put home? Mrs. Murphy stated yes. Mrs. Chapman asked isn't there structure between you and next house? Mrs. Murphy stated yes, barn. Mrs. Chapman asked belongs to you or neighbor? Mrs. Murphy stated neighbor.

Mr. Heilman asked all dogs kept outside at all times? Mrs. Murphy stated yes, in winter probably down cellar or on side porch.

Mr. Hunter asked if anyone in audience had any questions? Mr. John Callahan, 311 Chestnut Ridge Rd. asked what is there to dog leash law and what does kennel license mean? Mr. Hunter stated law says cannot have more than two dogs, must be on a leash or enclosed area. Lady is asking to have more than two dogs and specified conditions under which would like to keep. Mr. Callahan asked how many dogs could they keep? Mr. Hunter stated would depend on what Board willing to have. Has asked as many as three adults but litter of puppies might be 5-6 in addition to the adults and selling puppies but expects not all puppies to be sold so would end up with at least one in addition to adult dogs.

Mrs. Chapman asked do we have any jurisdiction locally over kennel license? Mr. Hunter stated state requirement; conditions are set up, assumes, as part of law and state law. Mr. Pietropaoli stated kennel license is issued by State of New York. This lady in for permission to have more than what zoning ordinances provides for on her property.

Mr. Bob Worden, 74 Hillary Drive, asked once variance issued no further control over number of dogs allowed to exist on property? Mr. Hunter stated definitely would be control, could grant certain number of dogs or smaller.

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 to application.

Mr. Worden, 74 Hillary Drive stated actually doesn't live in neighborhood and representing parents who live at 321 Chestnut Ridge. Always enjoyed living in quiet neighborhood and thinks would feel would like present zoning laws maintained for this particular issue. Lived in Spencerport about 200 yards away from yet where boarded dogs and can state is noisy operation.

Mrs. Callahan, 311 Chestnut Ridge, stated against application.

Mr. John Wiant, 324 Chestnut Ridge, stated house next door that owns barn, doesn't think neighborhood needs kennel.

Mrs. Wiant, 324 Chestnut Ridge state opposed.

Mrs. Wiant, 326 Chestnut Ridge stated opposed.

Mr. George Wiant, 326 Chestnut Ridge, stated leash law, does that apply to everybody in the Town or just a few? Mr. Hunter stated everybody.

March 27, 1973

Mr. Pietropaoli stated would like to mention if there is difficulty you have seen relative to leash law, town does employ a full-time dog warden and if you register complaint with switchboard operator concerning specific animal or property Mr. Liese on call 24 hours and will be happy to investigate. If doesn't know, cannot investigate.

Mr. Erbeling, 375 Chestnut Ridge stated opposed.

Mr. John Callahan, 311 Chestnut Ridge stated lives right across the way and doesn't think going to be able to control dogs. Two or three there now and on my lawn quite a bit of the time. Leave droppings on and wet down on my evergreens and one thing I don't like, dump over garbage cans. Dump several times and have to rake and put back. These are cans bring out Friday for pick-up man. Got into the garbage and dumped. Trying to use dog repellent and seem to work good in the summer but in winter doesn't bother dogs a bit and still dump. Last winter, wife out twice cleaning up so wouldn't blow into neighbors yard. I couldn't go out because had broken leg. Dogs not nasty, friendly. Tried to go to mailbox on crutches and little white dog kept jumping on me so wife had to rescue me. Doesn't think if license given will be able to keep dogs under control. Worried about barking. Dogs bark quite a bit, cold nights whining half of the night and that was one dog. If 5 or 6, wonder how much noise going to have. Mr. Hunter asked have you had opportunity to talk with Murphy's at all? Mr. Callahan stated didn't want to get in trouble with the neighbors, once when dogs out most of the night, thinks wife did call. Mr. Hunter asked do they know problems having? Mr. Callahan stated thinks they know part of it. Mr. Hansen lives next door, out of town tonight but has letter concerning feelings on this situation. Will you accept this letter? Mr. Hunter stated yes I will. Letter is in opposition and will be entered into the record.

"299 Chestnut Ridge Rd. Town of Chili, Rochester, N.Y. 14624. Town of Chili, in regard to the Town of Chili issuing a kennel permit to Mr. Robert Murphy, 312 Chestnut Ridge Rd. Town of Chili, Rochester, N.Y. We would like to voice our opposition in issuing Mr. Murphy or Mrs. Murphy this type of permit. Because of the noise from barking, both in their yard and the running of these dogs on other people's property. We are located opposite the Murphy's. Respectfully yours/S/ James W. Hanson /s/ Martha V. Hanson."

Mrs. Indiano, 274 Sherwood Avenue stated purchased lot directly next door to Murphy's (316). Does have plans in working for building new home and really doesn't want to go into such expense if have dog kennel next door. Has small child and would like more children and wouldn't be convenient to have so much noise and refuse and to clean up after child and someone else's dogs. I heard they are overlimit on dogs they have now. Mr. Hunter asked what will address be? Mrs. Indiano stated doesn't know, between Wiant's and Murphy's, bought lot to build on and will start in the spring, if this doesn't go through.

Mrs. Gail Phillips, 364 Chestnut Ridge Rd, stated we are in opposition for reasons already presented.

Mr. Fred Melster, 315 Chestnut Ridge Rd. stated lives directly across from 312 and opposed to the kennel. Just bought house in October.

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

DECISION: Denied unanimously.

#2. Application of Joseph Cali, 29 Loring Place, Rochester, N.Y. for approval of a variance to erect 1 1/2 car garage, 16' x 28' approximately 7 ft. from East lot line, located at 29 Loring Place, D Zone.

Mr. Cali appeared. Stated has sketch, doesn't know if needed this, shows how far from lot line, doesn't know why built house like this.

doesn't make sense. Mr. Hunter asked what is total width of lot? Mr. Cali stated never received tape map, thinks 185 by 95. Seems longer than that because on corner. Mr. Hunter asked think this distance 95 feet? Mr. Cali stated yes. Mr. Hunter stated now have 23 feet to the lot line. Asked what are directions here? Mr. Cali stated here is Loring Place, Westside parallel with Loring. Mr. Hunter asked house faces North, saying have 23 feet and garage 16 feet. which leaves 7 feet. Where is home next door? Mr. Cali stated they are 13 feet from lot line. Mr. Hunter stated would be 20 feet between home and your garage. Mr. Cali stated they have no objection, have talked to them.

Mr. Pietropaoli asked do they have garage on their property? Mr. Cali stated no, driveway already in on other side though. Mr. Hunter asked 1 1/2 car garage? You would not expect to add to this garage? Mr. Cali stated no, will put fence up eventually. Does have question about dry wall code. Mr. Hunter stated doesn't know if can answer. Mr. Cali stated when build garage is just dry wall against house or 4 foot away from house? Garage on this side, take shingles down and knows dry wall has to go there, extend further away from house? Mr. Hunter stated Mr. Davis can answer that. Mr. Davis stated dry wall only where abuts house.

Mr. Hunter stated someone asked about size of single car garage, 12 feet? Mrs. Cali stated yes.

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

Mr. Heilman asked in looking at diagram, garage going to come forward of house? Mr. Cali stated no, this is back of garage to back lot line? Mr. Cali stated quite a distance. Mr. Palermo asked what is depth of lot? Mr. Cali stated almost 200 feet.

DECISION: Granted unanimously.

#3 Application of Patrick J. Roncone, et al, 3227 1/2 Chili Avenue, Rochester N.Y. for approval of a variance to erect a sign to advertise office space in professional building, approximately 4' x 8', unlighted at 3253 Chili Avenue. B Zone.

Mr. George Scardetta appeared representing Dr. Roncone. Stated essentially after temporary sign during construction phase of project to let people know building coming up and more particularly prospective tenants, so can make arrangements for tenants while under construction. Sign can be torn down afterwards. Drawing and site plan of where would put. Essentially facing Chili Avenue.

Mrs. Tanger asked how far back from the road? Mr. Scardetta stated from the pavement, 25 feet, 5-6 feet from property line. Mr. Palermo asked one-sided sign? Mr. Scardetta stated yes. Mr. Hunter asked painted wooden sign? Mr. Scardetta stated yes, on 4 x 4 posts. Bottom of signs about 5 ft. up, up about 9 ft. total. If on opposite side of road, enough so can see it.

Mr. Heilman asked when will you start building? Mr. Scardetta stated plans nearly completed and as soon as complete will get permit. Mr. Heilman asked sign down when building up? Mr. Scardetta stated guess up to you to tell me, could be sure after Dr. Roncone moves in or shortly thereafter. Mr. Hunter stated maximum can give is one year for sign like this. You may reapply at the end of that time but that is maximum. Mr. Scardetta stated that is more than enough.

Mr. Heilman asked no lights or anything focused? Mr. Scardetta stated no, show during the day, doesn't want to grab off streets necessarily. Mrs. Chapman asked Dr. Roncone plans to move into this himself? Mr. Scardetta stated yes. Mr. Hunter stated this is one that was sent to the County and cannot render decision until have heard from them so will not make decision tonight.

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

DECISION: Reserved pending comments from MCPD/

#4 Application of Chili Fire Dept., Inc. 3231 Chili Avenue Rochester, N.Y. for approval of variance to erect three signs, 4' x 8', unlighted, 10 feet off road, advertising Chili Fireman's Carnival, to be located Union Street and Chili Avenue, Chili Avenue and Westside Drive, Scottsville Road and Ballantyne Bridge.

Mr. Fred Winter, 2713 Chili Avenue, appeared representing Fire Department. Mr. Hunter asked anything which indicated more specifically where will be located? Mr. Winter stated trying to put them on main arteries coming into town and Union and Chili, small triangle in that area that is enclosed by guard rails. Mr. Hunter asked which corner? Mr. Winter stated NE corner. Mr. Davis stated D.D. Davis property. Mr. Hunter asked where as distance? Mr. Winter stated inside small triangle facing mainly Chili Avenue. Westside Dr. and Chili is right here (indicating on map). Approximately facing south on the NW corner. Well NW in that wide angle between expressway and Westside Drive. Mr. Hunter asked faced to read off of Chili? Mr. Winter stated yes.

Mr. Davis stated no in Chili, in Gates. Mr. Winter asked what if put in V? Mrs. Tanger stated house on the corner. Mr. Winter stated knows the people. Mr. Palermo asked talking about in Chili? Mr. Hunter stated talking about southwest corner, whose property would that be? Mrs. Chapman asked have they approached the owners of these properties for permission to erect signs? Mr. Winter stated according to assistant chairman, told me that we would have to go to the State first and Town owns 10 feet, or something which gives us leeway. Frank Mobilio, works for Highway Dept. Something about Town owns 10 ft. Mr. Davis stated talking about right of way from edge of road back. Mr. Heilman asked talking about certain sign specifically or all of them? Mr. Winter stated believes Union and Chili is State isn't it? Mr. Davis stated State outside of guard rail, inside D.D. Davis. Mr. Winter asked triangle belongs to D.D. Davis? Mr. Davis stated he owns lot there, guard rail comes around and from it to road belongs to State, inside belongs to State. State owns other side too. Northwest side. Mr. Winter stated so could put there if wanted to.

Mr. Hunter asked none being proposed to be put on private property? Mr. Winter stated no, not on private property at all, all State land if possible. Mr. Hunter stated only question is putting on part of right of way. Mrs. Chapman asked do we give permission for this sort of thing? Mr. Davis stated asking for permission to put signs up in Town. Mr. Winter stated already has approval from State. Mr. Pietropaoli stated State would have to locate them for you, right? Mr. Winter stated yes, have that here. Mr. Heilman stated first sign no problem, second on in Gates. Mr. Winter stated would put into Town of Chili. Mr. Hunter stated instead of Gates, put in southwest corner which is small triangle. Is there state property there to put sign? Mr. Davis stated there is right of way so many feet back. Mr. Palermo stated have power lines between church and Carl's. Mr. Hunter stated that is east side, talking about where Lee Gardens is. Mr. Palermo stated have couple of homes there before Lee Gardens. Mr. Pietropaoli asked if move second sign, would have to go back to State? Mr. Winter stated no, asked to put on Westside and Chili, gave us no location and according to Mr. Davis on Niagara Locport right of way.

Mr. Heilman asked does he have letter from State? Mr. Winter stated yes, letter to you. Mr. Hunter read from the letter, Highway Work permit #473-0188, approved March 22, 1973, work may be described briefly as follows: erect temporary signs for Fire Dept. carnival at Chili and Union, Westside and Chili and Scottsville Rd. and Ballantyne Rd. at locations approved by Resident Engineer. Mr. Pietropaoli stated would have to go out to Union Street and see Engineer and would have to find location on right of way where they would be erected, that is State DPW on Union Street.

Mr. Heilman asked 4' x 8' signs, unlighted. Mr. Hunter stated on Westside Drive and Chili, if get agreement to go south of the Town line, OK, but if over here, in Gates. Mr. Winter stated according to maps have here owner of house only owns small section, rest belongs to the power company. Mr. Hunter stated then would have to get their permission to street at Carl's actually come off expressway will see.

Mr. Hunter asked third sign at Scottsville Road and bridge? Mr. Winter stated Ballantyne and Scottsville. Mr. Davis stated that is State property too, comes back quite a ways, and school is there. Mr. Harrington asked on that northeast corner? Mr. Winter stated yes, facing east but on northwest corner of the property. Mr. Hunter asked 4' x 8' unlighted wood signs? Mr. Winter stated has a sketch. Mr. Hunter asked plywood, painted? Mr. Winter stated quarter inch plywood, with finish to hold up.

Mr. Hunter asked what period of time requesting? Mr. Winter stated April 1 through May 23.

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

DECISION: Granted unanimously based on approval from NYS DOT.

- #5 Application of Vastola Development Corp., 611 Plank Road Webster, N.Y. 14580 for approval of variance to erect home on corner lot, building to be 60 ft. from Pine Ridge Drive, and 56 ft. from Andony Lane, Lot No. 54 Andony Lane. E Zone.

Mr. Anthony Vastola appeared. Mr. Hunter asked so get bearings., southwest corner, looked at it Sunday. Mr. Vastola stated drew sketch while waiting, this is lot here, Pine Ridge, Andony, Paul, Gary Hill. Home on corner at Paul Road approximately 20 ft. from Andony Lane and home on Gary Hill approximately 34 ft. from lot line. 90 ft. lot on here which doesn't give much room to maintain 60 feet setback on both. Mr. Hunter asked 90 on Pine Ridge by 190 deep? Mr. Vastola stated actually will have same problem on lot 42, doesn't know if wants to decide on that too. Mr. Davis asked which way facing? Mr. Vastola stated east, Andony Lane, would give maximum setback. Mr. Davis stated on records that is Pine Ridge lot. You only have to be 60 ft. from Pine Ridge and 20 ft. from Andony Lane. In new subdivision have to be 60 feet back both ways but on older subdivision lots run too small and at that time had been 60 and 20. Mr. Vastola stated no reason to come before you. Mr. Davis stated even though faces Andony, still has to be Pine Ridge address. Mr. Vastola stated no problem there. Mr. Davis stated that is reason why made bigger corner lots so could stay 60 ft. on both corners. Mr. Pietropaoli asked filed map? Mr. Vastola stated yes several years.

DECISION: Withdrawn.

- #6 Application of Richard Woolaver, 22 Chester Avenue, Rochester, N.Y. for approval to erect garage 15' x 24' 1/2 ft. to west side of lot line, located at 22 Chester Avenue. D Zone.

Mr. Woolvaer appeared. Mr. Hunter asked what is width of lot? Mr. Woolaver stated now 100 x 120. Used to be 50 ft. but bought lot on this side. Mr. Hunter stated so 100 ft. wide and depth 120. Homes exist here? Mr. Woolaver stated this is home here and 21 ft. from corner of this house and where garage will start. This is old house, been there 25 years or so. Mr. Hunter asked do they have garage? Mr. Woolaver stated carport on the side. Mr. Hunter asked on the west? Mr. Woolaver stated thinks on the north.

Mr. Hunter stated carport on home on west is on westside of the home. Asked if talked to people? Mr. Woolaver stated just older woman and works for state hospital and seldom home. Mr. Hunter stated concerned does she know you have this plan and is she concerned? Mr. Woolaver stated has carport now, variance about 4-5 years ago, will tear down, carport closer to her house than garage in back. Mr. Pietropaoli asked did she appear when you got variance for carport? Mr. Woolaver stated no. Mr. Pietropaoli asked didn't object to it? Mr. Woolaver stated no.

Mr. Harrington asked what if woman sold property and new owner decided to put up chain link fence? Mr. Woolaver stated has snow fence now and I have to keep putting back up for her. Mr. Harrington asked how could you squeeze in to paint that side or repair if necessary without going onto other persons property. Would have extreme problem there.

Mr. Pietropaoli asked any reason for 15 ft? Mr. Woolaver stated by back door and steps stick out about 3 feet. This is builder's recommendation. Mr. Pietropaoli asked he recommended 15 ft. if possible? Mr. Woolaver stated yes. Mr. Heilman stated if 13 ft. 3 ft. on side. Mr. Pietropaoli stated probably build in 12, 14, etc. sizes. Mr. Heilman stated 12 ft. would give you 4 ft. , would give you plenty. Mr. Woolaver stated doesn't think could get car into it. Believes has to put door in too. Mr. Pietropaoli stated doesn't have to have door, three steps from garage floor into house, have door there now. Only way into garage from house is by going down steps, extend out far into garage? Mr. Woolaver stated three feet. Mr. Pietropaoli stated only 12 ft. clearance from the stairway.

Mr. Hunter asked reason to believe present owner would allow you to maintain and paint? Mr. Woolaver stated yes. Mr. Heilman asked no fence? Mr. Woolaver stated snow fence. Never up, all the way around whole yard. Mr. Pietropaoli asked is carport as wide as garage? Mr. Woolaver stated 12 ft. Mr. Hunter asked doesn't have step problem? Mr. Woolaver stated carport up front, just comes to edge of back steps. Mr. Hunter asked what happens if move garage forward? Mr. Woolaver stated really cannot make long enough, distance between her and window here in kitchen here. Her kitchen window here and if put garage up here, closer to her window. Mr. Heilman stated only problem is someday if she sells her property and person who buys doesn't like you, side of your house will not be maintained.

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

DECISION: Granted unanimously.

Mr. Ralph Bathrick, Scoppa Realty, appeared to discuss informally the possibility of erecting two family home on property at 3216 Union Street.

Held over from February 27, 1973:

Application of Dario Marchioni, 23 Twin Oaks Drive, Rochester, N.Y. for approval of variance to erect home on lot 17, blk. o, Chester Ave., lot size 50' x 120' with front setback to be in line with existing homes.

DECISION: Granted unanimously.

Application of Wichita Constructors, Inc. 313 Market St. Wichita, Kansas, for approval to add a 3' x 12' "Grants" sign to the existing pylon Chili Plaza sign, located at 3240 Chili Avenue. B Zone.

DECISION: Denied unanimously

Zoning Board of Appeals

March 27, 1973

Application of Wichita Constructors, Inc. 313 S. Market, Wichita, Kansas, for approval of 5' high letters spelling "Grants" on front face of proposed W.T. Grant building and 5 flag poles mounted on front wall of building approximately 20 ft. high per sketch submitted. B Zone.

DECISION: Granted approval of 5' high letters spelling Grants.
Denied approval for 5 flag poles.

Application of New Apostolic Church, 210 Danbury Drive, Cheektowaga, N.Y. 14225, for approval of variance to erect a church building on property located at SE corner of Marshall Road and Waltham Road. E. Zone.

DECISION: Granted per plans submitted.

KATHLEEN LUEDKE
Secretary

ZONING BOARD OF APPEALS
April 24, 1973

A meeting 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 April 24, 1973. The meeting was called to order at 8:00 P.M. by the Acting Chairman, Mrs. Chapman.

Roll call: Mrs. Janice Chapman, Acting Chairman
Mr. John Lighthouse
Mr. John Palermo
Mr. Richard Harrington
Mr. Richard Aureli

Absent: Mr. Robert Hunter, Chairman
Mrs. Gertrude Tanger

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

Mr. Heilman stated notice of the meeting of the Zoning Board has been published in paper of general circulation in this Town and affidavits are on file with the Town Clerk.

1. Application of Phyllis Johnstone (Zeiner), 63 Black Creek Road, Rochester, N. Y. 14623 for approval of above-ground pool, 15 ft. in diameter, 4 ft. in height, 7 ft. from south side and west side lot line, 63 Black Creek Road. D Zone.

Mrs. Zeiner appeared, stated 15 ft. round pool, 4 ft. high. Backyard small, has to go 7 ft. from lot line. Nothing by yard except garage, no houses close. Mr. Harrington asked any overhead wires? Mrs. Zeiner stated no wires, on side of house. Mrs. Chapman stated sees by plan shows fence, already around yard? Mrs. Zeiner stated yes. Mrs. Chapman asked above-ground pool? Mrs. Zeiner stated yes. Mr. Davis asked 15 ft. from house and rear line? Mrs. Zeiner stated south line is rear line. Asking for variance there and west side. It is 15 ft. from house. Mrs. Chapman asked is it 15 ft. from house? Mrs. Zeiner stated garage on end of house so garage before you get to house.

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

DECISION: Granted unanimously.

2. Application of Bruce Peckham, 9 Miller Drive, North Chili, N. Y. for approval of above-ground pool, 24 ft. diameter by 4 ft. deep, 3 ft. from south lot line, 9 Miller Drive. D Zone.

Mr. Peckham appeared. Mrs. Chapman stated no plot plan, could you tell what you have in mind? Mr. Peckham stated has garage and not enough room to be 15 ft. from side lot line and campus both on south and west lines. Mrs. Chapman asked no houses in that direction that need variance? Mr. Peckham stated yes, don't want to sell property, has swings on their property already. Mrs. Chapman asked have permission for use of property? Mr. Peckham stated yes, said as long as has over far enough. Mrs. Chapman asked any legal opinions on this? Said has permission to have swings on campus. Any wires? Mr. Peckham stated no wires. Mr. Davis asked 15 ft. on other side? Mr. Peckham stated yes. Mr. Pietropaoli asked south rear lot line? Mr. Peckham stated no, side.

Mrs. Chapman asked if anyone wished to speak in favor of application and no one appeared. Asked if anyone wished to speak in opposition. Mr. Arthur Prouty, 1 Miller Drive, appeared and stated represented Roberts Wesleyan. Does appreciate neighbors and doesn't want to maintain anything but friendly relationship. Also have responsibility to the

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

DATE April 17, 1973

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

GATES-CHILI NEWS

Issue Dated... April 18, 1973.....

Robert F. Wilhelmer

Samuel J. Smith

Notary
ROBERT F. WILHELMER, Notary Public
State of New York, Albany County
Commission Expires March 31, 1975

SAMUEL J. SMITH
Publisher

LEGAL NOTICE

Zoning Board of Appeals
April 24, 1973

A meeting will be held by the Zoning Board of Appeals of the Town of Chili in the Chili Administration Offices, 3235 Chili Avenue, Rochester, N.Y. 14624 on April 24, 1973 at 8:00 P.M. to consider the following applications:

1. Application of Phyllis Johnstone (Zelner), 63 Black Creek Road, Rochester, N.Y. 14623 for approval of above ground pool, 15 ft. in diameter, 4 ft. in height, 7 ft. from south side and west side lot lines, 63 Black Creek Road. D Zone.
2. Application of Bruce Peckham, 9 Miller Drive, North Chili, N.Y. for approval of above ground pool, 24 ft. diameter by 4 ft. deep, 3 ft. from south lot line, 9 Miller Drive. D Zone.
3. Application of David Mann, 31 Haymarket Road, Rochester, N.Y. for approval of kennel for location at 31 Haymarket Road. E Zone.
4. Application of Ronald Easton, 800 Paul Road for approval of variance for two signs on building advertising Ace Swim-Serv. renewal. located at 800 Paul Road. B Zone.
5. Application of Ronald Easton, 800 Paul Road, Rochester, N.Y. for approval of variance for sign on building advertising Ace Swim Serv. located 800 Paul Road. B Zone.
6. Application of Toper Construction Co., 999 Buffalo Road, Rochester, N.Y. for approval to erect a house on undersized lot being 50 ft. x 120 ft., 7 ft. to either side lot line and 40 ft. to front lot line at Lot 15, Bl. B Morrison Avenue. D Zone.
7. Application of Toper Construction, 999 Buffalo Road, Rochester, N.Y. for approval to erect a house on an undersized lot being 50 ft. x 128 ft. at Lot #1, Block L. Morrison Avenue, 6 ft. to west side lot line and 40 ft. to front lot line. D Zone.
8. Application of Toper Construction, 999 Buffalo Road, Rochester, N.Y. for approval to erect a house on an undersized lot 50 ft. x 105 ft. being Lot 6 Block A Morrison Ave., 5 ft. to either side lot line, 40 ft. to front lot line. D Zone.
9. Application of Michael Trusi, 3270 Chili Avenue, Rochester, N.Y. for approval of variance to erect outside stairway on nw corner of building located at 3209 Chili Avenue, extending to less than 100 ft. from front lot line. B Zone.
10. Application of Leo J. & Margaret R. Hofschneider, 30 Bright Oaks Drive, Rochester, N.Y. for approval of variance to erect above ground pool approx. 10 ft. from residence, pool approx. 16 x 24 ft., located at 30 Bright Oaks Drive. E Zone.
11. Application of Wesley Moffett, 2944 Chili Avenue, Rochester, N.Y. for approval of renewal of permit for 4' x 8' two-faced sign on property located at Chili Ave. and Coldwater Rd. B Zone.
12. Application of Joseph Call, 29 Loring Place, Rochester, N.Y. for approval of erecting 5 ft. fence to extend 12 ft. beyond side corner of house on side street abutting property at 20

Loring Place. D Zone.

13. Application of Robert Hopkins, 230 Polaris Street, Rochester, N.Y. for approval of renewal of variance to erect 2 signs one on building, 4' x 8', spotlighted, and one internally lighted on a pole advertising "Pink Parrot" Restaurant and Bar. B Zone.

14. Application of Michael Trusi, 3270 Chili Avenue, Rochester, N.Y. for approval of addition approx. 28 ft. x 12 ft. 8 in. on Southwest corner of building at 3209 Chili Avenue, 38 ft. to back lot line. B Zone.

15. Application of Winston M. Fowler, 3098 Chili Avenue, Rochester, N.Y. for approval of 6 1/2 ft. north side line variance for existing garage at 3098 Chili Avenue. E Zone.

16. Application of Timothy George Sands, 4296 Union Street, North Chili, N.Y. for approval of variance to erect over-sized garage, 32 ft. x 45 ft., located on property at 4296 Union Street. EE Zone.

17. Application of Indian Hills Development Corp., 1669 Penfield Road, Rochester, N.Y. for approval of side yard variance to erect homes on corner lots Nos. 276, 275, 269, 291, 271 and 272 of Lexington 6 Subdivision. E Zone.

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

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

constituents of the college and concerned about this from standpoint of esthetics since corner of property and also from the potential saleability of the land. Understand this would doubtless be more permanent installation than swings. Mr. Peckham stated above ground so could be moved any time. Called about purchasing land myself. Mr. Prouty stated instructions were to register objections on basis of these two questions. Mr. Pietropaoli asked how large is lot? Mr. Peckham stated 140 x 60 wide.

Mr. Lighthouse asked pool on your property? Mr. Peckham stated yes, just cannot get it.... Mr. Pietropaoli asked any other place you could locate without applying for variance? Mr. Peckham stated no.

Mrs. Chapman asked any fence around or will there be around? Mr. Peckham stated no. Mr. Heilman asked why no other place? Mr. Peckham stated house and garage. Mr. Heilman asked house centered? Mr. Peckham stated to one corner but not enough room. Mr. Pietropaoli asked purchased pool yet? Mr. Peckham stated buying from brother, that is why getting that one. Mr. Pietropaoli asked if Board requested could you provide with plot plan where located and show house and abutting property? Mr. Peckham stated had one when made application but guess didn't leave it. Even if just short-term would be all right. Doesn't know how it is going to last anyway. Doesn't want to buy more expensive one. Mr. Heilman stated if Board reserves decision, come back next month without doing anything else but drawing plan so can see actual site. Still May. Mr. Peckham stated could bring any time. Mr. Heilman stated board just sits once a month. Could you do that? Mr. Peckham stated oh yes.

Mrs. Chapman asked if anyone else wished to speak on this application and no one appeared.

DECISION: Reserved pending receipt of plot plan.

3. Application of David Mann, 31 Haymarket Road, Rochester, N. Y., for approval of kennel for location at 31 Haymarket Road. E Zone.

Mr. Mann appeared. Stated consists of three dogs which have had for about a year. Haven't had official complaints on dogs. Fenced in, have own private area. Doesn't let run loose. Doesn't let them bark at night or at all for that matter of fact. Also has petition got together with immediate neighbors with signatures stating that main purpose of this kennel not for breeding or raising, just for maintenance and harboring of three we have. One of the dogs is female, spayed, other two males. Sole purpose to keep three dogs we do have now. (Presented petition as follows: "A meeting will be held by the Zoning Board of Appeals of the Town of Chili in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on April 24, 1973 at 8:00 P.M. to consider our application for approval of a kennel at our residence, 31 Hay Market Road. The purpose of our obtaining this permit is only to harbor the three dogs that we have had for over one year. It is our intention to have no more than three dogs and we will therefore request that this be stated in our permit. In order that we may convince the Board of Appeals beyond any doubt that the three dogs are well maintained, quiet, and confined at all times (except when walking and leashed) we are asking your support in this matter by signing this petition thus indicating that as our immediate neighbors you have no objections to this request." Petition signed by Mr. & Mrs. Carl T. Liese, 25 Haymarket Rd., Mr. & Mrs. Gary Reiss, 27 Haymarket Road, Mr. & Mrs. Donald Mohr, 26 Haymarket Road, Mr. & Mrs. Chul Debyah, 37 Haymarket Rd., Mr. & Mrs. R. S. Ehle, 35 Haymarket Rd., Mr. & Mrs. A. Stander, 40 Haymarket Rd., Mr. & Mrs. Richard C. Dwyer, 33 Haymarket Rd., Mr. & Mrs. Hugh Lennon, 29 Haymarket Rd. and also signed by David J. Mann and Albert R. Gardner) Petition to be in files.

Mr. Aureli asked how old are dogs? Mr. Mann stated 3, 2 and 1. Have all three about 1 year. No complaints from any neighbors as far as noise or running. Has special area built, fenced in area, and for sanitation have pea gravel used in regular kennel. Mr. Aureli asked what type dogs? Mr. Mann stated German Shepherd. Mrs. Chapman asked outside or in the house? Mr. Mann stated doggy door so can go in house as want. Purpose not for breeding and also put in petition wouldn't own any more dogs and would like just for maximum of three we have and solely for purpose of keeping those we have. Mr. Harrington asked had dogs when moved onto Maymarket? Mr. Mann stated had two when moved and when obtained third wasn't aware there was maximum of two. After period have had really doesn't want to give up any, couldn't really, and that is why applying for license. Just for those three.

Mr. Hellman asked if something happens to any one of these dogs wouldn't replace? Mr. Mann stated hadn't given it consideration. Mrs. Chapman stated talking about status quo now but could change. Mr. Mann stated if would replace would be three at most and more than likely probably wouldn't. Something couldn't answer until time came but right now main purpose is for three has.

Mrs. Chapman asked if anyone wished to speak in favor of application. Mr. Dick Dwyer, 33 Haymarket, appeared. Stated has been there little over a year and has wife and 16 month old child, dogs fantastic with little boy. Clean, well-kept and quite. No objections. Immediate neighbors have talked about it and signed petition and dogs good.

Mrs. Bonnie Liese, 25 Haymarket, stated wife of dog warden. No official complaints concerning dogs. Lives 4 houses away and no problem at all. As far as barking and with kids. Would make one stipulation. If has three dogs fine, but no more. If something in writing saying three dogs period or something happened to one replace it, but legally knows kennel license can have as many as want. If could have something legal saying three dogs. These dogs terrific.

Mrs. Chapman asked if anyone wished to speak in opposition. Mr. Eugene Byers, 8 Gary Drive, appeared representing Hillcrest Park Association. Stated had number of calls from people in back of area on Gene and Gary. Concerned, would like to oppose on these grounds. Mr. Pietropaoli asked if has received any complaints concerning three dogs that Mr. Mann keeps on this property? Mr. Byers stated no, has not. Mr. Pietropaoli asked objecting to application for kennel? Mr. Byers stated yes, that is what concerns us. Mr. Pietropaoli asked after presentation relating to three dogs, feel association still in opposition? Mr. Byers stated thinks more favorable, just idea of kennel. Would say if limit to three dogs would take different attitude. Mr. Mann stated strictly sole purpose. Not for breeding or anything. Mr. Byers stated came to represent them but they are closer than I am.

Mrs. Chapman asked association is behind your property? Mr. Byers stated on end of area, next street over. Mr. Mann stated not directly behind, more like three-four houses off to side. Behind us is gas station and 4 acres of land.

Mr. Dick Casey, 10 Gary Drive, stated past president of association. Has had complaints about noise from dogs already from people in immediate area back of house at end of Gary Drive of the three dogs presently there. Wondering if more dogs, why the purpose of the kennel. Mrs. Chapman stated laws say two dogs and if you have more than that have to request kennel variance. Mr. Casey stated has had complaints personally from people at end of street about noise and barking of dogs already. Reifstecks and Stevens very close and I am down street about two houses. That is why object, primarily because if it becomes commercial thing and also noise of three dogs presently there. Mr. Mann stated would say 5 houses down on circle there is man who owns two dogs who has received several complaints. By any chance could that be those dogs, definitely mine? Mr. Casey stated definitely yours because lady on Gene drive complained to me several times personally about your dogs only. Reifstecks live practically back of you, was

going to be here tonight but couldn't. Empty field and road down like this and Reifstecks right in back. Red house on corner of Gene and Gary. You are green house? Back of that end of Gary Drive? Mr. Mann stated green house in back of that where fence is, down from that. Mr. Casey stated this is complaint we get because of noise of dogs presently there and wondered if going to be multiplied. Mr. Pietropaoli asked how far live from Reifstecks? Mr. Casey stated three houses. Mr. Pietropaoli asked aware of any dogs causing noise? Mr. Casey stated hears dogs, yes.

Mr. Dwyer stated lives right next door and cannot understand how people 5-6 houses down can hear noises from dogs when we live 50 feet away. Dogs fairly loud 5 houses down but only two dogs and legal but loud and have feeling those are dogs this guy hears. Wife home all day and no complaints about noise. Would like to go on record:

DECISION: Granted for three dogs presently owned for three year period with right to apply for renewal.

4. Application of Ronald Easton, 800 Paul Road, for approval of variance for two signs on building advertising Ace Swim-Serv, renewal, located at 800 Paul Road. B Zone.
5. Application of Ronald Easton, 800 Paul Road, Rochester, N. Y. for approval of variance for sign on building advertising Ace Swim-Serv, located at 800 Paul Road. B Zone.

Mr. Easton appeared. Stated two non-illuminated signs renewals from last year. Leased a year ago and now purchased it and would like to have variance for three or four years for that. Illuminated sign will be on corner of building and says Wilks Pool Center. Now a distributor for Wilks pool, plastic, self-illuminated from inside, no spotlights. Mr. Aurell asked on side of building? Mr. Easton stated on southeast corner, double-faced sign, mounted on building. Mr. Lighthouse asked three signs on one building? Mr. Easton stated big building.

Mr. Heilman asked one illuminated, what hours? Mr. Easton stated always illuminated other one till about 10 o'clock at night. Mrs. Chapman asked on and off automatically? Mr. Easton stated on timer. From dusk until about 10 or so depending upon time of year. Mrs. Chapman asked any signs currently on other building? Not using signs from that building? Mr. Easton stated no, they will be coming down. Mr. Pietropaoli asked still operating from both buildings? Mr. Easton stated old store only warehouse and for truck. Has swimming pool service and operate out of old store, use truck for parts. Mr. Pietropaoli asked sales where church is? Mr. Easton stated right.

Mr. Heilman asked new sign 3 x 5? Mr. Easton stated yes. Mr. Lighthouse asked how hung? Mr. Easton stated pipe bolted on building. Internally lighted, plastic. Mrs. Chapman asked on white ground? Mr. Easton stated yes, no spots or glaring lights. Mr. Pietropaoli asked what is value of sign in place? Mr. Easton stated charge \$500.00. Mr. Heilman asked additional sign going to have one side facing Paul and other Hill? Mr. Easton stated both, comes on corner. Facing Paul Road actually because building faces Paul and on 90° angle. On one corner of building so can see from Paul Road. Mr. Palermo asked straight off side? Mr. Easton stated facing Paul Road, right off at 90° angle.

Mrs. Chapman asked if anyone in audience wished to speak in favor or opposition to this application and no one appeared.

DECISION: #4. Granted for one year.

#5. Denied unanimously.

6. Application of Toper Construction Co., 999 Buffalo Road, Rochester, N. Y. for approval to erect a house on undersized lot being 50 ft. x 120 ft., 7 ft. to either side lot line and 40 ft. to front lot line at Lot 15, Blk. B, Morrison Avenue. D Zone.
7. Application of Toper Construction Co., 999 Buffalo Road, Rochester, N. Y. for approval to erect a house on an undersized lot being 50 ft. x 128 ft. at Lot #1, Blk. K Morrison Avenue, 6. ft. to west side lot line and 40 ft. to front lot line. D Zone.
8. Application of Toper Construction Co., 999 Buffalo Road, Rochester, N. Y. for approval to erect a house on an undersized lot 50 ft. x 105 ft. being Lot 6, Block A, Morrison Avenue, 5 ft. to either side lot line, 40 ft. to front lot line. D Zone.

Mr. Bernard Iacovangelo appeared representing applicant. Stated seeking approval to erect houses on these undersized lots on first would like to make mention it is corner lot. Corner of Lindy Street, paper street and not paved, and Morrison Avenue. Lot undersized because of fact that at the time lots in whole neighborhood subdivided, different zoning law in effect at that time so that if allowed to build on these lots wouldn't destroy character of neighborhood and conformity maintained in neighborhood because all homes 40 ft. back from road and vary as to side lot lines. On all three would like to mention only three lots of this nature that Toper has in Town of Chili and would like to build on. No land that Toper could buy near lots to conform to present zoning laws. Thanks that fact that it is corner lot and whole area will not be destroyed and conformity maintained, would like to have approval on these.

Mrs. Chapman asked any plans? Mr. Lighthouse asked all about same plan? Mrs. Chapman stated split level including garage. 26 x 40, 26 x 40 and one 24 x 40. This is on corner lot? Mr. Iacovangelo stated this is paper street here. Mr. Pietropaoli stated laid out as street, not filed as street. House here? Mr. Iacovangelo stated couldn't tell you. Mr. Pietropaoli asked houses on either side of these? Mr. Iacovangelo stated doesn't know. Mr. Pietropaoli asked this is another corner lot? Mr. Lighthouse stated on corner of Theron Mr. Iacovangelo stated not paved street, from what understands paper street. Proposed to build street but never have. (Board reviewed location of lots on Plat maps.)

Mrs. Chapman asked can you tell about services over there? Mr. Davis stated no services on other side of Theron Street as of now. Mr. Heilman asked on Application #7, right? Lot 1 Block L? Mrs. Chapman stated should correct to Block K. Mr. Davis stated service goes up to end on Chester. Mr. Lighthouse asked not on Morrison? Mr. Davis stated no.

Mr. Heilman asked on Application #6, Lot 15, Blk. B, don't own Lot 14, know if there is house on it now? Mr. Iacovangelo stated couldn't tell you that. Mr. Pietropaoli asked would you provide that information if Board required? Mr. Iacovangelo stated yes. Mr. Pietropaoli asked Tower owns property now? Mr. Iacovangelo stated acquired by foreclosure, only three of this nature they own.

Mr. Heilman asked with regards to #8, don't know if house on either side, Lot 6, Blk. A? Mr. Iacovangelo stated doesn't have that information, no.

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

DECISIONS:

- #6. Reserved pending receipt of further information.
- #7. Block corrected to K from L. Reserved pending receipt of further information.
- #8. Reserved pending receipt of further information.

10. Application of Leo J. and Margaret Hofschneider, 30 Bright Oaks Drive, Rochester, N. Y. for approval of variance to erect above-ground pool, approx. 10 ft. from residence, pool approx. 16 x 24 ft., located at 30 Bright Oaks Drive. E Zone.

Mrs. Hofschneider appeared. Mrs. Chapman stated has plot plan and statement here. Reason for applying for variance, creek running through back of property, wishes to apply in order to accomodate above-ground pool five ft. closer to basement wall. Plan on putting pool 10 ft. from residence wall? Mrs. Hofschneider stated yes. Mrs. Chapman stated also contains statement of distances and other directions.

Mr. Aureli asked own land on other side of creek also? Mrs. Hofschneider stated yes, 40 ft. easement on creek even though only measures 26 now. Mrs. Chapman stated someday might measure 40. Mrs. Hofschneider stated those measurements are approximate. Mr. Hellman asked run into any problems with wires? Mrs. Hofschneider stated no sir. Mrs. Chapman asked about 8 ft. from creek? Mr. Aureli stated no, 34 ft. from creek, measures 46 ft. from basement wall to edge of creek. Mrs. Hofschneider stated actually those are my measurements, managed to get better plot plan later if you need to see it.

Mrs. Chapman asked if anyone wished to speak in favor of application. Mr. Harry Easton stated plan to be builder of pool. Address is 9 Westway, business address 800 Paul Road. Natural drainage of land is such that water would flow to the creek in any event of failure.

Mrs. Chapman asked if anyone wished to speak in opposition and no one appeared.

DECISION: Granted unanimously.

11. Application of Wesley Moffett, 2044 Chili Avenue, Rochester, N. Y. for approval of renewal of permit for 4' x 8' two-faced sign on property located at Chili Avenue and Coldwater Road. B Zone.

Mr. Moffett appeared. Mrs. Chapman stated had variance previously. Mr. Moffett stated asking for continuance, just real estate sign in existence for some time, to be in exactly same spot. Mrs. Chapman asked will be sign exactly as exists? Mr. Moffett stated not different sign, wording might change, basically the same. Dimensions and location same, real estate sign, not illuminated, as placed at the moment.

Mr. Pietropaoli asked sign presently up? Mr. Moffett stated did fall down, believes it is up. Mr. Pietropaoli asked limited to real estate sign only? Mr. Moffett stated yes, just as it has been. Mr. Pietropaoli asked non-illuminated? Mr. Moffett stated that is right.

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

DECISION: Granted for one year period.

12. Application of Joseph Cali, 29 Loring Place, Rochester, N. Y. for approval of erecting 5 ft. fence to extend 12 ft. beyond side corner of house on side street abutting property at 29 Loring Place. D Zone.

Mrs. Cali appeared. Stated measured from the house 12 ft. and 27 ft. from house to street. Mrs. Chapman asked would like five foot fence, would that extend whole depth of your property? Mrs. Cali stated yes. Mrs. Chapman asked down side and up back and back to the house? Mrs. Cali stated back to the garage which is about 7 ft. Mr. Lighthouse

asked what kind of fence. Mrs. Cali stated white cedar stockade. Mrs. Chapman asked totally closed, no gaps between posts? Mrs. Cali stated there isn't supposed to be. Being on corner that is what wanted for, privacy, there will be gate on that side where extending out 12 feet. That is where gate will be.

Mr. Pietropaoli stated recall last time indicated wanted to have fence for purpose of keeping children in because of traffic. Mrs. Cali stated really more for my privacy because of corner lot. Chain link no privacy at all. Does have small child and there is street and if he is in backyard, have to be there. Mrs. Chapman asked fence doesn't extend to front of house at all? Mrs. Cali stated start at back of house and extend 15 ft. and back to the lot line and 27 ft. to the street.

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

DECISION: Granted unanimously.

9. Application of Michael Truisi, 3270 Chili Avenue, Rochester, N. Y. for approval of variance to erect outside stairway on NW CORNER of building located at 3209 Chili Avenue, extending to less than 100 ft. from front lot line. B Zone.
14. Application of Michael Truisi, 3270 Chili Avenue, Rochester, N. Y. for approval of addition approx. 28 ft. x 12 ft. 8 in. on Southwest corner of building at 3209 Chili Avenue, 38 ft. to back lot line. B Zone.

Mr. Truisi appeared, stated building outside staircase on northwest corner of building. Mrs. Chapman asked if could tell something about stairway? Mr. Truisi stated steel constructed so no maintenance. Mr. Lighthouse asked enclosed? Mr. Truisi stated no, open stairway. Mrs. Chapman asked this is front of building, proposing stairway down from second floor? Mr. Truisi stated from canopy down. Mrs. Chapman asked how get to canopy? Mr. Truisi stated would like way here. Mrs. Chapman stated this comes directly out of second story then.

Mr. Palermo asked if canopy down the stairs? Mr. Truisi stated 7 ft. space behind building. Finally approved by the State, going back and forth to the state and this is where they made up their mind they wanted it. Mrs. Chapman asked how many steps would this be? Mr. Truisi stated tell so many feet and risers. Mrs. Chapman stated (reading off plans) 3'8" minimum. 5 ft. metal screened enclosure both sides. Mr. Truisi stated have regulations how many steps and height. Has to be so many. Mrs. Chapman asked this is donut shop end of property? Doesn't extend beyond end of property? Mr. Truisi stated would like to build onto lot line if possible. This way comes in front in parking lot. Mr. Palermo asked how far will base of steps be from building? Mr. Truisi stated 7" risers. Mr. Davis stated stairs come out 13-15 ft. 7 ft. and then stairs. Balcony 7 ft. and then stairs. How many steps have there? Mr. Truisi stated thinks 7" risers. Mr. Davis stated tread you have to figure on. Mrs. Chapman stated 20. Mr. Davis stated 20 x 10.

Mr. Pietropaoli asked what is purpose of application? Mr. Truisi stated cannot use for public assembly unless have other stairway removed from other one. Mr. Pietropaoli asked in using second floor for public assembly would you have sufficient parking in your lot to accommodate whatever you have up there? Mr. Truisi stated room in back and front. Mr. Hellman asked what kind of room in front right now? Mr. Pietropaoli asked how many in front and rear if intend to use second floor? Mr. Truisi stated 100 x 200 in front and back have permission from Sunoco to use back part which is 300 x ... Mr. Pietropaoli asked doesn't own back? Mr. Truisi stated Sunoco does. Mr. Pietropaoli asked methods of ingress and egress? Mr. Truisi stated next to Sunoco driveway. Driveway on this side and Sunoco gives egress to one on other side. Mrs. Chapman asked in between two properties? Mr. Truisi stated

10 ft. between buildings here. Mr. Pietropaoli asked how many businesses presently located in lower level? Mr. Truisci stated three. Mr. Pietropaoli stated Miniquick, Pink Parrot and Donut Shop. How many parking spaces available at this time? Mr. Truisci stated 100 x 200, how much allow for parking space? Mr. Pietropaoli stated if knew, wouldn't ask question. Mr. Truisci stated at least 50-75 cars in front, back easy hundred.

Mr. Aureli asked back lot paved at all? Mr. Truisci stated gravel. Mr. Heilman asked size of lot now? Mr. Truisci stated 100 x 200. Mr. Heilman stated that is whole lot. How much in front of stores? Mr. Truisci stated 100 ft. Mr. Pietropaoli asked from street to front of stores? Mr. Truisci stated entire lot 100 x 200. Mr. Heilman asked how far from front of stores to Chili? Mr. Truisci stated 100 on this side and 120 on this because street at angle. Mr. Heilman asked if up there at night or day, how many cars in lot? Mr. Truisci stated depends, sometimes lots, sometimes few. Mr. Heilman asked what is most number seen parked in front of stores? Mr. Truisci stated doesn't know. Mr. Heilman asked would be fair to say if 30 cars hard-pressed to find more room? Mr. Truisci stated doesn't know.

Mr. Heilman asked how long have you owned property, since building up? Mr. Truisci stated owned for 20 years. Mr. Heilman asked don't know how many cars park in front of building now? Mr. Truisci stated 30-40 depends on how park. Mr. Heilman asked own or have option over land talking about from Sunoco? Mr. Truisci stated verbal, nothing in writing. Mrs. Chapman stated station could change hands and someone else there. Mr. Truisci stated not probably, changed hands three times now and up to owners themselves, talked to the owners.

Mrs. Chapman stated total lot is 100 and 125 there. What is total size of lot so can judge total space? Mr. Truisci stated 100 x 200. Mr. Palermo asked what is size of building? Mr. Truisci stated 75 x 50. Mrs. Chapman stated would be 50 ft. in back. Mr. Heilman asked purpose of this application for staircase to allow to use second floor of building, how big? Mr. Truisci stated same size, 3500 sq. ft. Mr. Heilman asked what intend to do with upper portion? Mr. Truisci stated banquets, parties, receptions, etc. Mr. Heilman stated understand Board's concern where will park cars. Mr. Truisci stated got permission from garage to park there too, got permission from them. Mr. Aureli stated talking about 15-20 parking spaces. Mr. Truisci stated every little bit helps. Many places never have enough parking spaces all the time. Sometimes crowded, hard to figure.

Mr. Heilman asked fair to say when put staircase in down into parking area will take away three or four parking spaces? Mr. Truisci stated hard place to park anyway. Mrs. Chapman asked where people park in front of donut shop? Mr. Truisci stated in this corner always dead because if number came in here doesn't believe could get out anyway.

Mr. Pietropaoli stated this is piece of property here in relation to Chili Avenue. This is State property and Pascarella's property on east along here. 200 x 100 entire size of lot. Sunoco property about 50 ft. talking about at rear of his lot. Mrs. Chapman asked Sunoco actually owns land behind? Mr. Pietropaoli stated owns portion back there.

Mr. Davis asked don't you have to get variance on one corner? Mr. Truisci stated has 120 ft. here, 50 here but little short here. If possible would like to have on lot line so could move and have ample. Sometimes doesn't have any, sometimes can use all can get. Mrs. Chapman asked what about addition? Mr. Truisci stated stairs come out here now. Want to enclose and come out to door and put canopy over door. Mr. Lighthouse asked what use for? Mr. Truisci stated storage. People in Pink Parrot need place to put barrels. In hall and all over the place. Dead space anyway. Wants to put flat roof and canopy over this part in case of rain. Mrs. Chapman asked how far does addition extend there? Is this part of the addition here? Mr. Truisci stated

about 12'8" this way by 28'. Mr. Aureli asked there is stairway outside there? Mr. Truisci stated there is stairway now. Mrs. Chapman asked stairway goes down? Mr. Truisci stated down from parking lot. Now flat, wants to put door to go in and out for basement and first floor.

Mrs. Chapman asked does figure of 28 ft. include canopy? This is building? Mr. Truisci stated up to the doorway, canopy over doorway. Mrs. Chapman asked from back of addition to the back of lot line is how far? Mr. Truisci stated from this addition roughly 35-38 ft. 50 ft. from here to here so roughly 38 ft. Mrs. Chapman asked was this corner Mr. Davis was talking about? Mr. Truisci stated no this corner, because lot runs at angle. Mr. Heilman asked this is area asking for extension? Mrs. Chapman stated 12'8" x 28'. Application says 28 ft. If going to allow have to know what it is going to be. This is not included in addition and canopy over back door not mentioned in application. Mr. Palermo asked going to be on there? Mr. Truisci stated just cover for people going in and out in rainy weather. Mr. Heilman asked if Board granted variance would come over this far? Mr. Truisci stated right along here. This gives dimensions it is now, what stairway and this piece is now. Mr. Chapman asked this is not existing building? Mr. Truisci stated existing now, stairway, flat. Mrs. Chapman asked this is nothing here? Mr. Truisci stated those are dimensions of this. Mrs. Chapman asked not coming to build building here? Mr. Truisci stated flat stairway now, raise so can put doorway and go down. Mrs. Chapman asked stairway would be enclosed in addition, and this part for storage? Mr. Heilman asked addition in back primarily for downstairs portion of this building so if Board were to grant this part of your application would be exclusively for downstairs. Not related to other request for upstairs. Mr. Truisci stated still cannot use upstairs without stairway. Wants to put someplace else, that is where they wanted it.

Mrs. Chapman asked if anyone wished to speak in favor of application and no one appeared. Asked if anyone wished to speak in opposition and Mr. Charles McCall, 3202 Chill Avenue appeared. Stated lives directly across from place of business and understands wants to put stairway and have asked as to parking operation. Took time to count. Lot full, 12 on one side, 10 on the other side and 6 facing building. Parking lot full and went to back and room for 6-8 cars on his land to park his cars. Objects to the stairway on account of parking mostly. Mrs. Chapman asked feels not sufficient to accommodate number of people? Mr. McCall stated has no parking signs on both sides of street from Pascarella's to Sunoco Station. Awful traffic problem there. Asks Board to turn application down.

Mr. John Steeves, 113 Chestnut Ridge Road, appeared representing Fire Department. Stated Department property directly to the south of part talking of and would like to ask if has had property surveyed and how far building is off lot line? Mr. Truisci stated no, doesn't know. Mr. Steeves asked how far is building from your lot line in the rear? Mr. Truisci asked from the south, the front? Mr. Steeves stated no, south, back wall. Mr. Truisci stated thinks 45-50 ft. Mr. Steeves asked right now without putting addition on? Mr. Truisci stated thinks 50. Mr. Steeves stated 50 ft. and this another 12 ft. and have variance on Sunoco for 50 ft. and original question of survey, President and I walked up to find surveying stake and cannot find our stakes, less than a year old. Believes fill dirt being put out there on our property. This is why bringing before the Board now. How far from your lot line?

Mr. Truisci stated Sunoco goes back 50 ft. behind mine. Mr. Steeves stated if add up, more than what behind your building, more than what you think you own. This is why raises question. Not according to our survey line. Doesn't feel sufficient room, these figures do not jibe. Mrs. Chapman asked talking particularly about addition on back? Mr. Steeves stated right and fill dirt supposedly on Sunoco property at least 20 ft. onto our property. Does Mr. Truisci know if

property surveyed and staked there? Mr. Truisi stated there was one but knocked down, when fill in not going to stay. Mr. Steeves stated that is what happened twice in three months. Mr. Truisi stated hasn't put anything in there. Mr. Steeves stated Department has and stakes gone. Believes before something granted should be squared away. Mr. Heilman stated this is in opposition to number 14.

Mr. Roger Pascarella appeared. Stated would like to reaffirm Mr. McCall's statement about lack of parking which is main concern. Evident in day with big trucks. At night, if party, no parking. Simple as that. Mrs. Chapman asked find public parking in your lot and using stores next door? Mr. Pascarella stated not concerned about mutual parking. 10 wheelers that park blocking driveway entrance or in lot. Cannot tell don't park in my lot but 10 wheelers big problem. If opening up upstairs definitely problem.

Mr. McCall asked how get into property in back of building? Through behind Sunoco on their property? Mr. Truisi stated driveway on side also. Mr. McCall asked what if they shut you off, then what? Mr. Truisi stated world could come to end tomorrow and won't have to worry about it. Worry about those things when come. Mr. McCall stated if home has to call sheriff all the time to get trucks off from front of my lot. Not sufficient room for parking if opens upstairs.

DECISION: #9. Denied unanimously. Use of upstairs as proposed would create undue hardship on Town and people in close proximity to this area by bringing an enormous amount of traffic and little or no parking facilities. Proposed stairway would in fact use some of existing parking area.

#14. Denied unanimously. Failed to furnish sufficient over-all dimensions and distances to lot lines.

13. Application of Robert Hopkins, 230 Polaris Street, Rochester, N. Y. for approval of renewal of variance to erect 2 signs, with one on building, 4' x 8' spotlighted, and one internally lighted on a pole, advertising "Pink Parrot" Restaurant and Bar. B Zone.

Mr. Hopkins appeared. Stated sign there for 2 years, want them renewed, that's all. Mrs. Chapman asked had variance before? Mr. Hopkins stated twice. Mr. Pietropaoli asked same signs? Mr. Hopkins stated no change. Mrs. Chapman asked no change in lighting or operation? Mr. Hopkins stated right.

Mrs. Chapman asked if anyone wished to speak in favor or opposition to the application and no one appeared. Mr. Pietropaoli asked asking for renewal on both signs? Mr. Hopkins stated yes.

DECISION: Granted for one year with the following stipulations. 1. To be lighted through normal hours of operation and no later than one half hour after closing. 2. Spot lights to be property shielded on sign on building so no glaring light shines toward road.

15. Application of Winston M. Fowler, 3098 Chili Avenue, Rochester, N. Y. for approval of 6 1/2 ft. north side line variance for existing garage at 3098 Chili Avenue. E Zone.

Mr. William Kelly appeared, stated representing Mr. Fowler in process of selling property. Some time back garage constructed on property and apparently when constructed in violation of zoning. Has current tape location map, shows 6.5 ft. off north boundary line and would like to ask for variance to allow dwelling to be as constructed so won't have title problem. Thinks under impression had received necessary Town permission when constructed but didn't find anything on records here.

Mr. Davis asked back in 1954? Mr. Kelly stated right, has old subdivision map or tape map in 1952 in which was marked approve garage being built less than 5 ft. of line which is signed by one of the neighbors and also Joseph Entress, original builder. Mrs. Chapman asked woman

still lives on that side of property? Mr. Kelly stated yes, no problem, just straighten out direction.

Mrs. Chapman asked if free-standing garage? Mr. Kelly stated yes, just behind house. This is tape location map made by James Wisner, March 30, 1973.

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

DECISION: Granted unanimously.

16. Application of Timothy George Sands, 4296 Union Street, North Chili, N. Y. for approval of variance to erect oversized garage 32 ft. x 45 ft., located on property at 4296 Union street. EE Zone.

Mr. Sands appeared and presented drawing, stated measurements accurate although drawing not accurate. 4 rod road so 33 ft. back in, then from lot line back. Mr. Aurell asked why so close to lot line? Mr. Sands stated could be anywhere. Mr. Pietropaoli asked just want permission to put oversized garage over there? Mr. Sands stated use for three antique cars. All around is farm land. Mrs. Chapman asked no house near? Mr. Davis asked how many acres? Mr. Sands stated 250 x 270 deep. Mr. Aurell asked construction of building? Mr. Sands stated Agway pole barn. Looks exactly like this (presented picture). Mr. Heilman asked just for own cars? Not any work on anybody else's cars? Mr. Sands stated no, just enough room for me.

Mrs. Chapman asked if anyone wished to speak in favor of application or in opposition and no one appeared in opposition. Mr. William Kelly, 17 Brewster Lane, stated in favor of application.

DECISION: Granted unanimously.

17. Application of Indian Hills Development Corp., 1669 Penfield Road, Rochester, N. Y. for approval of side yard variance to erect homes on corner lots Nos. 276, 275, 269, 291, 271 and 272 of Lexington 6 Subdivision. E Zone.

Mr. Ted Everage of Sear Brown appeared representing the applicant. Stated requesting that variance of 40 ft. versus 60 ft. on corner. Originally moved road to save tree areas. 40 ft. pretty compatible with other sections in Lexington. Doesn't know of any real problems it would create. Gives more room without roads so can move in that direction and away from trees which is reason did in first place. Understands that Planning Board is discussing changing this back to 40 ft. as requirement from the existing 60 ft.

Mrs. Chapman stated speaking about that has letter from the Planning Board which indicates that applicant has appeared before them and they would go along with the 40 ft. "April 11, 1973, Zoning Board of Appeals, Town of Chili. Gentlemen: The Planning Board has reviewed the overall plan for the Lexington Subdivision Section 6, a copy of which is attached. This Board is in favor of that plan with 40 foot setbacks on the side lots of Lots Nos. 276, 275, 269, 291, 271 and 272 because in the plan, the developer is attempting to preserve the natural terrain that exists in the area, and to deviate from the plan as presented would cause an ecological imbalance. Therefore, the Planning Board recommends that their request for variances be granted. Very truly yours, Planning Board, Richard A. Weber, Chairman."

Mr. Heilman stated what happened as far as Planning Board concerned, existing requirement for corners side yard lot variance 60 ft. Under old ordinance that pre-existed 60 ft. was 20 ft. In process of drawing up new ordinances for Town requirement of 40 ft. so these gentlemen proposing in effect would be to conform to coming ordinance which hope will pass in near future. That is why Planning Board had been advised

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and recommending to this Board approve these variances which in effect a year from now will be what zoning law is and not variance.

Mr. Pietropaoli stated gentleman from Sear Brown pointed out saving those trees on west side could have moved road and taken a lot of trees out. Mrs. Chapman stated has been attempt to make more attractive with road where it is. Mr. Heilman stated Conservation Committee had representative at Planning Board and they favor this.

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

DECISION: Granted Unanimously.

INFORMAL HEARINGS:

John Doerr, Churchville, appeared with Mr. George Roth, attorney, to discuss re-application for converting single family residence on Buffalo Road to two-family. Original request denied in November, 1972. Mr. Roth stated since lot under-sized for commercial use, requested re-hearing of application. Board determined may re-apply for Public Hearing.

Mr. Harold Ford appeared with Mr. William Kelly, attorney, to discuss re-application to sell produce on property at 2669 Chili Avenue. Board determined may re-apply for public hearing.

Application held over from previous hearing:

Application of Wichita Constructors, Inc. for entrance and exit signs at Chili-Paul Plaza.

Mr. Bruce Weaver of Wichita Constructors explained signs to be steel I-beam posts, concrete base. Signs 4 ft. long, 7 ft. back from property line. Height may be adjusted. Board will look over property in person and determine at next meeting what action they will take.

Application of Patrick Roncone, 3227 1/2 Chili Avenue, Rochester, N. Y. for approval to erect a 4' x 8' temporary sign advertising space available in proposed professional building located at 3253 Chili Avenue.

DECISION: Granted unanimously for one year period.

KATHLEEN LUEDKE
Secretary

ZONING BOARD OF APPEALS

May 22, 1973

A meeting was held by the Zoning Board of Appeals in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on May 22, 1973. 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 Harrington
 Mr. Richard Aureli

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

Mr. Hunter stated would like to change order a little over the way it appears on the agenda, at least four items probably going to be fairly long and perhaps many here for those but in interest of getting to those, will call others first.

1. Application of Murray Yackoff, 69 Names Road, Rochester, N. Y. for approval of variance to erect garage approximately 10 feet from lot line on Theron Street, located at 69 Names Road. D Zone.

Mr. Yackoff appeared, stated no homes directly facing on Theron at present. Carport on house and would like to make into garage. Mr. Hunter asked lot 50 ft? Mr. Yackoff stated 82 feet. Mr. Hunter asked what is distance from home to east lot line? Mr. Yackoff asked not sure over all. Mr. Hunter stated according to map about 27 ft. from the edge of your home to the line. Want to build garage would be 17 feet wide? Mr. Yackoff stated has extra piece that was built on here like backroom. Garage would only be about 10 ft. Mr. Hunter asked extend from the edge of that to roughly 10 ft. from the line? Another 5.3 feet. Leaves about 11.5 ft. roughly for garage on that basis. Mr. Yackoff stated wide enough to get car in, carport just wide enough. Mr. Hunter stated will be small, does have good setback, 70 ft. Wondering about that. Mr. Yackoff stated most are set back pretty deep. Narrows down as go down street.

Mrs. Tanger asked would put 11'7" instead of 10 ft? Mr. Hunter stated width of garage 11'7" available and still stay 10 ft. from line. Thinks code calls for 20 ft. on corner. Mr. Yackoff stated he (previous owner) put this up. Mr. Aureli asked that is up already? Mr. Palermo asked going to include this then? Mr. Yackoff stated garage will include that. Mr. Hunter stated 11'7" would be outside dimensions, just over 11 ft. clearance inside. Mrs. Tanger asked would you be interested in making 8 ft. from side lot line instead of 10 ft? Mr. Yackoff stated he had roof over there. Was going to close in and bring roof out to front. Mr. Palermo asked use present roof on carport? Mr. Yackoff stated going to extend front to front of house and drop side wall down to other side. Mr. Hunter stated asking if interested and Board could consider it. If decide would like to do that have choice of doing it. Looks like tight situation. Shame to spend money and not do job. Mr. Yackoff stated two feet more would be easier to open door. Mr. Hunter stated will amend application to ask for 8 feet and Board will pass if it sees fit.

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

DECISION: Application amended to approximately 8 feet from lot line. Approved unanimously.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

DATE 5-15-73

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

GATES-CHILI NEWS

Issue Dated May 16, 1973

Robert F. Werner

Notary:

ROBERT F. WERNER, Notary Public
State of New York, Monroe County
Commission Expires March 30, 1975

Samuel J. Smith

SAMUEL J. SMITH

Publisher

LEGAL NOTICE

ZONING BOARD OF APPEALS May 22, 1973

A meeting 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 May 22, 1973 at 8:00 P.M. to hear the following applications:

1. Application of Murray Yackoff, 69 Names Road, Rochester, N.Y. 14623, for approval of variance to erect garage approximately 10' feet from lot line on Theron Street, located at 69 Names Road. D Zone.
2. Application of Wesley Parmerter, 59 Springbrook Drive, North Chili, N.Y. 14514 for approval of renewal of variance to allow upstairs apartment in residence at 59 Springbrook Drive. E Zone.
3. Application of Joseph Scavo, 37 Fenton Road, Rochester, N.Y. 14624, for approval of renewal of variance granted 5/28/68 for approval of addition (2nd story) including living room, bedroom and kitchenette at 37 Fenton Road. D Zone.
4. Application of Donald Terry, Joby Enterprises, Ltd., 34 Whitecliff Drive, Pittsford, N.Y. 14534, for approval to erect a building approx. 80 ft. square on Lot R-6 at corner of Scottsville Road and Alfred Avenue, 1749 Scottsville Road. B Zone.
5. Application of Robert E. Kleinow, 28 Charles Avenue, Rochester, N.Y. 14623 for approval of above ground pool 12' x 20', 11' from residence at 28 Charles Avenue. D Zone.
6. Application of Eileen Samis, 8 Chestnut Ridge Road, Rochester, N.Y. 14624 for approval of variance to move pop stand operation to rear portion of building and incorporate present pop room into existing restaurant, located at 8 Chestnut Ridge Road. B Zone.
7. Application of Harold Ford, 230 Chestnut Ridge Road, Rochester, N.Y. 14624 for approval of variance to sell fruits and vegetables on property located at 2669 Chili Avenue, for period from May through November 1st. E Zone.
8. Application of Edward M. Corcoran, 25 Bucky Drive, Rochester, N.Y. 14624 for approval of variance to erect attached garage and family room on north side of residence, approximately 9 ft. from side lot line, located at 25 Bucky Drive. E Zone.
9. Application of Norman Magin, 37 Baylor Circle, Rochester, N.Y. 14624, for approval of variance to erect split rail fence in front yard, 10 ft. in front of house, 24 ft. alongside driveway, to end approximately 41 ft. from road, located at 37 Baylor Circle. D Zone.
10. Stallion Development Co., 1726 Long Pond Road, Rochester, N.Y. 14606, for approval of renewal of variance for temporary sign advertising StalMar subdivision, located at corner of Paul Road and StalMar Circle. E Zone.
11. Application of John Doerr, 11 North Street, Churchville, N.Y. 14428 for approval of variance to convert 1 family residence to 2 family residence, located at 4351 Buffalo Road, North Chili. B Zone.

All interested parties are hereby requested to be present. By order of the Chairman of the Zoning Board of Appeals.
LURAINA E. ROBBINS
Town Clerk, Chili, N.Y.

2. Application of Wesley Parmarter, 59 Springbrook Drive, North Chili, N. Y. for approval of renewal of variance to allow upstairs apartment in residence at 59 Springbrook Drive. E Zone.

Mr. Parmarter appeared, stated here is little sketch, remember when applied before some didn't know where located. Thought would be helpful, very rough sketch. Gives idea of location. Very anxious to have. Received what thinks might be probationary period of five years. Would like to make explanation or two. Would like to say 100% for zoning, has been around Chili 50 years and in that period has seen expand and times when hoped might be some system of control. Lived by Cozy Nook at one time and sorry there wasn't zoning when that was built. Sees need of zoning. Aware that there is complication when comes to variances. Asking here tonight for project, whereby if there is no violence being done, in best interest of community to have such variance, feel that should be considered. Wouldn't ask for this variance if thought it was doing violence in the community or if any objections in the community. Could bring score of people, neighbors, in here and speak in favor of this variance for me tonight. Could go into reason for that but doesn't think necessary. Granted variance 5 years ago. Wife died during this time and circumstances taking me away from Chili and has purchaser for home. But young man, with me tonight, needs help which I have been receiving by renting the upstairs apartment. Two very fine couples and they live there, husband and wife, quiet in home and community and neighbors are all very pleased that we have such an arrangement. Would like to ask this board if would see fit to continue this variance maybe for another probationary period because changing into hands of John Devon, with Chili Plastics, and will bring family in there. Find wife and one child and sure is young man worthy to reside in community.

Mr. Hunter stated you and I have talked about this and may have talked to others. Suggested to you, my understanding, only legal basis on which Board can grant variance is that finds hardship on piece of property itself. As understands not pleading hardship on property because if cannot have apartment, put roomers in there and by doing that put holes through the walls and tear doors off and hardship on my property if see what had to do when reconditioned for apartment, can understand was hardship on the property.

Mr. Hunter asked if anyone wished to speak in favor of the application. Mr. John Devan, 4330 Buffalo Road, stated intends to purchase place and being already set up for apartment would like to leave in this manner at this point in time. Family not of size which would require house of that size completely but in future probably would want to use whole house for ourselves but at this time would like to leave as stands.

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

DECISION: Denied, Messrs. Aureli, Palermo and Hunter no, Mrs. Tanger and Mrs. Chapman no, Mr. Lighthouse yes.

3. Application of Joseph Scavo, 37 Fenton Road, Rochester, N. Y. for approval of renewal of variance granted 5/28/68 for approval of addition (2nd story) including living room, bedroom, and kitchenette at 37 Fenton Road. D' Zone.

Mrs. Scavo appeared. Mr. Hunter asked if have plot plan or anything? Mrs. Scavo stated all done 5 years ago for her mother. Step-father passed away and had place built for her over garage. For her to live with us and maintain some degree of privacy. 7 children and both have sanity. At the time approved, all neighbors signatures were on paper saying thought would be okay. 5 years later and situation the same. Still with us, still has apartment. Mr. Hunter asked no objection from anyone in community in 5 years, aware of any? Mrs. Scavo stated nobody objected to anything as far as mother concerned.

Mrs. Chapman asked no plans to rent to anyone else. Mrs. Scavo stated mother very young and vital and alive, wouldn't let us. Mrs. Chapman stated not commercial proposition, family thing. Mrs. Scavo stated just more convenient arrangement, been able to live 5 years happily with separate kitchens.

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

DECISION: Granted for 5 years or while in use by present owner, whichever is lesser.

4. Application of Robert E. Kleinow, 28 Charles Avenue, Rochester, N. Y. for approval of above-ground pool 12' x 20', 11' from residence at 28 Charles Avenue. D Zone.

Mr. Kleinow appeared. Mr. Hunter stated has plot plan, shows pool 11 ft. from the home and suggesting 15 ft. on either side and 15 ft. to the back. People most directly involved would be people living here and here, talked to them? Mr. Kleinow stated people next door are putting in a pool, in back have a pool, people here no objection.

I might be only one who would object and I don't. Guy going to put pool up next door, now waiting to get into my yard. Mr. Hunter asked what height pool? Mr. Kleinow stated 4 ft. water level and safety ladder, fence around whole thing. Mr. Hunter stated looked at last evening, does have fair amount of shrubbery that screens. Mr. Kleinow stated all fenced in here. Mr. Palermo asked where are utility wires? Mr. Kleinow stated back on this side here. Has to be 10 ft., all set there.

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

DECISION: Granted unanimously.

5. Application of Edward M. Corcoran, 25 Bucky Drive, Rochester, N. Y. for approval of variance to erect attached garage and family room on north side of residence, approximately 9 ft. from side lot line, located at 25 Bucky Drive. E Zone.

Mr. Corcoran appeared and presented plot plan and drawing. Mr. Hunter stated attached garage and family room. 9 ft. from side lot line. Garage and behind the family room of same width. Total width 26 ft. and that would leave 9 ft. to your lot line. Showing home next door approximately 35 ft. from the home to the same lot line, 44 ft. between buildings. Notice drive on this home is on this side, same side as your lot which eventually if build garage will have building in there. Discussed with gentleman? Mr. Corcoran stated yes, both agreed, if wants to build closer agreed on. Mr. Hunter stated if built within code would be 10 ft. and 10 ft. and 9 ft., 19 ft. between buildings. Could have 25 ft. wide garage. Mr. Hunter asked reason for beyond average size? Mr. Corcoran stated has only half basement wants to get bicycles out, etc.

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

DECISION: Denied unanimously.

6. Application of Norman Magin, 37 Baylor Circle, Rochester, N. Y. for approval of variance to erect split rail fence in front yard, 10 ft. from front of house, 24 ft. alongside driveway, to end approximately 41 ft. from road, located at Baylor Circle. D Zone.

Mr. Magin appeared. Mr. Hunter stated plot plan, taken lot line in blue where actually would like fence. Talking about 10 ft. in front of home and 24 ft. along the driveway. Perpendicular to road. Saying another 41 ft. from here to road? Edge of pavement? Mr. Magin stated yes it is. Mr. Hunter asked actually road 60 ft. road? Somewhat less to the lot line. Mr. Davis stated 18 ft. from gutter to the lot line. Mr. Hunter stated actually 23 ft. to lot line. Split rail, natural wood? Mr. Magin stated two rails, bought fence and wife checked and found needed variance. Mr. Hunter asked neighbors aware of interest in doing this? Anybody object? Mr. Magin stated no, said would look pretty nice. Mrs. Chapman asked not corner lot? Mr. Magin stated no, on cul de sac.

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

DECISION: Amended to read "end approximately 23 ft. from the road."
Granted unanimously.

7. Application of Donald Terry, Joby Enterprises, Ltd., 34 White-cliff Road, Pittsford, N. Y. for approval to erect a building approx. 80 ft. square on Lot R-6 at corner of Scottsville Road And Alfred Avenue, 1749 Scottsville Road. B Zone.

Mr. John Redmond, Attorney, and Mr. Bob Smith, Designer, appeared. Mr. Redmond stated Mr. Terry owned since middle of 1972. Only B zoning on town zoning map in that immediate area. Corner of Alfred and Scottsville Road. Attempting to put building which would serve as tavern. Building drawn is approximately 90 ft. octagonal. Would have 6300 sq. ft. Designer spending lot of time trying to conform to code and various setback and height requirements. Are within height requirements. Building takes approximately 15% of the lot. Has submitted drawing where 10 ft. from road. Reasoning for this that provides what consider adequate or ample parking. 150 places. Note in putting building in this location 10 ft. from side, front and back part 38 ft. from rear. 8 ft. from Alfred, 38 ft. here. Designer attempted to put building in different places, this gives most parking. Here not only for variance but to approach like Planning Board in that if prefer that building be in different location in Commercial zone will attempt to do that. Has drawn only other possibility and would like to show that. This is only other possibility that we could come up with. Thinks land does render hardship in that have 100 ft. setback in code and piece of land is only piece available in zoning and been so zoned for years. Provides 132 parking spaces but 76 ft. setback at the longest point and 40 ft. at shortest and 82 ft. from the road so that second plan is almost within zoning regulations. Wouldn't have problems on side setbacks. Front 82 ft., code calls for 100. Almost impossible to build functional building that meets front and back.

Mr. Smith stated in terms of existing area, on next corner on other side of Alfred, existing bar has very limited frontage. Again, in B zone but doesn't believe property deep. In terms of keeping side line along road, not really into road area more than opposite corner. Mr. Hunter stated it is pre-existing. Mrs. Tanger asked three road cuts on this drawing and two on other one? Mr. Smith stated there is another here but doesn't show. Mrs. Tanger asked still want one on Harold then? Mr. Redmond stated up to Planning Board I suppose. Mr. Hunter stated thinks in this case everything except architectural aspects up to this Board. Doesn't matter, all trying to do same thing. They will have to look at plan for esthetics, over-all appearance. Mr. Smith stated has something on that now if care to see. Mr. Hunter stated wouldn't need right at moment.

Mrs. Tanger asked basically what type operation? Mr. Smith stated technically tavern because no food. Basically considered entertainment club largely for college trade, expect to draw from area across river. Mrs. Tanger asked like Varsity Inn? Mr. Smith stated not exactly, more professional entertainment. Basically almost theater in round night club. Name being considered is circus. Pretty much theme that would be done decoratively.

Mr. Aureli asked if franchise operation? Mr. Redmond stated no, Mr. Terry purchased land for \$60,000, building estimated \$300,000. Here on assumption that use falls within Class B zoning of your code. Just cannot meet code and said would move building on this land to meet as many of those requirements as can. Seems that 100 ft. setback more designed for shopping center and gas station than this type of building. By moving to second sketch, within 18 ft. at front.

Mrs. Tanger stated another consideration traffic pattern. Mr. Redmond stated talking here about hours of 9:00 to 1:30. Mrs. Tanger asked what would be hours of operation? Mr. Redmond stated doesn't know definitely. Mr. Lighthouse asked how licensed? Mr. Redmond stated not restaurant license. Limited to hotel, restaurant and tavern, get tavern license.

Mr. Hunter stated after Board asks questions, audience may come up and look at plans and ask questions of Board.

Mr. Redmond stated has tried to make some equation of space to parking and was felt by Mr. Terry that first proposal had more than adequate parking but if that is problem with the Board we would go to the second proposal. Cuts 18 parking spaces. Mrs. Chapman asked what is capacity of building? Mr. Redmond stated 250 people. Mrs. Chapman asked is parking related? Mr. Redmond stated tried for 2-1 ratio. Mr. Smith stated usually figure 2.5 people per car. Voluntarily cut size of building from 25% because wouldn't work. Seems have situation where can choose whether have more parking or try to meet setback requirements and trying to get between the two.

Mr. Hunter asked occupancy about 250 maximum? Mr. Smith stated talking about cars, talking about 300 capacity and maybe more. Seating layout approximately 300 at the most but does have ample floor space. Hard to determine right now in terms of entertainment factor. Mrs. Chapman asked isn't there set limit to number of occupants according to size? Mr. Davis stated State Labor Dept. Mr. Smith stated procedure will be to make application to liquor board and they will make determination as to seating. Will submit more detailed information on seating then.

Mrs. Tanger asked what is size of lot? Mr. Smith stated hard to figure, dimensions on map. Mr. Redmond stated roughly 45,000 sq. ft., figure about 72,000 square ft. total. Building would occupy what percentage? Mr. Smith stated 6300 sq. ft. Mr. Redmond stated survey made and didn't have copy, will have copy sent to you.

Mr. Hunter asked proposed hours of operation and days per week? Mr. Smith stated primarily evenings only with some exceptions of special events on weekends. Might be matinee on Saturday. General policy. Really cannot speak for hours but since no food, doesn't seem to be reason to be open at lunch time. Probably somewhere from dinnertime through 2 AM. Single shift, 5-2 or 6-2, for personnel. Only exception might be special events. Maybe once or twice a month special concert situation, admission rather than business as usual concept with tickets for special event. Some things haven't been too clearly defined, not sure, told would take as came if get indication what we can do to alter.

Mrs. Tanger asked how many days a week? Mr. Smith stated probably closed one day. Mrs. Tanger asked Tuesday through Sunday? Mr. Smith stated would say so, yes. Mrs. Tanger asked no lighting at all around here? Mr. Smith stated parking lot and probably building illumination. No need for electric signs. Tried to get idea of sign requirements. Trying to keep down and make building identify itself. If get something decent looking and in keeping with theme, wouldn't need signs.

Mr. Hunter stated if Board gives consideration to this, unless rules out early in deliberations, certainly would be interested in lighting plan. Location and intensity and nature of lights so have feel for what going to do in area. Mr. Smith asked would that be Zoning Board or part or building permit? Mr. Hunter stated part of our consideration. Mrs. Tanger stated in residential area. Mr. Smith stated this is one reason we did this way, because residential area. Here to see which is better way.

Mr. Palermo asked screening along lot line? Mrs. Chapman asked is that already there or proposed planting? Mr. Smith stated proposal calls for live hedge. Mrs. Chapman asked anything currently between that and residential area? Mr. Smith stated lot heavily treed now as well as residential area. Wants to maintain high barrier, maybe something more solid hedge in terms of fencing might be more desirable.

Mr. Harrington stated on second plan for location according to my calculations only lose 11 spaces. This is 149 total parking spaces and this is 138. For safety's sake, wouldn't want to be on second level

and have guy careening down Scottsville Road at 100 miles an hour. Mr. Smith stated second plan more reasonable because more closely complies which is about as close as we can get.

Mr. Hunter asked can you give indication from experience that client has had as to turn-over in evening that might be expected? Parking for 150 in plan, how many different couples might that represent? Mr. Smith stated would hope to turn over a couple times a night. 150 cars, looked into this for them and thought given to how many people per car and generally felt that among crowd talking about, more tendency for more people per car than in conventional restaurant, three or four people in car. Been passed on to me that some of the adjoining property is either now for sale or possibly would be available. Triangular lot which doesn't have much use for present owner, should some negotiating be considered in the event more land required or desirable but at the moment decided to apply for land owned now.

Mr. Hunter asked have you had occasion at this point to talk to Monroe County Planning about this proposal? This will go to them and sure parking and vehicular traffic and variance will be real concern. Mr. Smith stated thought this was first place to come.

Mrs. Tanger asked does client have similar enterprise in area? Mr. Smith stated not to my knowledge. Mrs. Tanger stated wondered if had something could use as criteria. Mr. Palermo asked nothing it is fashioned after? Mr. Redmond stated came to him and put together themselves. Mr. Smith stated we would be involved as designer of concept and interior itself. Involving licensed engineer for project and site development and structure. All that would fall under building application, well aware what will need next time. At the moment primarily development presentation. Admittedly flexible. Keeping minds flexible about it. Obviously not in accord with code book as such so technically application for setback but larger question than that as far as use. Some things hard to define. Even technically speaking doesn't comply with setback but might be more attractive alternative.

Mr. Palermo asked what is square footage? Mr. Smith stated 6300. Mr. Palermo asked how much storage? Mr. Smith stated should say 6300 of public space. Storage limited to crawl space, 6 ft. under decks, under entry and stairwell for fire exit, 8 ft. Three levels, grade and first and second only separated by 3 to 4 steps. Mr. Aureli stated actual public space 6300. Mr. Smith stated added this, pick up storage area for chairs, liquor, etc.

Mrs. Tanger stated wondered about adequate fire protection. Mr. Smith stated has 4 ways out, more than others we have done before. At no point more than 20-30 feet from exit. Sure liquor board will have critical view of that. Mrs. Tanger asked which ones done before? Mr. Smith stated restaurant in Brighton, restaurant at Trenholm.

Mr. Aureli asked type of construction? Mr. Smith stated basically block building. Sealed concrete floor for easy maintenance. Exterior steel column support in center with pie-shaped roof sections. Mr. Aureli asked outside painted? Mr. Smith stated yes painted. Only exception might be sections coming down from eaves and this hasn't been determined whether will be plywood or canvas. Hasn't gotten into those details of that. Mr. Aureli asked what is distance between those and buildings? Mr. Smith stated 5 ft. over-hang at the moment. Mr. Hunter asked outside painted brick? Mr. Smith stated yes and shingle roof. Floor plan shows one level but has upper levels. Come in on grade, slab construction. Main floor area would be with bar and stage in center. Rear portion enclosed with restrooms on main floor, delivery, mechanical, above office, storage and service bar. Rest of the room completely open.

Mr. Hunter asked if levels cantilevered out? Mr. Smith stated actually like area, all exposed. This is rear and that goes up to roof and house HVAC system. Mr. Hunter asked elevated section for bar? Mr. Smith stated emphasis on entertainment rather than food. Storage suggested in event of special events could convert to theater type seating and put two or three rows of chairs on deck.

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Mrs. Tanger asked Mr. Terry doing alone or group? Mr. Smith stated three principals involved. Mr. Redmond stated Don Terry, Richard Turri and third partner, doesn't have name.

(Members of the audience came forward to look at the plans at this time.)

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

Mrs. Howard Nelson, 8 Alfred Avenue, appeared. Stated our property adjoins this property. Has approximately 3/4 acre and originally went with this property before. Our house 6 ft. from property line approximately and either one of these would be bad. Wouldn't have enough room for parking. Suggest members of the Board drive by Varsity and see size of lot and still parked on road at all times. Not enough room there for amount of cars suggest. Another thing, property very marshy all the time. Would have to be filled in. There is pond on property. Sure might run into problems there.

Mr. Howard Nelson, 8 Alfred Avenue, stated if fill property in will maybe flood 8, 10 and 12 Alfred. Mr. Hunter stated checked over and know other area low and collects water. Mrs. Nelson stated doesn't think possible for anyone to live there with noise going on, cannot wait until 2:00 to go to sleep when have to get up at 6:00. There is another restaurant across the street, 2:00 in the morning real noisy and street like thruway. Mrs. Nelson stated if Board allows should buy houses that are close by because another one on other street that backs up to this property also. Mr. Nelson stated owned by old lady and sick. Tried to come tonight but couldn't because husband died.

Mrs. Louella Diegel, 12 Alfred Avenue, stated out here over 40 years, almost 45. It is terrible with Hokie's grill. Got this gentleman, build where wants to on Alfred Avenue. RIT and all of them on our side of the river. Hokie's closed earlier because of restaurant. Been there so many years hate to see another grill. Apartments would be fine.

Mr. Hunter stated said upset about noise, noise of automobiles or within building? Mrs. Diegel stated either. Used to play music at one time. Go down there, talked to them. Motorcycles go around and back out and in and out around the end. Have had that ever since lived there. Fighting for myself, Mr. Diegel died November of 1970 and alone there, and have nice place but would hate to see another place down there like Hokies. Several families around there. Didn't think would get any more. If build something else OK but no use because RIT across the river.

Mr. Smith stated had land surveyed in answer to first lady's question regarding pond. Entire parcel only varied in height within two feet, pond really more of puddle. Doesn't feel drainage disputation a problem and wouldn't be done in such a way to drain off onto adjoining lots. Physically not a problem. Little at a loss to defend something like noise which doesn't know what factor will be even though might say noisier than at the moment. Reason here because land zoned for business. That is why here. Submit to comply with existing zoning ordinances and feel unless there is some legal technical aspect will find out. Approaching in way that things are done. Cannot anticipate noise or whatever anymore than if someone began flying planes over my house. Not saying right or wrong but pond isn't that deep.

Mrs. Diegel stated doesn't care about pond. Swamp there anyway. What worried about is the noise and the more youngsters getting around now and will be something down there on that corner. Old lady and want to have a few more years without noise. Has 20 people signed in section within four roads that don't want either so if build apartments or something we will rent them or something but doesn't like when there and they don't like either. This started with us when Hokie used to have it himself. Then other fellow took it. Come out and visit me sometime and you can hear the noise.

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Mr. Redmond stated not trying to be like Varsity Inn and draw the way Varsity Inn does. Familiar with the Inn, averages 11-1400 people per night from Thursday to Sunday. 490-780 from Tuesday through Thursday. We couldn't seat those people at all. Not aiming for it. Doesn't have his budget or ideals. Been over there on that road many times, do have parking problems.

DECISION: Reserved pending receipt of comments from MCPD.

8. Application of Stallion Development Co., 1726 Long Pond Road, Rochester, N. Y. for approval of renewal of variance for temporary sign advertising stal mar subdivision, located at corner of Paul Road and Stalmar circle. E Zone.

Mr. Redmond, Attorney, appeared. Stated same sign, second renewal of sign to sell houses. Same sign. Mr. Hunter stated can grant up to one year. Mr. Redmond stated another year. Mrs. Chapman asked how long sign been up? Mr. Lissow stated two years. Mr. Aureli asked how many more lots? Mr. Lissow stated 7 out of 15. Had sign up a year before started.

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

DECISION: Granted renewal for one year period or completion of the sale of lots, to be removed by owner at that time.

9. Application of Eileen Samis, 8 Chestnut Ridge Road, Rochester, N. Y. for approval of variance to move pop stand operation to rear portion of building and incorporate present pop room into existing operation located at 8 Chestnut Ridge Road. B Zone.

Mrs. Samis appeared, stated lawyer was supposed to be here and not sure could make it. Wanted to present memo to you at later date. Could he do that tonight or tomorrow? Mr. Hunter asked who is attorney? Mrs. Samis stated Mr. Iacovangelo. If doesn't get here would like to present memo to somebody on the Board. Mr. Hunter stated could direct to Town Hall. Suggesting might be here later this evening? Mrs. Samis stated yes. Mr. Hunter stated will take the others, because attorney not here. If not here then, will hear the case.

10. Application of Harold Ford, 230 Chestnut Ridge Road, Rochester, N. Y., for approval of variance to sell fruits and vegetables on property located at 2669 Chili Avenue for period from May through November 1st. E Zone.

Mr. Ford appeared. Stated Mr. Kelly was going to represent but unable to be here tonight. Mr. Heilman stated Mr. Kelly does represent and on his behalf wrote letter. "Zoning Board of Appeals, Town of Chili, 3235 Chili Avenue, Rochester, New York 14624. Re: Harold A. Ford, 2669 Chili Avenue, Application for Temporary Permit Sale of Fruits, Vegetables, Plants and Farm Produce. Gentlemen: I appeared before you a month previously informally in regard to the application of Mr. Harold A. Ford. He is requesting a temporary permit covering a period from May 22, 1973 to October 31, 1973 to conduct a produce stand business on his property at 2669 Chili Avenue for the purpose of selling fruits, vegetables, plants and farm produce. This particular property is across from Lee Garden Apartments, located on the south side of Chili Avenue. This property site was part of the original Scott Farm and over the years Mr. Ford and his family sold eggs, fruits and vegetables from this site. The original property included the farm and the orchard. Farm produce was sold from the property prior to the establishing of zoning ordinances in the Town of Chili and also was continued after the establishment of such zoning ordinances to date. During the end of the sixties and early seventies sale of said items was curtailed because of the physical disability of my client's wife who demanded constant care during that period. Even though a prior non-conforming use did exist on this property for such purposes as set forth above, my client, however, only requests at this time a temporary permit for the period from May through October to conduct the business at said address. The property itself has a circular driveway which makes it reasonable accessible to people who will be

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coming to the property by car. The driveway is quite ample to handle all vehicle traffic that would be stopping at the stand.

"It should be noted that there is presently a greenhouse on the property which is used in connection with growing plants, flowers, and farm produce. Prior to the greenhouse there were chicken coops on the property where the applicant raised chickens. At the time of applying for the greenhouse permit in 1968, the chicken coops were taken down and replaced by the greenhouse. A permit for this purpose was obtained from the Town of Chili in 1968. Again I emphasize that the applicant raised chickens on the property, sold eggs, vegetables, pears and peaches on the property through the mid-sixties when his wife, Evelyn, required his constant and daily attention. The wife of the applicant is now deceased.

"Mr. Ford is presently retired. However, over the same years of which I spoke, he has continued to raise farm produce for sale on another farm at 1140 Paul Road which over the years had belonged to his wife's father and which farm today is owned by the applicant. Produce is raised on that farm and over the years had been sold at a stand located on that property at 1140 Paul Road. During the last year and this year, the County has been in the process of major road repair on Paul Road and King Road and this repair program has restricted virtually, if not almost eliminated, traffic past property at 1140 Paul Road. It is for this reason that the applicant is requesting a temporary permit from the Zoning Board of Appeals to allow him to display and sell vegetables, fruits, plants, flowers, and generally farm produce from the property at 2669 Chili Avenue for a period from May 22, 1973 to the end of October, 1973, with whatever restrictions or requirements that might be required by this Board. Being retired, it is essential that the applicant have the opportunity to provide for himself by sales conducted in this manner.

"Mr. Ford has been a lifetime resident of the Town of Chili and he and his family over a long period of time have contributed greatly to the development and progress of the Town of Chili and it is respectfully requested that this Board extend to the applicant a permit to be able to continue in a way which contributes to the human dignity and independence of individuals.

"Mr. Ford will be present and will testify or answer questions as required by the Board. It is my understanding that a number of people will also be available to testify on his behalf and that Mr. Paul Turner, from the cooperative Extension Association of Monroe County will also describe to the Board information relating to the operation of farm produce stands as they relate to Monroe County. A petition of support signed by some of the adjoining neighbors is also submitted for your consideration. I would normally have expected to be there personally submitting the application of behalf of Mr. Ford. However, my presence this evening is required at a Monroe County Legislative meeting and because a matter relating to the Black Creek Landfill is being considered at that meeting, I have serious doubts that I would be personally able to appear at your Board in support of Mr. Ford's application. I would like to take this opportunity to thank you for allowing me to submit this written application and if there is anything further you may require, I would be most happy to obtain the same. Very truly yours, /s/ William C. Kelly."

Mr. Hunter asked if anything in particular Mr. Ford would like to say? Mr. Ford stated would like to have Paul Turner say a few words about farm marketing. Mr. Paul Turner appeared, stated comments are quite general and refer more or less to larger area of County. Last census indicated \$14.5 million production expenses on farm to gross \$18 million of farm produce and not many interested, nearly \$2.5 million vegetables sold in county and intensified farming needed to keep in operation. Taking look at land use and how open spaces maintain, observe town passes ordinances to do something with idle land. General

marketing background of farmers that have continued operation, whether fruit, vegetables, dairy, poultry, many examples of good operations around that has seen and considered asset to the community. In some towns has observed regulations vary considerably and some become quite restricted over kind of farm marketing. Observation is that probably couldn't permit stand but then perhaps because of trying to convert tax dollars out of open space, feel agriculture still has place to play in areas that are urbanized. General background support for what goes on in the town and offered to make contribution of farm market and conflicts of how hurt people and how poor example to create area restrictions.

Mr. Ford stated has list of the neighbors in the neighborhood that are not against the operation. Mr. Hunter stated this will be part of the record: "We the undersigned do not object to having a vegetable stand on the property at 2669 Chili Avenue" signed by 29 persons. (Original on file in Clerk's office.)

Mr. Hunter stated Mr. Kelly's letter in your behalf indicated pre-existing use of this property for selling and talked about mid-sixties. Can you tell approximate years in which you did sell? Mr. Ford stated 1963, that is last year ceased operations. Mr. Hunter asked you were involved in operation of selling at that time? Mr. Ford stated yes. Mr. Hunter asked assuming permit granted what would be estimate of number of cars per day you might be dealing with in that location? Any feel at all for what you hope to do? Mr. Ford stated hard to say. Operated there for about two weeks last year. Every day business kept getting better and don't know, wild guess to about how many cars. Mr. Hunter asked how many in 1963? Have to be concerned about possible traffic hazard there. Mr. Ford stated doesn't think would be plenty of offstreet parking. Doesn't think would present problem. Mr. Hunter stated people have to get off highway and back out. Mr. Ford stated has ample driveway so straight in and out, no different than Lee Gardens or Daunton or Lexington or any other place. Mr. Hunter asked what if said 100 cars a day, high or low? Mr. Ford stated probably about average.

Mrs. Tanger asked how long have you owned 2669? Mr. Ford stated 1964. Mrs. Tanger asked purchased in 1964, Scott property? Mr. Ford stated yes, old Scott place. Mrs. Tanger asked thought Lexington purchased that originally? Mr. Ford stated no, bought from the Scotts. No, Lexington had nothing to do with that. Mrs. Tanger stated doesn't recall your selling vegetables there that long ago on that property. Mr. Ford stated sold on the farm on Chili, 2661. Mr. Hunter stated little different location. Mr. Ford stated right next door, part of the property.

Mr. Aureli asked intend to go back to Paul and King when road repaired or back for another temporary permit? Mr. Ford stated no, just asking for permit for this summer. Mr. Aureli asked still have farm on Paul? Mr. Ford stated yes, thinks eventually when road fixed and new resurfacing done and curves straightened will be quite a bit of traffic. Mr. Aureli asked what hours? Dusk? Don't intend to light? Mr. Ford stated just till dark, during daytime and short while in evening. Mr. Hunter asked how many days a week? Mr. Ford stated probably 7 days. Mr. Hunter asked same hours each day? Mr. Ford stated yes, season is short for certain types of vegetables. Mr. Aureli asked won't be raising own produce, buying and reselling? Mr. Ford stated raise as much as we can, probably all the sweet corn, tomatoes, cukes, peppers. Mr. Aureli asked raise yourselves? Mr. Ford stated yes.

Mr. Hunter stated little concern on part of Board in terms of time. Applied last September and did you feel from discussions with him difference in situation that existed now? Certainly is in terms of time, asking for period of time during summer, do you recall? Mr. Heilman stated possible that last year at that point in time nobody knew Paul Road was going to be worked on. At that point Paul just closed down to straighten out curve but still doubtful what work if any would be done this year. Apparently now seems to be official going to do substantial amount. Lead to understand by somebody who should know. Not asking for signs? Except possibly on stand itself, nothing near the road? Mr. Ford stated will comply with any request that you, we would appreciate. Got to advertise to some extent. Mr. Heilman stated stand sits in from road. Roughly how far back would that be? Mr. Ford stated over 100 ft. Mr. Heilman stated gravel turn-around there, where will they park, ample room? Mr. Ford stated quite wide. Mr. Heilman asked gravel to park on? Mr. Ford stated yes. Mr. Heilman asked Mr. Davis, out to see last year, how many cars could he put in there? Mr. Davis stated probably equivalent of double driveway. Mr. Heilman asked no other parking? Mr. Davis stated that is all.

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Mr. Heilman asked did way in 1963 selling produce from 2661? Owned that property at the time? Mr. Ford stated folks did. Mr. Heilman asked no question as far as property concerned tonight, never sold produce at that point? Mr. Ford stated no. Mr. Heilman asked no pre-existing or non-conforming use from the property in front of us tonight?

Mr. Hunter asked if anyone wished to speak in favor of the application? Mr. Weber, stated owns property at 2675, doesn't see why would be any problem to let sell vegetables there. Likes fresh vegetables himself and be putting stand, we can buy cheaper than in super markets and cannot see where it would cause any more traffic problem than what already exists. Am in favor of having it.

Mr. McCullen, 3429 Chili Avenue, stated known Harold way back before any of you people lived in town. Born and raised here and Harold and father and uncles before him. Paid lot of taxes to the town and only two things got, should be exempt fireman or veteran and then don't have any problems. Could open stand. Thinks good idea if has stand down there and hope you people go with our thinking.

Mr. Larry Jones, 118 Hillary, stated knows very well and thinks any denial of application would necessitate closing down any other vegetable stands in town. Feels depriving him of livelihood if does not allow to sell. Former residents of Lee Gardens and stopped to buy vegetables often, and handy at that time.

Mrs. Reed, 5 Lexington Parkway, stated lives quite close to lot where Harold wants to sell vegetables and keeping that lot in order will improve the appearance and quite good addition to the neighborhood and people walk through there and make more presentable.

Mr. Hunter asked if anyone was opposed to the application and no one appeared.

DECISION: Granted for period from May 22, 1973 through November 1, 1973. To be operated during daylight hours only, no signs allowed on premises.

9. Application of Eileen Samis, 8 Chestnut Ridge Road, Rochester, N. Y. for approval of variance to move pop stand operation to rear portion of building and incorporate present pop room into existing operation located at 8 Chestnut Ridge Road. B Zone.

Mrs. Samis and Mr. Frank Iacovangelo, Attorney, appeared. Mr. Iacovangelo stated this party contacted me today regarding the variance here and am somewhat at a loss to know why there would be requirement for a variance but was told by someone here before the issuance of permit variance would be required. Understands existing use for both of the things wants to do and merely re-locating entrances to existing uses. Extending a portion of the bar to where doorway presently is. Doesn't know if variance in fact required in the area.

Mr. Hunter asked if Mr. Heilman cared to make comment? Have records about previous variance. Mr. Heilman stated original variance requested, because commercial property and front and side lot lines didn't meet requirements of code as such. Take it variance granted for certain specific purpose and also apparently what the applicant wants to do or is doing is not exactly what variance granted for. That is why believe asked to come before the board. Originally was for a wholesale distributorship of beverages. Granted variance to operate wholesale beverage business corner Fenton Road and Chestnut Ridge Road, commercial zone, August 6, 1957 by Zoning Board. Take it present occupancy not in accordance with that variance. Granted not to be in operation later than 9:00 P.M.

Mrs. Samis stated closed pop room at 6:00 at night. Mr. Iacovangelo stated has variance to operate pop room. Mr. Heilman stated to sell wholesale beverages. Mr. Iacovangelo stated continues to operate wholesave beverage operation, doesn't make difference where door is or where store beverages that particular variance doesn't require to have door at existing place, in other words if would alleviate traffic on Fenton Road and Chestnut Ridge by moving door to parking area on side

that will maintain conformity with variance granted in 1957, all doing is re-locating portion where going to be selling and distributing this wholesale beverage from. Just move around corner as plans indicate to loading dock on side and away from present room which is located on immediate corner of Chestnut and Fenton which becomes congested when two or three automobiles are there. Moving around corner to take congestion off highway.

Mr. Heilman stated let me read in the minutes that preceded that decision: (See copy attached.) These were minutes of that meeting from records we have in town and decision followed whereby granted variance to operate wholesale beverage business. Mr. Hunter stated wondered about restaurant part of this, was restaurant existing at that time? Mr. Heilman stated take it restaurant part is in mill. Cider mill converted into restaurant. Mrs. Samis stated there for 15 years has been here. Mr. Hunter stated what talking about in this application appears to be expansion of that restaurant, isn't that reason? Mrs. Samis stated more room for tables because no room for seating capacity. Mr. Iacovangelo stated table room goes to rear of premises. As walk in, door immediately to Fenton Road, if standing on Chestnut Ridge and looking at premises, big overhead door that opens on corner. When people drive in at that point to pick up beverages becomes congested at that point. What they have done, decided instead to alleviate congestion, has leased an additional 175 ft. to the other side of building, want to put wholesale portion of the business on other side so that cars will come off of Chestnut and not be parked on Chestnut Ridge and reduce congestion by leasing this property. Parking area and cars can come around and pick up beverages on side. If take tables out of back room where now located can move to other room and just means move tables around inside premises but really effectively moving congestion of parking and driveway off of two main roads and onto private parking area. Actually alleviating problem that is there.

Mr. Hunter stated has appearance of enlarging restaurant in the process and would think since operating on variance for the smaller setbacks than code requires, has affect on total amount of traffic and would be logical reason for variance under those conditions. Mr. Heilman stated that is part of it but was fact that use under which variance granted is in fact being changed. Variance granted for wholesale beverage business and in effect what doing is changing that variance. Mr. Hunter stated to allow restaurant. Mr. Heilman stated which was never granted in variance which is why thought should come before this board. Mrs. Chapman stated no record that variance granted for restaurant. Mr. Hunter asked either of you aware of variance? Mr. Iacovangelo stated not aware of anything except business pre-existing before time they came into business and never questions about it and business operating at this point.

Mr. Heilman stated apparently from records able to look at, cider mill on the property which was used to sell cider for good many years in town. Just before town adopted first zoning map that parcel zoned commercial. Only thing that changed since that time has adopted in 1947 was this application in 1957 for variance to operate wholesale. Cider mill pre-existing, non-conforming and this piece of property has variance for this particular purpose. Mr. Hunter stated would like to make suggestion. Hold hearing and if care to go on record protest having it but hold and render decision and you have right to appeal decision. Mr. Iacovangelo stated that is fine.

Mr. Hunter asked anything care to offer in way of presentation other than what information have given us? Mr. Iacovangelo stated thinks what has stated is that this business has been there for number of years and whether or not the variance is actually to operate restaurant ever granted, been existing use in the premises and not seeking to change business at all, not adding anything to structure or business that not already there. Re-locating door and got additional parking space for the business. Mr. Heilman stated for the record take it this is drawing submitted to the board, proposed new lay-out for short order restaurant.

See no change in actual outer limits of the physical structure itself. Mr. Iacovangelo stated restricting to internal part of building and addition of 175 ft. parking space along it. Mr. Heilman asked which part of the building operating in for 15 years? Mrs. Samis stated since has been there since October of last year. This is present pop room and this is present lunch room. Little dining area in here, steps down into the end, big room which could use for dining area if want to. That is all restaurant right there. Could put tables in here. Has a few in there. All one big... can walk from that room to this room into this room.

Mr. Hunter asked expect by virtue of this change to be able to increase capacity of restaurant, appears to me you will be able to improve it? Mrs. Samis stated yes, might say could put same number of tables back here if had to. Would like to remodel and make more accessible from the front and have drive up here for the pop. Mr. Heilman asked at present people wanting to purchase beverages pull up to here? Mrs. Samis stated this is corner of Fenton, lunchroom here for years. Didn't start it, bought business. Mr. Palermo asked how long ago? Mrs. Samis stated October of last year. Eckelberger and Myrick, dozen people ran lunchroom.

Mr. Heilman asked where is present parking facility? Mrs. Samis stated didn't put in, there when I came in. Parking 175 ft. beyond end of building, to Sunoco gas station. Levelled and graded and put fill in. 75 x 150 lot. Mr. Hunter asked done recently? Mr. Iacovangelo stated August of 1972. Mr. Hunter asked how many cars before? Mrs. Samis stated owner gave permission, just got legally. Mr. Iacovangelo stated very little parking area in here, pull up to get pop and two or three cars at one time. Mrs. Samis stated 85 ft. frontage across from restaurant and additional 175. Mr. Hunter stated almost triples frontage.

Mr. Hunter asked hours open? Mrs. Samis stated all legal hours. Mr. Hunter asked legal in terms of selling beverages? 2:00 in the morning? Mrs. Samis stated yes. Mr. Hunter asked how many days? Mr. Samis stated seven days. Mr. Hunter asked what time? Mrs. Samis stated man opens up for coffee at 7:00 A.M. Mr. Hunter stated from 7:00 A.M. to 2:00 A.M.

Mr. Heilman asked on behalf of the applicant, position here is that not asking for variance to operate restaurant? Mr. Iacovangelo stated asking if in violation at present time? Mr. Heilman stated thinks variance granted in 1957 was pretty specific and whether or not what doing violates would be for codes to determine but said to operate wholesale beverage business. Mr. Iacovangelo stated not in violation in operating restaurant and having beer license. This is point. If this has been use and never been accused of violation and if not in violation, purchased business in good faith, it is in conformity. Mr. Heilman stated on record in town as far as variance. Mr. Hunter stated has no knowledge if owner ever cited for violation. Mr. Iacovangelo stated if in violation of ordinances, would say probably variance would be in order. Mrs. Samis operating and not changing operation at all except moving door on pick up point so doesn't think in violation of any ordinances and doesn't see any reason for variance. Mr. Heilman stated trying to get on record that not here seeking variance to operate restaurant. Here contending that work is interior and doesn't require variance. Mr. Iacovangelo stated thinks feels that building inspector or whomever issues building permit to allow them to work on interior. Hearing beyond scope of the town. Mr. Hunter stated thinks on record and agreed to go ahead with hearing.

Mrs. Virginia Hayes, 141 Fenton Road, asked would like to know what define as restaurant? They define as restaurant in application. Mr. Hunter stated been described here. Mr. Iacovangelo stated restaurant would be somewhere where someone allowed to go in and have something

to eat. Been defined in number of ways but hinks would be any type of place where could get anything from cold sandwich to something hot and hot beverage to one of alcoholic nature. Could have license to sell beverages of alcoholic or non-alcoholic nature. This particular restaurant has been on this location for number of years. In fact has been operating as buisness and selling beverages, foodstuffs, beverages on wholesale basis pursuant to variance so operating for number of years. Mrs. Hayes asked these people for number of years? Mr. Iacovangelo stated not these but continuous use of business. Mrs. Hayes stated business not always the same. Before these people, closed at 6: and not open on Sunday. Not same business been there for 15 years, I have been there 9 years. Mr. Iacovangelo stated question if this business is in violation of some specific zoning ordinance and legal contention not in violation of any specific ordinance and if had been business would have been closed down some time ago and all these people doing is re-locating features within the building and not changing business.

Mrs. Hayes stated are changing business because there was no variance for restaurant and knows changed from own observation. Mrs. Samis stated said didn't sell beer before but bouth contingent.... Managed place for man who owned under his license. Thinks Eckelbergers were ones that first got license to sell beer across the counter. Mr. Palermo asked how long? Mrs. Samis stated quite a few years. At least two owners since then, at least three or four and sometime before that. Mrs. Hayes stated Mrs. Johnson, who couldn't be here tonight, and myself came to town hall not when this owner was in but previous owner, when started to sell beer and spoke with representative at Town Hall. When the people before these people started to sell over the counter. Thinks last year or year before. Mr. Hunter asked saying lodged protest with Councilman? Mrs. Hayes stated doesn't know who spoke to. Was closed at 6:00 and on Sundays.

Mr. Robert O'Brien, Bent Oak Road, stated mentioned that by relocating loading door on Fenton Road would alleviate traffic but won't you expand restaurant and create additional traffic in area where 4 streets intersect and is dangerous? Mr. Iacovangelo stated not in light of fact that leased out parcel 175 x 150 for parking, seems as though would be able to house substantially more cars on the premises and off the street than presently able to do. Mr. O'Brien asked space is where? Mr. Iacovangelo stated immediately east of building. Not on Fenton Road side but to the other side of the building. Accessible from Chestnut Ridge Road as you approach both from Chili and Chestnut Ridge. Additional 150 x 175 feet of parking area which people have leased in order to alleviate congestion which has always been problem at that intersection. Point well taken that there may be additional business for the restaurant if it is in fact enlarged. But what they are really doing is not enlarging pre-existing restaurant because tables to the rear at present time. Moving tables from that portion of the building to the side where wholesale pop is and move pop where tables are now. Just moving tables. Building, no matter what they do inside, still going to have same square footage and no way can change without adding on so that restaurant portion going to be same area size as it is now. If doesn't move location where pop stand is and just continued to have tables in back there would be no problem. All doing, trying to move traffic to the side and creating problem.

Mr. O'Brien stated is question whether operating with proper variance now since only had variance to operate for pop and beer. Mr. Iacovangelo stated that is question. Woman purchased business with understanding that licensed and so if previous owner in violation all previous owners before him in violation if going to suffer substantial financial hardship because board would be passing on something that has been existing for substantial time which she purchased thinking she could operate there financially. Her and husband purchased business, husband

on disability, their living. Didn't purchase with any malice of thought to try to deceive board. Fact is business was there and was operating at the time. Fact is operating and purchased and to take license away would mean substantial hardship and has right to operate business on premises.

Mr. Cliff D'Heron, 112 Fenton Road, stated according to application, doesn't wish to move restaurant portion into another section, wish to incorporate present pop room into existing restaurant. Increasing actual square footage of restaurant and decreasing size of pop stand. Not moving restaurant, expanding and that means more tables and clientele. Mr. Iacovangelo stated plan doesn't show that. That application the way printed could be interpreted in number of ways and my contention that doesn't believe people should be here for variance because not in violation of any existing ordinances. Realize could be interpreted in several different ways but plan will show no substantial change in square footage.

Mrs. Ruth Spitz, 14 Chestnut Ridge, stated pop stand doesn't close until 2:30 to 4:00 in the morning. Cars, noise, vile language never heard in hospital. Fights, called sheriff time and again. Doesn't care. Connected with sewers? Called health bureau. What about running ditch in the back, open ditch running in back? Mr. Hunter stated realize of interest but not pertinent. Mrs. Spitz asked what about noise and traffic? Mr. Iacovangelo stated thinks trying to remove from Fenton. Mrs. Spitz stated if variance given should close at earlier hour and on Sundays.

Mr. Victor Lynd, 117 Fenton Road, asked if restaurant is proposed to be open, where will be entrance to the restaurant portion? Mr. Iacovangelo stated entrance will be exactly where it is at present time. Mr. Lynd asked first walk into pop distribution portion and in turn to the restaurant? Mr. Iacovangelo stated entrance to restaurant same as it is now. Pop door will be relocated. That door that is existing now on corner will be bolted and door around other side of the building will be opened for access to the pop. Mr. Lynd asked provision made for entrance over here? Entrance on Fenton Road side which could enable easier access to the restaurant and also cause customers who come only to restaurant to park on Fenton rather than other side where providing parking and eliminating value of parking trying to use. Mr. Iacovangelo stated no entrance on back or side -- on front. It will induce parking in parking area.

Mr. O'Brien asked wondering if time to submit list of petitions signed by residents. "We residents of the Town of Chili, N. Y. signed below object to the moving of pop stand operation to rear portion of building and incorporation of present pop room into existing restaurant located at 8 Chestnut Ridge Road. for the following reasons: Traffic problems, noise, late hour of operation, Sunday operation, fire hazard, appearance of exterior of building, bolsterous language and devaluation of this section of Chili." (total of 210 signatures on petitions.)

Mr. Heilman asked did you ever have any idea that wholesale beverage operation was to close at 9 P.M.? Mrs. Samis stated close that before 9 P.M. Closes at 6 or 7 every night. Door bolted and chained and inside door bolted. Mr. Heilman asked what is in operation after that time? Mrs. Samis stated strictly the counter. Mr. Heilman asked food and beverage? Mr. Hunter asked hours of that presently? Mrs. Samis stated never had illegal closing or citation on that. Hours until 2:00. Have until 2:30 to clear premises. Always clear, anybody outside, no knowledge. Mr. Hunter stated 7 in the morning until 2 the next morning and half hour to clear the premises.

Mrs. Francis Sibbald, 66 Bright Oaks Drive, stated seems never was variance for use which you have now, thing would like to know, how go about citing for violation? If should have been done and has not, how do it? Mr. Hunter stated come to Town Hall and file whatever complaint you see felt to file. Come to Town Board meeting. Mr. Heilman stated

lot of legal questions involved none of which would want to try to give answer to. If Town were to ask building inspector to close restaurant portion then might run risk of legal matter in which could end up costing certain sums of money if in fact what we were doing not correct. Question as to nonconforming use which existed for long period of time. Mrs. Sibbald asked what meant by long period? Mr. Heilman stated back before most of the people in this room were in town there was a cider mill. Take it sold it on premises to people who did come in. Mr. McCullen, Chill Avenue; stated by barrel and gallon, sweet cider, 1 bought by the gallon.

Mr. Heilman stated question court would have to decide from that point in time to the present, whether or not this is continuous use which is changed because town has changed and grown and decision they will have to make. Can come up and make complaint to Supervisor and based on what advise him could decide whether or not to terminate it. Mrs. Heffer, Fenton Road, stated aware people were going to buy place and called and talked to Powers and called again in January when boy hit on bicycle. Said would talk to Town Attorney and get back to me. Mr. Heilman stated have been looking into it and read minutes tonight. Mrs. Heffer stated didn't stop these people from buying. Mr. Heilman stated no way to stop somebody from buying it. If has money, has right to buy. Nobody can tell cannot. Certain instances where state says could. Have right to purchase. Whether what doing correct, legal question in light of history of this property from time immemorial until now. Question for court to determine. Town Attorney and I have been looking into and will recommend to Mr. Powers and will have to proceed from that point. Run risk if action improper, subject to lawsuit. If terminate business might be lawsuit for loss of earnings for period of time closed down. Cannot stop from buying property, even if say cannot be used.

Mrs. Sibbald stated can understand that but how about hours? Not hours originally in variance and getting away with it. Mr. Heilman stated as far as wholesale beverage aspect that is conforming to variance granted on property. This is with regard to cider mill which in effect has turned into restaurant and further into restaurant that sells alcoholic beverages. Mrs. Sibbald stated lights do not go out at 9:00.

Mr. Hayes, 141 Fenton Road, stated wants to believe is going to alleviate parking problem by moving pop stand to back. In reality to expand restaurant business and make pop stand into bar, not to make more convenient for people to pick up pop. In other words, not to move tables from back, more than that really. Mrs. Samis stated don't want to believe anything. Not going to change either business. Operating business there. Restaurant in two rooms. Plan shows restaurant not going to be any bigger than presently can be as exists. Mr. Hayes asked what is present size and what is it going to be? Mr. Iacovangelo stated that is where going to take existing tables out and relocate. Mr. Hayes stated just tables, not bar, not restaurant. Mr. Iacovangelo stated small bar in other area. Mr. Hayes stated just tables from back and put in pop area. Mr. Iacovangelo stated there will be bar in that area. Mr. Hayes stated will be made into bar, grill on side where liquor going to be sold, this is final result of whole problem. Mr. Iacovangelo stated will change lookes of interior. Mr. Hayes stated when bigger will be liquor too. This is end result for all this and having pick up at side going to have to have large area to swing around for people to drive in and out. Cut down parking on side and when get liquor license and expand business so much that whatever parking they pick up to the side will be nil anyway. Sooner or later all up the sides and street and congested area more than now. Janet's place on corner right across the street and this across the road. Wanted to get down to basics of why being done. Not to alleviate parking or make more convenient, to build business. Mr. Iacovangelo stated admittedly that no question about that. Mr. Hayes stated bar, not pop, not restaurant. Mr. Iacovangelo stated admitted bouth business as it is and trying to increase. Mr. Hayes stated not for convenience of people. Mr. Iacovangelo stated trying to be considerate by making additional parking, wouldn't have to do that. Mr. Hunter stated point raised and good question, would like to suggest get on to the others.

Mr. Bob Burnett, 7 Bright Oaks Circle, stated representing Johnsons of 140 Fenton Road and thinks one question and objections are as follows. As listen to the conversation that attorney presented, structural part of the dwelling presently there, not being altered. Basically at present time exterior portion surrounding building is being adjusted at this time. Doesn't believe any permit given for this. Going to present pictures Mr. Johnson took which show 6 trees destroyed, \$600 value. Whether this lady or representative or representative of owner of property did that structural damage, thinks only fair to say internal structure of building not pertinent issue. Future parking going to be criteria for additional business that building is going to incorporate. People have mentioned reports to the sheriff have been rendered and thinks on record. Mr. Johnson reported to sheriff on May 10, six 20 ft. pine trees destroyed. Didn't fall over. With big dozers. Has been altering outer structure of property. Lady mentioned fact that has leased property for the purpose of offstreet parking but entrance and egress from property should be concern of the board and certainly should have been before board for permit. Would lend floor to attorney to answer those questions. Gentleman in audience asked do you have to have permit to cut down trees? Mr. Burnett stated 20 ft. inside property. Mr. Heilman stated legal question if go on somebody's property and cut tree down. Mr. Lighthouse stated nothing to do with Zoning Board. Mr. Hunter stated thinks straying from issue and would like to ask to keep to what issue appears to be. If other information would like, would try to get but if want to take position, welcome to be on record. Mr. Burnett stated still thinks valid question. Are they changing structure facility, part of the land surrounding building at the present time? Mr. Hunter stated at this point doesn't feel knows. Mr. Heilman stated present zoning code doesn't require to come before this Board to do something to your land unless going to put structure or subdivide. If change land to affect people downstream or next to you then that person has civil action against you but at present doesn't believe town makes any requirements except county getting closer to passing laws requiring permits to be filed and setup like that would require permit. Mr. Burnett stated having fill brought in. Mr. Hunter stated saying cannot answer this question at this point. Suggest leave and if other information wanted, will answer.

Mr. Kowalcik, 6 Bright Oaks Dr., stated in relation to Burnett's question previously, said may be operating without variance for restaurant and beer bar. To knowledge never cited. Thinks violation to allow to continue. Some term that this goes on makes legal business. Mr. Hunter stated if existed for long period of time openly and knowingly and no action taken to try to stop question arises if hasn't become legal to operate. Mr. Kowalcik asked what is defined as long period of time? Mr. Hunter stated matter court would have to decide. Is question and not about to answer tonight. Mr. Kowalcik asked against variance to bring fill in? Mr. Heilman stated county in process of drawing ordinance to prevent people from doing that but not in affect at present. Mr. Hunter stated no such requirement in our code at this time.

Gentleman in audience stated getting back to those trees, man came over and talked to me, cut with saw, caught my kids on property, said if they cut trees down would make restitution. Bulldozer nowhere near his line, can prove that.

Mr. D'Heron stated regarding period of time in which place has been in operation illegally as far as selling beer over the counter, Mrs. Heffer called a year ago. Mrs. Heffer stated just before these people bought it. Mr. D'Heron stated if did call Powers and said was aware and working on the issue why are you not aware how long been in illegal operation? Mr. Heilman stated not operating illegally as far as bar because licensed by alcoholic beverage control law and as long as state gives permission can sell beer. Question asking whether or not can sell in commercial zone and whether or not granted variance to sell beer. Legal question involved as to what has existed and seems don't even know when cider mill came into affect. Mr. D'Heron asked why not aware of this a year

ago. Mr. Heilman stated doesn't know if in violation of variance. Mr. D'Heron stated certainly would have known operating restaurant when variance said wholesale outlet. Mr. Heilman stated question is whether or not restaurant is violation of variance. Commercial property, in commercial property you can operate restaurant, use permitted. Mr. D'Heron stated not issue getting at. Asked how long in violation of variance. If investigating a year ago, Powers aware of it. Mr. Heilman stated at a Town Board meeting requested that I look into variance on the property. What had been granted. That is what have done, gone back into records, into Entress' office and old maps, found out when began commercial. On original zoning map shows as commercial, 1945 when town adopted code and map. Since that went through and found one variance granted in 1957. Mr. D'Heron asked how long ago did they ask you to start looking into it? Mr. Heilman stated early part of the year. In Town Board minutes. Since that time have found out wanted to remodel building and that is why informed they should come before this Board and seek variance and that is what doing here and that is why you are here because posted in paper circulated in this town. Mr. D'Heron asked why wasn't action brought by the town because operating outside of variance? Mr. Heilman stated not sure from legal standpoint and if commercial down there and end up paying \$500,000 for illegal action on part of town, more people asking why did you do that.

Mr. Hunter stated under investigation. Have petitions here which assume some of you signs. Any that have not signed would like to suggest if want to go on record as being against, do so at this time. Anybody who cares to speak in opposition?

Mr. Norb Spitz, 14 Chestnut Ridge, stated doesn't care for congestion around corner. Cars park in and have to back onto Chestnut to get out. Parking in back won't alleviate. How pull in and turn around and back to pop stand and park cars? Mr. Iacovangelo stated how in and out of your parking area? Mr. Spitz stated same way but not up and down Chestnut Ridge. How many times busy enough to park that many cars, three times and rest of the time not more than three cars at most. The pop stand, minimum of 6-7 cars at all times.

Mrs. Sibbald, 66 Bright Oaks Drive, stated go on record as against for many reasons. In getting neighbors to sign petition heard same things, fresh young people that hang out and the way place looks and late hours and noise and beer cans in people's yards and have to be picked up all along Bright Oaks Drive. Older kids get beer for young kids and go behind houses and drink beer and make noise until all hours. Couple weeks ago around 1 A.M. old truck being pushed out by young people, hollered and made noise, pushed truck to side and left. Noisy at all hours. Nine years ago closed early and no problem. Would not have bought house down there then.

Mr. Burnett asked if Falcone still owner? Where presently have lease for parking lot, not petitioning board in any way. Mr. Iacovangelo stated he is owner, not petitioning Board. Mr. Burnett asked not acting in his behalf? Mr. Iacovangelo stated no.

Mr. O'Brien stated submitted petition but wanted to go on record speaking. Not pre-judging people who own. Does Board have power to look into this matter and work advisably or can you take legal action as parking dangerous and building an eyesore. Mr. Hunter stated action can be taken if in violation or variance. That is question at this point. Board doesn't take action but can call for it. Mr. Heilman stated this board acts as appeal board. If somebody wants permit and denied, may appeal to this board. Wants to build garage 5 ft. closer to lot line, cannot grant permit so come to this board which acts as appellate board and obtain permission in light of hardship to do that. From this Board appeal directly to Supreme Court. In front of this Board application on behalf of Samis and question about attorney's position with regard to application. That is what board will decide. If grant

then people can take appeal to court. If don't these people can make appeal. If don't grant and people start to remodel building in future, can tell to stop. Will not issue permit and if do without permit run risk of penalties of zoning code. That is all board here for, to hear evidence presented with regards to this application to remodel inside of building.

Mr. O'Brien asked do people's voices have any weight or exercise in futillity? Mr. Heilman stated all things determined by receiving reports from Monroe County with regards to these applications, when on state and county roads. Consideration of traffic, proposed new zoning plan which hopefully will be in effect this year which shows orderly development of town and where commercial and residential desired and all considered along with everything presented by people who attend meeting and applicants, attornies, engineers.

Mr. Spitz stated cider mill stopped operation for good 10 years between time this business started up and other. Moffet had as repair station for farm machinery at that time. Period of 10 years when mill did not operate. Mr. Heilman stated nothing to do with what board has in front tonight. Mr. Spitz stated brought up that cider mill, though maps might have something to do with it. Mrs. Chapman stated not up to us to decide, legal question.

Mr. Kowalcik asked how long is variance good for? Mr. Hunter stated depends on how board grants. Indefinitely or specific time and conditions. Mr. Kowalcik asked how long was that, recall? Mr. Heilman stated no limit except in what for and hours of operation for that specific variance.

Mr. Westervelt, 8 Bright Oaks Drive., stated opposed to application. One question. Understanding this is zoned commercial. In 1957 required variance to operate pop stand but apparently no record of variance to operate beer garden or whatever. Why can you operate something of that nature without a variance and have to get to operate pop stand? Mr. Heilman stated commercial zone, reason had to come in for setback requirements and because of the size of the lot, at time could not put building where wanted to and still meet zoning requirements and primarily that is why came in for variance. That is why came in front of board.

Mr. Lynd, 117 Fenton Road, stated would like to go on record formally stating opposition for following reasons. Additional traffic congestion at that corner. Parking situation and revision as stated not going to alleviate parking problem. Thinks parking problem in area directly out to the street. Chestnut and Fenton. Likely going to increase because of potential increased restaurant size, increased noise and increased congestion and collecting of people outside of the business itself late at night.

Mr. Hayes, Fenton Road, stated against the variance too for all reasons stated plus own personal experience. Ever since place opened have picked garbage off front lawn most every day. Wide variety. Parking down there, thinks here parking on corner with parking going to create on other side and bad enough now because street narrow, added traffic already starting near corner. Majority of people parking beyond light poles and on roads up both sides. With small children and very dangerous for them, no place to ride bikes and sooner or later something will happen. For all other reasons.

Mrs. Hayes, Fenton Road, stated main objection noise and traffic. Two small children and bedroom faces pop stand. Have had to get up with them in night because of screeching tires and other noises. When comes home from work at 3:15 only one lane from Chestnut Ridge and Fenton to my driveway.

Mr. Hunter asked if anyone wished to speak in favor of the application? Mr. John Winter, 40 Everett Drive, stated in favor of pop stand and restaurant and doesn't like to see anybody put out of work.

Mr. Tim Sylvester, 32 Fenton Road, stated would like to state same reasons. Somebody should be able to make living.

Mr. Trombley, 54 Everett Drive, stated in favor of leaving it the way it is.

Mr. Meredith, 881 Chill Coldwater Rd., stated in favor of keeping restaurant the way it is. Mr. Hunter asked favor application or opposed? Mr. Meredith stated favoring.

Mr. Ken Tripp, Chill-Scottsville Road, stated in favor of it.

Mr. McCullen, 3429 Chill Avenue, stated in favor of it, only place in Chill can get good decent hamburger today.

DECISION: Denied unanimously. 1. Increase of traffic in an already heavily travelled and dangerously congested intersection. 2. Premises are now open 7 days a week from morning until early hours of the following morning bringing about an increase in noise emanating from automobiles and people. 3. The operation has changed from a wholesale beverage outlet to a restaurant selling alcoholic beverages and if the application were granted, it would increase this type of customer.

ii. Application of John Doerr, 11 North Street, Churchville, N. Y. for approval of variance to convert 1 family residence to 2 family residence located at 4351 Buffalo Road, North Chill. B Zone.

Mr. Doerr appeared with Mr. George Roth, Attorney with offices at 36 West Main Street. Mr. Roth stated met before the board and at the particular time before the board, Mr. Doerr, in purchase of property was completely naive as to particular restrictions relative to property use and accordingly being in here on this application within a period of less than a year of the prior hearing comes in upon a separate basis which is an attempt to present before you the matter of a true hardship to the property. Might say in that regard would like to offer two documents, one which contains analysis by Robert Stewart, Attorney, and president of Pathfinder Realty, and other document contains material of fact that Mr. Doerr going up and down highway listing specifically various items of property, what they concern and usages. Does Board have tape location map previously furnished? Apparently is Section 19.53 of the Chill Zoning code which as understand required width completely through the property of not less than 80 ft. relative to usage of commercial property and physically this property could not properly meet the commercial requirement and on such a basis could not be used for commercial use and therefore would be specific hardship in that regard. Offer also fact that in the writing of Stewart's indicating various usages under ordinances in B district and of the usages certain specific illustrations, hotel, motel, etc. Aside from hardship to the property indicated would point out situation that if get basic reason for zoning requirements of municipalities such as towns with this situation, usage of any given property will not violate intended decorum of area and town and general situation there, that is why indicated these particular items. Feels that the usage of the piece of property as two family could not possibly in any way cause anything more objectionable and probably substantially less than commercial usages indicated. Respectfully indicate that because there is as matter of law a hardship to the property so to speak, to depart from hardship to individual different situation placed before the board at this time.

Mrs. Tanger asked basically problem before wasn't enough room. Mr. Hunter stated square footage available to allow two apartments. Evidently no suggestion here of changing the building as it now exists. Mr. Doerr stated small studio apartment upstairs. Mr. Hunter stated one concern but basic concern stated in letter. No legal hardship in terms of property. Mr. Roth stated correct, has letter you wrote. Mr. Hunter stated would it be reasonable in that building if were to allow and feeling of board awfully small. Dimensions here but not listed and did

Zoning Board of Appeals

May 22, 1973

figure out at the time and thinks code is for more area. Mrs. Tanger stated one bedroom 750 and was 506 so quite under-sized for one bedroom.

Mr. Doerr stated wife's grandfather really up there, lives alone and would remodel for one person, wouldn't be family up there. Not actually two family, just couldn't, nobody would want to rent. Mrs. Tanger stated code still calls for 750 for one bedroom apartment. Mrs. Chapman stated only thing would qualify to be is studio. Mrs. Tanger stated efficiency. Mr. Roth stated thinks terminology Mr. Doerr used was studio apartment. Mr. Hunter stated problem that there are now three bedrooms upstairs, convert one to living room and one to kitchen and remaining as bedroom.

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

DECISION: Granted unanimously.

Held over from April 24, 1973: Application of Bruce Peckham, 9 Miller Drive, North Chili, N. Y. for approval of above-ground pool, 24 ft. diameter by 4 ft. deep, 3 ft. from south lot line, 9 Miller Drive. D Zone.

DECISION: Unanimously approved.

KATHLEEN LUEDKE
Secretary

ZONING BOARD OF APPEALS
June 26, 1973

A meeting 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 June 26, 1973. The meeting was called to order by the Chairman, Mr. Hunter, at 8:00 P.M.

Roll Call: Robert Hunter, Chairman
Janice Chapman
John H. Lighthouse
John Palermo
Richard Harrington
Richard Aureli

Absent: Gertrude Tanger

Also Present: Town Attorney Patrick J. Pietropaoli
Deputy Town Attorney Alfred J. Heilman
Superintendent of Building William Davis

Mr. Heilman stated applications in front of the Board tonight were published in the Gates-Chili paper and have met all requirements under law as far as publication and affidavits are on file with the Town Clerk.

Mr. Hunter stated application No. 13 has been cancelled for this evening. Before we get under way, group interested in making comments on application from last time regarding Joby Enterprises application. Not on agenda tonight. Since there is group here interested would like to have attorney Tom Lenweaver, present what you have to say, would appreciate having it.

Mr. Lenweaver stated appreciates opportunity to talk to the Board since not on tonight, realizes going out of way to allow. Appearing on behalf of citizens that signed petition opposing application. Number apparently did not see notice of last meeting, under impression adjourned until tonight. Referred to Monroe County for recommendations but did have public hearing. Indication of community in Riverdale area, indication of opposition evidenced by being here. Would like to submit petition with over 250 names to the Board. Ask if anyone else wishes to sign. A few signed when came in. Made copies before came which will not contain those names. Could leave and have submitted to the Board as indication of feeling in this area. Mr. Hunter stated petitions can be put on end of table and anyone wishing to sign may do so. Mr. Lenweaver stated wished to thank on behalf of citizens. Realizes out of the ordinary, realize was public hearing and would have spoken if they had been aware of it.

#10. Application of St. Christopher's Church, 3350 Union Street, North Chili, N. Y. 14514 for approval of variance to erect sign 4' x 8' on posts, bottom of sign 2 ft. off ground, approximately 110 ft. from center of intersection of Union Street and King Road, sign to be black metal background, non-illuminated. E Zone.

Father McDonald Appeared. Stated will use sign to advertise time of masses. Presented scheme. Sign contains little blocks with times of masses and services attached to sign. 4' x 8' with little strips about 6" x 6", panels attach with times for masses. Mrs. Chapman asked letters will come off and can be changed? Father McDonald stated yes. Mr. Hunter asked basic material? Father McDonald stated aluminum, letters too. Mr. Hunter stated application shows 110 ft. from intersection. Changed thinking as to location? Father McDonald stated talking about intersection of road itself. Mr. Hunter asked this is one-sided? Father McDonald stated yes.

Mr. Hunter asked if anyone wished to speak in favor of the application. Mr. Sextone 63 Shrubbery, stated as resident of the Town and participant in church, speaks in favor of the sign.

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

DECISION: Granted unanimously.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

DATE

Jan 19 1973

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

GATES-CHILI NEWS

Issue Dated.....

Jan 19 1973

Robert F. Werner

Samuel J. Smith

NOTARY:
ROBERT F. WERNER, Notary Public
State of New York, Monroe County
Commission Expires March 26, 1975

SAMUEL J. SMITH
Publisher

LEGAL NOTICE

ZONING BOARD OF APPEALS
June 26, 1973

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 June 26, 1973 at 8:00 P.M. to consider the following applications:

1. Application of Terry Shumaker, 7 Baylor Circle, Rochester, N.Y. 14624 for approval of variance to build 6 foot addition to garage, 8 ft. from North side lot line, located at 7 Baylor Circle. D Zone.

2. Application of Howard J. Reynolds, 25 Chestnut Ridge Road, for approval of variance for sign on building, 32' x 4', internally illuminated, replacing existing lettering with the name "Bungalow" in 4" block letters. E Zone.

3. Application of Glenn and Norma Heffer, 18 Clifton Road, Clifton, N.Y. 14431 for approval of variance to construct addition to existing garage to bring building approx. 2 ft. from west side lot line located at 18 Clifton Road. EE Zone.

4. Application of John Nowicki, 8 Autumn Chapel Way, Rochester, N.Y. 14624 for approval of variance to erect single family residence incorporating an office for owner's use on property at 3449 Chili Avenue (tentative address) part of Tax Account #1692-000. MR Zone.

5. Application of John Devan, Jr., 4330 Buffalo Road, North Chili, N.Y. 14514, for approval of variance to continue to use second floor apartment existing in residence at 59 Springbrook Drive, North Chili. E Zone.

6. Application of Olympic Bowl, Inc., 1300 Scottsville Road, Rochester, N.Y. for approval of variance to replace existing sign on poles near street with new sign, approx. 20 ft. high, 8 ft. wide, advertising Olympic Bowl, double-faced, internally illuminated, located at 1300 Scottsville Road. A Zone.

7. Application of REorganized Church of Jesus Christ of Latter Day Saints, c/o Raymond Rodan, 41 Salmon Creek Drive, Hilton, N.Y. 14468, for approval of variance to erect a church on property located on Northwest corner of Chestnut Ridge Road and Golden Road. D Zone.

8. Application of Rochester Gas & Electric Co., 89 East Avenue, Rochester, N.Y. 14649, for approval of variance to erect an electric sub-station on property located at northwest corner of intersection of New York Central Railroad West Shore Branch and Chili Avenue. E Zone.

9. Application of Richard E. Brelsford, 39 Stover Road, Rochester, N.Y. 14624 for approval of variance to erect fencing along property lines on north, east and west lot lines, extending beyond front line of house and side yard of property adjacent to Farmcrest Road, located at 39 Stover Rd. E Zone.

10. Application of St. Christopher's Church, 3350 Union Street, North Chili, N.Y., for approval of variance to erect sign 4' x 8' on posts, bottom of sign 2 ft. off ground, approx. 110 ft. from center of intersection of Union Street and King Road, sign to be black metal

background, non-illuminated. E Zone.

11. Application of Hubbard Farms, Inc., 1132 Scottsville Road, Rochester, N.Y. for approval of free-standing pole sign, approx. 4' x 6', internally illuminated, on property at 1132 Scottsville Road, to advertise Hub House Restaurant. B Zone.

12. Application of Laycull Construction, Inc., 1669 Penfield Road, Rochester, N.Y. 14625 for approval of renewal of variance for two signs advertising subdivision located at south end of Lexington Parkway and Dauntton Drive. E Zone.

13. Application of William Wright, 250 Denise Road, Rochester, N.Y. 14612 for approval of variance to erect building to be used for restaurant and other stores on property located at 3260 Chili Avenue. E Zone.

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

LURAINA E. ROBBINS
Town Clerk, Town of Chili

1. Application of Terry Shumaker, 7 Baylor Circle, Rochester, N. Y. 14624 for approval of variance to build 6 foot addition to garage, 8 ft. from North side lot line, located at 7 Baylor Circle. D Zone.

Mr. Shumaker appeared. Mr. Hunter asked have sketch that shows this? Mr. Shumaker stated original tape map, believes. Here are changes to be made. Add those 6 ft. closer to north boundary. Mr. Hunter asked presently 12' x 22', proposing adding 6 ft. to make 18 ft. wide? Oriented like this in relation to plot plan? There is home next door to the north near garage. Mr. Shumaker stated homes on either side. Mr. Hunter asked can you tell on home on north, know distance of that home to the lot line that you share? Mr. Shumaker stated doesn't know, could pick up on his tape map. I have 14 feet but doesn't know where he would start. Mr. Hunter asked does he have garage incorporated into his home? Mr. Shumaker stated yes, north side of house. Mr. Hunter stated no concern about garage on his home later then. Can you tell basically reason want to do this? Mr. Shumaker stated three kids and almost have to have station wagon and 22 x 12 not big enough. 7 ft. door not adequate. Mr. Hunter stated obviously could build 16 ft. and be within code. Apparently find not big enough. Car plus other things goes into garage so need additional space. Mr. Shumaker stated right. Mr. Hunter asked have you discussed with your neighbors? Mr. Shumaker stated immediate neighbors, yes. Mr. Hunter asked any objections? Mr. Shumaker stated no, none object to it and you sent out letters and were informed and no one here so assume nobody objects.

Mr. Hunter stated don't have means of determining where home located on lot next door to yours. Mr. Davis stated at least 10 ft. Could be more. Mr. Hunter stated would be helpful if you could get that information. Mr. Shumaker asked don't they have map here? Mr. Hunter asked any record of where building located on lot? Mr. Davis stated has over in office. Mr. Hunter stated let's see what Board wants to do and could be tomorrow might come back to you and ask for that information before reaching decision. Contact tomorrow sometime if that is route going. Mr. Shumaker stated other than that only question how far to house to the north. I would say about 10 ft. offhand. Didn't get out with tape measure. Mr. Heilman asked your measurements based on tape map? Mr. Shumaker stated correct. Mr. Hunter asked if anyone wished to speak in favor or opposition to this application and no one appeared.

DECISION: Granted unanimously.

2. Application of Howard J. Reynolds, 25 Chestnut Ridge Road, for approval of variance for sign on building, 32' x 4', internally illuminated, replacing existing lettering with the name "Bungalow" in 4' block letters. E Zone.

No one appeared. Called again at end of agenda and no one appeared.

DECISION: Denied.

3. Application of Glenn and Norma Heffer, 18 Clifton Road, Clifton, N. Y. for approval of variance to construct addition to existing garage to bring building approx. 2 ft. from west side lot line located at 18 Clifton Road. EE Zone.

Mr. Heffer appeared. Mr. Hunter stated what has is garage 12.5 ft. wide and propose to add 9 ft. to the width making 21.5 and length of that is 26.4 ft. Within two feet of lot line. Can you give reason for application? Mr. Heffer stated two car drive in front. One car garage. Boat here, care here and car here (indicating on drawing), if want to get out, pretty hard. Would like to get some of it inside. Mr. Hunter stated as recalls from looking, wasn't able to tell in terms of who owns land but home to the west sits far back. Property up to your line owned by same owner of that home? Mr. Heffer stated owned by Nothnagle. Mr. Hunter asked what is setback of that home? Mr. Heffer stated must be 200-250 ft. Mr. Hunter stated because of nature of the way homes located isn't normal problem of being too close to another building. Discussed application with the owner? How does he feel? Mr. Heffer stated doesn't care. Was going to say something to the Board okaying it. Mr. Hunter asked any other neighbors aware, object? Mr. Heffer stated had no objections. Mr. Palermo asked what is setback now from the street? Mr. Heffer stated my house cannot be over... from center of highway 50 ft. Matter of fact if took right of way would be in front steps.

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

DECISION: Granted unanimously.

4. Application of John Nowicki, 8 Autumn Chapel Way, Rochester, N. Y. for approval of variance to erect single family residence incorporating an office for owners use on property at 3449 Chili Avenue (tentative address), part of Tax Account #1692-000. MR Zone.

Mr. Nowicki appeared. Stated actually request for use variance to construct single family home in zone currently MR. Single family exceeding requirements of existing codes. Exceeds setbacks on front and west side 60 ft., 70 ft. on east. House approximately 2000 sq. ft. 1450 living area and rest garage and porches. Mr. Hunter stated office for owner, what space? Mr. Nowicki stated own home. In building business and type of people would have coming would be attorneys, engineers, architects, other builders or salesmen. Coming to discuss other projects and project has at this time. Needs more space. Mr. Hunter asked need for signs? Mr. Nowicki stated no. Mr. Hunter asked what would you say in terms of traffic created by having office? Mr. Nowicki stated no more than normal if somebody came to visit. Mr. Hunter stated sounds like from visual point of view probably wouldn't be obvious office was in building. Mr. Nowicki stated generally gone most of the time, days and nights. Mrs. Chapman asked if drive down to basement office? Mr. Nowicki stated no, 65-70 ft. driveway.

Mr. Hunter asked is this area being filled? Mr. Nowicki stated yes sir. Mrs. Chapman asked part of the piece zoned MR for the apartments there? Mr. Nowicki stated correct. Mr. Hunter stated would assume building would meet code in all other respects, other than office. Side lines and rear lines. Mr. Nowicki stated state has issued permit for driveway entrance. Mr. Harrington asked point out where office located? Mr. Nowicki stated downstairs recreation and laundry and office probably in this area. Mr. Davis asked are you professional engineer? Mr. Nowicki stated no I am not. Mr. Aureli asked are you going to live in it yourself? Mr. Nowicki stated yes sir.

Mr. Hunter asked if anyone wished to speak in favor of application. Mrs. Weber, 3472 Chili, stated is neighbor, wondering about office. Didn't Mr. Nowicki manage apartments on Autumn Chapel? Mr. Nowicki stated controls about three or four superintendents at each project. Still lives at Creekside but because of volume of business and other projects, doesn't have space for maps, plans and reports. Mrs. Weber stated dirt has dumped doesn't look very nice. Mr. Nowicki stated fill material and topsoil will come in after construction. Has bulldozed to keep down until ready for construction. Mrs. Weber asked will we see anything of office or lot of traffic? Mr. Nowicki stated no.

Mr. Weber, 3472 Chili, asked now that office is to be built will it be rezoned from MR to business? Mr. Hunter stated no, application for this particular use in MR zone. Mrs. Weber asked residential because of apartments? We are single family zone. Mr. Pietropaoli stated it is single family home he wants to build. Mr. Nowicki stated one acre composing whole front between Lacagnina and gentleman to the west. Mr. Weber asked back slopes down to the apartments? Mr. Nowicki stated yes. Mr. Heilman stated request to place single family home on acre lot and that will be end of all of land in area. Mr. Nowicki stated land-locks the whole front and thinks will be nice looking home when done. Mr. Hunter asked no other buildings? Mr. Weber asked no signs? Mr. Nowicki stated no signs.

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

DECISION: Granted unanimously.

5. Application of John Devan, Jr., 4330 Buffalo Road, N. Chili, N. Y. for approval of variance to continue to use second floor apartment existing in residence at 59 Springbrook Drive, N. Chili. E Zone.

Mr. Cliff Tomer, attorney, appeared. Stated Mr. Devan presently has contract to purchase property at 59 Springbrook from Rev. Parmerter. Present owner of property, in whose name variance has existed for 5 years. Referring to property which was originally single family frame constructed on north side of Springbrook. Probably familiar but may not have been there in few months but Orchard comes off Buffalo and Springbrook starts there. Circular street and at top of circle running parallel to Buffalo Road, dead end street. House at very end of Springbrook on dead end street. Property immediately to the east owned by college. Large lot and additional lot immediately north which separates from those on Buffalo. This parcel goes with the house if purchased. One contingency, that variance for two family dwelling continue as it has in past 5 years. 5 years ago board granted Rev. Parmerter variance to permit two family dwelling. Does not know on what grounds granted. Applied and was granted and assume on appropriate legal grounds. Limited to period of 5 years. Had to renew. This is renewal and property as indicated now in process of being sold. Rev. Parmerter is referring. Moving out of the area and wants to sell property. At the time granted he added an outside entrance to the property to gain access to the apartment on the second floor. Went to additional expense to make completely separate unit. Kitchen, dining, living, bedroom and bathroom. Made after obtaining permission for variance. House has separate two car garage with paved driveway running north from Springbrook to the garage. Approximately 100 ft. long. Very little problem with respect to traffic and plenty of parking spaces. Presently tenants in apartment. There for a couple of years and intend to stay if variance continued. As far as hardship concerned and if talking about technical legal grounds for granting, suppose could say some of the hardship was actually self-imposed by Rev. Parmerter at time applied for variance. Inclined to believe some responsibility for hardship which now occurs imposed by Zoning Board in granting variance to begin with. By granting permission given to expend necessary monies to set up apartment in this home. Now finds in selling property, cannot get money out that has in as two family. Cannot sell as single family residence. Unfortunate circumstance. Now would have to sell as single family dwelling with upstairs all broken up or remove partitions and take down exterior stairs and put back into shape to sell as single family dwelling. Thinks a burden should not have to bear. Good, sufficient legal ground to continue this variance. Not thinking to change character of neighborhood. 5 or 6 other two family dwellings in that subdivision. Whether have variances or not does not know but there are that many in existence. Perhaps some may be pre-existing uses. Doubt it. Has checked with the neighbors. Has petition signed by single family owners, didn't get names of those who had two-families, covers both sides of the street across from and alongside property wishes to purchase. Petitions urging approval of variance. Feels very strongly that in these circumstances which are somewhat peculiar and unusual that this Board would not be setting any kind of precedent and would be doing justice to the situation by granting variance. Glad to answer questions with respect to the property on application. Mr. Devan is here tonight.

Mr. Hunter asked could you give estimate of extra cost of some of these things at time built? Mr. Tomer stated generally somewhere in neighborhood of \$5-6,000. That is additional money. Actually when started to put other things, involved lot more. Doesn't know what separate entrance cost. May have been additional monies. Knows property in resale will not come anywhere near that amount of money put into the property as single family because attempted to sell and not too successful.

Mr. Hunter asked approximately how many square feet living area in house, considering both apartments? Mr. Devan stated downstairs and upstairs about 2,000 sq. ft. Mr. Tomer stated incidentally, people who are living upstairs do plan on staying if approve. Putting out of place to live. Thank you for your time.

Mr. Heilman asked any idea how much it would cost now to make back into single family? Mr. Tomer stated to tear out and put back to single family cost another \$5,000 at least.

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

DECISION: Granted for period of five years or while Mr. Devan owns and occupies home, whichever is lesser.

6. Application of Olympic Bowl, Inc., 1300 Scottsville Road, Rochester, N. Y. for approval of variance to replace existing sign on poles near street with new sign, approx. 20 ft. high, 8 ft. wide, advertising Olympic Bowl, double-faced, internally illuminated, located at 1300 Scottsville Road. X Zone.

Mr. Joseph Schuler appeared and presented plan. Mr. Hunter asked this is proposed? Have two signs and wasn't sure which one replacing. One Olympic and one restaurant. Mr. Schuler stated restaurant and Olympic sign at front. Mr. Hunter stated bowling, restaurant and cocktail lounge. In terms of size, 20 ft. high, that is sign itself, off ground some, not to be less than 8 feet. Sign 20 ft. high on top of 8 ft. 6 in. base. Width of the sign 8 ft. and actually L shaped sign. Mr. Schuler stated this is one side here. Mr. Hunter stated area about 160 sq. ft., double-faced, internally lighted. What would proposed hours of lighting be? Mr. Schuler stated would say from 9 P.M. to 1 A.M. Mr. Hunter asked how many days? Mr. Schuler stated 7 days. Approximately same size as there now. Old sign a little wider and 5-6 ft. lower.

Mr. Heilman asked discuss property to immediate west and east? Mr. Schuler stated all my property down to Weidner Road. On one side go-kart track and other side amusement park. Trailer park across the street. Mr. Heilman asked no residences or anything? Mr. Schuler stated no. Mr. Hunter asked how long had present sign? Mr. Schuler stated since 1955. Mr. Hunter stated thinks should stated size of sign asking for considerably in excess of anything Board normally willing to grant in last few years. Some particular reason why board should entertain something of this size? Mr. Schuler stated approximately same size as there now, change copy and style. Same size as has there since 1955. Mr. Hunter asked cost when installed? Mr. Schuler stated probably anywhere from \$12-15,000.

Mr. Hunter stated also new set of zoning regulations being considered in Town. Possible that sign restrictions could be put in as part of the code. Signs might not be allowed after reasonable length of time. How would you feel if said could not have one? Mr. Schuler stated will have to take subject to that and if new code will have to comply. Mr. Hunter stated not saying will happen but possibility. Mr. Schuler stated bowling hall big business and warrants fair representation as far as sign concerned. Always had signs out there. Thinks neater and cleaner sign than now. Mr. Heilman asked entire sign illuminated? Mr. Schuler stated from foundation up will be illuminated. Mr. Aureli asked empty space for type? Just what is going to be on it, no more copy? Mr. Schuler stated that is it right there. Mr. Heilman asked indicated going to remove planter around bottom? Mr. Schuler stated thinks wants to take away because gives more room. Mr. Heilman asked replace with anything? Mr. Schuler stated just guard rails for safety. Mr. Aureli asked color of sign? Mr. Schuler stated thinks white and blue.

Mr. Palermo asked does sign have to be this large? Mr. Schuler stated standard sign, probably 500 made up in one shop. Mr. Hunter asked not flashing or anything? Steady light? Mr. Schuler stated no, flashing sign now. Mr. Hunter stated obviously stationary, what level of illumination? How many watts? Mr. Schuler stated fluorescent lamps inside there, doesn't know illumination.

Mr. Heilman stated will have to go down to County Planning before Board will be able to act on it. Thinks application filled out and can drop off. Cannot make decision until get word back. Might be question under airport zoning because of size and height and also because on State road and allowed to review things on state and county roads. Mr. Hunter stated this Board will probably not be able to deliberate on this until July meeting.

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

DECISION: Reserved pending receipt of comments from Monroe County Planning Dept.

7. Application of Reorganized Church of Jesus Christ of Latter Day Saints, c/o Raymond Lodan, 41 Salmon Creek Drive, Hilton, N. Y. for approval of variance to erect a church on property located on Northwest corner of Chestnut Ridge Road and Golden Road. D Zone.

Mr. Donald Chesworth, Attorney, and Rev. Lodan, appeared. Mr. Chesworth stated has map of the parcel talking about marked in red. May make easier for you. As you will note parcel consists of two subdivision lots and there are pieces of land not originally slated for building purposes. Total area approximately 2.5 acres. At this point, do not have plans or specific drawings and have made purchase offer on property which has been accepted contingent on approval by the Board. Mr. Hunter asked have anything in way of plans at this time? What might look like or where go? Mr. Chesworth stated doesn't, decided that any building would have to be approved by the Town. If given preliminary approval then seek architect to draw plans and come and come back to the Town and seek building permit and others appropriate. Mr. Hunter stated up to this Board but opinion reluctant to act on application with amount of information have before use. Concern for sizes and amount of parking, access to the lots which are going to enter into the Board's consideration of approval of such a project. Mr. Chesworth stated can give general estimate of these items. Membership of congregation approximately 100 persons at this time. Comprises 15 families. At the current time we would have would estimate around 25 vehicles coming to a Sunday morning service so that traffic problem at this point not serious one. The access as can see from the sketch is to both Golden and Chestnut Ridge depending on whatever would be most appropriate. Thinks probably any building would have to be at the southern portion of the parcel which is nearer Chestnut and if look at property, slopes away from Chestnut and behind vacant farmland and to the west is residence. Would be thinks at this point that building would be constructed near south portion of the parcel. Gives rough answer to questions.

Mr. Hunter asked square footage of parcel? Mr. Chesworth stated approximately 2.5 acres. Mr. Hunter asked approximately what capacity church would you be designing? Commented 100 people members, what thinking of in terms of building? Mr. Chesworth stated believes at this time planning for approximately 200 people at the moment. Rev. Lodan stated at the moment, between 100 and 200 seating capacity. Mr. Chesworth stated church has done some looking around as far as cost of building, and had estimated in area of \$70-100,000 for type of structure talking about but basically would be, again speaking without official approval but basically structure with chapel above ground and basement and possibly above ground other facilities for classroom and dining room and kitchen. Mr. Aureli asked would be built from start to finish in one operation? Rev. Lodan stated planning whole thing at one time. Mr. Aureli stated not piece meal over next 10 years or so.

Mr. Heilman asked approximately when if given approval could you start? Rev. Lodan stated purchase offer contingent on getting approval to build and then have to get approval from general church and then work on plans. Mr. Pietropaoli asked not received approval from general church to construct? Rev. Lodan stated from local building committee and local people. Still has to get approval from headquarters. Mr. Pietropaoli asked would you be living on premises yourself? Mr. Lodan stated no. Mr. Pietropaoli asked where is congregation now? Rev. Lodan stated had church in city but so close to inner city, sold and meeting in Y on Long Pond Road. Mr. Pietropaoli asked Sunday services only? Rev. Lodan stated Sundays now, if have church will have Wednesday evening service too, naturally. Mr. Pietropaoli asked for this particular application talking about Wednesday evening and Sunday morning? What times would you be meeting in evening and morning? Rev. Lodan stated present schedule is evening service 8 P.M. on Wednesday and Sunday 9:45 till 12 or 1 P.M. and possible might have evening service but not doing that now. Mr. Pietropaoli asked anticipate other church related activities such as suppers to be conducted at this site? Mr. Lodan stated has done occasionally when had own building but far apart, not frequent. Mr. Heilman asked would anybody be living on property? Mr. Lodan stated no.

Mr. Aureli asked have another congregation in Monroe County? Rev. Lodan stated only one in Monroe County. Covers people who live in Fairport and Hilton and Gates. Mr. Aureli asked where are national headquarters? Rev. Lodan stated Independence Mo. Mr. Palermo asked standard structure that is used for all churches or own design? Rev. Lodan stated no, own design.

Mr. Pietropaoli asked no preliminary plans? Rev. Lodan stated looking at plans in catalog but haven't made final decision. If want to see something we like will show that. Mr. Pietropaoli stated thinks Board would probably like to see something decided on. Rev. Lodan stated cannot decide until get lot. This lot on slope and if flat land might pick different church.

Mr. Palermo asked any idea of dimensions? Rev. Lodan stated former church 26 x 50 but this was two story and feels may try to have most of it on one floor. Thinks may try to have most on one floor, bigger area. Mr. Heilman asked in estimates have gotten, is this wood outside or brick-faced or what? Rev. Lodan stated wood so far. Hasn't definitely decided.

Mr. Hunter asked in terms of capacity might be talking 200-250. Rev. Lodan stated 200 tops. Mr. Hunter stated some churches have maximum size and won't add on, if get to that point. Any such policy? Rev. Lodan stated feeling should not go higher than that because members in Fairport and far to come here so if have this church should plan on building another one in Fairport side of city. Rather two small churches than one big one. Mr. Hunter asked if approved unlikely would want to expand building? Rev. Lodan stated that is my feeling and that is feeling of congregation.

Mr. Hunter asked if anyone wished to speak in favor of application? Mr. Jack Bailey, 289 Chestnut Ridge, asked for more elaboration on type of activities that might be held at this facility? Mr. Hunter stated open on Sunday morning and Wednesday evening. Asked if Rev. Lodan had any other comments? Rev. Lodan stated just add that our school time in morning at 9:45 and service at 11:00. Once in a while dinner after service. Wednesday night service about an hour. That is basically our meetings. Mr. Bailey asked basically less than 12 hours a week in use? Rev. Lodan stated would believe so. Mr. Heilman stated partly due to the congregation from quite a geographical area to schedule every night would be impossible. Rev. Lodan stated too far to come every night. Holding some weekday services in homes in separate sections of city with that in mind. Do want to get together on Sunday. Mr. Bailey asked, stated that besides chapel would be classroom structure? Rev. Lodan stated rooms for Sunday school. Mr. Bailey asked purpose for kitchen and dining facility? Rev. Lodan stated sometimes pot luck dinners. Right now schedule a picnic once a month after church, go to a park. Does not have Y in the afternoon. Conceivable might have dinner once a month. Mr. Palermo asked on Sundays? Rev. Lodan stated Sundays, correct. Mr. Hunter asked for own congregation or open to community? Rev. Lodan stated own congregation. Never put on dinners to raise money so far. Knows has been done in other churches but hasn't tried. Thinks would run into resistance if suggested.

Mr. Bailey asked question about total probable cost of structure and per square foot cost? Mr. Chesworth stated really problem comes with parcel of land because of slope. Without really knowing what will be able to do, not within means to obtain architect to provide set of plans to be used on that parcel. To give any specifications along those lines impossible at this time. Would like to but cannot afford in that sense without having some idea that will be able to use parcel to go out and plan building for it. That is basic hang-up about getting building plans. Will have to go back to you on numerous occasions and will make every effort to immediately get going. Rev. Lodan stated speaking about price, would love to be able to have building for \$50,000 but afraid would have to spend \$70,000 to be able to get building permit for it.

Mr. Heilman stated take it application went to County Planning. Under existing law they now have right to review this building. Because on Chestnut Ridge and County Road. Sure they will want plans. That is problem with board. Say granted your request under Section 19-71 under special provisions, grant permission to build church there. No guarantee

what going to look like. Not that anyone questions your motives or purposes or anything. But this Board representing community, to say can build church without knowing what will look like impossibility. Sure County will take same position. Access roads, etc.

Mr. Chesworth stated doesn't think beyond your authority to say build church if provided plans and specifications acceptable to Board. Mr. Heilman stated Zoning Board different than Planning. If granted permission tonight to vary existing zoning requirements all have to do is get approval of Planning Board as far as site plan. No other power. If Planning Board didn't like plans could go to court and take steps to say well we have right to build church and this is it. Mr. Chesworth stated as understand it, zoning could give permission contingent on certain factors like subject to further approvals by the Board and that is what asking for at this point. Not coming with everything and saying give final approval. Doesn't want to go out and retain architect and provide plans and make expenses to do this if just going to get denial at the end. Doesn't see why without this cannot give us approval of the variance subject to conditions to be set by your Board with reference to some other Board if that be your desire. That is my understanding. Mr. Pietropaoli stated application for special use permit to construct church in single family zone. In order to satisfy Board you will meet requirements to construct that structure in single family zone, Mr. Heilman is saying going to have to have more information. Some information will have to have for referral to Monroe County Planning under applicable provisions of the Town Law for review of this particular request. Mr. Heilman telling you Monroe County Planning in all likelihood not going to give approval if doesn't have preliminary plans or specifications upon which to make determination. Thinks without that this Board certainly in all likelihood would never act or could not act unless had recommendations of Monroe County Planning. Going to have to do something in the area of some proposed structure for this particular piece of property before you can even get over first hurdle. Mr. Hunter stated the fact that applied means will be sending to County and will have answer. Wants applicant to realize situation. Not about to be able to make determination. Mr. Chesworth asked cannot make determination without detailed plans? Mr. Hunter stated not detailed specifications but size, where located, where parking would be, where access would be. Something to make judgement on. Mr. Pietropaoli stated on County road, would have to get permission from County Department of Public Works. Mr. Heilman stated questions as far as hooding up sewers. Mr. Pietropaoli stated doesn't want to misunderstand. Doesn't say need detailed plans before approval. Will have to be some preliminary plans to meet first requirement with Monroe County. Cannot act to grant this special use until have report back from Monroe County. By law that is what stuck with.

Mr. Harold Munger, 292 Chestnut Ridge, stated this is application for special use of a not presently existing use of this land. In the town over a period of years now there have been various zoning maps brought out and finally master plan. Purpose primarily to channel land use as you know. Feeling of residents of this area that such a proposal by any organization, religious or business should follow the conceptions of the pre-determined land uses as put out and paid for by taxes in the Town. Thinks probably many sites available that already conform. Mr. Hunter stated in the E and EE districts as presently exist in town there are several uses allowed and several uses called special provisions, included among these are churches. Basically purpose of doing in this manner to allow Board like this to examine specific plan and make sure that conditions can be laid down so special use will be done in manner not offensive to neighborhood and makes it fit. Doesn't think should look at as use not allowed. Allowed to make special provision beyond what would be required of residential home.

Mr. Robert Graham, Golden Road, asked how going to drain the land from the church? Getting all the water now at bottom of slope. Has running water year round. Mr. Hunter stated saying problem which might be aggravated by adding building and blacktop. Mr. Pietropaoli stated County will consider that in making recommendations.

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

Mr. Birch, 24 Golden Road, stated lives directly across Golden Road from this property and would like to submit petition of the majority of the people that live adjacent to this area recommending that application for approval of variance be refused on the grounds that feels this basically is residential area and would like to keep that way. Any structure or variation would tend to change characteristics of the area and probably depreciate property values. Would like to note that would increase traffic on roads that are not adequate now to handle traffic. That is reason for petitions. Does include families, majority of those adjacent or in the immediate vicinity. Would like to note that on Chestnut Ridge or Golden Road we have only less than 1/2 mile long and already has three businesses on this that do tend to create excess traffic for this small road. Personally already doing duty as far as handling traffic. Two neighbors on east side have signed, two on the north have signed, neighbor on the west has signed, one neighbor directly across to the south could not be here and feels strongly about it, sent letter in to express feelings. Would like to present petitions. Strongly feels this should be considered in decision on application. Mr. Hunter stated fairly long letter, won't read but will be part of the record and does state in beginning person writing in opposition. Signed by Mr. and Mrs. Hanson.

Mr. Doane, 297 Chestnut Ridge, stated directly across from Golden Road. Bought home there years ago for residence and zoned residential. Doesn't aim to have any building across the street from me other than a single residence. Against any kind of building, church, gas station or anything else. Somebody wants to build house, can build, but nothing else. Against any building other than single residence.

Mr. Jack Bailey, stated would like to object also to use of residential area for other than residential dwellings. Adverse affect on character of neighborhood and would like to state objection to this proposal.

DECISION: Reserved pending receipt of comments from Monroe County Planning Department.

8. Application of Rochester Gas & Electric Co., 89 East Avenue, Rochester, N. Y. for approval of variance to erect an electric sub-station on property located at NW corner of intersection of N. Y. Central Railroad West Shore Branch and Chili Avenue. E Zone.

Mr. Burnup, of R G & E, appeared. Stated would like to stated studies of electrical current in Chili indicated as growth exceeding 9% per year. On that basis will be necessary for R G & E to have substation in this general area of Chili to adequately supply load to area. Particular parcel triangular piece on north side of Chili Ave., abutting Niagara Mohawk property adjacent to West Shore Branch of railroad. Presently zoned residential. All property zoned commercial surrounding it. Purpose to erect building about 24 x 50 in dimensions and approximately 12 ft. high. Building would house switch gear and transformer. Surrounded by 7 ft. high fence. Distribution cables leaving station to circuits in streets will be put in underground. Chose to enter application at this time because delivery on materials exceeds a year and to that add construction time and in order to have station in service in 1 1/2 years will be necessary to make application at this time.

Mr. Hunter asked is this 20 x 54 ft. building speaking of? Refer to future structures on property. Mr. Burnup stated coming in with high voltage line and at some future time might have to have switching structure. Steel-work, not building. Mr. Hunter asked made comment about property adjoining, commercial? Mr. Burnup stated subject piece zoned residential but adjoining property and across the street commercial. Station will be unattended after completion. Will not be used for storage of equipment.

Mr. Aurell asked would be interference to TV and radio reception? Mr. Burnup stated to best of our knowledge no problems in other installations. Mr. Hunter asked as far as buildings currently adjacent would be quite some distance. Mr. Burnup stated no building across or adjacent now. There is street on north side, Shrubbery Lane to the north of this area.

Mr. Heilman asked presently own land? Mr. Burnup stated option which believes will expire in September. Mr. Heilman asked if option exercised and Board granted when would construction begin? Mr. Burnup stated delivery of materials a year and construction would start late winter or spring perhaps late 1974. Mr. Hunter asked acreage of this property? Mr. Burnup stated 1.35 acres. Mr. Hunter stated shows proposed building and future structures. Mr. Burnup stated coming this far now and future transformer. As load grows would add additional transformers but not in immediate future.

Mr. Hunter asked how much of this would be obstructed by shrubbery? Mr. Burnup stated elevations and believes shrubbery shown in full. Mr. Hunter stated understands present plans for that property. Wouldn't expect to build any other structures? Mr. Burnup stated just building transformer structure and switching structure on there. Building would be metal with masonry panels.

Mr. Heilman asked nobody living there, just maintained. Mr. Burnup stated just periodic maintenance. Mr. Harrington asked similar structure on Chili just before Hinchey Road? Mr. Burnup stated no, doesn't believe so, doesn't look like that. (presented picture) This is similar structure built in winter before had chance to get grass in. Mr. Hunter asked basically same appearance has here? Mr. Burnup stated yes. Mr. Hunter asked vertical panels metal? Mr. Burnup stated yes.

Mr. Palermo asked how does this compare to the one on Howard Road? What are those buildings called in respect to this? Mr. Burnup stated great number of substations reflect times built and materials available. Thinks improving as things become available. Same purpose served but differences in method of constructing. Mr. Palermo asked one on Long Pond too, just other side of canal, for the same purpose? Mr. Burnup stated same purpose, yes.

Mr. Hunter asked nothing about nature of this operation that would affect businesses that might contemplate going into commercial areas? Mr. Burnup stated benefit because assured of adequate electrical supply. Mr. Palermo asked aren't some of these stations built like homes? Mr. Burnup stated yes sir. Build like homes where in residential area. Attempt to put building or structure reasonably suitable and economical for the purpose in area built.

Mr. Sexstone, Shrubbery Lane, stated lives in back of property. Question earlier about interference, anything positive that it does or doesn't? Mr. Burnup stated have not had any indication from any substation built so far that have any interference. Have substations on residential lots with houses on either side. Mr. Sexstone asked what is back of building to be constructed of? What will residents be looking at on Shrubbery Lane? Mr. Johnson of R G & E stated your view would be shown on elevation. At rear intend to put up hedge. Mr. Sexstone stated showed me but hedge takes time to grow, what will I see for first 5-10 years? Mr. Johnson stated back of this building. Same as front except for stone columns in center. That is transformer. From your elevation just how much of this could see, would expect minimum amount. Mr. Sexstone asked to see map in relation to houses on Shrubbery Lane? Mr. Nelson of R G & E stated sketched in lot lines from assessment map. This would be your lot. Contacted all these people that are checked. Tried others but could not reach them. Talked to Quinn, Goodnough and Boyce.

Mr. Sexstone asked is there noise created from generators? Mr. Burnup stated nothing that would be heard that far away. Mr. Johnson stated not noticeable as approach limits of yard. Mr. Nelson stated 115 ft. across railroad and another 34 ft. and transformer down here which noise

would come from. Mr. Sexstone asked also constructing some towers? Mr. Nelson asked speaking of lightning rods? Mr. Johnson stated similar to flag pole. Mr. Sexstone stated concerned with children in area, not tripods, just one pole. Mr. Burnup stated within fenced area. Mr. Sexstone asked how high will buildings extend above shrubbery in back? (General discussion of drawings)

Mr. Sexstone asked how long is fence in back? Mr. Johnson stated believes 180 ft. Mr. Sexstone asked feasible to put up fence such as redwood? Mr. Johnson stated had very unfavorable experiences with those. Chain link more secure. Mr. Sexstone asked what if redwood put inside of wire fence? Not talking about security, talking about looks. Mr. Johnson stated had nice aluminum fence at one location and kids took apart. Continual maintenance problem and eyesore. Took down and replaced. Mr. Burnup stated prefer to do shrubbing on outside of fence. Mr. Sexstone stated shrubs take some time to grow. Mr. Heilman asked what height when put in? Mr. Johnson stated 1.5 to 2 ft. if too high don't get good growth. Mr. Sexstone stated only objection, not in objection to it, only thing would say might think along lines that Town ask to fence on inside until hedgerow does grow tall enough. Then could be taken down. On inside of chain link fence. Mr. Heilman stated just talking about portion along back. Mr. Sexstone stated am in favor, bad piece of property. Only thing asked be covered up. Mr. Johnson asked from your property do you see trucks or anything? Mr. Sexstone stated planted 100 poplars and that is why saying, something be constructed on inside to help cover back of the building until thing grows.

Mr. Donald Klevon, Chili Avenue, stated not actually opposing. Would like to know, for 17 years has been fighting along strip to keep residential property. Got lot of problems and thinks maybe would be pleased to see come along. However, travel through other towns and see beautiful homes and doesn't look as beautiful as what has seen in other towns. Thinks short-changed in Chili. Admittedly probably more suitable but not residential in appearance. Other thing, lives east of this site and mentioned the hum and TV interference. Doesn't know what kind of assurance will not have TV problems. Doesn't suppose anybody can guarantee. Say don't have complaints, because people feel wouldn't have done any good? Mr. Burnup stated experience people are not adverse to complaining to R G & E. Mr. Klevon stated those are only comments, not against, much better than other proposals have had.

Mr. Nelson stated fact that hate to see residential property changed. Immediately adjacent on west zoned commercial. Directly south on Chili commercial all the way to the Chili Scottsville Road. Mr. Klevon stated presented letter with regards to Meister property, may apply to this property too.

Mr. Johnson stated would like to allude to first idea, getting second best, not truly reflective of what would like to do. Nature of this particular voltage is that cannot go in house. High voltage is outside, needs too much space. Building and arrangement in keeping with the building. Emphasized shrubbery because personally designed these things. Feels do need more green particularly in commercial area so if do go to commercial areas try to add the green. Guess main question not what we would just put in Chili. Would put same thing elsewhere too. If had same use as other towns. Mr. Klevon asked what if house there already? Mr. Johnson stated if residence and reasonable voltage, possible would do this.

Mr. Sexstone stated only thing, special attention to the rear of the property for the consideration of the residences in the rear. Fence just personal suggestion. Would like to see that go up until shrubbery grows. Other than that in complete favor of it. Mr. Burnup stated will take recommendations under advisement and depending on what Board has to say sure we can work something out for temporary screening inside steel fence.

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

DECISION: Granted unanimously.

9. Application of Richard B. Brelsford, 39 Stover Road, Rochester, N. Y. for approval of variance to erect fencing along property lines on north, east and west lot lines, extending beyond front line of house and side yard of property adjacent to Farmcrest Road, located at 39 Stover Road. E Zone.

Mr. Brelsford appeared. Mr. Hunter stated sketch shows home and location of proposed fence. Stockade 6 ft. high, rail fence is 4 ft. and chain link 4 ft. Mr. Brelsford stated doesn't think rail fence that high, thinks more like 3 ft. Mrs. Chapman stated can be problem on corner, not too clear wher Farmcrest Road is. Mr. Brelsford stated one block that connects Stover and Gateway, no houses fronting on it. Mr. Hunter asked if there were any questions on this application? Mr. Aureli asked what are reasons in extending that far in front of house instead of having gates at house? Mr. Brelsford stated decorative and occasionally youngsters cut across corner and thought would benificer to not have that traffic. Mr. Hunter asked rail natural wood? Mr. Brelsford stated yes, split or round. Mr. Hunter asked discussed with neighbors? Mr. Brelsford stated with neighbors across the street, in back and diagonally in back of us.

Mr. Heilman asked 19 ft. from curb or center of road? Mr. Brelsford stated from property sffick to edge of curb is 19 ft. Mr. Heilman asked where last pole will go in to rail fence is 19 ft. from the curb? Mr. Palermo asked storm gutters there? Mr. Brelsford stated yes.

Mr. Palermo asked these measurements from that point? Mr. Brelsford stated yes, from edge of concrete to the stake. Mr. Palermo asked survey stakes? Mr. Brelsford stated yes, 19 ft. in front and thinks 18 ft. on side. Mr. Heilman stated outside right of way. Mr. Palermo asked what is setback of house line? Mr. Brelsford stated crooked onilot but roughly 60 ft. to the outer-most projection to the lot line.

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

DECISION: Granted unanimously.

11. Application of Hubbard Foods, Inc., 1132 Scottsville Road, Rochester, N. Y. for approval of free-standing sign, approximately 4' x 6', internally illuminated, on property at 1132 Scottsville Road, advertising Hub House Restaurant. B Zone.

Mr. Thomas Jay Solomon, attorney, appeared. Stated only a year ago was here for first time. Restaurant now open for business, open until 12. Tonight here for sign. Submitted to County. Show what going to look like. Identical to one currently on building at Winton Road. Same dimensions. Mr. Aureli asked wasn't going to be open all night at one time? Mr. Solomon stated still experimenting with hours. 800 MAHO lighting. Mr. Aureli asked free-standing? Mr. Solomon stated not mounted on building. Will not rotate, internally illuminated. 10 ft. back from property line. Mr. Lighthouse asked how high? Mr. Solomon stated only thing concerned about high enough so can see it. Indicated 16 ft. from the crown of the road and that is agreeable to us. Mr. Hunter asked what hours would it be lighted? Mr. Solomon stated talking about dusk until closing, midnight, 7 days a week. Have submitted to the County.

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

DECISION: Reserved pending receipt of comments from Monroe County Planning Dept.

12. Application of Laycult Construction Inc., 1669 Penfield Road, Rochester, N. Y. for approval of renewal of variance for two signs advertising subdivision located at south end of Lexington Parkway and Daunton Drive. E Zone.

DECISION: No one appeared. Denied.

13. Application of William Wright, 250 Denise Road, Rochester, N. Y. for approval of variance to erect building to be used for restaurant and other stores on property located at 3260 Chili Avenue. E Zone.

DECISION: Withdrawn by Mr. Wright on June 21, 1973.

Zoning Board of Appeals

June 26, 1973

Informal Hearings:

Wichita Constructors, Mr. Weaver, appeared with request to change one letter in sign on front of building, letter "s" to circle with word "City" in its place. Unanimously approved by Board. Agreed to meet in parking lot of shopping center on July 24 at 7:30 re: entrance-exit signs.

Mr. Brownlow appeared re: Minuteman sign on Seaway station on corner of Old Chili-Scottsville Road and Chili Avenue. Sign to be different in appearance than one originally approved by Board. Taking two existing signs down and replacing with one. Board unanimously approved new sign.

KATHLEEN LUEDKE
Secretary

ZONING BOARD OF APPEALS
July 24, 1973

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 July 24, 1973. The meeting was called to order by the Chairman, Mr. Hunter, at 8:00 P.M.

Present: Robert Hunter, Chairman
Richard Harrington
Gertrude Tanger
John Lighthouse
John Palermo
Richard Aureli

Absent: Janice Chapman

Also Present: Patrick Pietropaoli, Town Attorney
Alfred Heilman, Deputy Town Attorney
William Davis, Superintendent of Building
James Mannara, Lozier Consulting Engineer

Mr. Heilman stated the one application before the Zoning Board tonight was duly published in a paper of general circulation in the Town of Chili and affidavits are on file with the Town Clerk's office.

1. Application of Richard Kowalski, 27 Loring Place, Rochester, N. Y. 14624, for approval of variance to build attached garage on east side of residence, approximately 8 ft. from east lot line of property located at 27 Loring Place. D Zone.

Mrs. Kowalski appeared, presented tape map and plan. Mr. Hunter stated this is 80 ft. lot and see talking about roughly 30 ft. between your home and east lot line. Proposing to put in garage which is 22 ft. wide by 24 ft. long attached to the home and would like to have 8 ft. from the garage to your east side lot line. Showing distance between home next door to the east from its west side to that lot line as 13'7". Total distance 21' 7" if this were to be allowed. Would you mind telling Board reasons for application?

Mrs. Kowalski stated need extra storage space because got other people living with us and no storage space. Mr. Hunter asked 22 ft. roughly car and a half garage? Mr. Davis stated two car. Mr. Hunter asked is that what you are thinking of? Mrs. Kowalski stated yes.

Mrs. Tanger asked how many cars? Mrs. Kowalski stated one car. Mrs. Tanger asked people that live with you don't have one? Mrs. Kowalski stated no. Mr. Aureli asked what is on east side, bedrooms? Mrs. Kowalski stated living room. We did downstairs into bedrooms for brothers. Doesn't have storage space. Mr. Aureli asked what would face your garage as far as neighbors house? Mrs. Kowalski stated bedrooms. Mr. Aureli asked wouldn't be their garage? Mr. Palermo asked do they have garage? If they do, where would it be? Mrs. Kowalski stated opposite side from our house. Mr. Palermo asked raised ranch? Mrs. Kowalski stated yes.

Mr. Mannara asked going to have two doors or one door garage? Mrs. Kowalski stated two 8 ft. doors. Mr. Mannara stated only 10 ft. for one car, more than ample, if use 10 ft. sufficient. Mrs. Kowalski stated two snowmobiles, doesn't have basement and crawl space, thinks at peak is 5 ft. Cannot store up there.

Mr. Hunter asked have you talked to people next door? Mrs. Kowalski stated yes. Mr. Hunter asked they don't see anything wrong with it? Mrs. Kowalski stated no.

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

DECISION: Granted unanimously.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

DATE 7/17/73

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

GATES-CHILI NEWS

Issue Dated July 18, 1973

Robert F. Werner

Notary:

ROBERT F. WERNER, Notary Public
State of New York, Seneca County
Commission Expires March 25, 1975

Samuel J. Smith

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 in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on July 24, 1978 to consider the following application:

Application of Richard Kowalski, 27 Loring Place, Rochester, N.Y. 14624, for approval of variance to build attached garage on east side of residence, approximately 8 ft. from east lot line of property located at 27 Loring Place, D Zone.

All interested parties are hereby requested to be in attendance. By order of the Chairman of the Zoning Board of Appeals.

LURAINA E. ROBBINS
Town Clerk
Chili, New York

Mr. & Mrs. Howard Nelson, 8 Alfred Avenue, appeared and stated bedrooms abut parking lot of proposed Circus Bar. House about 20 ft. from property line, end of house about 6 ft. from property line. Parking lot back of house. Thinks location for the building would be bad. Mr. Hunter advised property presently zoned commercial and these people have right to use for commercial purpose. Bought with that intention in mind. Only reason in front of this Board to get variance as far as lot line setback is concerned. Even if Board denies application people can go to court and say because zoned commercial, proper purpose and have to be granted permission to use.

Held over from February 27, 1973 meeting:

Application of Wichita Constructors, Inc., 313 S. Market, Wichita, Kansas, for approval of 3 entrance and 3 exit signs approximately 1' x 4' and 4' high at 3240 Chili Avenue, Chili-Paul Shopping Center, per sketch submitted. B Zone.

DECISION: Granted unanimously as per plans submitted for a 5 year term. Height of signs to be at discretion of Superintendent of Building.

Held over from June 26, 1973 meeting:

Application of Hubbard Foods, Inc., 1132 Scottsville Road, Rochester, New York, for approval of free-standing pole sign, approx. 4' x 6', internally illuminated, on property at 1132 Scottsville Road, to advertise Hub House Restaurant. B Zone.

DECISION: Granted unanimously for 5 years per plans submitted. Height of sign not to exceed 16 ft. measured from crown of road.

Held over from February 27, 1973 meeting:

Application of Dario Marchioni, 23 Twin Oaks Drive, Rochester, New York 14606, for approval of variance to erect building 50 feet from Scottsville Road, front setback, 6 feet from south lot line, on commercial corner, located at SW corner of Scottsville Road and Harold Avenue. B Zone.

DECISION: Granted unanimously with the following reasons and stipulations:

1. Unusually small piece of commercial property. In view of fact that used as office by applicant and with the setbacks proposed in the plan, board feels this is a reasonable use of the property.
2. Granted subject to obtaining architectural and site plan approval by Planning Board prior to issuance of building permit.
3. Applicant shall enter into a covenant with the Town of Chili that said property will be used for office purposes solely and said covenant to be filed in the Monroe County Clerk's office.
4. Subject to stipulations set by Monroe County Planning Department re: elevation of building and the knowledge of the applicant that there are future plans for redevelopment of Scottsville Road involving widening of the road.

Zoning Board of Appeals

July 24, 1973

Held over from May 22, 1973 meeting:

Application of Joby Enterprises, Ltd., 34 Whitecliff Drive, Pittsford, New York 14534, for approval of erecting a building approximately 80 ft. square on Lot R-6 at corner of Scottsville Road and Alfred Avenue. B Zone.

DECISION: Denied unanimously.

1. A building the size requested in the application and the purposes indicated to the Board requires substantial parking facilities for anticipated patrons to the building in this generally residential area, and is not a reasonable use of said land. The Board is not unaware of the present commercial zoning of said parcel of land. However, it feels that it would violate the rights of the numerous present land-holders who reside in this area to permit this structure and certainly to permit any structure so close to the property lines of the present homeowners that this property abuts.
2. There has been no testimony that the petitioner could not use this property for commercial purposes without the variance requested other than the specific project proposed for this parcel of land. There has been no showing of any hardship to use this property for other commercial purposes which would prohibit the land from returning a reasonable value to its present owners.
3. The Board further disagrees with the recommendations of the County and feels that the plan proposing one entrance and exit certainly would not accommodate the anticipated traffic along the presently existing roadways.
4. The Board has been informed by the Monroe County Planning Department that the State has plans to widen Scottsville Road which would necessitate taking part of this property presently proposed on the plans for parking. This road improvement would eliminate proposed parking which in itself is questionable as being adequate.
5. Finally, the Board is also cognizant of the fact that over 250 residents of the immediate area appeared and submitted petitions against this application primarily because of the near proximity of the parking facilities to their homes, their concern for increased vehicular traffic in the area and a general down-grading of the value of their property.

KATHLEEN LUEDKE
Secretary

ZONING BOARD OF APPEALS
August 28, 1973

A meeting was held by the Zoning Board of Appeals of the Town of Chili in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on August 28, 1973. The meeting was called to order at 8:00 P.M. by the Chairman, Mr. Hunter.

Present: Robert Hunter, Chairman
Janice Chapman
John Lighthouse
John Palermo
Richard Aureli

Absent: Richard Harrington
Gertrude Tanger

Also Present: Patrick Pietropaoli, Town Attorney
Alfred Heilman, Deputy Town Attorney
William Davis, Superintendent of Building

Mr. Heilman stated applications that appear before the Board tonight have been published in the paper of general circulation in the Town and affidavits to that effect are on file with the Town Clerk. Seven applications listed in that notice.

1. Application of Richard Prescott, 13 Baymon Drive, Rochester, New York for approval of operating wholesale automobile business at 13 Baymon Drive, (office only) and approval of a correct sign display 12" x 24" attached to house. E Zone.

Mr. Prescott appeared. Mr. Hunter asked briefly describe to board what operation would be about? Mr. Prescott stated buying and selling of automobiles on wholesale basis. In order to do this have to have New York State license. Requirements that I have an office, that State Inspector can inspect. Other requirement that I have sign on the house. This is what it entails.

Mr. Hunter asked in terms of someone living in neighborhood in area, what would they notice about your home if this were to be permitted. What would be evident to people in the neighborhood other than sign itself as far as operation of business. Mr. Prescott stated nothing. Mr. Hunter asked no people coming to see you that would require extra cars or other visible evidence of a business. Mr. Prescott stated no. Mrs. Chapman asked take it would have cars somewhere else, anyone visiting would visit there. Mr. Prescott stated would not sell retail, strictly wholesale. Display none or advertise none.

Mr. Hunter asked would you describe sign? Mr. Prescott stated 24" x 8", Prescott Motors, Inc., painted on 1/4" plastic, white background with black letters, unlighted.

Mr. Palermo asked no vehicles other than your own on premises? Mr. Prescott stated wouldn't say wouldn't buy car some night and drive home. Could buy from dealer and drive home, would have dealer plates on it. Two cars I won would be registered to Prescott Motors, Inc. Mr. Palermo asked at any one time how many other cars would have on premises? Mr. Prescott stated would store no cars on premises, only if drive home, might be there overnight. No storage of vehicles. Mr. Pietropaoli asked store someplace else? Mr. Prescott stated I will. Mr. Pietropaoli asked have place now? Mr. Prescott stated no sense buying place until have license. Mr. Pietropaoli asked have place lined up? Mr. Prescott stated yes sir.

Mr. Hunter asked how long is license issued? Mr. Prescott stated renewed annually. Mr. Aureli asked full time job with you or part-time? Mr. Prescott stated part-time. Mr. Aureli asked junkers? Mr. Prescott stated just cars that run, no junk.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

DATE Aug 22, 1973

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

GATES-CHILI NEWS

Issue Dated... August 22, 1973.....

Robert F. Werner

Notary

ROBERT F. WERNER, Notary Public

State of New York, Monroe County

Commission Expires March 30, 1975

Samuel J. Smith

SAMUEL J. SMITH

Publisher

12, 1973

LEGAL NOTICE

ZONING BOARD OF APPEALS Legal Notice - Aug. 28, 1973

A meeting will be held by the Zoning Board of Appeals of the Town of Chili in the Chili Administration Offices, 3235 Chili Avenue, Rochester, N.Y. 14624 on August 28, 1973 at 8:00 P.M. to hear the following applications:

1. Application of Richard Prescott, 13 Baymon Drive, Rochester N.Y. for approval of operating wholesale automobile business at 13 Baymon Dr. (Office only) and approval of a correct sign display 12" x 24" attached to house. E Zone.
2. Application of William Wood, 23 Charles Avenue, Rochester, N.Y. for approval to erect 6' x 8' utility building on property at 23 Charles Avenue, one foot to rear lot line. D Zone.
3. Application of Donald Bond, 29 Lexington Parkway, Rochester, N.Y. for approval of variance to house racing pigeons for personal use as hobby on residential premises at 29 Lexington Parkway. E Zone.
4. Bianchi Asphalt Paving Co., 201 Angelus Drive, Rochester, N.Y. for approval of variance to build house on undersized lot with front setback of 40 ft., 7 ft. side setbacks located

on Lot 3, Block O, Charles Avenue. D Zone.

5. Application of Scott Richards, 12 Charles Avenue, Rochester, N.Y. for approval of variance to build addition to front of residence, 4' x 8', to house foyer and closet on property located Lot 27 Block G, Charles Avenue, 12 Charles Avenue, also known as 20 Charles Avenue. D Zone.

6. Application of William Farrow, 3704 Chili Avenue, Rochester, N.Y. for approval of variance to erect a home on property at 3687 Chili Avenue to include professional office for personal use. E Zone.

7. Application of Joseph Entress, 149 Cherry Road, Rochester, N.Y. for approval of temporary sign approximately 35 square feet in size on the land owned by Joseph Entress to be known as Marland's Park, south of Westside Drive, east of Chili-Coldwater Road, advertising home development. D Zone.

All interested parties are hereby 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.

August 28, 1973

Mr. Heilman asked say have place lined up to transact business, why couldn't you use that as office? Mr. Prescott stated have to have office where someone is available that State Inspector can come and check books and registrations. Being part-time, wouldn't be at place where working on cars. States has to be someone on premises with knowledge of books. Wife home and could handle. Mr. Pietropaoli asked wife officer of corporation. Mr. Prescott stated she will be, yes. Mr. Hunter asked if anyone wished to speak in favor of the application and no one appeared. Asked if anyone wished to speak in opposition.

Mr. Harold J. Logan, II Baymon Drive, appeared. Stated neighbor of Prescotts, lives next door and would like to know what restrictions there are to this permit that he is being given. Limit to number of cars or just what is the deal. Mr. Hunter stated up to the board to make restrictions if sees fit to approve application. Length of time also subject to whatever board feels reasonable. At this point cannot say. Mr. Logan stated no objection, live as close as could be. Wants to know how many cars limited to and what other traffic would be involved, added to the street as such. Mr. Hunter stated Mr. Prescott stated those answers to your questions.

DECISION: Granted for one year period with the following stipulations:

1. No storage of cars on the premises.
 2. No cars displayed for sale on premises.
2. Application of William Wood, 23 Charles Avenue, Rochester, New York for one approval to erect 6' x 8' utility building on property at 23 Charles Avenue, one foot to rear lot line. D Zone.

Mr. Wood appeared. Mr. Hunter stated has sketch which was submitted which shows location of proposed utility building. Mr. Wood stated yes. Mr. Hunter asked on Charles Avenue so essentially have double lot, 100 feet total in width? Mr. Wood stated right. Mr. Hunter asked one foot to the rear lot line, can you give comments as to why would like to locate in that spot? Mr. Wood stated if puts to the rear of the house only has approximately 30 feet between house and rear lot line and would be pretty close to middle of lot. Wanted to put near rear lot line to have out of the way. Mr. Pietropaoli asked is it movable? Mr. Wood stated no, fastened to cement slab. Wood construction in form of little red barn. Mr. Aureli asked strictly for storage? Mr. Wood stated garden tools, lawn mower, etc.

Mrs. Chapman asked what is behind you to the rear? Mr. Wood stated another residence and chain link fence. Mr. Palermo asked how close to chain link fence? Mr. Wood stated laid out and approximately 27" from lot line. Mr. Palermo asked are they back from lot line as much as you are? Mr. Wood stated at least 30, probably 35 - 40. Mr. Hunter asked talked to gentleman who owns property behind you? Mr. Wood stated woman owns and hasn't spoken to her. Mr. Hunter stated notices has picture, approximately how high? Mr. Wood stated 8 feet at the peak.

Mr. Hunter asked if anyone wished to speak in favor of this application. Mr. Scott Richards, 12 Charles Avenue, appeared. Stated in favor of it. Lives near Mr. Wood and knows lot situation. To the right is pump station and no house and house to the rear has row of trees 9 feet high and doesn't believe neighbors will be able to see it. Has family and with set in rear has nice play area for the kids which is not easy to find in that neighborhood.

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

DECISION: Granted unanimously.

3. Application of Donald Bond, 29 Lexington Parkway, Rochester, New York for approval of variance to house racing pigeons for personal use as hobby on residential premises at 29 Lexington Parkway. E Zone.

Mr. Bond appeared. Stated speaking more or less on behalf of son, Gary, 15 years old. He is pigeon raiser. Recently relocated here from New Jersey. At time relocating engaged realtor and explained to him that this was boy's hobby and wanted to go into area where birds would be allowed and he would be able to raise. Involved for two years. Greatly interested in him keeping birds because always has something to work with. Contrary to what everybody thinks when hears pigeon, something that sits on church steeples and does dirty mess. Racing pigeon not that type bird. Highly trained, controlled breeding and this is what he is involved with. Does mostly on his own. Raises money to buy pigeons. Raises money to buy feed, build roost. Would like to submit picture of the roost. Also has plot plan that shows where planned to locate loft. Prior to moving in and taking closing on the house, spoke to people that lived there and asked if objections to roost or pigeons. They said no. When moved in contacted immediate neighbors who only knew were commuting in on weekends to negotiate for home. After arrived at home and in midst of two trailer loads of belongings and everything had knock on the door from Mr. Davis saying had complaint that our pigeons were flying into someone's pool. Amazed because ours were still in pens. Pigeons transported from New Jersey by special pet travel service. Loft disassembled and stuck in yard until boy could assemble. Told Mr. Davis not our pigeon and would not be because racing pigeons controlled in flying habits. Not left to fly free. Early in morning and late in evening. Highly trained to point will not ever land on roof or on loft. Trained to land on board in front approximately 30" x 8". Boy works with the birds and trains them. Quite concerned because doesn't know which way to go. Moved into house, didn't know where to go with pigeons. Didn't want to tell could not have pigeons. Contacted Mr. Powers and suggested submit to Zoning Board to find out what is involved. Realized Mr. Mooney had come down to Town Hall to see if ordinance against pigeons and at the time were relocating, originally made condition of relocating that boy be allowed to bring birds. Not transfer, relocated because spending more time commuting into metropolitan area. In New Jersey lived in highly residential area. Had very fine home. Had pigeons, never had complaint, immediate neighbors as involved as the boy was in watching them work.

Mr. Bond continued, contrary to what might hear, had pigeons two years. Controls 30 pigeons. In two years has bred 12 pigeons. They are now included in 30 pigeons. Controls breeding, not cycle to just let breed, breed, breed. They are controlled. Contrary to what might hear, free of disease, only time ever had bird that got sick, so concerned had to take to the vet. Pathology lab at Rutgers University, involved in research with diseases or new medicines between Department of Agriculture and Rutgers on anti-biotics and prescribed medicines. Received call at Department of Agriculture to treat and keep records on birds and let know results of medicine because having problem with farmers giving similar medicine to chickens and putting on market, done for life-span of medicine. Racing pigeons bred to fly in race. Four clubs in Rochester area. Please when realtor sent newsclipping out of this week magazine stating how active it was in this area. Came up and looked in our bird books and clubs in the Rochester area and contacted them so that we were quite set back that boy not able to get started right away with his birds. Been in Rochester since July 25th. To this date not one of the pigeons has been left out to fly. Of the 30 pigeons only 10 could even be taught to fly, rest would fly back to New Jersey, homed into New Jersey. Kept these confined to see which way could go with the birds. Other thing had with the birds, concerned with the boy basically because since has had birds with him, no problems, know boy has gone through no small bit. Always has time to work on these birds to train and biggest concern would rather see in backyard with birds than sniffing glue or something like that. Would like boy to say a bit.

Gary Bond appeared. Stated this is picture of birds that I have. Every bird registered and some have pedigree papers. Had about two years and man gave me pair in New Jersey that were from Pennsylvania. Man gave pair of birds. Gave to me to develop training and care and setting schedule, like how to care for the birds. Few months later gave birds and told if wanted to race would have to buy more birds, clock and join a club. Did all this and breeding season came around. Amazed at what came out of it. Have controlled breeding and only breed 20 birds a year. This year season cut short because of move. Would have had more birds but stopped when moved. Had 20 young ones when moved, 10 died, couldn't adjust. Birds brought lot of happiness and met a lot of people, especially neighbors. Here is clock that I use. Costs about \$100.00. Made in Germany, precision clock. This is what use to clock birds on race. Take bird to club and clocks in and sets clock and closes with seal and every bird has special band on it. Put birds in truck and take to the destination, 100 - 600 miles. Let birds go and all fly back. When bird comes back to loft, walks into front. Take band off and drop into clock, turn crank and stamps the time of the bird's arrival. From this judge birds, first, second, and third. Down to science and enjoy it a lot.

Mr. Hunter asked wonder if could tell in terms of training what is involved in training birds. So far haven't had out since been here. When start training what will happen? Gary stated when old enough to walk from nest, set on board and know area. Fly from board, circles ready for training. Out one or two miles and build up gradually to 600 miles. Done on basis of starvation, starve for a day, throw food on floor and know it is there and that is what race back for. Mr. Hunter asked when flying around before try racing, what proximity? Gary stated 50 mile route. Just to exercise, none of the neighbors, not near the house, up in the air flying.

Mr. Palermo asked mentioned generally come in in morning or evening? Gary stated that is when let out. Maybe an hour and then come back themselves. Cannot get out unless I let them out. Mr. Hunter asked what hours? Gary stated 6:30 - 7:00 A.M. and just before dark, an hour or so. Mr. Hunter stated 6:30 or 7 in the morning and back by 8:00. Gary stated back within an hour, in and out twice a day. No noise that can be heard unless right next to them. Doesn't attract other birds, controlled breeding, all have papers where they came from; all highly bred birds.

Mr. Hunter asked how about during the day when in loft, any evidence in neighborhood, know they are there, hear them. Gary stated would have to walk over to see them. Mr. Palermo asked don't coo like normal pigeons? Gary stated no, couldn't hear unless inside coop. Mr. Aureli asked coop constructed to hold down noise? Gary stated materials used to absorb sound. Mr. Aureli asked let all pigeons go at once? Gary stated open door and they go out.

Mr. Heilman asked what do you do as far as cleanliness of loft and animals? Gary stated coop painted twice a year. Clean every day with soap and water and scrub down. Special paint used so no lice. Birds get bath, put pan of water and ivory soap. Mr. Hunter asked as far as noise doesn't make difference if day or night? Gary stated have papers and guy refused \$500.00 for father of a bird I have. Mr. Bond stated average bird about \$40.00. Mr. Heilman asked what is average life-span? Gary stated 10 years, some don't last that long because kill if land on roof.

Mr. Pietropaoli asked how many birds at one time? Gary stated at most 40, now 30 because 10 died. Mr. Pietropaoli asked never more than 40? Mr. Bond stated maximum of 20 allowed to fly. 20 breeders. No matter how long in loft, once flown race would never home in here again. Only ones could train here are ones that have never flown yet. These birds bred and turn-over with controlled breeding. Racer doesn't keep bird that is not going to produce. Cannot just sit and eat food all the time. Think birds going to roost on roofs. If racing pigeon

lands on roof, when he comes in disposed of. Cannot win a race with bird landing on roof. Fascinating thing to see when bird flies back from 100 miles, actually picks that little thing out of the sky and lands on it. When walk around, birds get to know surroundings. Fly the circle around the house and still land on that board. This is what takes time to train them.

Mr. Pietropaoli stated thinks that is what board would be concerned about, circle flying around house. Mr. Bond stated bird will fly route, starts small and keeps getting bigger. Mr. Pietropaoli asked how small is smallest route, in backyard? Mr. Bond stated route over immediate neighborhood, two or three houses on each side, young bird route. Mr. Pietropaoli asked actually in neighborhood? Mr. Bond stated right. Mr. Pietropaoli stated young bird ought to fly small route until expands to larger route. Mr. Bond stated when flies small route start training and don't let out. Racing season on young birds and doesn't start until August and race until October. When racing, give exercise once a day because race on weekend and would train during week. Might have one training flight. This is good part about it. Pigeon racing great father-son venture because when take birds down road 50 miles hard to get there and birds fly back so have good communications between father and son which I look forward to. Have gone looking at birds and have driven 150 miles one way one day to look at bird. Pigeon racing in New York and New Jersey surprisingly very big. Lived about 12 miles from Fort Monmouth signal corp headquarters and fanciers had to donate birds to Army down there. That is why accepted into the club down there. Average race down there, here about 600 birds where there 4,000 in a race. Had to get good birds to compete. That is why got involved.

Mr. Hunter asked any odor anyone would notice? Mr. Bond stated no, pigeon has more or less business of molting and flaps wings and in loft and this is why cleans coop with passion. When found out moving, prior to moving painted green, decided to move and saw gray house and switched to gray to conform to house. Prior to taking apart and then took apart. Made loft himself. Even out and made money to buy plywood and found out cost and bought materials. Inside nest boxes and little fence on top to keep birds from landing on roof. Took birds loft down in basement and painted. Acquired craftsmanship, been very beneficial. Mr. Palermo asked what is over-all size? Mr. Bond stated 6' x 8' and 7 1/2' tall. Mr. Hunter asked does that include foundation? Mr. Bond stated normally sunk in ground. Put up temporarily where I work so birds, in one half to get exercise. Had in small cages and lost some birds because confined for so long, instinct affected and could hardly stand up. Took loft over to where I work. Normally one course of block down as footer. Bought blocks and everything and ready to put up so took over there. Normally one cinder block off the ground for foundation so nothing under it. Failed to bring out that birds get daily vitamins and anti-biotics in water and kept free from disease. Has books where studies basic diseases that pigeons can contract and has medicines that keeps in water and foods, vitamins, cod liver oil, etc.

Mr. Hunter asked in relationship to fence, 6 feet high, how much above top of fence? Mr. Bond stated little picket fence, basically 4' x 8' sheets of plywood cut down. Mr. Hunter stated 8 feet plus picket height, 18", and another 8 inches for block. Talking about 10 feet, about 4 feet above top of fence. Mr. Bond stated might not be that high, thinks can pretty well touch top with hand. This is board on loft, ventilated through floor, sun lights across the front. Door on side that opens, another door with separate screen on it. Mrs. Chapman asked fence shown in diagram already there? Mr. Bond stated saw fence on sight. Mr. Lighthouse asked fence there when bought property? Mr. Bond stated yes.

Mr. Hunter asked picture taken at previous home? Mr. Bond stated taken where it is today. That is why said normally course of brick in the ground. Mr. Aureli asked locate in different spot, or reason for putting back here? Mr. Bond stated picking the alcove of fence so would be out of sight. Could set anywhere. There is fascination for this with smaller children. Have three others. They come around and like to see pigeons and special pigeons that are used to train to fly high and some to bring birds down. Ones used to bring birds down not highly bred, let out when children want to see bird fly, goes up and right back. Had no problem with neighbors where we were and lived in New Jersey. Also had large in-ground pool and in two years had birds, never had bird over swimming pool. Get controlled bath in loft and look forward to it. Take bath and takes water out and clean.

Mr. Aureli asked what about winter time? Mr. Bond stated close front up and normally one night flight. Stay in loft. Have to protect water, has to be changed so won't freeze.

Mr. Hunter stated doesn't know how much audience able to hear. Would suggest before we ask for those who might be in favor or opposition if there is any information you would like, will try to get for you.

Mr. Stoessel, 118 Knights Trail, asked other pigeon fanciers in Rochester area, said four clubs. Generally where are they located, members and their clubs? Mr. Bond stated gentleman here from Racing Pigeon Union would be glad - knows more of the area.

Mr. Laurimore McConnell, Director, American Regional Racing Pigeon Union, appeared. Stated member about 30 years. Lives in Pittsford. Two members in Pittsford. Approximately 50 members in the surrounding area. Webster, Chili, Pittsford, all of the suburbs and the city. Live in residential area, subdivisions and raise pigeons there. I have raised in Pittsford in three locations for 30 years of flying. American Racing Pigeon Union has in excess of 10 - 12,000 members. One of the three national organizations. Has members in every state. Bonds were formerly with the International Federation. Doesn't think in his experience there has been good reason for any complaints regarding homing pigeons. Have been good reasons for complaints about some pigeon keepers. Try to make this differentiation because called pigeon keepers, someone who maybe likes pigeons and keeps at house and lets roam free. Does not approve of this and would support controlling them by some means. Homing pigeon fancier cannot let pigeons do this or would never win a race. Pigeon cannot stay outside loft when returning from race for more than... Comes out of sky, hits platform and better jump through the trap or will beat if they don't. Doesn't know if many know, as baseball is one national sport in this country, pigeons is national sport in Belgium. Almost every house has loft in backyard. Depend on races for some income. Part of their income and if doesn't have couldn't live. Most of the ordinances in this country based on poultry, pigeons not poultry. Number of studies and opinions on this but if ever watch pigeon drinking and chicken drinking, chicken dips head in and holds head up and water runs down through. Pigeon sucks up like horse. Other distinguishing features. It is a bird, not poultry. Many tests of this. In before such boards as yours and this has been attested to by veterinarians and other people. Has with him also study put out by American Racing Pigeons Union members volunteered for clinical study that was put out by one of the universities, four doctors, not sponsored by university. They were studying the possibility pigeons carrying diseases. Could pass around but briefly says could find no correlation between pigeon racing and fanciers and any communicable diseases. Any living thing is a carrier of disease. People carry as much as anyone else. Would like to pass around - only copy I have. Doesn't know whether get up at 6 or 6:30, if looked in sky would see flocks of 20 - 200 pigeons flying west. They are wild pigeons. Coming out to the country to feed in wheat fields, etc. Would like to say homing pigeon fancier only natural enemy these birds have. Fellows in city that raise pigeons have probably done more to depopulate wild pigeon populations than any other single means. Called upon to help

rid churches and other buildings of wild pigeons and take two or three bags full out and kill them. Wild pigeon that hangs around houses and parks more our enemy than yours. Bad public relations. Would just as soon do away with them. Another thing may notice that might see someone alongside road liberating pigeons. Get up at 3:00 and out to LeRoy 3, 4 times a week and let out. Go back home and feed and go on to work by 8:00. Get up about 4:40 to catch me. In answer to questions, might find in any neighborhood. Would welcome any member of board or homeowners association to view my pigeons and talk to my neighbors and neighbors I lived next to two years ago. Pigeons have not caused any discomfort. Don't land on houses. Recently built new loft bigger than past lofts. Over the top of my garage. Do land on my house because garage attached but only on my house and only out in morning when let out for exercise and come in to be fed. Has trapping arrangement where pigeon can enter loft after exercising but cannot get back out until ready to let out. Would be happy to answer any questions might have. Has lots of information on pigeons, good, wholesome sport. Would like more boys interested. Have programs that we endorse in 4H and in Boy Scouts, American Racing Pigeon Union endorses and partially finances some of these projects.

Mr. Stoessel stated would like to repeat question, should be board's business to find out proportion of bird fanciers situated in rural areas versus suburban areas. Mr. McConnell asked what do you call rural area? Mr. Stoessel stated certainly not where we are located. Say south of Black Creek would be more or less rural. Mr. McConnell asked Pittsford rural? I am in Knickerbocker Hill. Mr. Stoessel stated satisfied in sense that he has tried to answer questions. Board should inquire as to situation of local club in Rochester area, number of members located in rural areas versus suburban areas. Mr. Hunter asked can you give estimate? Mr. McConnell stated out of 50 members would say one in Ontario although would consider rural area in nature over subdivision out there, two in Webster, one could be located on what could be called farmland, another in Village of Webster. West side of the city not familiar with specific locations. One in Penfield lives in subdivision. Have none really located in rural or farm type location. Except have one possibly in Webster area.

Mr. Andrew Pharmakis, 26 Canon Hill, stated talked about clinical study showing homing pigeons relatively free of disease. Not bothered with bird lice? Mr. McConnell stated any bird or animal and people too could be infected with lice. Have to be fairly strict with the cleanliness of loft and pigeons. Would be glad to have you look at mine. Better not find lice. Bird needs every feather to get home and would not allow any lice in my loft. Puts up pest strips, wouldn't even allow flies or mosquitoes. Roost painted type used on perches gets rid of all lice and vermin. Mr. Pharmakis asked any local health certificate on the birds? Mr. McConnell stated never had roost inspected, would be glad to have. Mr. Pharmakis asked birds bothered by nocturnal animals and dogs and cats? Mr. McConnell stated would imagine would try to get to them but keep loft in such a manner that nothing would get in them. Along residential roads have those in neighborhood with pigeons or other animals. Probably would but doesn't think would bother them because raised for 30 years and never had any trouble with skunks or anything in my yard. Mr. Pharmakis asked do they have to come back within an hour? Mr. McConnell stated not limited to an hour, hour a maximum more than anything else because wouldn't get anything to eat until come back. Pretty regulated and demand food right on button. Creatures of habit like anything else. Try to let out at specific time and fly for same time every day. Come down in different flocks, some may fly half hour, some an hour or 45 minutes. Take tight turns around house when getting up in air and when coming down. Mr. Pharmakis asked way to get back in keep hungry and let fly until tires, goes right into roost? Mr. McConnell stated yes.

Mr. Cain, 24 Canon Hill, stated Mr. Pharmakis and two or three closest neighbors and stated talked to neighbors, never spoke to us. Everybody I spoke to not in favor of it. As far as real estate agent saying what you can do. Has nothing to do with where we live. Probably lives in Syracuse. Start this, setting precedent. Fixing lawnmowers, selling cats. Already have one fellow with 100 foot tower for TV. Already beginning to look like union city. This sets precedent. Doesn't want to knock kid but if everybody had animal as hobby, would have zoo. As far as delinquency, that is up to something else.

Mr. Hunter stated wanted to be sure got out all questions with regards to application. Get questions first and then get on record anybody for or opposed. Mr. Cain stated doesn't have question, has answer against it.

Mr. Stagliano, 55 Lexington, asked how many birds do you have? Mr. McConnell stated doesn't actually take count but believes in neighborhood of 120. Mr. Stagliano asked necessary to have that many birds? Mr. McConnell stated no, not out at the same time. Loft divided, one section has 30, next 20, may not be full at any one time. Wouldn't let all out at same time. Mr. Stagliano asked no chance of them escaping? Mr. McConnell stated no.

Woman in audience stated lives next to empty field where there are field mice. Would food attract mice because uncle lived in one raising pigeons and had rat poison and mice poison around barn. Mr. McConnell stated doesn't know what receptacles have for food. I use metal bin. Mice or rats could stand outside and starve to death. Food in loft because have to be hungry, feeding less than they would like so clean up completely. Food doesn't stay in loft. Must keep hungry. Means of control. Woman in audience stated he wouldn't draw vermin or field mice in Knickerbocker Hill. East side of Lexington Avenue edge of field. Some nights cannot put dog out because skunk in area. Do draw a lot in area.

Mr. Bond stated food kept in container approximately four feet off the ground. Never had problem. Doesn't know whether because of dachshund. That is why loft raised off ground and dog is under there and sniffing everything.

Mr. Hunter stated thinks ready to get those in favor. Mr. Regis Mooney appeared. Stated realtor that introduced this family that came from New Jersey. Mr. Bond employed as engineer by Ertle Perforating Co. on Pixley. Ertle has personal friend, Quigley, noted Pittsford broker. Arrangement was that Quigley shows Bond Family in Pittsford, Perinton, Penfield area on given Saturday and if didn't find something to their liking that I would have opportunity to meet and show houses in Gates and Chili. This all being Memorial Day weekend. One of the requirements along with price, condition, location, number of rooms, and wants to stress, was informed that he would not purchase house anywhere if the pigeons were not permitted by zoning or law. First comment was to my wife, next time take kids to library will you do research on pigeons? Brought two books and read all there was in the books. Prior to that knowledge was that sat on statues and short digestive tract. Would remember and recall that at Fort Monmouth with sophisticated technology, signal corps still raises and training racing pigeons today. Read story of so-called American lost battalion, completely surrounded by German enemy occupied territory, and bombarded by American artillery until homing pigeon brought out message. French government gave croix de guerre to pigeon wounded and had leg shot off. In World War II, 17,000 pigeons dropped into enemy occupied territory. Those who worked in underground sent messages out. In Netherlands, standing order that if Nazis caught anybody with pigeon, kill on the spot. Every Royal Air Force plane carried a pigeon in case shot down or radio equipment became inoperative. This is this boy's hobby. How did Gary get into it? Two years ago working on merit badge for Eagle Scout, got into pigeon racing. Read Chili ordinance book. No reference to anything or any zoning restrictions. Will stand corrected as of yesterday.

Understanding that refers to poultry, parrakeets and parrots. On that weekend, Town Hall closed, called Bill Kelly. Tried an attorney. Who can I talk to about pigeons? Holiday weekend, but should talk to Davis. Enjoying holiday himself. Informed former owner of house intention and what wanted to do. Felt no restrictions or neighbors that would be disturbed. Based on that submitted offer and bought home. Lived there since July 25. If thinks referring, don't live close by or unconcerned or commission earned, would assure board, done gentlemanly and honestly. Concerned for the boy.

Mr. Todia, 22 Lexington, stated not being too far removed from this young man's age, things that with Alleghany's 111 and DC-9's, knowledgeable as work at airport. 75% of the neighborhood dogs run unleashed in the area causing havoc and barking and noise and messing up yards. My dog leashed but got away three times. Feels absurd that the little individual kingdoms that short sighted neighbors would take young man's hobby away from him. Typical of American prejudice written about for ten years.

Mr. Bruce Romill, stated live next to Todia, city-corner from boy's house. Back on open areas discussed. Have mice, moles, pheasants, skunks and everything now. Without birds. Thinks point brought up about mice as point against doesn't hold water. Have now and doesn't have anything to bring in there. Would like to go 100% with what John said. Researched the thing before, looked at loft and as far as I am concerned, good hobby and won't cause detriment to life or living in neighborhood.

Mr. Page, 27 Lexington, stated right next door to Bonds. Seems a little ridiculous here discussing boy's hobby when should be talking about sidewalk or street lights or backing up leash ordinance. Spends time scraping stuff off kids shoes and not coming from birds. 100% in favor of Gary. Having pigeons next door to me and doesn't think neighbor closer to them or closer neighbor than I am. Wants to go on record ridiculous have to go and spend this time on something like this. Thinks should have them and be able to take care of them.

Mr. Bill Kauffman, Braddock Heights, Greece, Secretary-Treasurer of Rochester Westside Racing Pigeon Club. Stated passed book up there containing letters from President Eisenhower, Chief Signal Officer, United States Army, Secretary United States Senate. Various ordinances, etc. Descriptions of laws. Wishes to leave with the Board and let them pursue it and would like it returned when finished. Aside from that, lakeshore in trouble this spring. Undoubtedly will be again next spring. Flooding, etc. Used to have problem with neighbor. Thought pigeons dirty. Explained and has come to enjoy birds now. No complaints whatsoever. Braddock Heights closeknit community. Lots only 40 x 80 and 200 residents down there. Again, getting back to flooding, had birds ready to go. Police could not get to the flooded areas because lines out, sewers ready to collapse. Water lines breaking. People glad had pigeons because could send birds up city to get birds from other fanciers and carry messages out if necessary. Birds still used today in and out. VietNam, Korea. Used since Napoleon's time for this purpose. They will continue to be used. Supplied over 60,000 pigeons to the Army and maintain small lofts. Think what taxes would be each month if it was necessary for combat on 14 ounces feed fly 600 miles, 12-14 hours. This is amazing. People who don't know what they are or purpose, how to care for, etc., and kind of people that handle them. Amazing, isn't it? Would like to have you consider this along with your delinquency aspects, etc.

Mr. Jeffery Turner, stated has been flying pigeons for two years in West Irondequoit. Father flying as far back as can remember. This young man hasn't grown up with them. This is hard sport. Taken on himself. Didn't have father to help like I did. Flies pigeons, inspect my loft, talk to neighbors. No problem. Recently got permit. Someone mentioned dropping on sheet. Seagulls all over the place. How do they

know pigeon dropping? Didn't realize ordinance against pigeons. Came from East. Everybody has them. Fly pigeons, neighbors happy, no dogs that bark. Birds coo, loving coo if ask me. Only 35 feet away from my house and I cannot hear them at night. Sure hear dogs barking down street. Don't call and complain. If wants dogs, fine with me. Leave me alone with pigeons.

Mr. Pharmakis stated heard much about pigeons today and my property abuts rear of Bond property. In beginning had qualms about birds. Heard a lot of things and learned a lot. Thinks Bond responsible person. Thinks won't be nuisance. Going to house pigeons, take care, make sure not going to fly around, keep vermin and animals away. Let the boy have his pigeons. Thinks Bond realizes we can always come back in front of Board if does generate nuisance and take pigeons away.

Mr. George Stephenson, Union Street, stated although doesn't live in immediate area that gentlemen has pigeons in, from what heard doesn't indicate to me, these are feelings they have but nothing substantial here. Gentleman does have hobby and is apparently interested. Off the street unlike other children that perhaps should have hobby. If see lot of people got excited and upset about pigeons in neighborhood. Would like to say they are going to dump garbage in Black Creek Park for five years and didn't generate excitement in the neighborhood. Thinks harmless hobby like racing pigeons wonderful project for young man. Very much in favor of it.

Mrs. Bond appeared. Stated has three other children. Most of the time when children are out knows where they are. See what they do and not critical of things that happen. Gary being oldest boy has set precedent to other boy, 12. As no interest in birds at this time, takes too much time. No desire to babysit and earn money or ambition to cut grass. For two years this is how Gary has raised money. People supposedly neighbors and have maliciously set down not me but son by stating that he had 200 birds that he was breeding here. Do not have permit more than one coop in yard. Only houses 40 birds. Do not have disease as others said. Husband does not use as source of income which was told. Yesterday Gary toured neighborhood not with petitions but with pictures and pedigree papers, on Newport, and also from one block to Lexington to Chill and came upon two neighbors who told him things which had been said. This gave him incentive to go forth. Wanted no signatures as to who for him or against him. Concerned with what neighbors felt about birds. Came home with such mal-information that didn't think could be published in book. Because of this became very disturbed with what people today would say and as said if weren't for good of him and interest of others would not have them. Yesterday in touring neighborhood met two friends. Since yesterday those boys who are present here tonight in his behalf because of interest he aroused in them be showing what he had. Thinks unfair and unlawful to him as person, so much wrong information given to neighbors who did not even meet. People going up and down street constantly but don't stop to see where birds are. Day notice was in paper had two calls birds in air. Biggest concern where are the birds, what have you done with them. Had pool and could not tell difference from pigeon dropping from Starlings in neighborhood. Day Mr. Davis came to my house had complaint that pigeons dirtying pools. Sure much Starling dirt in pools before we came and still have now without pigeons being flown. Instead of turning nose down if they would look up and ask to see what he has, then thinks they may be sorry they have caused really dislike to the neighborhood because of one or two people but no time to enjoy it really. Hopes once settled by Board for better or worse will be able to be settled for better or worse ourselves.

Mr. Turner stated this boy cut grass and babysat. Can you imagine how many lawns and babysitting jobs necessary to buy clock for \$135.00?

Mr. Hunter asked if anyone wished to speak in opposition? Mr. McArthur appeared, stated member of Northeast Chili Neighborhood Association. Has petitions from residents. Petition doesn't discuss merits of situation or problems associated with housing racing pigeons. It reads: "We the undersigned residents of the Lexington Tract, hereby state that we object to a variance being granted to Donald Bond, 29 Lexington Parkway to allow the housing of racing pigeons on the residential premises at 29 Lexington Parkway." 63 signatures from residents of tract. Most people feel if variance granted it will weaken town code for our area and next thing somebody will want to breed cats or dogs or raise chickens for eggs, etc. Get general degradation of neighborhood. Feel that number of birds boy talking about excessive for personal hobby of this type in this district.

Mrs. Logel, 54 Lexington, stated not opposed to the boy, doesn't know him. Not opposed to the birds. Opposed to changing law in existence for reason. Wouldn't have had to apply for variance if could put up pigeon coop. Applying because against it. Mr. Hunter stated not variance in that sense, more or less special permit. Mrs. Logel stated contends it not something against it. Nothing say cannot put up dog house. Don't come and apply for one if want to build bigger one than house. Must be something that brought people to come for variance. Mr. Hunter asked, either of you gentlemen comment on the law? Mr. Pietropaoli stated reason why here tonight because this Board under present ordinances would like to have some control over operations of this nature if allowed in residential areas. Consequently, here to tell about what type of operation he has, how many birds controls and other stipulations. If board were to grant permit, up to number of conditions, would assume. If violate conditions, permit would be revoked and birds would be out of the area. That is why having type of hearing. Have another provision of our ordinances that covers dogs and if more than two dogs, have to get kennel license. If male and female and have puppies and want to keep extra ones, after six months have to have kennel license. Many people apply for it to keep one extra dog. Get people say going to put kennel, only one extra dog. Way law written. Board attaches certain stipulations. Reason why here and why law written that way, somebody has to have control over situation which is something out of the ordinances. This is board has control of it by issuance of special permits or variances. Made application. Stated limit of use for the purpose intended and sure if board were to grant special permit they would restrict him to that particular type of use with stipulations. If violate permit would be revoked. Mrs. Logel stated knew one on Dauntton, man applied to have male and female on his property, didn't need kennel. Mr. Pietropaoli stated didn't have to apply. Mrs. Logel stated was voted on because was going to sell. Had to be law or wouldn't be problem. Mr. Pietropaoli stated doing something different. Entering into business. Mrs. Logel stated must have been aware would be problem. If daughter said wanted to raise puppies, knew law existing somehow in order to be here tonight. Mr. Pietropaoli stated reason knew because someone complained and Mr. Davis went down and made inspection. Contacted me after Mr. Davis' inspection and suggested that in order for this boy to be operating in the right way, proper way, to come before this board and apply for permit or variance and that is what advised and that is why here tonight. If going to have pigeon coop on property, want legally and issue special permit or variance with stipulations so that if somebody complains Mr. Davis has something to fall back on. Mrs. Logel asked no law says cannot put up coop right now? Mr. Pietropaoli stated thinks there probably is. Mrs. Logel stated came based on the law, not to fight boy over hobby.

Mr. Hellman stated Section 19.44 of Zoning Code, question as to how would be interpreted and this was as of September 2, 1970. "No Mammals, Reptiles, or Poultry shall be housed or maintained on industrial, commercial or residential property (Zones "D", "E", "EE", "MR") unless the property qualifies as a Farm. The only exception shall be Dogs, household cats, (Felis Domestica), birds (All Parrot family birds provided they have been legally imported under United States Law),

Mynahs, Finches, and Canaries, all fish, turtles and amphibians. However, there is some serious question as to whether birds and context described not because they are poultry. Question of whether or not law applies. Only other question if going to put up coop, may have to have building permit because structure on the property, other than house. Mrs. Logel asked have to build so many feet from property, line? Mr. Heilman stated that is why have variances, man building shed wanted to put one foot to the lot line. Mrs. Logel stated didn't they say backing up to fence, right on property line. If do that variance for building. Mr. Heilman stated that is why have variances. Stated here to obtain variance for coop and board to determine whether or not birds are poultry or come under next part of the Section. If interprets word birds, birds includes approximately 2000 birds. Homing pigeons and fancy pigeons in category of birds. Questions of whether or not that section would be proper to exclude both, if general term includes over 2000 classes or whatever number there are. Mrs. Logel stated not just birds, all parrot family birds, pigeons don't come under those guidelines. Mr. Heilman stated come under category of birds... Mrs. Logel stated not just birds, allowing additional describing of birds. Mr. Heilman stated that is question, how interpret that question. Mrs. Logel stated two encyclopedias classify pigeons as poultry. Mr. Heilman stated general term described as animal with certain features. Mr. Pietropaoli stated thinks questions board will have to resolve after the hearing.

Mr. Stoessel, 118 Knights Trail, stated object to this because it will be setting precedent for other things of similar nature to come into the neighborhoods. Doesn't object to boy and hobby but talked with and listened to people, at least 50% of the people present for this thing really don't live in the immediate neighborhood. One has material interest in it. Just saying object to it on the basis of a precedent. Mr. Heilman stated somehow or other thinks that concept is improperly before the people. Fact that board acts on special permit request or variance or use doesn't set precedent. This board entitled to vary certain zoning requirements. Fact that permit somebody to do so in one area doesn't mean next person can say you let so and so do it, doesn't hold water with board or courts that interpret board's decision. From legal standpoint, cases that come from courts will never rely on fact that so and so permitted to do it. Only if whole neighborhood has so changed over period of 100 years or more, then they will use different approach. In all cases that deal with towns and suburban areas, not true. Mr. Stoessel stated really just back me down to object to having pigeons in neighborhood. Mr. Heilman stated what saying not proper in that board doesn't necessarily do the same thing next time. Mr. Stoessel stated probably will act on it.

Mrs. Logel asked when variance granted is it granted on the property or to the people? When they move does that variance stay on the property? Mr. Heilman stated this is special permit. Mr. Pietropaoli stated if granted issued specifically to these people and if move would automatically go out of existence and people they sell house to could not raise pigeons without re-applying to the board. Mr. Heilman stated board usually puts time limit on it so that applicant, depending on request, comes back in a year. Thinks longest granted is five years and at end of five years must come back before the board and if has not lived up to the terms, people can so state at that time. Mr. Stoessel asked what restricts would there be on the raising of these pigeons? Mr. Pietropaoli stated couldn't answer because haven't discussed completely. They vote up there, we don't vote. Just lawyers. Give advice. They would decide on restricts they would place. Example would be no more than 40 pigeons. Not saying these restricts going to be placed on them.

Mrs. Stoessel, stated thinks point missed, not against the boy or the hobby or the merit of racing pigeons or how good they did in the war. Concerned about neighborhood, birds flying over laundry and

flutter of wings. Maybe concerned for no reason but that is why here. Not to object to boy or hobby. I have boy who has great hobby, loves hockey. Not on the streets or sniffing glue either. But when affects whole neighborhood, this is what against. Just not sure would like it. Lovely home and yard, knew people who lived there. Sits on corner and in plain view. No trees hide coop. Drives past house twice a day and thinks will be monstrosity on top of fence. Opposed to the possibility.

Mrs. Lundy, 52 Lexington, stated opposed.

Mr. Hart, 37 Newport, stated opposed.

Mrs. Smith, 35 McNair, stated represents Northeast Hill Neighborhood Association. Not so much here in opposition of boy, but just to present points. Because cannot find anywhere in the laws a specific objection to pigeons or controversy over birds or whatever, it is hairsplitting. Important thing is living environment of neighborhood and stabilization of character of neighborhood. Make comfortable for majority of people immediately involved with this particular problem. Would pigeons actually drastically alter the living standard of this particular neighborhood. That question only answered by people immediately involved. Do the majority of people object to this for good reason? If board feels they do, this should be weighed and shouldn't be glossed over in any way because of the high quality, apparently, of this sport. But again, high quality of the sport should not be down-graded because neighbors don't know all they should about pigeons. Unusual variance and the members of the association feel in the case of an unusual variance, should be granted on temporary basis to be renewed after a particular time and stated specifically what have and limits of variance. If granted thinks should weigh heavily on what immediate neighbors feel would alter neighborhood.

Mrs. Bond stated saw on petitions involved Lexington Parkway, Knights Trail, don't even know where it is. In other words, consider we live in Newport Drive, Lexington Parkway, Canon Hill, Hill, this is what told. In other words, names on the petitions against are down Lexington Parkway. Why do they not appear from surrounding location? No names from that area. Mr. McArthur stated didn't get to everybody in neighborhood. Couldn't get to every house. Mrs. Bond stated correct, from 28 down to Knights Trail. Mr. Pietropaoli stated you have opportunity to look at names on petitions if you like. Board would like it back. Mr. Hunter stated you may circulate petitions anywhere in the town and any resident of the town is entitled to indicate preference as he or she sees fit. Mrs. Bond asked what weight will petitions have on the board? Mr. Hunter stated up to the board. Mrs. Bond stated unfair to have negative position and not affirmative and ask upon what basis and grounds and wording was in petitions and statements made to people to get them to sign this. Mr. Hunter stated gentleman who spoke called me before circulating and told anybody could circulate with any wording wanted as long as people talking to understood and up to board to accept or reject. Mrs. Bond stated there is hearsay that petition was signed by people not knowing the evidence brought forth at this meeting.

Gary Bond stated talked to people in neighborhood. Some of the people told likes had 200 birds. Coops all in the yard. Support family with the birds. Farmers from New Jersey. Neighbors were told this. After told them, asked to have names removed. Mr. Hunter stated thinks heard all the evidence and everybody had opportunity to speak. Mr. Hunter declared this portion of the hearing ended.

DECISION: Granted for a one year period with stipulation that there be no more than 40 pigeons and that operating be carried on as described at hearing so there will be no nuisance factor.

4. Application of Bianchi Asphalt Paving Co., 201 Angeuls Drive, Rochester, New York for approval of variance to build house on undersized lot with front setback of 40 feet, seven foot side setbacks located on Lot 3, Block 0, Charles Avenue. D Zone.

Mr. Bianchi appeared, stated brought map of how would like to situate the house. Mr. Hunter asked 40 foot setback and seven foot on either side? Garage incorporated in here? Mr. Bianchi stated single car attached garage. Mr. Hunter asked have Lot 3 on Charles, if so home under construction on corner? Mr. Davis stated no sewers and water over there. Where is other house? Mr. Bianchi stated yes there is. Mr. Hunter asked home in here? Mr. Davis stated street goes up to the end, this street does go in this far. Nothing on two lots. Mrs. Chapman asked house being constructed on this corner? Mr. Bianchi stated there is sewer there. Mr. Hunter asked any questions? Mr. Heilman asked houses on both sides? Mr. Bianchi stated house under construction on corner and existing home on lot 4. Mr. Heilman asked no way to buy land to make bigger lot? Two houses construction, will they face same way so that garage will face garage or how located? Mr. Bianchi stated existing home has garage on west and this garage on west, too. Mr. Davis stated one building, garage facing Theron. Other one will face Charles Avenue. Mr. Heilman asked how about lot on corner? What setback on that one? Mr. Davis stated six feet. Mr. Heilman stated 13 feet between two houses. Say garage to bedrooms? Mr. Bianchi stated no, garage on other side. East side of new home that will be closest to the home built on the corner. Mr. Hunter asked where is garage in relation to house on corner. Mr. Bianchi stated on the west side. Mr. Hunter stated on one on the corner. On one end or other, north or south? Mr. Bianchi stated toward the other house. Mr. Hunter asked one on other building on west but in relation to this house? Mr. Davis stated garage in back here. New one, garage will be on west side. Wouldn't want garage back of bedrooms? Mr. Bianchi stated will be house to house. Mr. Hunter asked driveway away from house? Mr. Heilman stated side of house on lot asking for will face back of this house and only 13 feet between whole back of that house. Mr. Bianchi stated side of it.

Mr. Davis stated house building now on this corner, gave six foot variance from side, backyard. Faces on Theron. Mr. Heilman asked when did we give variance on lot on corner. Mr. Pietropaoli asked did you own both lots then? Mr. Bianchi stated just owned one of them. Mr. Hunter asked could you give purchase date on that lot? Mr. Bianchi stated about a month ago. Mr. Pietropaoli stated since beginning of summer? Mr. Bianchi stated about a month ago. Mr. Palermo asked garage on this house incorporated? Mr. Bianchi stated attached. Mr. Palermo stated looks like built right into the house, dotted line shows. Mr. Bianchi stated just showed 36 feet total.

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

DECISION: Granted unanimously subject to verification of availability of sewers and water by the Superintendent of Building.

5. Application of Scott Richards, 12 Charles Avenue, Rochester, New York for approval of variance to build addition to front of residence, 4' x 8', to house foyer and closet on property located Lot 27, Block G, Charles Avenue, 12 Charles Avenue, also known as 20 Charles Avenue. D Zone.

Mr. Richards appeared. Mr. Hunter stated submitted sketch which shows proposed foyer. Have foundation in, right? Mr. Richards stated right. Mr. Hunter asked what can you tell about appearance? Mr. Richards stated roof going to go into existing roof at 90° angle. If saw houses, about 3 or 4 houses up, similar foyer. One roof at angle like this and bring up about 3 feet above gutter. Whole house needs roof and reroof whole house. Mr. Hunter asked peaked roof? Mr. Richards stated no, right straight out. Mr. Pietropaoli asked peaked to tie into existing roof? Mr. Richards stated had old mud room 4' x 12',

six feet from neighbors fence, no footers under it. Tore that off and in construction and no closet in living room, closet in bedroom. Quite a help to have other than appearance and value of house will be better. Mr. Hunter asked wood construction to match rest of house, any windows? Mr. Richards stated possibly block glass 8" x 8" next to the door. Cannot see but for looks. Mr. Davis asked how far back from lot line? Most houses anywhere from 40 feet in at least. Mr. Richards stated sticks out further. Neighbor to the right behind 20 feet, to the left in front about 5 feet. Thinks 20.5 feet from the road line now. Mr. Aureli asked one neighbor sticks out 5 feet now? Mr. Hunter asked both neighbors aware of this proposal? Mr. Richards stated talked to them both and neighbors don't mind a bit.

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

DECISION: Granted unanimously.

6. Application of William Farrow, 3704 Chili Avenue, Rochester, New York for approval of variance to erect a home on property at 3687 Chili Avenue to include professional office for personal use. E Zone.

Dr. Farrow appeared. Stated this is property here and all need is to move variance from where it is now to there. This is approximate size of house and parking area for patients. 3.8 acres, 913 frontage and 317 deep. Nothing else on this property. Mr. Hunter asked you said move? Dr. Farrow stated at 3704. Had office in home 13 years. Chiropracter. Mr. Davis asked whose property is it now? Mr. Farrow stated Barbatof's where hot dog stand used to be.

Mr. Pietropaoli asked what are elevations here? Dr. Farrow stated fill about here, wouldn't fill to the creek. Wants to keep beauty of creek. Wants to build at angle so has view. Mr. Heilman asked did that go down to the county? Mrs. Luedke stated yes, but didn't come back yet. Mr. Heilman stated county has to review all applications within 500 feet of county or state roads. Mr. Pietropaoli stated they have that right, cannot act until they recommend yes or no but this board not bound by their yes or no. Second, abutting creek and sure county interested in that because of flooding conditions, etc. Make sure keep buildings away from it. Dr. Farrow stated live across the street and know creek. Know will have to build high and feel part way. Mr. Davis stated high right there. Mr. Heilman asked house going to put up won't have to have variance to fit in home? Dr. Farrow stated conventional house with office in basement or separate wing. Mr. Hunter asked how far from homes in either side? Dr. Farrow stated 22 feet from lot line and this gentleman on other side of his lot. Way over to the other side. Really no neighbor at all. Mr. Hunter asked saying he is 10 feet from opposite lot line? Dr. Farrow stated would assume that. Mr. Hunter asked what would you guess from your home to his home? Dr. Farrow stated at least 100 feet. No one in other direction. Mr. Hunter stated would meet zoning code in all respects except for professional office in home. Dr. Farrow stated variance to practice there. Have stipulation in purchase that have to be able to practice. Get that first and then finalize deal.

Mr. Hunter asked how many cars maximum? Dr. Farrow stated probably space for four. Parking area here would be for six or eight if figure 10 feet width per car. Should have no parking problems at all. Mrs. Chapman stated never noticed any difficulty where you are. Certainly less room there. Mr. Palermo asked will have more business? Dr. Farrow stated has all can handle, just want better facilities. Mr. Hunter asked what screening from parking lot itself? Dr. Farrow stated has trees here but would put in hedge or anything. Would have lawn and do it nice. Mr. Hunter stated sure you would in own home. If people opposed sure that would be what they would object to. Dr. Farrow stated maybe fence with trees around fence.

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

DECISION: Reserved pending receipt of comments from MCPD.

7. Application of Joseph Entress, 149 Cherry Road, Rochester, New York for approval of temporary sign, approximately 35 square feet in size on the land owned by Joseph Entress to be known as Marlands Park, south of Westside Drive, east of Chili Coldwater Road advertising home development. D Zone.

Mr. Clarence Young appeared, stated has map of the development to give idea of location. This is Coldwater Road, Gates on this end here. Would like to place sign in approximately this area here. This is picture of sign and is usual rustic Marlands sign. Mr. Davis asked didn't you have sign here once before. Mr. Young stated thinks some time back. Mr. Pietropaoli stated roughly Lot 59 where road cut would come in. Mr. Young stated yes. Mr. Pietropaoli asked temporary sign? Mr. Young stated yes, probably one year depending on how good sales force works. Mr. Hunter stated can only give for one year on temporary sign. Mr. Heilman stated depends on how quickly County gets sewer down Westside Drive. Mr. Young stated will keep set within limits of Town ordinances. Will be off ground somewhat. Mr. Davis stated will be back 100 feet or more feet because of other road coming in there.

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

DECISION: Granted for one year.

Held over from April 24, 1973 meeting:

Application of Toper Construction, 999 Buffalo Road, Rochester, New York for approval to erect a house on undersized lot being 50' x 120', seven feet to either side lot line and 40 feet to front lot line at Lot 15, Block B, Morrison Avenue. D District.

DECISION: Granted unanimously.

Application of Toper Construction Company, 999 Buffalo Road, Rochester, New York for approval to erect a house on an undersized lot being 50' x 128' at Lot #1, Block K, Morrison Avenue, six feet to west side lot line and 40 feet to front lot line. D Zone.

DECISION: Denied based on information presented by Superintendent of Building that there are no sewer or water facilities available to this piece of property.

Application of Toper Construction Company, 999 Buffalo Road, Rochester, New York for approval to erect a house on an undersized lot 50' x 105', being Lot 6, Block A, Morrison Avenue, five feet to either side lot line, 40 feet to front lot line. D Zone.

DECISION: Granted unanimously.

ROBERT HUNTER
Chairman

ZONING BOARD OF APPEALS
September 25, 1973

A meeting was held by the Zoning Board of Appeals of the Town of Chili in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on September 25, 1973. The meeting was called to order at 8:00 P.M. by the Chairman, Mr. Robert Hunter.

Present: Robert Hunter, Chairman
Janice Chapman
Richard Harrington
Gertrude Tanger
John Lighthouse
John Palermo
Richard Aureli

Also Present: Patrick Pietropaoli, Town Attorney
Alfred Heilman, Deputy Town Attorney
William Davis, Superintendent of Building

Mr. Heilman stated there are six applications before the Board, all of which have been advertised in a paper designated by the Town Board for legal publications and of general circulation in the area and affidavits are on file regarding publications of these applications. Appeared in two papers, the Gates-Chili News and Democrat and Chronicle.

1. Application of James R. Godette, 690 Morgan Road, Scottsville, New York 14546 for approval of renewal of variance granted September 1968 to operate ornamental iron business in building on property at 690 Morgan Road. EE Zone.

Mr. Godette appeared. Stated operation of the business strictly ornamental iron business run by self. No employees other than one part-time boy who helps out when job cannot handle by myself do to the weight of the job. Shop located roughly in center of property, 20 acres. About 500 feet on both sides of the shop I own, no neighbors close. Closest kitty-corner across the street. Has very few if any customers come to the residence. Work generally out on the job. Go out, take measurements, iron railings and columns mostly for apartments, town houses. Take measurements back to the shop and make in shop, take out to the job and install. As far as traffic to the location, the only traffic would be probably steel delivery which comes about on average of once every two months. No signs on property of any kind. No reason for anyone coming to the location so no traffic involved other than immediate neighbors no one knows business there.

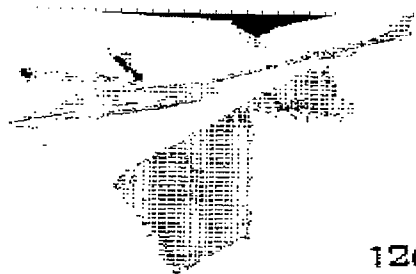
Mr. Hunter asked questions from board or attorneys. Mr. Pietropaoli asked this is same use has had with property when variance originally granted? Mr. Godette stated right, no change.

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

DECISION: Granted for five years or as long as owner is occupant of property, which ever is first.

Mr. Hunter stated, if there are no objections, will hear applications from the Recreation and Youth Center.

5. Application of the Chili Recreation and Youth Commission, 3235 Chili Avenue, Rochester, New York 14624 for approval of a variance to erect three signs advertising the Chili Community Center, one 6 feet by 6 feet, located on Paul Road, two 4 feet by 4 feet located on Bucky Drive and Shrubbery Lane. E Zone.



Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

DATE Sept. 19-1973

[Handwritten mark]



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

GATES-CHILI NEWS

Issue Dated Sept. 19-1973.....

[Signature]
.....
Notary:

[Signature]
.....
SAMUEL J. SMITH
Publisher



ROBERTSON COMPANY
1000 ...
... 1974



State of New York }
 COUNTY OF MONROE } ss.
 CITY OF ROCHESTER }

**ZONING BOARD OF APPEALS
 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, New York 14624 on September 25, 1973 at 2:00 P.M. In addition to other advertised matters before the Chili Zoning Board, the Board will also consider the following items:

1. Application of the Chili Recreation and Youth Commission, 3235 Chili Avenue, Rochester, New York 14624 for approval of a variance to erect signs advertising the Chili Community Center, one sign located on Main Road, two signs located on Green Drive and Shrubbery Lane, E 74th

2. Application of the Chili Recreation and Youth Commission, 3235 Chili Avenue, Rochester, New York 14624 for approval of a variance to erect a sign advertising the Chili Youth Center, 2812 of the "Water Building" located at 3735 Chili Avenue, B Zone

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

LURAINA E. ROBBINS,
 Town Clerk

EO 569-20-11-02-C

Belinda H. Elliott being duly sworn, deposes and says that she is principal clerk in the office of the ROCHESTER DEMOCRAT & CHRONICLE a daily newspaper published in the City of Rochester, County and State aforesaid, and that a notice of which the annexed is a printed copy, was published in the said paper on the following dates:

9/20/73

Belinda H. Elliott

Sworn before me this 21st
 day of Sept. 19 73

Joseph H. Territo
 JOSEPH H. TERRITO
 Notary Public in the State of New York
 MONROE COUNTY, N. Y.
 Commission Expires March 30, 1974

LEGAL NOTICE

ZONING BOARD OF APPEALS September 25, 1973

A meeting will be held by the Zoning Board of Appeals of the Town of Chili in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York, 14624, on September 25, 1973 at 8:00 P.M. for the following applications:

1. Application of James R. Godette, 690 Morgan Road, Scottsville N.Y. 14546 for approval of renewal of variance granted September, 1968 to operate ornamental iron business in building on property at 690 Morgan Road. EE Zone.
2. Application of Robert E. Siggelow, 254 Archer Road, Churchville, N.Y. 14428 for approval to change lot line of property to bring house approximately 9 ft. to lot line at SE corner of house located 254 Archer Road. EE Zone.
3. Application of William and Ruth Billis, 636 Beahan Road, Rochester, New York 14624, for approval of variance for temporary permission to keep a valuable horse on property located at 636 Beahan Road, being approx. 2 1/4 acres in size. E Zone.
4. Application of Rene Keckler,

Inc., 521 Chili Avenue, Rochester, New York 14611, for approval of an illuminated sign 4' x 6" wide by 8 feet tall, including the poles, at 11 Chili-Scottsville Road located to face Chili Avenue. B Zone.

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

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

Mr. Gray appeared representing the Commission. Stated here to obtain a variance to erect signs at these three points in new Chili Park. Paul Road main entrance to the park. Six foot by six foot sign, painted, on both sides and put up with 4 x 4's. White with medium blue lettering similar to the town colors as used on the stationery. In this area. Identifying site of future community center and new park facility. Similar four foot by four foot signs at Bucky and Shrubbery entrances which will be used as entrance to interior of park. Asking at this time because within next two weeks going out for bids on grading and constructing soccer and baseball fields in hopes will be able to use by next summer. Mr. Hunter asked painted wood signs? Mr. Gray stated yes. Mr. Hunter asked not lighted? Mr. Gray stated correct. Mr. Hunter asked how about height off the ground? Mr. Gray stated currently thinking two to three feet. Similar to Town Hall entrance sign. Haven't discussed completely but not very high.

Mr. Palermo asked temporary or permanent sign? Mr. Gray stated sign as worded would have to be temporary until center built. At that time signs are such, could be painted over and permanent lettering put on at that time. Will be made to stand up for five years. Mr. Palermo asked will be using for five years? Mr. Gray stated right. Might add that initial sign will not be framed in fancy way but basic sign will be sturdy enough to last. Mr. Aureli asked when will you have bids on grading? Mr. Gray stated probably advertise at next Town Board meeting, will have bids back by October 15, so done before end of November. Would like to see grass this year so can use soccer fields by spring. Baseball more questionable if could be ready but do have to flatten and get grass in and growing. Plans done by Loziers as talking plans. Now in hands of Kotz and Schneider, recreational consultants. Probably will be more ball diamonds than shown. Basic idea of what hoping to do. Mr. Palermo asked just about where will signs be placed? Mr. Gray stated right on property. Access road into property now, just off road easement, 10-15 feet off road. Not sure which side of the road yet. Mr. Palermo asked concerned with baseball and soccer? Mr. Gray stated ball diamonds. Right at the entrance sites and those will be one-sided rather than two-sided. Mr. Palermo asked could opposite side be developed? Mr. Gray stated yes.

Mrs. Tanger asked another entrance into the property other than those two? Mr. Gray stated three, Paul, Bucky and Shrubbery. Mrs. Tanger asked never one from back? Mr. Gray stated bordered by existing homes. Could be one at this point, property vacant and for sale so could be access that way.

Mr. Hunter asked if anyone had other questions, Mr. Sexstone, 63 Shrubbery Lane, asked why all the signs in residential neighborhood? What is purpose? Mr. Gray stated first of all, basically to let people know what is coming in there. Mr. Sexstone stated people in Chi-Paul area know what is going in there. Nobody coming off of Chili Avenue to come in and look at signs. Know what is going in there. Residential area, paying prime rate in taxes, doesn't feel deserves to have signs up. Have signs on other proposed recreation sites? Mr. Gray stated there will be, this is first new site in 20-30 years. Mr. Sexstone stated doesn't think residents of the Chi-Paul area adequately notified of these signs. People are not going to like, I don't like, residential and doesn't feel beneficial to the town, especially for five years. Mr. Gray stated doesn't believe signs in this area and this area would remain for five years. At present time people in Chi-Paul do know though other people in town do not. Those interested in soccer and baseball programs not familiar. Mr. Sexstone stated very simple where entrances going to be, end of Shrubbery, Bucky and Paul. Neighborhood knows where park is. Why have four by four signs to let these people know. We live there. Why don't you use money building signs with to improve grounds? Mr. Gray stated grounds being improved. Mr. Sexstone asked how much do signs cost? Mr. Gray stated two four by four about \$40.00 each. No cost on six by six. Mr. Sexstone asked why not \$100.00. Why not use for development of property? Instead of letting people living there know what is going on. Know what is going in there anyway.

Mr. Gray stated sure you are aware and know have been down through area and people are aware. Many people in town and Supervisor can bear out, calling and asking where park and entrances going to be and in fairness to other citizens, small investment to know where it is. Mr. Sexstone stated small investment to put map in Gates-Chili News. In front of Town Hall. They will know where it is going to be. Mr. Pietropaoli stated doesn't think anybody here to badger Mr. Gray. Representing the Recreation Commission. Doesn't even vote on the Commission. Liaison between commission and Town Board. Mrs. Miller originally supposed to be here. In Washington trying to get Federal money to develop that. Recreation and Youth Commission voted at one of their meetings to appear before your board to request signs being put up on Shrubbery, Bucky and Paul. That is what they want. Mr. Sexstone stated that is what we don't want. Mr. Pietropaoli stated have right to say that but not to make accusations at one of our Town Councilmen. Mr. Sexstone stated doesn't know what is going on. First meeting has come to. Mr. Gray representative of the Town. Presenting this thing. How do I know what he is doing? How am I supposed to know? He is presenting it so has to catch brunt of it. Mr. Pietropaoli stated your objection is in the minutes.

Councilman Gray stated respect your feelings on this and I am representing the Youth Commission. Guess all can say is that they felt would like as many people in the Town to know as much about this new facility as they can. That is why signs, not lighting or making obtrusive but trying to let people know where it is so when start moving dirt.... Mr. Sexstone stated wanted to let you know being a resident of the area, I don't like it. Sure if more people knew what was going on, more people would be here.

Mr. Hunter asked if anyone else wished to speak. Supervisor Powers stated doesn't know whether to speak as Supervisor or citizen. Brought up point of putting map in Gates-Chili News. Drew up this afternoon and hope will be in Gates-Chili and Suburban News. Had many calls from citizens. Idea being followed through. Mr. Sexstone stated just all the more reason to point out why sign should not go up. By Supervisor letting people know where park going to go no reason for sign to go up.

Mr. Hunter asked anyone in favor of this application? Mr. Billis, 636 Beahan Road, stated if went out this way, wouldn't know where park is unless sign. How would I know without sign, live on other side of town. In favor of sign.

Mr. Morf, 103 Fenton Road, stated in favor of putting sign up. Doesn't know where to go if went to see place.

Mr. Hunter asked anyone else in favor? Anyone opposed to it other than Mr. Sexstone? Mr. Sexstone stated how is anybody going to know where to go if doesn't go down Shrubbery or Bucky? Only one going to know on Paul Road. Drive by Shrubbery in residential neighborhood. Bucky same way. Raul Road only one going to know where it is going to be.

Mr. Hellman stated the application of the Chili Recreation and Youth Commission was properly published in the Democrat and Chronicle as required by law which requires five days notice on any application. As convenience, Town sends out letters to people within certain distance of the house. Five or six people in immediate area. As far as publication affidavits are on file which shows duly published. System we follow to advertise anything in the town. Mr. Sexstone stated realizes properly done.

DECISION: Granted unanimously.

6. Application of the Chili Recreation and Youth Commission, 3235 Chili Avenue, Rochester, New York 14624 for approval of a variance to erect a sign advertising Chili Youth Center, two feet by twelve feet, on the "Water Building" located at 3235 Chili Avenue. B Zone.

Mr. Gray stated a year ago had temporary youth center in Chili Baptist Church. Had until spring when church had to close doors because of expansion program. For the last few months without center. With renovation of Town Hall, water building is available. Recreation Commission has asked permission to use building as temporary youth center. Small and doesn't meet all needs but will provide for first time center that can be open during the day and evenings and weekends. Asking for simple sign, dimensions gave, two feet by twelve feet, but will be determined by sign painter in terms of size. Chili Youth Center, white background and blue lettering over the door at the water building. Just across the street.

Mr. Hunter asked sign no bigger than two feet by twelve feet? Mr. Gray stated no bigger. May not be that size. He suggested that was about the size he would anticipate to get visible. Done with white background and blue lettering similar to the town color, medium blue. Mr. Hunter asked when plan for center to open? Mr. Gray stated as close to October 1 as can. Just got everyone out and doing painting and clean-up and intend to open as soon as possible. No major remodeling. Setting up pool table and facilities, juke box and coke machine. Anticipate having open during the day and at least some evenings and weekends as much as can.

Mr. Aureli asked who is staffing? Mr. Gray stated hire somebody as would at church. Found can work with volunteers and have number of them but have to have paid town employee and put on contract on hourly basis as before.

Mr. Aureli asked very successful? Mr. Gray stated varied. 75 kids some days and 5 - 10 others. In general thinks averages 40 - 50 a day. Come and go as please. Amazing thing that drawing kids who generally hang around center and for most part, no damage. Worst thing a wash basin in men's room got pulled from the wall. In first two weeks and other than that no damage. Kids made to clean up after themselves and set own rules and one fight in little over a year and a half. Speaks pretty well. Mr. Aureli asked have volunteer help? Mr. Gray stated contingent on finding helper. Mr. Palermo asked how late open? Mr. Gray stated not sure, probably 9 or 9:30 P.M. Depends on how heavy attendance is. Relatively small area. As far as length of time would like sign, depends on how fast do the rest of this. Would like six months but don't know.

Mrs. Chapman stated anticipate evening hours, will sign be lighted?

Mr. Gray stated light in front of the building. Haven't given great thought to lighting it. Mr. Palermo stated 4 - 5 months in winter, but if street light in front.....

Mr. Hunter stated saying eventually youth center will move to park. Mr. Gray stated yes, hope by spring center can be started. In plans now. Mrs. Miller going to Washington to see if can get money. If cannot get, contingent plans will use of money we have now. There will be something done, hopefully by spring. Plan to act that soon one way or the other.

Mr. Hunter asked anyone in favor or opposition to this sign? No one appeared.

DECISION: Granted unanimously.

2. Application of Robert E. Siggelow, 254 Archer Road, Churchville, New York 14428 for approval to change lot line of property to bring house approximately nine feet to lot line at Southeast corner of house located at 254 Archer Road. EE Zone.

Mr. Hunter stated went down and had look at home. Wonder if could describe. Not sure what is happening. Mr. Siggelow stated here is present map. Lot line in at right angle to the road. Wanted to put house at parallel with road. House next door built and come out with driveway and let use for 23 years. He was four feet onto my lot line. Talked through the years to straighten out. Died week ago Sunday. Want to straighten out to move lot line over from this point on down. Mr. Hunter asked this point will stay the same, pivoting this? Mr. Pietropaoli stated going to deed piece of property from what you presently own over to the estate of this parties property which would move your house nine feet away from his new lot line. Mr. Hunter said instead of 13'6", nine feet. Greater than 10 feet here. Would need that much to clear driveway. Mr. Siggelow stated will make pretty good then.

Mr. Hunter asked right now 100 foot frontage? Mr. Siggelow stated another two feet from Frank Zuber. Mr. Hunter asked roughly frontage of their lot? Mr. Siggelow stated 80 feet. Mr. Hunter asked what will that mean in terms of frontage here? Mr. Siggelow stated doesn't know because... Mr. Hunter stated have 100 now. Could go down to less than 90 couldn't you? EE Zone. Mr. Heilman asked other 20 feet separate tax account? Mr. Siggelow stated has three deeds, another acre behind Kintons and Irelands. Mr. Hunter asked have another 20 feet in addition to this? Mr. Siggelow stated yes. Mr. Davis asked going to make into one lot? Mr. Siggelow stated questioned about it. Assumed minimum for town 100 feet. If give some away makes less than 100. Due to the fact have 20 feet over here, doesn't. Mr. Hunter stated providing in one account. If you sell, we grant variance, could sell without this piece. From overall town's point of view, would be preferable to have one tax account. Mr. Davis asked deed for 20 feet? Mr. Siggelow stated 20 x 350 feet. On behind the two.

Mr. Heilman stated only question if you go to sell property, may be questions raised. Mr. Davis stated has water. Reason for 100 x 200 for septic tanks. Mr. Heilman stated bank may question for mortgage purposes. Could do at that time. Whoever bought property would have to apply.

Mr. Hunter asked, any other questions from the Board?

Mr. Harrington asked what is portion going to deed over to other party? 4' x ? Mr. Siggelow stated at angle. Mr. Hunter stated something greater. Mr. Siggelow stated his driveway approximately four feet onto my property. Mr. Harrington stated pointed out starting from back corner of property at angle. Straight line, what is distance at this point? Mr. Siggelow stated doesn't know yet. Mr. Hunter stated approximately 4.6 feet at this point and not twice the distance so it is at most nine feet. Something less than nine foot reduction. Would give 7 1/2 to 8 feet. Mr. Heilman stated probably when give deed will have to have described by meets and bounds and otherwise when sell property will become confusing. Should establish where boundary line is by survey. Also should be in deed by meets and bounds from some point so when want to sell won't have problems in title search. Won't be able to figure out. Mr. Siggelow stated establishing this point to coincide with nine over here.

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

DECISION: Granted to allow lot line to be moved not more than 9'6" and less than 8'6" distance from existing residence.

3. Application of William and Ruth Billis, 636 Beahan Road, Rochester, New York for approval of variance for temporary permission to keep a valuable horse on property located at 636 Beahan Road, being approximately 2 1/4 acres in size. E Zone.

Mr. Billis appeared. Stated where has horse not properly being cared for. Vet told had to take out and only place can take is in backyard. In back of my yard about 35 acres of undeveloped land. On other side buffer zone of trees approximately 10 feet. On other side all vacant. No houses opposite ones next to mine. Mr. Hunter asked discussed with immediate neighbors? Mr. Billis stated none have objected. Mr. Hunter asked aware and no one has opposed, right? What kind of building? Mr. Billis stated have building that will house horse. Separate, set way in back. Mr. Hunter stated drove by and saw home. Mr. Billis stated covered up by trees, quite a bit of vegetation. Mr. Hunter asked when say temporary, what is meant? Mr. Billis stated about a year after colt is born, in foal five months and takes 11. Has to be fed three times a day. Cannot take care of properly. Closest place Batavia. Pacer race horse. Once has colt can go back. Mr. Hunter asked approximately a year? Mr. Billis stated about a year, maybe a month more.

Mr. Harrington asked what will you do with colt? Mr. Billis stated start breaking and training, go to Attridge Road where had mother originally. Mrs. Chapman asked do you own other property? Mr. Billis stated talked to man who owns property in back and said could use as long as not developed. Can graze horse there. 35 - 40 acres. Mr. Aurell asked said way in back will be where horse will be? Mr. Billis stated yes. Mrs. Tanger asked fenced in property? Mr. Billis stated fenced in with electric fence. Mrs. Tanger asked how much property will you use? Mr. Billis stated about 300 feet in depth. Mrs. Tanger asked behind house? Mr. Billis stated over 500 feet belongs to my house. 180 feet wide. Mr. Davis stated according to fence ordinance cannot use electrically charged wire because about residential property. Mr. Billis stated then will put up wood fence, no problem. Mr. Hunter asked if lived across the street, what would I be aware of? Mr. Billis stated wouldn't see horse. Mr. Hunter asked wouldn't see, hear or smell? Mr. Aurell asked do you have neighbors across the street? Mr. Billis stated yes there is across the street.

Mr. Hunter asked if anyone wished to speak in favor of this application? Mr. Morton, Fenton Road, stated in favor of application. Mr. Hunter asked if anyone wished speak against the application and no one appeared.

DECISION: Granted for one year.

4. Application of Rene Heckler, Inc., 521 Chili Avenue, Rochester, New York for approval of sign 4'6" width by 8' including poles, illuminated, at 11 Chili-Scottsville Road, facing Chili Avenue. B Zone.

Mrs. Heckler appeared, stated pretty well covered what have here. The little red house opposite the park here, will be setting up typewriter adding machine business. Have been in business about 25 years, about 10 down on Chili Avenue. Had thought perhaps would like to have sign out in front if that was feasible. You have the size of that. Doesn't have very good picture, this is type of sign that it is, in two small units. Going to run one pole on each side to hold firm. Actually plastic type front. Mr. Hunter asked internally illuminated? Mrs. Heckler stated correct. Non-breakable plastic and on metal poles on each side. Mr. Hunter asked two-faced sign, perpendicular to the road? Mrs. Heckler stated yes, would like to have facing possibly Chili Avenue. So that customers perhaps that we have had will be able to find us. Noticed on corner have Seaway sign out almost on the street. Had thought about 15 feet setback. Mr. Hunter stated normally ask

Mr. Davis to be there when locate, to make sure not problem. Mr. Davis stated up on hill. Mrs. Heckler stated up on hill and have to clear. Only thing to have to clear for visibility because building sits behind station. Seaway station itself out quite a way. Figures about 15 feet would clear enough that we could be seen. Actually that is about the size of what I have.

Mrs. Chapman stated mentioned 8 feet including poles. This is height? Mrs. Heckler stated height would be 8 feet, suspended between poles. That is only way can figure. As far as illumination, have one neighbor right next door. As far as evening illumination, wouldn't care about having it. Mrs. Chapman asked open evenings? Mrs. Heckler stated aren't now. Haven't been, maybe toward Christmas night. Mr. Aurell asked going to live there? Mrs. Heckler stated son and daughter-in-law will be living there. Someone on premises at all times. Mrs. Tanger asked where will business be? Mrs. Heckler stated in basement area; tremendous amount of room. Up in front; must have been living room, small rectangular room for office and showroom. Not much walk-in type thing. That is all I will be using of the house.

Mr. Hunter stated mentioned probably not evening hours for illumination. What hours? Mrs. Heckler stated normally just illuminate until we close about 5:30 now, in winter would still be dark. Thinks should leave on. Mrs. Tanger asked from 9 A.M. to 5:30 six days? Mrs. Heckler stated rarely open on Saturday. Probably would be doing something on Saturday if think should say so. Mrs. Tanger stated just during hours of operation. Mrs. Heckler stated yes, would be irritated if I lived next door. Mr. Hunter asked approximate value of sign in place? Mrs. Heckler stated value approximately \$350.00. Mr. Hunter asked including installation? Mrs. Heckler stated yes, doesn't think will have illumination on sign until after winter. Will be strictly through the winter period when able to run line in in spring. Probably just sit and be seen. Mr. Hunter stated asking because town looking at revision of zoning code and one thing that could happen is that free-standing signs restricted or eliminated. Question as to if that were to happen. Mrs. Heckler asked would I die? No, appreciate that wouldn't die because original sign. One we had at Chili and Brook. Replacing panels and thinks main consideration will be for walk-in. Wouldn't be in too bad shape. Mr. Hunter asked what will the illumination consist of? Mrs. Heckler stated light bulbs.

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

DECISION: Reserved pending receipt of comments from MCPD.

ROBERT HUNTER
Chairman

Hold over from August 28, 1973 meeting:

Application of William Farrow, 3704 Chili Avenue, Rochester, N. Y. for approval of variance to erect a home on property at 3687 Chili Avenue to include professional office for personal use. E Zone.

DECISION: Granted with stipulation that parking area to be suitably screened for a residential area. 5 ayes, Mr. Harrington and Mrs. Tanger abstained.

ZONING BOARD OF APPEALS
October 23, 1973

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 23, 1973. The meeting was called to order by the Chairman, Mr. Hunter, at 8:00 P.M.

Present: Robert Hunter, Chairman
Janice Chapman
Richard Harrington
Gertrude Tanger
John Palermo
Raymond Steele

Absent: Ronald DiLiddo

Also Present: Patrick J. Pietropaoli, Town Attorney
Alfred J. Heilman, Deputy Town Attorney
William A. Davis, Superintendent of Building

Mr. Heilman stated a total of 7 application, 6 on original notice and one on amended notice and all 7 applications were duly advertised in a paper that has been authorized by the Town Board for advertisements and affidavits of that advertisement are on file with the Town Clerk. Meet all legal requirements as far as publications for this hearing tonight.

- #1. Application of P-0 Chili, Inc., 47 W. Huron Street, Buffalo, N. Y. 14202, for approval of variance to erect sign advertising Jerry Lewis Theatre, 3'6" x 10'6", internally illuminated, to be mounted on building at 3240 Chili Avenue. B Zone.
- #2. Application of P-0 Chili, Inc., 47 W. Huron Street, Buffalo, New York 14202 for approval of variance to erect signs on Loblaws building, one 6' x 6' logo, one Loblaws 16'6" x 42" on building located at 3240 Chili Avenue. B Zone.

Mr. Stuart Hunt, President, appeared. Stated entered into lease to build Jerry Lewis Theatre at end of mall and attempting to tie in total signing extending from Chili Avenue along mall and tie in with Grants. As can notice, Grants is orange hue. Tied to architecture. Mr. Heilman stated was in front of Planning Board regarding this. Theatre in back. Mr. Hunter asked theatre at end? Mrs. Chapman asked at end of new shops at rear? Mr. Heilman stated attached to side of Grants' store also. Mr. Hunt stated drawings not all in color. Pictures of new Loblaws logo and color approximately the same as Grants. Trying to coordinate color, background and lighting. White with orange lettering. Stipulated respective sizes of signs in accordance with size of store. Length governed by number of linear feet of store they have. Intent to control appearance of signs so that uniform, attractive and inviting. Thinks very important part of the success of the venture. Will tie in existing stores. If notice, Petersons and barber and liquor store and dry cleaner and change color of facade of the stores to tie in with new stores. In appearance will be similar to what have there. Engaged architect to design this.

Mrs. Tanger asked basically signs the same as they are now, as far as sizes? Mr. Hunt stated sizes listed here. Cannot tell how large there now. Doesn't know. Here is drawing of sign for delicatessen. Length 8 ft. for stores under 15 ft. in width. 10 ft. sign for 15-20 ft. 16 ft. sign for 20 ft. and above. Governed according to number of frontage feet they have. Script also controlled. Next paragraph. Just from 4 basic types without approval of architect. Signs shall be limited to trading name. No animated components. Submit for approval to the architect and Town Board as necessary. Mr. Harrington asked given standardized form for governing length depending on width? How about height? Standard? Mr. Hunt stated framework of sign standard, all three feet.

Mrs. Chapman asked what is figure for Loblaws sign, 16'6" x 42"? Mr. Hunt stated if go to Todd Mart Center, that is size. Mrs. Tanger asked that will be size used on Loblaws? On new section? Mrs. Chapman stated larger than other

Gates-News-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

DATE: October 1973

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

GATES-CHILI NEWS

Issue Dated: October 19, 1973

[Signature]
SAMUEL J. SMITH
Publisher

[Signature]
N. Notary

Notary Public, State of N. Y., Monroe Co.
My Commission Expires March 30, 1974.

LEGAL NOTICE

ZONING BOARD OF APPEALS

A meeting will be held by the Zoning Board of Appeals of the Town of Chili in the Chili Administration Offices, 3285 Chili Avenue, Rochester, New York 14624 on October 23, 1973 to consider the following applications:

1. Application of P-O Chili Inc., 47 West Huron Street, Buffalo, N.Y. 14202, for approval of variance to erect sign advertising Jerry Lewis Theatre, 3' 6" x 10' x 6", internally illuminated to be mounted on building at 3240 Chili Avenue. B Zone.
2. Application of P-O Chili, Inc., 47 West Huron Street, Buffalo, N.Y. 14202 for approval of variance to erect signs on Loblaw Building, one 6' x 6' logo, one "Loblaws" 16' 6" x 42" on building located at 3240 Chili Avenue. B Zone.
3. Application of John J. Greco, 1611 Scottsville Road, Rochester, N.Y. for approval of variance to erect free-standing sign approximately 2' x 3', double-sided, non-illuminated, advertising "Antiques," located at 1611 Scottsville Road. A Zone.
4. Application of Frank S. Stepanic, 57 Red Bud Road, Rochester, N.Y. for approval of variance to build addition on side of garage, 6' x 25', to come within 5' of property line to south of residence, located at 57 Red Bud Road. E Zone.
5. Application of Robert and Laurine Fowler, 12 Haymarket Road, Rochester, New York for approval of variance to erect fence along side lot lines, approx. 3 ft. high, extending to front lot line, located 12 Haymarket Road. D Zone.
6. Application of Robert J. Reynolds, 40 Shrubbery Lane, Rochester, N.Y. for approval of variance to erect addition to garage approximately 12 ft. by 24 ft. to bring building approximately 3 ft. from side lot line on Rose Road, located at 40 Shrubbery Lane. E Zone.

All interested parties are requested to be present. By order of the Chairman of the Zoning Board of Appeals.
LURAINA E. ROBINSON
Town Clerk

other signs, speaking of height. Not going to be uniform with other stores. Mr. Tosha stated Grant's separate and Loblaws separate. Running down stores, will be uniform 3 ft. high. Mr. Palermo asked theatre asking for 3'6"? Mr. Hunt stated they are free-standing building. All individual buildings, large buildings. Mr. Palermo asked theatre connected at all? Mr. Hunt stated right up to the Grants wall. Connected to the Grants store and expansion area we have west of the theatre. From opening westerly. Theatre will have common wall with Grants. Mr. Steele asked no alleys at all? Mr. Hunt stated there will be another wall between end of "O" section, new building. Mall north of the "O" section 15-20 ft. wide. So people can get out to parking behind stores. Coming in from Paul Road and parking in back, walk through the mall instead of coming all the way around. Mr. Palermo asked walk-through, stores facing walk? Mr. Hunt stated intent to have plans for 12,000 square foot building. Build soon. Building will be flexible in that may want to run some stores facing road. May want to run facing on mall or one tenant and he would say have entrance both ways. May end up running 60 ft. stores facing both ways. Flexible on that because negotiating with several tenants now. Some would take all, some half. Cannot say tonight that all stores would face in or out. Doesn't know. Cannot tell until tenant comes along.

Mr. Palermo asked have rough sketch? Mr. Hunt stated have plot plan showed to the Planning Board, approved by the Town Board and provides for future expansion. Operating within lines set aside for this expansion. Not adding any particular square footage to what already planned. Question of how lay out and as you know, tenant has a lot to do with how you lay out store. Mr. Palermo stated would help us for perspective. Mr. Hunt stated this signing plan has only to do from Loblaws to the theatre to Grants. No plan for 12,000 sq. ft. Will come in at time lease. In process of furnishing stores leased in 36,000 and leasing those. Will start soon putting 12,000 ft. building up, and rent soon. Then start to come in with signs for this.

Mrs. Tanger asked Loblaws signs lighted? Mr. Hunt stated yes. Mrs. Tanger asked what hours of operation? Mrs. Chapman asked correct in thinking have no control over Loblaws sign? Other than have asked to go along with your colors? Mr. Hunt stated with people like Loblaws and Grants, have standard throughout the country and won't change for anybody. They have just changed signs they have here now, not sign that would be on store. If they choose to expand which we hope they will, the Todd Mart sign is newest sign. Asked what type would have on that store, that is what we have here. Mr. Hunter asked is this Todd Mart sign? Mr. Hunt stated this is newest sign. Mr. Hunter asked this one logo? Mr. Hunt stated yes that is logo. Mr. Palermo asked similar to Westmar? Mr. Hunt stated pictures of Todd Mart store. Mr. Harrington asked no control over lighting on Loblaws sign anyway?

Mrs. Tanger asked what about theatre, no control? Mr. Hunt stated haven't made stipulations in lease on that. Mr. Heilman asked Loblaws sign will face Chili? Mr. Hunt stated thinks will face east. On the east side of the store. Mr. Heilman asked driving from Chili Avenue, will look at sign? Mr. Harrington stated look right and see it. Mr. Hunt stated will face east. Mr. Heilman asked will not reflect into neighbors windows any different than presently? Mr. Hunt stated same side of building. Mr. Heilman stated theatre sign also facing mall area. Mr. Hunt stated right. Mr. Heilman stated takes it first application 3'6" x 10'6" and that will include name of theatre and marquee as to what is playing there? Mr. Tosha stated right. Meant by the stores being free-standing is that signs on Grants, Loblaws and theatre will not connect to the strip plaza. Those will be connected together running down whole plaza, all the same but these larger because of larger store. Mr. Heilman asked saying these will be one sign with individual signs? Mr. Tosha stated orange neutral strips breaking up signs. Mr. Heilman asked lighting up to individual tenants? Mr. Hunt stated has lighting plan but regarding times, doesn't think have contemplated that. Mr. Heilman stated thinks Marine sign on all the time. Mr. Hunter stated not sure. Mr. Hunt stated thinks would have time restriction as to hours on that. Mr. Heilman stated thinks more from standpoint of sheriff's patrol. If doesn't affect anybody might be in best interests to have signs lit. Theatre in mall and Loblaws in parking lot and would light up in some degree. Mr. Hunter asked how is actual theatre to be lighted? Downward coming onto block letters? Shows enclosed upper portion but bottom shows letters right against back of sign. Or is that lexan completely enclosed? Mr. Tosha stated thinks would have to be completely enclosed to get lighting from back. Mr. Hunter stated panel must be

removable to get letters in. Mr. Tosha stated letters on outside are lexan. Mr. Hunter stated looks like on back instead of front. Section AA, front or back? Mr. Steele stated looks like letters black and light shines through. Mr. Tosha stated brown letters on anodized aluminum panel, sliding inside. Mr. Hunter stated more concerned about how lighted, all internal? Mr. Tosha stated internal with changeable letters. May be different way, doesn't give lighting from back. Mr. Hunter asked assume completely enclosed sign? Mr. Tosha stated right. Wouldn't want light on the outside shining down. Mr. Hunter stated as far as drawings of the signs, looked at theatre, Loblaws drawings on signs? Mr. Tosha stated have pictures of them. Mrs. Chapman asked these submitted to you from other stores? Mr. Hunt stated asked and they will give drawings and specs on the signs. Doesn't have on hand. Asked for it. Mr. Hunter asked essentially plastic material with light inside? Mr. Tosha stated correct. Mr. Hunter asked same with logo? Mr. Tosha stated correct, no external lighting. Mr. Hunter asked as far as signs, number of those signs on mall are on application? Mr. Hunt stated interested in expression if we may of general approval to the idea that attempting to project here. Thinks have to come in with each individual store. Mr. Hunter stated appreciate seeing overall plan, but wanted to see what is before us.

Mr. Hunt stated contemplate construction on Jerry Lewis soon. We are ready when Loblaws ready. Wanted to have ready. The others as we lease stores, would like to come in to your with our sign plan. May be very true that some of the lessees will say can't like the way designed sign and may want to come in with different idea. Suggesting that trying to set up uniform pattern of signing and want to hold to it as closely as can. Mr. Palermo asked want to try to have colors the same? Mr. Hunt stated want to try. Knows going to have things come up cannot foresee. Mr. Heilman stated would think probably if board wanted to entertain, could take one application for whole strip of signs subject to qualifications as to size and handle with one application. Mr. Hunter stated thinks preferable, makes sense to me. Mr. Hunt stated helpful to us and tell people that is approved. Mr. Heilman stated gets you off hook and limited by what board has done for the stores. Mr. Palermo asked project complete as presented then? Mr. Hunt stated would like that. None of us tonight know exactly what will run into. At least we tried. Thinks here would ask indulgence that we consider this prime subject in the terms of ability to rent stores. Attractiveness of appearance. Would like to ask to work closely with you and work together. Cannot predict if someone wanted to rent 10,000 feet and had particular type sign would like to bring in and work with you. Tonight cannot say for sure. Knows told Jerry Lewis and they have agreed. Loblaws say what they have. Take one and work with it. Doesn't know how else to do it. Mr. Hunter stated would like idea to work out over-all plan. Really preferable for all of us. Thinks even if approved and some time later on come in and talk with board and work together on it.

Mr. Hunt stated would like to keep design and color if we can. Once get a few up and see uniform look... Mrs. Tanger stated definite plan for housekeeping too. Mr. Hunt stated very much concerned. Worried. Have to find ways, all so new, until you can get feel of it, but want to have clean type place over there. Full time maintenance man on the job. Very conscientious. Doing good job too, cleaning and snow removal.

Mr. Hunter stated regarding Loblaw's sign, are we to assume that signs talking about will replace any sign now have on the building? Mr. Hunt stated this is what they have said. Mrs. Chapman asked do you know if they propose putting up immediately? Or dependent on whether or not they expand? Mr. Hunt stated they have asked us to go ahead and file for building permit and get approvals. Have letters in their hands. Next move theirs. Have done everything they asked. Ready to make decision and will let us know. Doesn't know if they are or are not going to expand. Thinks they are but not sure. Mr. Heilman asked hardship to you in negotiating with them if board granted sign subject to expanding? Mr. Hunt stated would say doesn't think they would change sign unless they do. My impression. Shouldn't say that, just drove by 25 year old store and put up new sign. Mr. Palermo asked new image? Mr. Tosha stated appearance-wise would look better with new sign, would blend with whole group.

Mr. Hunter stated would appreciate knowing in each instance if you can give us value in place of these signs. Mr. Hunt stated will get that for you. Get estimate of each sign as about to be put up and give you that figure.

Mr. Hunter asked if anyone in the audience wished to speak on this application? Mrs. Grover, 3250 Chili Avenue, stated question about where sign on Loblaws to be placed. Understood going to be on front of the store, that is entrance. Not on the side of the building where it is now. Not sure. Mr. Hunt stated according to plans we received sign would be on entrance of the store, if remember faces east. My impression that sign would be across the front of the building where entrance is. Would think facing east. Mrs. Grover asked uniformity of lighting? Mr. Hunt stated stores has seen with new logo on right over entrance to the store. Mr. Palermo stated side faces east and south. Mrs. Grover stated timing of the lighting was rather interesting to me because sometimes on till midnight or all night. Not on and off at regular time every night. More often it is than not but if this is something that is regulated by national regulation, seems strange situation when it doesn't go off at 10:00. Mr. Hunt stated thinks probably in our situation wouldn't have control over timing of signs. Not able to do that. Wouldn't want to say. Mrs. Grover stated seems 10:00 reasonable time when stores are not open then. Mr. Hunt stated doesn't honestly know whether could get any of them to agree to time to turn signs off.

Mr. Grover stated have shining in our yard all night, doesn't appreciate. Mr. Hunt stated wouldn't want to mislead you and say that I could get any of these people to agree to any particular time. Mr. Grover stated privacy looking for. Mr. Hunt stated would love to say could do it.

Mr. Heilman stated two signs over there, one on side and one on front. Mr. Hunter stated this board does have power to set the times for the signs and normally do discuss with applicants and try to pick reasonable time in view of business and other people in neighborhood. Doesn't have to be 24 hours a day. Mr. Heilman stated light affecting you on side of the building. One in front would face more toward bank and these buildings. One facing houses is on the blank side. Mr. Hunter stated that would be where you are concerned. Mrs. Grover stated yes. Mr. Hunter stated two signs, going to put on same face of the building? Mr. Hunt asked can you recall from drawings? Mr. Tosha stated on plans for building no signs indicated but on Todd Mart, Loblaws both signs on front entrance of building. Mrs. Chapman asked is that at the end of the plaza as this is? Mr. Tosha stated yes, same relationship. Mrs. Chapman asked proposed expansion on this end? Mr. Hunt stated yes, 40 ft. out. Mr. Hunter asked any other questions on this application? Anyone in favor? Anyone opposed? No one appeared.

Mr. Heilman stated second application regarding Loblaws and just a little confusing, asking for one sign 16'6" x 42" which I take is this big sign. Two signs there. Which one will they replace? Front or side? If going to expand side that would be one they would change. Mr. Hunt stated honestly doesn't know that. Really doesn't. Wouldn't know if two signs or one sign on the building. Mr. Hunter stated thinks reluctant to approve until know more specifically what talking about. Could you get in next few days and relay back to the board? Mr. Hunt stated ask if they want one set of signs or two sets and hours of operation? Mr. Heilman stated maybe could compromise as far as one facing residences. Go off at certain time. Mr. Harrington stated talking about logo and Loblaws, normally placed together. Would think if going to expand going to take sign off, take wall down anyway and applying for one new sign on the front. If expand and want sign on other side, make application. Mr. Heilman stated could grant for sign on front of building. Mr. Hunt stated suggesting that would approve sign on front of the building over entrance. Mr. Harrington stated to replace existing sign. Putting up new sign and logo to conform with rest of the stores. Could approve in that manner, that use to replace old one. If expand and want new one on new portion of the building, make application. That would solve temporary problem. Mr. Hunter stated if no other questions, will let you know.

DECISION: #1. Unanimously approved for five year period per plans and sketch submitted. Hours of illumination to be at discretion of owner.

#2. Unanimously approved two signs to be erected on front (east) side of building as replacement for existing sign on that facade of building for a five year period. Hours of illumination to be at discretion of owners.

- #3. Application of John J. Greco, 1611 Scottsville Road, Rochester, N. Y. for approval of variance to erect free-standing sign approx. 2' x 3', double-sided, non-illuminated, advertising "Antiques" located at 1611 Scottsville Road. A Zone.

Mr. Greco appeared. Stated have question, what is distance from the road it would have to be? Mr. Hunter stated normally ask that sign be put up under direction of Bill Davis to help in terms of traffic and that kind of thing. Any comments? Mr. Davis stated cannot get too close because big ditch in front of house. That is 100 ft. right of way. Would be back 50 ft. from center and past ditch. From then on nothing else there anyway. Mr. Greco asked any regulations on height? Mr. Davis stated yes, not asking for big sign. Mr. Greco stated would like noticeable. Mr. Davis stated no problem. Mr. Hunter asked what height thinking of? Mr. Greco stated 7 ft. Mr. Hunter stated no problem to the board. Mr. Greco stated road higher than lawn. Mr. Hunter stated location sketch shows 12 ft. from Scottsville Road as suggested location. Was that meant to be from right of way? Mr. Greco stated from shoulder, around 25 ft. from center. Mr. Hunter stated sounds might be in right of way. Mr. Greco stated edge of dirt near driveway and want to put there. Even with edge of ditch and even with fire hydrants. Mr. Davis stated that would be lot line. Mr. Greco stated on other side of fire hydrants. From that toward house our property. Mr. Hunter stated if that is what Bill says that is what it probably is. Not that familiar. As far as location, on your property, back far enough so not traffic problem. Could work out distances with Bill if approved. Agreeable with you and would meet requirements. Mr. Greco stated OK.

Mr. Hunter stated double-sided, non-illuminated, 2' x 3'. Wooden sign? Mr. Greco stated wooden sign. Mr. Harrington asked white with black? Mr. Greco stated brown with eggshell. No arrow. Creekside Antiques. Changed it, doesn't need arrow, simple. Mr. Hunter asked any other questions from the board? Mr. Heilman asked have your home there? Mr. Greco stated parents' house. Mr. Heilman stated residence in industrial area. Going to sell antiques there? Mr. Greco stated has been. Mr. Heilman asked hours of operation, just people passing by? Mr. Greco stated basically that, need sign so people can find place. Hard to put signs on phone poles. Mr. Heilman asked going to put number on sign? Mr. Greco stated no, thinks might be phone number on it. Mr. Hunter asked approximate value of this sign in place? Mr. Greco stated around \$40.00. Mr. Palermo asked what would it cost me? Mr. Greco stated if you went out, \$60.00. Sign was in Scottsville and have bought, having repainted. Mr. Hunter stated one of reasons ask have town zoning ordinance in process of being revised. Possible that the conditions regarding signs would be changed and question I like to ask supposing town should decide to eliminate free-standing signs. If that would happen, how would you feel about it in terms of investment, worth it to you? Mr. Greco stated oh yes.

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

DECISION: Unanimously approved for three year period. Placement of sign to be under direction of Superintendent of Building.

- #4. Application of Frank S. Stepanic, 57 Red Bud Road, Rochester, N. Y. for approval of variance to build addition on side of garage, 6' x 25', to come within 5' of property line to south of residence, located at 57 Red Bud Road. E Zone.

DECISION: Application withdrawn on October 19, 1973.

- #5. Application of Robert and Laurine Fowler, 12 Haymarket Road, Rochester, N. Y. for approval of variance to erect fence along side lot lines, approx. 3 ft. high, extending to front lot line, located at 12 Haymarket Road. D Zone.

Mr. Fowler appeared. Stated sorry if violated the law. Guess ignorant of it. When moved in, got estimate from American fence. Have little girl don't want bothering neighbors. Asked for fence. Said yes, said could extend fence to sidewalk. Said OK. Built it for me. Didn't know would create problem. Mr. Hunter asked didn't realize violating zoning law. Mr. Fowler stated no. Have

map here. Mr. Davis stated all open in front, just 3 ft. fence down two sides. Mr. Hunter asked is this front? Mr. Davis stated that is lot line. Mr. Hunter stated fence on both sides, in back 4 ft. Mr. Davis stated open in front, when put in fence man should have known but they don't care. Put in to keep the little girl from going in neighbors yards. Mr. Palermo asked how far back is it from road? Mr. Davis stated 18 ft. To the lot line. Mr. Heilman stated only problem we have easement on right of way from the center of the road. Mr. Davis stated easement out here, inside easement. There is 60 ft. back from here. Mr. Heilman stated 30 ft. from center of the road. Mr. Davis stated ok yes. Easement in here. Mr. Hunter asked any discussion with neighbors, unhappy? Mr. Fowler stated has neighbors here, no complaints.

Mr. Hunter asked if anyone wished to speak in favor of the application. Mr. Tom Hosmer, 8 Haymarket, stated no objections about the fence.

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

DECISION: Granted unanimously.

#6. Application of Robert J. Reynolds, 40 Shrubbery Lane, Rochester, New York for approval of variance to erect addition to garage, approx. 12' x 24' to bring building approx. 8 ft. from side lot line on Rose Road, located at 40 Shrubbery Lane. E Zone.

Mr. Reynolds appeared. Stated garage now has 12'9", on the plan it shows, and has two automobiles, leaving one out and the other one sports car and can barely get in with tractor and bikes. In need of two car garage. Just achieve time when can afford and found have to have variance to put up. Mr. Heilman asked 12'9" x 24'2"? Mr. Reynolds stated right. Mr. Hunter stated apparently distance from present garage to the lot line is 20 ft. Mr. Reynolds stated correct. More room than that to the road. Mr. Hunter stated 20 ft. exactly what code specifies as minimum on corner lot. Mr. Reynolds stated not aware, knew not enough room. Mr. Hunter asked happen to know what setback is on homes on Rose Road? Mr. Reynolds stated 60 ft. I believe. Spoke to neighbors and one across street and other one both signed and willing to come saying found no fault. Mr. Hunter stated one concern certainly this reduction of that distance on corner and function of code set up to prevent building closer than 20 ft. to have visibility around corner. Mr. Reynolds stated road curves, 4th house down Rose before would obstruct view more than now. First and second house so far back in cannot see corner already. Road curves in. One most affected would be DiGioia directly across the street. Closer to him. Mr. Hunter asked he is one of the gentlemen who has no objection? Mr. Reynolds stated willing to come over this evening if needed.

Mr. Hunter asked how old is home? Mr. Reynolds stated believe 8 or 9 years. Owned 7. Nobody lived in but model home which was used during construction of remainder of tract. Mr. Hunter asked lived as only resident of new home? Mr. Reynolds stated yes, 7 years. Mr. Heilman asked driveway comes straight into Shrubbery? Mr. Reynolds stated circular driveway comes into Shrubbery and Rose. Mr. Heilman asked that won't change? Mr. Reynolds stated remain exactly as it is. Roof line extended and overhang extended exactly as home is now. Mr. Heilman asked 8 ft. from lot line, Rose Road 60 ft. Road? Mr. Davis stated yes, 60 ft. also.

Mr. Heilman stated have 30 ft. and 8 ft., 38 ft. from center of road to wall of garage. Mr. Hunter stated yes, from center of pavement to edge of addition 38 feet.

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

DECISION: Denied unanimously.

#7. Application of Page Airways, Inc., 1265 Scottsville Road, Rochester, New York for approval of variance to erect addition, approx. 10' x 15' on northeast side of hangar, less than 100 ft. from front property line at 1265 Scottsville Road. A Zone.

Mr. Michael Fortier appeared. Stated doesn't believe has site plan, has several. Mr. Heilman stated in before Planning Board earlier this month for architectural review and during that time discovered would need variance because wasn't 100 ft.

from road. Mr. Fortier stated area see marked existing storage area rebuilt, been there right along and during heavy storm that blew off part of roof of hangar, also took most of the walls of this area with it. One of the things wanted to do was rebuild. Roof stayed but walls went. At the same time, have had constant problems with insurance company and tenants in that storing in this hangar some flammables such as alcohol material spray on wings of plane during icing seasons. Stored in 55 gal. drums. Also cleaning fluid and small amount of paint. Don't do much painting. Touch-ups. Problem right along to try to get out of the hangar. \$4.5 million airplane and people nervous with this. Wanted at the time rebuilt storage area to add small area next to it to make fireproof for other area and put heat in and keep flammables in that area.

Mrs. Chapman asked this is new storage room? Mr. Fortier stated actually whole building in violation of setback but that is particular area concerned with. Mr. Heilman asked piece marked in front shows 16 ft.? Mr. Fortier stated that is office addition got approval to build a year ago. Mr. Harrington asked Gannett in that office? Mr. Fortier stated yes they are in there. One of the loudest screamers about flammables and airplanes in there. Mr. Hunter asked any questions from the Board? Mr. Steele asked attached to the existing building? Mr. Harrington asked on the east side of the building? Mr. Fortier stated checked site plan for office addition and that indicated north. Mr. Hunter stated amend to northeast. Mr. Steele asked attached to building besides storage area? Mr. Fortier stated separate because hangar not fireproof walls. Kept away from the wall to get in and maintain. Mr. Steele stated 3-4 ft. What is existing storage area? Mr. Fortier stated little less than 2.5 feet in there. Mrs. Chapman asked actually free-standing? Mr. Fortier stated tied to the storage building. Door just inside from hangar to existing storage area close to this area. Walk through there and through fire door.

Mr. Hunter asked what is construction? Mr. Fortier stated block with concrete roof and metal blow-out panel. Quick release panel on front side. Nothing real volatile, flammable. Insurance company said had to put in. Mr. Heilman stated plot plans and building in front of Planning Board. This Board probably hasn't seen. Mr. Heilman asked also doorway into hangar? Mr. Fortier stated main door, just a small door. Mr. Hunter asked painted to match rest of building? Mr. Fortier stated yes to match existing building.

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

DECISION: Unanimously approved subject to County's determinations.

Held over from September 25, 1973 meeting:

Application of Rene Heckler, 521 Chili Avenue, Rochester, New York for approval of sign, 4'6" width x 8' including poles, illuminated at 11 Chili-Scottsville Road, facing Chili Avenue. B Zone.

DECISION: Unanimously approved per specifications and drawings. Sign to be erected under supervision of Superintendent of Building. Hours of illumination 9-5:30, 6 days a week. Three year period.

ROBERT HUNTER
Chairman

ZONING BOARD OF APPEALS
November 27, 1973

A meeting 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 November 27, 1973. The meeting was called to order by the Chairman, Mr. Hunter, at 8:00 P.M.

Present: Robert Hunter, Chairman
Janice Chapman
Richard Harrington
Gertrude Tanger
Ronald DiLiddo
John Palermo
Raymone Steele

Also Present: Alfred J. Heilman, Deputy Town Attorney
William A. Davis, Superintendent of Building
Patrick J. Pietropaoli, Town Attorney

Mr. Heilman stated with regards to the agenda for tonight, four applications. These were published in a paper of local circulation and affidavits are on file with the Town Clerk.

#1. Application of B. R. DeWitt, 1535 Scottsville Road, Rochester, N. Y. for approval of a special permit to store salt on pad on property located at 1535 Scottsville Road. A Zone.

Mr. Everett Cohoon appeared. Stated operates blacktop plant over there. Has built pad, has picture here on this map. Salt pad sits way down in corner 1000 ft. from Scottsville Road. Was like jungle and took out and laid 4" of blacktop. This is all landlocked. Have dam across here and eventually will put washer in to wash cement trucks, but all landlocked around here and in process of covering it and had bad luck today. Boys up with sewing machine and got practically electrocuted, had to take one man to hospital. Have all material. Got sewing machine and thread Wednesday and Friday was holiday. Actually only 13,000 ton on this pad. 191 x 200 and small pad. Got trucks taking this out of here every day. For the towns in Monroe County and east to Batavia. All know cheaper to haul out of here than mine. Same price here as at the lake and as ecology has found out now, you save money by hauling out of here. Figures ideal spot. In center of the county and looking into having a couple of year. That is as far as I know. Any questions?

Mr. Hunter stated missed comment about covering. How did you say propose to cover? Mr. Cohoon stated canvas to cover. Just got. \$2500 worth of coverage. Mr. Hunter asked covered top with open sides, what is basic purpose, keep water off? Mr. Cohoon stated ecologists say want covered but not necessary to cover salt pile because have enough dampness to hold top of the salt down. Eventually will have crust over it. Mr. Hunter asked saying with or without cover would not expect water coming into salt and draining off as salt water. Mr. Cohoon stated no drainage there. Welcome anybody to come over and look at it.

Mr. Hunter asked what about amount of truck traffic being generated? Mr. Cohoon stated no more than usual. Continuous stream. Mr. Hunter asked what talking about in terms of average number of deliveries and trucks leaving per day. Mr. Cohoon stated all going to put in now until gets way down. When hauled had 6 trailers. No problem with traffic. Of course, early morning traffic, start here about 8-8:30 and finish at 4:00. Same as with blacktop. Mr. Hunter stated interested in volume. Numbers of trucks. When did fill first time, how many loads did it take and how long? Mr. Cohoon stated started October 1st and took about a month to haul. Mr. Hunter asked how many a day? Mr. Cohoon stated six, five days a week. That is nothing to what goes up and down that road. No problem getting in and off. Mr. Hunter stated

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

DATE *Nov. 28 - 1973*

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

GATES-CHILI NEWS

Issue Dated... *Nov. 28 - 1973*

Robert Conway
.....
Notary:

NOTARY PUBLIC
My Commission Expires March 30, 1975

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

Kochy

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 Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on November 27, 1973 at 8:00 P.M. to hear the following applications:

1. Application of B.R. DeWitt, 1535 Scottsville Road, Rochester, N.Y. for approval of special permit to store salt on pad on property located at 1535 Scottsville Road. A Zone.

2. Application of Morris Spector, 1436 Scottsville Road, Rochester, N.Y. for approval of variance to erect addition on front of building to house trucks and scrap paper, approx. 58 ft. from front lot line, 8 ft. on north lot line, 5 ft. at NE corner at 1436 Scottsville Road. A Zone.

3. Application of Roger Hill, Duncan Hill Realty Inc., 2159 Westside Drive, Rochester, N.Y. for approval of 4' x 6' sign, 6' to base of sign (from ground) aluminum - with plastic lettering located 30 ft. from center of road at 3161 Union Street. B Zone.

4. Application of James Cunjiffe, 673 Beahan Road, Rochester, N.Y. for approval of variance to erect 34' x 21' addition at rear of existing garage, making over-sized garage, on property located at 673 Beahan Road. E Zone.

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

LURAINA E. ROBBINS
Town Clerk

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being sold to the towns and villages, how much traffic associated with dispersal of salt? Mr. Cohoon stated all based on demand. Mr. Hunter asked what is demand? Mr. Cohoon stated yesterday and today 4 trucks hauling for Mendon and couple from Riga. No problem. Mr. Hunter stated may not be problem but still interested in how many. Say 4 trucks from one town and couple from Riga, how many trips today? Mr. Cohoon stated four apiece. Mr. Hunter stated roughly 24 a day. Mr. Cohoon stated that is nothing. Mr. Hunter asked what would be peak volume of traffic out of there? Maximum that would expect? Mr. Cohoon stated cannot answer, doesn't know. Have 16 cement trucks up above us that run steady all day long. They don't have problem getting on and off. Scottsville Road, everything comes from south and east going north and west. You have been on it. State highway there. Just shut off at 4:00 there, on blacktop for simple reason that traffic lines up over to Olympic Lanes sometimes. Can get out on highway OK. Mr. Hunter asked say don't know how many per day, 4 today, double that at a peak, three times? Mr. Cohoon stated can load only so fast. Couldn't tell how many going up and down highways. Mr. Hunter stated you could guess better than we could. Mr. Cohoon stated when running blacktop as many as 8 trailers of stone hauling in there. Mr. Hunter stated talking about salt. Mr. Cohoon stated all according to if have severe ice storm, going to have towns supply down and in after it. Mr. Hunter asked 200 a day, 150? Mr. Cohoon stated maybe 75. That is no problem. Mr. Hunter stated debatable. Trying to find out what dealing with. Other questions from the board?

Mr. DiLiddo asked how many people employed driving trucks? Yours or Towns? Mr. Cohoon stated town trucks haul. Mr. DiLiddo asked people employed handling salt at pad? Mr. Cohoon stated one loader and girl in office and either myself or salesman with them out. Three people involved. Mr. Palermo asked where does supply come from? Mr. Cohoon stated Retsof. DeWitt trucks bring in. Mr. Palermo asked how many would be in there on severe day when pile down to rebuild pile? Mr. Cohoon stated probably 6. Mr. Palermo asked how large? Mr. Cohoon stated 22 ton, twin screw tractor trailer.

Mr. Heilman asked how thick is blacktop pad? Mr. Cohoon stated 4 inches. Mr. Heilman asked that is wider than 191 x 200? Mr. Cohoon stated that is size of pad. Mr. Heilman asked how high is salt now? Mr. Cohoon stated 35 ft. Wrapped with loader. Mr. Heilman asked say have all going to bring in this year? Mr. Cohoon stated unless have severe ice storms, will have to bring more in. Mr. Heilman asked amount of salt sold would increase? Mr. Cohoon stated correct, that is true. Have all we can get on pad. Mr. Palermo asked how long would that last in normal winter? Mr. Cohoon stated doesn't know, first experience with it. Mr. Heilman asked in application, take it would like to do this year? Actually retroactive. Mr. Cohoon stated thinks set up for three years. Doesn't know what is going to happen. Mr. Heilman stated say board were to permit you to do what you are asking. Would have to come back next year. Planning to do same thing next year? This request would be for same period of time during months of October and November? Wouldn't store during summer? Mr. Cohoon stated oh yes. Stored down at lake year around. Mrs. Chapman asked if you have salt left after winter it will remain on the pad? Mr. Cohoon stated yes, covered.

Mr. Heilman asked say don't have any idea how many trucks, do the towns call and say going to send 8 trucks? Mr. Cohoon stated just pop in. Mrs. Tanger asked how many towns stockpile their own salt? Mr. Cohoon stated Perinton does and Pittsford has. Got 2500 tons and Perinton stockpiles theirs. All carry certain amount. Brighton about 1000 tons and carry supply right at barns. Mrs. Tanger asked that would take care of them for some period of time? Mr. Cohoon stated when get like Ogden had slippery storm and hauled before and filled up again. It is quite a convenience for these towns, saves because not so far to haul.

Mr. Heilman asked Ogden used salt a week ago and then wetn up to fill up with 1000 tons again and then go back? Mr. Cohoon stated wouldn't have to carry big stockpile. That is beauty of it. Mr. Heilman asked if have real slippery or icy day, not necessarily going to have great deal of trucks there because each town already stockpiled with salt. Next day or day after will replace whatever used? Mr. Cohoon stated right.

Mrs. Tanger asked have every town in Monroe County? Mr. Cohoon stated no, haven't gotten them all. Morton has really put a lot of inroads in on International. Bring by boat from Michigan into Charlotte and where we had International, had to get off of pad located in Charlotte, Morton bringing in 30,000 ton and putting in down there. Letting them put more down there in Charlotte. Mr. Hunter asked normally any disbursements on Sunday? Mr. Cohoon stated no sir, 5 days. Mr. Heilman asked no leaching from this pile? How far from the river? Mr. Cohoon stated across Scottsville Road, 1000 ft. back from there. No way to get into river. Old walls back there that used to cut ice in winter and then the dump was after that. Not too valuable property. Mr. Hunter asked in terms of five day operation, what hours normally disbursing? Mr. Cohoon stated 7:00 to 4:00.

Mrs. DiPascale, East River Road, stated said 1000 ft. from the road, how about next neighbor? How far from neighbor next door and when snow storm comes up and thaws where does that run, into neighbor or sewer? Mr. Cohoon stated dam across there. Mrs. DiPascale stated when overflows and comes into out land, then what? Mr. Cohoon stated cannot overflow. Mr. DiPascale stated did last spring. Mrs. DiPascale asked what if high water comes up again? Salt pile will be down on our property. Mr. DiPascale asked how far is pile away from our land? Mrs. DiPascale stated not 150 ft., from this point here. Oh, this is on the other end. Mr. Cohoon stated way down in this corner. You know what is in back of here. Mr. DiPascale stated then our property is up on this end. Mr. Cohoon stated you have little bit here and dam up here. Oil line goes down through here and comes out across because wanted to put road in here. Mr. DiPascale stated understood next to our property. Mr. Cohoon stated no, right over here. Way away from you. Mr. Hunter asked how many feet from your property? Mr. Cohoon stated cannot tell you. Mr. DiPascale stated the way drawn completely on other side. Mr. Hunter asked maybe 6-700 ft? Mr. DiPascale stated understood on my property line.

Mr. Neil Strassner, Names Road, stated talks about not affecting traffic on Scottsville Road. Anything that goes in on Scottsville until overhead bridge and connect throughway, anything will affect traffic on Scottsville Road. I have been when I go back home sometimes come by there and trucks, especially when filling up with salt, at least three or four of those big trucks. Waiting to get into there and traffic backed up to Ballantyne Bridge. Doesn't take too much trucking to interfere with traffic and flow on Ballantyne Road. Suggesting that there should be a wider section of road in that particular area, in order to help facilitate movement of traffic through that area. Mr. Hunter asked what time of day? Mr. Strassner stated imagine around 1:00 and other times through in morning and there was lot of traffic through there. Didn't like phrase will not interfere with traffic. It does interfere. Will say cannot hurt any more but might back up even further and these are type of things at Ballantyne Bridge where have more accidents unreported in this county because of traffic flow we have there. Mr. Cohoon stated that is not town problem state problem. Mr. Strassner stated just making suggestion, if there is anything we could do to point out to future planners where could widen road at that point so that cars can go around trucks. Mr. Cohoon stated blacktopped both sides of the road. Traffic can go around side. Mrs. DiPascale stated not with two or three trucks backed up. Cannot get out of our driveway. Mr. Cohoon stated lot of trucks haul by there. Mr. Strassner stated does affect it, not saying should or should not.

Mr. Stephen A. Chudyk, Superintendent of Highways, asked how high is pad above sea level, flood stage? Mr. Cohoon stated cannot read figures on map.

Mr. Greco, 1611 Scottsville Road, stated talking about ecology, drive along and pick up salt. What happens if a loader and bading trucks, how will this affect area? Mr. Hunter asked concern about wind carrying salt away from area? Mr. Greco stated pick up dust and smell it. What affect will it have on area when loading trucks? Mr. Hunter asked maybe deals with spillage? Mr. Greco stated dust, streets white with salt. When loading trucks how will it affect area? Mr. Cohoon stated won't affect it one bit. Salt actually, if don't cover, wouldn't dry out under coverage and on damp side and wouldn't blow at all. Knows law coming that all these towns will have to cover their trucks that are hauling. In fact, one from Medina got caught with troopers and had to carry coverage on his. Mr. Greco asked when loading salt won't you have dust? When drive down Scottsville if icy and put salt on, bothers me. Mr. Cohoon stated got to go somewhere, down catch basins into the river.

Mrs. DiPascale asked what if flood waters come up again? Mr. Cohoon stated thinks will run down into your place? Water came up last year but won't hit pad, set up. Mr. DiPascale stated you were flooded out last year. Mr. Cohoon stated to the road. Didn't get that high. Last year was unusual. When was last time you had that much water? Mrs. DiPascale stated many times, been there a good many years.

Mr. Heilman asked is your application to store salt year around? Mr. Cohoon stated if anything left in spring. Mr. Heilman asked assume empty in spring, when bring more in? Mr. Cohoon stated next fall. Mr. Heilman stated application is to keep whatever is left and bring more in October, November. Majority retained for 4-5 months. Mr. Cohoon stated as long as the weather is bad. Cover up what is left and tie it down. Cannot move back to mine.

Mr. DiPascale asked what is preventing from putting in more pads and hauling more salt in? Mr. Cohoon stated this is it. Never be more. Mr. DiPascale asked supposing more towns want to buy? Mr. Heilman stated would have to make another application. Mrs. DiPascale stated got salt there now and didn't notify anyone, there now. Mr. Heilman stated he will in the future. Mrs. DiPascale asked why didn't he do it now? Mr. Heilman stated mix-up as far as application and knows if wants to increase or add pads to that area will have to apply to Zoning Board for permission. Mrs. DiPascale stated traffic will be very bad for us. Coming in and out of driveway terrific. Tells everything so smooth. They were here before for permit to get asphalt going and things promised that weren't fulfilled. Said wouldn't hear noise from road. We live across at Genesee Park Inn and wakes me at 7 AM. If wind blowing in certain direction. You hear that. Insurance man that lives two miles up the hill can hear it if wind blowing in that direction. They said wouldn't hear from the highway. Promised but never did. MR. Cohoon stated jets taking off right behind us. Mr. DiPascale stated don't stink like that asphalt does. Smelliest asphalt when put plant in.

Mr. Palermo asked what is maximum amount of salt you will have on that pad near the end of the winter season? Will you keep that pile at minimum near end of season so won't have to store too much for summer until ready to use in fall again? Mr. Cohoon stated try to get as little on that pad as possible. Mr. Palermo stated shouldn't be problem. If keep up with bad weather and big trucks coming in keeping towns supplied shouldn't be problem to keep to minimum near end of season. Mr. Cohoon stated hope you are right. Planning on having as little as possible there by March. Mr. Palermo asked roughly how much? Mr. Cohoon stated cannot tell.

Mr. Heilman stated size of that pad when filled 191 x 200 x 35 high, what does that represent in truckloads? Mr. Cohoon stated just over 13,000 tons, split it up, doesn't think truck loads would mean anything. Mr. Heilman stated 600 trucks roughly.

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

Mrs. Josephine DiPascale, E. River Road, against it.

Mr. DiPascale, E. River Road, against it.

Mr. August Greco, 1611 Scottsville Road, against it.

DECISION: Reserved pending receipt of comments from MCPD.

- #2. Application of Morris Spector, 1436 Scottsville Road, Rochester, N. Y. for approval of variance to erect addition on front of building to house trucks and scrap paper, approx. 58 ft. from front lot line, 8 ft. on north lot line, 5 ft. at NE corner, at 1436 Scottsville Road. A Zone.

Mr. Jerry Greenfield, Attorney, appeared. Stated representing Sectors this evening. Direct attention to this top map. Barnies is landmark. Spector's has been landmark. Waste paper. Minuteman gas station. Paul Road around here. This would be extension of railroad. Across the street Sun station which is now vacant and remaining parcel empty land. As you know, Spector family has been converting wastepaper for number of years at this location. Originally had parcel about 150 ft. frontage on Scottsville and constructed building. At time addition built, got variance to go back 86 rather than 100 ft. for this particular point. Over the years Spector purchased additional 48 ft. two or three years ago before had idea to build building. Enlarged area because complaints should have more room for trucks. Also purchased triangular piece at the end. All the land available in the area. Tried to keep trucks on this triangular piece and keep as clean as possible. Over the years recycling boom upon us and people have been delivering paper and despite problems and efforts to keep the paper as clean and neat as possible, has sometimes become unsightly. This together with fact that building slightly outmoded in that large tractor trailers cannot come into building and unload. Proposing Stran steel building. 5 doors will permit larger trailers to come in and unload within the building. Very significant. Covered unloading and paper moved from this to the balers within the building. No change in the foundation. Same blacktop. Found blacktop; if use forklift trucks, best way to move paper. Been doing this way to turn over paper quickly and keep premises cleared. Apply today to go back 58 ft. rather than 86 ft. Thinks significant and before Planning Board, interested in what would happen here. Gas station 30 ft., new building 58, corner 86 down to 101. Felt gradual decrease and esthetically felt made sense. No one it should affect. Barnies' has no objection. Happy will be neater. Gas station no objection. Talked to owners across the street and no objection to it. Within sphere of influence, no objection. No way can expand in any other way. Penn Central directly behind us and power line up in here. This is extent of where he can go. Building itself has some height to it and that is one of the reasons had to go before the County Planning. Less than surrounding power poles and 41 ft. will permit to have free-standing span building without posts and trucs will be able to come in. Felt architecturally better to have peaked roof than flat. Carries 40 lb. live load and assured by builder this will withstand type of wind conditions had in airport area. Felt steel is way to go in this structure because of height. Thinks it can be handled better than block building. Really cannot tell mucy more. Glad to answer questions.

Mr. Hunter asked did say steel building, will siding also be steel? Mr. Greenfield stated this part of the building fits into present building. Doors here to push material through. Now concerned as to what will be in this area, door or not. This will be steel structure and this face and across the front. Three sides of it. Basically back portion will be present masonry structure. Will be steel. Mr. Hunter asked painted? Mr. Greenfield stated laminated finish. Haven't picked color. Whatever color it turns out to be it is laminated and guaranteed for 20 years. Thinks will be attractive and blend in nicely and will keep up. Another reason for steel, trucks pretty heavy and

masonry would probably crack where steel sections could be replaced or repaired. Mr. Hunter stated Planning Board more concerned about that. Mr. Greenfield stated speke at length and thinks approved construction.

Mr. Heilman asked no special problems regarding fire with steel? Mr. Greenfield stated obviously have problem. Push out as fast as can depending on market conditions. Sometimes considerable paper and problem but no different than in past.

Mr. Hunter stated we have reply from County about this application. "Therefore, we recommend that the board request the applicant to prove that the front setback variance request will not cause interference with traffic movement in this area long Scottsville Road. Specifically, it must be proven by the applicant that the proposed front setback of 58 feet will allow for the maneuvering of those tractor-trailer vehicles associated with the business operation being conducted. It is felt that the State's right of way should not be used for turning or parking purposes of these vehicles." Can you comment on that? Mr. Greenfield stated trailers 40 ft. long. If comes into the building, after comes out will be starting turn this way or this way. Mr. Hunter asked 40 ft. including tractor? Mr. Spector stated 40 ft. trailer, 10 ft. tractor. Mr. Greenfield asked will it be able to turn around without using right of way? Mr. Spector stated yes, pull in from entrance driveway and back into building. Will not have to go onto road. Mr. DiLiddo asked fence or something blocking road off? Mr. Greenfield stated we put posts and chain fence guard and bumper rail there. Planning Board talked to us about some other type of fence and doesn't know exactly what they have in mind but feel there is sufficient for these tractors to turn without going into right of way. Mr. Hunter stated looks tough, 30 ft. vehicle maneuvering in 58 ft. without going onto right of way. Mr. Greenfield stated feels it can be done. Mr. Spector asked talking about paved portion of the road? Mr. Hunter stated talking about right of way owned by state. Mr. Greenfield stated road 50 ft. from center line at that point. Probably 100 ft. road here. Mr. Davis stated thinks 100 ft. Mr. Greenfield stated this is 50 ft. area here. Doesn't know what pavement measures, probably 20 ft. on that side. Mr. Chudyk stated believes 24 ft. Mr. Greenfield stated 26 ft. from edge of pavement to property line. Mr. Spector stated doesn't see why problem would arise, same vehicles as going in there presently. Mr. Hunter stated building out front and won't have maneuvering space.

Mr. Heilman asked don't have many trucks at one time, trucks will be inside, not parked out here? Mr. Spector stated no. Mr. Heilman asked once trucks in will back right in? Mr. Greenfield stated 80 ft. inside building. Reason for this construction 80 x 120 is that is standard size and happened to be size that made sense on this location. Consequently with the 80 ft., once trucks in, 30 ft. behind and trucks will come out very easily. As far as turning in, if don't feel will leave there, anohter truck, not more trucks, won't increase volume to best of our knowledge. Foolish to say won't but don't anticipate. Will enhance looks of the building and overall situation for this type of business and step in the right direction. Not saying won't be problem. Feel can meet it, not all tractors, mostly dump. Mr. Spector stated 10-wheelers. Mr. Greenfield stated trucks that come into our place are the packers, they are how long? Mr. Spector stated maybe 25 ft. Mr. Hunter asked bring papers in? Mr. Greenfield stated that is bulk of traffic coming in. Going out, use our tractors or those supplied by mills. Would be 4-5 in to one out. Mr. Hunter asked do you feel by adding this building you are going to be able to do anything about the appearance of the area. Mr. Greenfield stated cannot tell every reason but this is one of the main reasons. People have complained and because of wanting the tractors, trailers, dumpsters to come inside to unload and prevent papers from blowing around. Thinks will be able to keep much cleaner.

Mr. Hunter asked over the weekend, paper actually stored in the yard, avoid this? Mr. Greenfield stated will be able to store more and do everything to avoid storing. Suddenly, booming and cannot keep up. See people now, may not see next week. Try in every way possible.

Cannot buy more, nothing else for sale. Price for gas station property outrageous. Any way could enlarge and get more land would do so.

Mrs. Tanger asked still planning to store trucks on triangular property? Mr. Greenfield stated yes, bought for that reason and tried to do so.

Mr. Heilman stated there was question about stockade fence at Planning Board, thinks will come back. Mr. Greenfield stated board said would you put up fence? Asked what do you suggest? Thinks really difficult to know what is best. Chain link might be better as fence but not esthetically as nice. If hit, chain gives. If stockade may be constantly having problems. If put up would have natural fence so wouldn't need painting and maintenance. Thinks will go along with whatever is reasonable. Mr. Heilman stated Planning Board reserved decision. Mr. Greenfield stated wanted to see what county and zoning had to say on it. Mr. Heilman stated next meeting will be December 11th and might be back before board raising those questions. Mr. Greenfield stated will be glad to come if you want us. Would like to talk about fence if we object to particular type based upon our needs. That does create problem or may solve problem as far as state. Cannot turn if fence there. Don't know how to handle that. Would concern ourselves with that problem if you wish.

Mr. Heilman asked you have no request for signs on this building? Mr. Greenfield stated none that I can think of. Mr. Heilman stated really don't need it.

Mr. Hunter asked what approval do you have from state in terms of the exits and entrances to this property? Shows whole thing open. Mr. Greenfield stated right over here is scale house and scale. There is an entrance and exit there and chain or bumper guard in middle and another exit on the other side. Believes got approval as to best of my knowledge. No problems with it. Mr. Hunter asked no change in that? Mr. Greenfield stated not changing anything but putting part of it inside. Mr. Palermo asked trucks will be able to back in there under present conditions the way driveways are now? Mr. Greenfield stated now depression there and trucks and packers back to loading platform and dump in this area. Area used for that purpose will now be under cover. Wouldn't dump here because of scale. Wouldn't have anything in front. Should have 99% of the dumping within this area. That is loose debris. Once packed very little spillage. Might be loose piece of paper but generally pretty tight. Mr. Palermo asked bay doors will be closed except when pulling in and out? Mr. Greenfield stated that is intention at present time. Would be better, keep warm in winter and cool in summer.

Mr. Heilman asked say have cut here and here, put up fence, there now but saying ample to take 50 ft. trucks, pull in and make all turns within confines of your own property. Fence would prohibit you and knock down fence if you cannot. Mr. Greenfield stated State right of way would be protected. Problem, put up chain and people cut and break. Do dump because we are there. Have papers or debris and dump it out. Try to keep chain up and not successful. Fence can start out but cannot assure will end up that way. People know it is there and cart debris and if closed, will throw around.

Mr. Heilman asked what are hours of operation? Mr. Greenfield stated hours will be the same, there early in the morning, 6 or 7, until 6 at night. Close at noon on Saturdays. People come in and pound on the gates. Try to limit the hours. Difficult to control someone bringing in paper and are late. If there, we do the best we can. Try to cut hours down. No intention to expand. Mr. Palermo asked normal working hours? Mr. Spector stated 7 to 6.

Mr. Hunter asked if there were questions from the audience? Mr. Neil Strassner, Names Road, stated gentleman says have problems. Have used efforts to keep clean. Efforts never seen. Efforts go down the drain so much because never used a bit of effort in their life. Shame

we have to have place like that in Town of Chill. When says cannot make promises, agree, never kept a promise since had variance in the beginning. Never park trucks, everything picked up. Every day and place never to look like it is. Voted so many times but for some reason or other just too bad thing up there. Too bad in Town of Chill because not doing Scottsville Road one bit of good. Says 30 ft. back of the trucks inside shed. If has 30 ft. don't need variance to come out to front that he wants. As far as backing into driveway, come along mornings and wait for trucks to back in to get by. Not only one. One that is 60 ft. and back up in and takes up an awful lot of room. Parked in front, not that triangular area up there. Another filthy spot. Never lock anything up. Fields of mud and all over Scottsville Road. All filthy because of Spectors there. Down the drain with him.

Mr. Greenfield stated you need this kind of business and nobody wants it in their backyard but we need and have to have it. Planning Board telling about paper town collected that send over here. Everyone wants ecology and things done properly. Not clean business. Trying to make better. Trying to meet every objection. Tried to keep clean. Not our fault and some is our fault. Difficult to get paper and handle and get out. Tough commodity. Don't want to be disreputable, don't want problem. Do best we can. Gentleman spoke about trucks in front. Put over here to alleviate that problem. Bought this piece of land without intention or knowledge of this building. That I can assure you of. Tried to handle problem as best we can. Going to alleviate. lot of things expressed. Thinks right step and thinks honestly trying and objections should be directed this way. Give a chance, see how perform. This is area and been to this place and basic area where dust and dirt accumulate. When dump and load. If under cover should solve great amount of problem.

Mr. DiLiddo stated believes indicated that size of building selected because standard size and minimum cost associated? Mr. Greenfield stated Mr. Spector felt that in order to do properly and if doing once and once properly and bear in mind please this is area variance. What this gentleman object to is different. Objects to being there. There and make it better. Want closer to the road so can build structure that is big enough. Don't want little one now and more later. 80 x 120 addition, 10,000 sq. ft. Basic size it comes in. Any deviation more costly proposition. Mr. Palatier (builder) stated pre-fabricated steel building. Mr. DiLiddo stated standard size like model kit and if deviate more expensive to construct it. Mr. Greenfield stated correct.

Mr. Hunter asked estimated cost? Mr. Greenfield stated \$38,00-40,000. Might exceed but in that range to the best of our knowledge. Couldn't get to the final stage of quotation until hopefully have approval. Rough estimate.

Mrs. Tanger asked could we ask you to straighten trucks on triangular piece of property? Mr. Greenfield stated to Mr. Spector, please line trucks up as best we can. Cannot make as neat as DeWitt does but the best we can do.

Mr. DiLiddo asked standard kit for 60 x 120 or 70 x 120? Mr. Greenfield stated there are other standard kits but won't solve problem. Mr. Spector stated needs 80 ft., has loading dock approximately 22 ft. which has to be added to the length of the trucks. Bring about 75 ft. when added to the trucks. Mr. Palermo asked how much space in front of trucks with door closed and up to the dock? Mr. Spector stated approximately 5 ft. Mr. Greenfield stated room to pull door down. Old loading dock here. More room in this section. More in front and back.

Mr. Strassner stated wants to straighten gentleman out. Not in opposition to anything that goes in. Only to how you keep variance and obey. You people did not obey variance. If continue, couldn't promise him anything about keeping clean. Mr. Greenfield stated doesn't want to make promises that won't keep. If make promise will keep it. Say will try but not cleanest business. This type of building effort in the right direction. Showing intention to do something because this is area that is problem. Efforts should be noted and will do everything possibly can. Say nothing outside. Not that much room left. If have 58 ft. and concerned about trucks, cannot load area up. Got to be free and open. Won't be anything here. Scale house, short distance. To keep traffic pattern got to be kept clear. No other way we can do it. Thinks of necessity will be great improvement and vast improvement over what it is today.

Mr. Hunter stated one area county concerned about, parking. Sure will not need to park vehicles on state property? Mr. Greenfield stated if fence in front no way can do it. Only cars from family. Sure will have to park on triangle or Barneys because will need room for trucks. Will do everything to keep off state right of way. State has power to keep off. Keep trucks on triangle and away from front. Many of the trucks will be inside at night. If left overnight and loaded in morning will be kept inside. Practical for vandalism purpose too.

Mr. Spector stated main reason for this building, there is material left outside but reason because trucks do come in and all dump trucks and existing building not high enough to dump out the loads. So dump in front of doors and that is why material outside. Existing building out-dated. Mr. Hunter asked that should eliminate dumping outside? Mr. Greenfield stated correct, all inside. Mr. Spector stated reason dumped out there because cannot get inside.

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

DECISION: Granted subject to following stipulations: 1. All dumping to be inside of building. 2. Stockade fence along north, south and west lot lines from front building lines to front lot line to be erected, gates for access may be chain link. 3. Gates to be kept closed and locked during hours not in operation to prevent unauthorized access. 4. No outside storage of materials or dumpsters. 5. State right of way shall not be used for turning or parking of vehicles.

3. Application of Roger Hill, Duncan Hill Realty, Inc., 2159 Westside Drive, Rochester, N. Y. for approval of 4' x 6' sign, 6' to base of sign (from ground) aluminum - with plastic lettering, located 30 ft. from center of road at 3161 Union Street. B Zone.

Mr. Hill appeared. Stated sign will be going at 3161 Union which is in front of the professional building in North Chili. Tried to keep in decor of the building by using wrought iron. Set in concrete and stone, hopefully non-breakable sign. Don't know what you would like to know. Self-explanatory with this drawing. Mr. Davis asked what is setback? Mr. Hill stated 30 ft. indicated. Mr. Davis stated better be more, 4 rod road. Mr. Duncan stated then bank is in violation for their sign. Same type of location. Mr. Hill stated one sign for Lincoln Rochester and broken sign. Lincoln Rochester 35 ft. from center of road.

Mrs. Chapman asked anticipate lighting sign? Mr. Hill stated non-illuminated sign. Mr. Hunter asked two-faced? Mr. Hill stated yes it is. Located near drive to the south of the driveway, into the property. Buffalo Road here, Union Street, drive here and sign will be located approximately here. Mr. Duncan stated in green belt area. Mr. Hill stated 4' x 6' in size.

Mr. Hunter asked approximate value of this sign in place? Mr. Hill stated about \$800. Mr. Hunter stated thinks you are aware town in process of revising zoning codes. Possible that in those revisions could be some restriction upon free-standing signs. Would you feel this could be taken down in couple years, you would get money's worth? Mr. Duncan stated what would be restriction? Mr. Hunter stated some towns have eliminated them after some time. Being looked at. Mr. Hill stated in towns where abundance of free-standing signs, only one other sign in use at this time. Mr. Duncan stated this is business district. Mr. Hunter stated only pointing out this is being revised and know towns are eliminating or restricting signs. Mr. Hill asked anticipate changing in a year or two? Mr. Hunter stated could happen. Mr. Hill asked what would attitude be to directory sign in front of professional building. Mr. Hunter stated cannot comment. Looked at and some discussion but for me to say what is going to happen would be kidding. Mr. Hill stated would like to go best route for ourselves and town.

Mr. McKay, 3155 Union Street, asked wasn't medical building built with variance supposed to blend with residential area? Mr. Hunter stated didn't remember specific qualifications on that. Sure of concern but just what was specified, wouldn't know offhand. Mr. McKay stated feels signs would commercialize area, not only because of vandalism but don't take care of signs. Mr. Hill stated guesses original intent to make strictly medical center, difficult to do. Only two tenants in building, dentists, rest of building empty. Original intent to make medical building and thinks now trying to maintain building. Classify ourselves as professional people and trying to make professional sign in commercial area. Not residential area. Mr. McKay stated still subject to vandalism. Mr. Hill stated not your problem or town's, that of independent company. Mr. Duncan stated would almost have to run into sign with heavy object, aluminum. Mr. Hill stated fiber glass, difficult to damage, probably will have to repair because business depends on people knowing how to find us. Mr. McKay asked how about blocking view of traffic? Mr. Hill stated sign so small... Mr. McKay asked that is small? What is sign supposed to be? Mr. Hunter stated sign size not specified. Board looks at 36 ft. as maximum, not in code at present time. Mr. Hill stated asked for 4 x 6 but possible 4 x 4 because of cost. Mr. McKay stated this consideration made to put sign on building itself. Thinks has come up before where have made attach to building. Mr. Hill stated this was considered, owner Mr. Perry, building nice looking building and if put lot of signs on will detract from building, didn't feel this will detract from building or area. Otherwise look like shopping plaza with many illuminated signs. Not illuminated. Mr. McKay stated got signs for teller and car wash. Mr. Hill stated carwash down. Teller's 4 x 4 illuminated. Ours not illuminated, same size.

Mr. Pietropaoli asked who owns building? Mr. Hill stated Mr. Perry, leasing space from him.

Mr. Cane, 3228 Union Street, asked says one sign, probably other businesses going in there and other signs next to it. How many will there be eventually? Mr. Hill stated good question, that is why asked about directory sign in front of building. Mr. Perry doesn't want lots of signs in there. Type of business in there would not require signs. MR. Cane asked shouldn't you consider directory sign rather than going all out with just one? Mr. Hill stated thinks Mr. Perry doesn't feel could justify expense with our name and dentists.

Mr. McKay stated another office and dance studio downstairs. Mr. Hill stated thinks dance studio leaving. Mr. Heilman asked who will pay for the sign? Mr. Hill stated we will, our responsibility to erect and maintain. Mr. Pietropaoli asked have you signed lease for this space? Mr. Hill stated not signed, gave word and as good as written document. Mr. Pietropaoli asked how long? Mr. Duncan stated two years. Mr. Pietropaoli asked wouldn't ask board to IL for more than 2 year period if only two year lease? Mr. Hill stated no. Thinks new sign ordinance brought to the town by board such as this or Town Board, that everyone will adhere to, no objections to that. Important to our business or any business to have identification of where you are. Hate to see everybody or every sign come down in every town.

Mr. Hunter asked if anyone wished to speak in favor of the application and no one appeared. Asked if anyone wished to oppose the application and Mr. McKay and Mr. Cane indicated opposition.

Mr. McKay stated have other neighbors against sign but couldn't attend tonight.

Mr. Heilman stated this is really application on behalf of Perry, owner of property, and sign on his property, take it joins in application, but would like to know what guarantee can the board have that when somebody else leases the property, another area, that they won't come up with reason for sign also. Mr. Hill stated no guarantee. Mr. Heilman stated since Perry not here presenting this, sending somebody who is leasing property, actually should be in his name on his property and responsible for it. Say something happened and went out of business. If sign broken would be nobody to go back against. Mr. Hill stated would be willing to have you put that into document that if vacate the premises take with us. Agree would be problem with many signs but until it does become problem don't think will hurt if application for me, thinks could be talked to and if problem, should be asked to remove it. If that is problem concerned with. Mr. Pietropaoli stated problem because building 75% vacant. Mr. Hill stated will be largest tenant and will fill with other people who will not need signs. Actively trying to rent space for Perry. Mr. Duncan stated if somebody had crystal ball would rent whole building. Want to be practical. Have enough for years plan to be in there. Wish could take all the space. Don't know what tomorrow is ourselves.

Mr. Hill asked Mr. McKay, feel these will bother you? Mr. McKay stated several signs on corner, grass growing up and papers blowing around. Mr. Duncan stated no signs around this one, nice and neat and don't like to trim grass, will put white stones at base of sign. Mr. McKay stated won't mow field. Mr. Cane stated mentioned commercial but actually only three sides of that residential. Across the street and to the corner and from building down is commercial. Actually more residential than commercial. Mr. Hill stated commercial property stops to the north, sign to the south. East side commercial 3/4 way up the street.

DECISION: Reserved pending decision from MCPD.

4. Application of James Cunliffe, 673 Beahan Road, Rochester, N. Y. for approval of variance to erect 34' x 21' addition at rear of existing garage, making over-sized garage, on property located at 673 Beahan Road. E Zone.

Mr. Cunliffe appeared. Stated reside at this address on Beahan Road. Existing garage and this is proposed addition would be putting on there. Directly behind present garage. Located approximately to the front end of this garage 130 ft. from Beahan Road, roughly about 70 ft. from the north line and 34 to 212 to the south line. Mr.

November 27, 1973

Hunter asked those are to side lot line? Mr. Cunliffe stated didn't figure distance to the south line, 70 plus 34 from 212. Mr. Hunter stated when take that into account, look at homes on either side, how far would you say either of those buildings are? Home to the north? Mr. Cunliffe stated homes all out in front of existing garage, on this side at least 150 ft. to the nearest house. On this side the Party House. Share common south border line there. Mr. Hunter asked how would you have access to the addition? Mr. Cunliffe stated these are existing garage doors and in that driveway around behind home and door on the south side.

Mr. Hunter asked basically what will be using for? Mr. Cunliffe stated house farm equipment and boat in that. Mr. Hunter asked enable you to get most of the equipment under cover? Mr. Cunliffe stated would be able to get all of my equipment under cover between there and here. Mr. Hunter asked present garage brick construction? Mr. Cunliffe stated brick front 12" wall on front 4" brick and 8" cement blocks, side 8" cement and common wall 8" cement. Mr. Hunter asked walls of the addition cement? Mr. Cunliffe stated all of them 8" concrete block. Mr. Hunter asked painted outside? Mr. Cunliffe stated yes, painted them. Mr. Davis asked how much land do you have? Mr. Cunliffe stated frontage 212, rear 211, north 800 and south 840. Well over 3 acres. Tax me at three acres but over 3. Mr. Hunter asked have you discussed this proposal with your neighbors? Mr. Cunliffe stated no, have not. Don't know how they feel.

Mrs. Tanger asked saying would be using part of the Party House driveway? Mr. Cunliffe stated no, better than 120-30 feet from my existing garage to the lot line. Primarily for my farm equipment and come out of here and go into back lot. Intend to plant the way cost of food is going.

Mr. Hunter asked if anyone wished to speak in favor of the application? Mrs. Cunliffe stated in favor of application. Asked if anyone wished to oppose and no one appeared.

DECISION: Granted unanimously.

Held over from June 26, 1973 meeting:

Application of Reorganized Church of Jesus Christ of Latter Day Saints, 41 Salmon Creek Drive, Hilton, N. Y. for approval of variance to erect a church on property located at northwest corner of Chestnut Ridge and Golden Roads. D Zone.

DECISION: Denied unanimously. 1. Requires re-subdivision of lots. 2. Drainage problems in area and no adequate plans presented to control drainage of the area. 3. Proposed increase in traffic would cause safety hazard in an area which is primarily residential with numerous single family lots.

ROBERT HUNTER
Chairman

KI

ZONING BOARD OF APPEALS
December 18, 1973

A Meeting 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 December 18, 1973. The meeting was called to order by the Chairman, Mr. Hunter.

Roll Call: Robert Hunter, Chairman
Janice Chapman
Gertrude Tanger
John Palermo
Ray Steele

Absent: Richard Harrington
Ronald DILiddo

Also Present: Patrick Pietropaoli, Town Attorney
Alfred Heilman, Deputy Town Attorney
William Davis, Superintendent of Building

Mr. Pietropaoli stated there are four formal applications on the agenda and all four have been duly advertised in a legal paper designated by the Town of Chili and affidavits are on file with the Town Clerk and the Secretary to the Board.

- I. Application of Ronald Geraci, 10 Baylor Circle, Rochester, N. Y. for approval of variance to erect one car garage, attached, on south side of existing residence, approx. 8 ft. from lot line. D Zone.

Mr. Geraci and Mr. Don Latta, representing builder, appeared. Mr. Latta presented tape location map of the property. Stated only has 12 ft., would like to build 14 ft. garage for reasons that will be obvious. Has existing family room and one means of egress out of house. Would like to put staircase going into family room and needs considerably more feet on the garage to get car in. Mr. Hunter asked front of garage here and this would be 8 ft.? Mr. Latta stated would like to have entrance from garage into family room, give second means of egress. Mr. Hunter asked talking 14 ft. outside width? Mr. Latta stated can go 12 without zoning. Side view would look like that.

Mrs. Tanger asked only front door and no back door? Mr. Latta stated that is right, raised ranch. Mrs. Tanger asked what would be distance between garage and house next door, garages if he built? Mr. Latta stated probably would want variance if larger than allowed by zoning. Shows 22 there now so if get 2 ft, would have 8 and other guy about 16 feet between garages. Mr. Hunter asked don't actually know exact distance between homes, any idea? Mr. Geraci stated his is lot more than mine, mine 22 ft. Mr. Hunter asked if he would come in for variance would have about 10 ft? Mr. Palermo asked garage now? Mr. Geraci stated no. Mr. Hunter asked driveway is on near side? Mr. Geraci stated yes. Mr. Latta stated no bedrooms next to each other, garages next to each other. Mr. Hunter stated he could build 14 ft. without variance if measurements correct. Happen to know what plans he might have? Mr. Geraci stated no plans to build garage, cannot financially. Mr. Hunter stated 80 ft. lot, apparently about 22 ft. from north lot line. Mr. Latta stated right.

Mr. Hunter asked other questions from the board on this application? Mr. Steele asked where is driveway? Mr. Latta stated driveway here now, lines up where garage is going.

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

DECISION: Approved unanimously.

Gates-NEWS-Chili

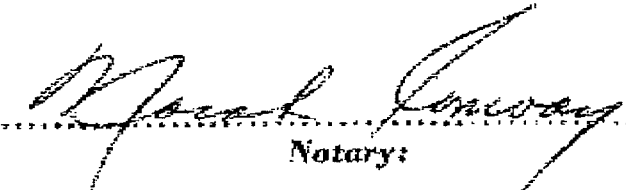
1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

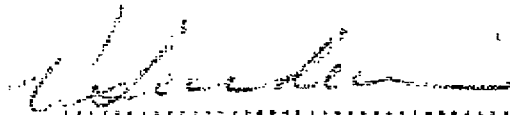
DATE 12/12/73

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

GATES-CHILI NEWS

Issue Dated 12/12/73


.....
Notary:


.....
SAMUEL J. SMITH
Publisher

NOAH CONWAY
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 20, 19... 74

LEGAL NOTICE

ZONING BOARD OF APPEALS

A meeting will be held by the Zoning Board of Appeals of the Town of Chili in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on December 18, 1973 at 8:00 P.M. to hear the following applications:

1. Application of Ronald Geraci, 10 Baylor Circle, Rochester, N.Y. for approval of variance to erect one car garage, attached on south side of existing residence, approx. 8 feet from lot line. D Zone.

2. Application of George Stiemer, 525 Paul Road, Rochester, New York for approval of renewal of variance to operate a catering business on premises located at 525 Paul Road, in an Industrial Zone. A Zone.

3. Application of Howard J. Reynolds, 25 Chestnut Ridge Road, Rochester, New York for approval of renewal of variance granted 9/23/69 for 4' x 4' sign. (Change of lettering to "Bungalow".) E Zone.

4. Application of Southwest Area YMCA, 12 Chestnut Ridge Road, Rochester N.Y. for approval of variance to erect sign, v-shaped, double-faced, each section approx. 4' x 4', advertising future site of SW Area YMCA located on Chestnut Ridge Road, So. of Paul and No. of Chili Avenue. E Zone.

All interested parties are hereby requested to be present.

By order of the Chairman of the Zoning Board of Appeals.

LURAINA E. ROBBINS
Town Clerk

2. Application of George Stiemer, 525 Paul Road, Rochester, N. Y. for approval of renewal of variance to operate a catering business on premises located at 525 Paul Road, in an Industrial Zone.

Mr. Stiemer appeared. Mr. Hunter asked Is this Carriage House? Mr. Stiemer stated yes. Mr. Hunter asked basically had variance for how long? Mr. Stiemer stated 22 years and would like to know if could have permanent variance. Mr. Hunter stated possible, up to the board to decide. How long ago last variance granted? 5 years. Any basic change in the way operating business over the last time? Hours of operation, etc. Mr. Stiemer stated no. Mr. Hunter asked what hours open and how often? Mr. Stiemer stated mostly weekends and could be during the week. Take what comes along. Mr. Hunter asked when do open, for dinner and into evening? Mr. Stiemer stated 6:30 to 1:00. Close at 1:00.

Mr. Hunter asked able to contain parking for your requirements without parking in street? Mr. Stiemer stated no, limit size to our parking lot. Mr. Hunter asked any further questions from the board? Mr. Hunter asked if anyone wished to speak in favor or opposition to this application?

Mr. William Wilcox, Stuart Road., asked variance include sign in front of house? Mr. Stiemer stated taken up last time. Mr. Hunter asked saying does include sign? Mr. Wilcox stated was up for variance and haven't been for 10 years. Mr. Stiemer stated you took up last time for the sign, Bill. Mr. Wilcox stated but less than 10 years. Mr. Hunter asked sign up? Mr. Stiemer stated look, called up for the sign last time, 1963 or 64. He took us up for it. Mr. Hunter asked briefly describe sign? Mr. Stiemer stated just our name, 8' x 4', located in front yard. Mr. Pietropaoli asked two-faced? Mr. Stiemer stated yes. Mr. Hunter asked lighted? Mr. Stiemer stated yes, most of the time lighted. Mr. Pietropaoli asked any idea of the hours? Mr. Stiemer stated 6:30 to 1:00. Mrs. Chapman asked every day? Mr. Stiemer stated not necessarily every day. Turn on at night because don't want people prowling around. Mr. Hunter stated means of lighting area. Mr. Stiemer stated yes. Mr. Pietropaoli stated as recalls, not internally lighted, spots on it. Mr. Hunter asked did you have concern about sign itself? Mr. Wilcox stated has concern from being on Conservation Board that we are trying to knock signs in the Town of Chili. Have gone on record that we are against signs in the Town of Chili. Mr. Hunter asked opposing free-standing signs? Mr. Wilcox stated right, when one knocked down at Naum's opposed that too.

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

DECISION: Variance granted unanimously to operate business for a five year period with right to reapply.

3. Application of Howard J. Reynolds, 25 Chestnut Ridge Road, Rochester, N. Y. for approval of variance granted 9/23/69 for 4' x 4' sign. (Change of lettering to "Bungalow"). (Amended to 4' x 32')

Mrs. Reynolds appeared. Mr. Pietropaoli stated called me today, he is home ill and Mrs. Reynolds representing Mr. Reynolds this evening. Mr. Hunter stated basically understand application to continue signs as they are right now. Mrs. Reynolds stated change letters from Foodland though. Mr. Hunter stated hours of illumination suggesting during hour of operation and no later than 9 P.M. and noon on Sundays. Essentially still interested in having that? Mrs. Reynolds stated yes. Mr. Pietropaoli stated this is attached to the building. Mrs. Reynolds stated yes. Mr. Pietropaoli asked on east side of the building? Mr. Hunter stated application worded that sign is 4' x 4', each letter 4' x 4'? Mrs. Reynolds stated right, along the side. Each

letter would be the same, just say Bungalow. Mr. Heilman asked would old application indicate size? Mr. Hunter stated replacing word Foodland with Bungalow, same size letters and spacing. 32' x 4'. Mrs. Reynolds stated right. Mr. Steele asked lights on the sign? Mr. Hunter stated believes internally illuminated letters. Mrs. Reynolds stated right. Mr. Hunter asked and same situation as granted for other word? Mr. Heilman stated decision of the board in 1969, granted sign to be maximum length of 32' and 4' high. To be placed in the northerly half of the east wall. Top coincident with gutter line on east. Illuminated regular hours of operation and for 4 years. Or until termination of affiliation with Foodland, etc., etc. Mr. Hunter asked does that mean terminated affiliation with Foodland? Mrs. Reynolds stated yes. Mr. Heilman stated probably had value of the sign. Mr. Hunter asked do you know what value of the sign may be in place? Mrs. Reynolds stated no, I don't. Mr. Hunter stated would like to have that information. Would it be possible to get and call it in? Mrs. Reynolds stated could call Pat. Mr. Pietropaoli stated could you make phone call to your son or husband to find out and give information to the board tonight and render decision on the application? Mr. Hunter stated would be better if you would do that. Any other questions from the board? Should amend application to 4' x 32', that is actual. Mr. Heilman stated renewal has to be same as original application.

Mr. Hunter stated same except for change in letters. Mr. Pietropaoli stated was on agenda once before and nobody appeared on it at the time. Still have right to renew application.

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

(Mrs. Reynolds later advised Board that approximate value of sign in place was \$1100.00)

DECISION: Granted unanimously for a five year term or as long as applicant owns and operates business, whichever is less.

4. Application of Southwest Area YMCA, 12 Chestnut Ridge Road, Rochester, N. Y. for approval of variance to erect sign, v-shaped, double faced, each section approx. 4' x 4', advertising future site of SW Area YMCA located on Chestnut Ridge Road, So. of Paul and No. of Chili Avenue. E Zone.

Mr. H. Gray Wright, Program Director, appeared. Stated would like to change that, instead of v-shaped sign will be straight, one-faced sign, 4' x 4'. Mr. Hunter asked on posts driven into ground? Mr. Wright stated wood sign on posts driven into the ground, just face one way, toward the street. Single faced. At first thought was on curve and on bend would be easier to see and since then did more looking and there is space to put where one sign will do the job. Mr. Hunter asked simple, unlighted wooden sign? Mr. Wright stated yes, future building site and that is it. Mr. Hunter stated normally only allowed to grant for one year for temporary sign. Mr. Wright asked come back every year? Mr. Hunter stated if want extended would have to come back again. Mr. Wright stated feels necessary, for information purposes to show that Y is serving community and has commitment of building future facility and this is where will build. Mr. Hunter asked any feeling as to where located on the property? Mr. Wright stated wouldn't necessarily have to be close to the road, roughly 30-50 feet from road, as long as readable. Mr. Hunter stated no concern for blocking traffic. Mr. Heilman stated could always be done under Bill's supervision. Mr. Wright stated when pick spot, can check out with someone. Mr. Mannara asked have you started plans? Mr. Wright stated not at this time, really anybody's guess. Could be anywhere from 3-10 years depending on community support. Probably 3 years anyway before see building up there. Unless miracle happens. Always have that hope.

Zoning Board of Appeals

December 18, 1973

Mr. Hunter asked if anyone wished to speak in favor or opposition to this application. Mr. William Wilcox, Stuart Road, asked would like to know how high that sign will be from ground? Mr. Wright stated couple three feet, just to clear the weeds. Mr. Hunter stated total 6 ft., 2 ft. to clear and 4 ft. of sign. Mr. Wright stated doesn't have to be big or high. Stands out because nothing there. Mr. Wilcox asked in center or edge? Mr. Wright stated this is why changed. At first thought in center but now have off to the left as you look west so won't be necessarily right in center. Mr. Hunter asked if anyone else cared to speak and no one appeared.

DECISION: Granted unanimously for one year, to be erected under direction of Superintendent of Building. Changed to single-faced, 4' x 4'.

Held over from November 27, 1973 meeting:

Application of Roger Hill, Duncan Hill Realty, Inc., 2159 Westside Drive, Rochester, N. Y. for approval of 4' x 6' sign, 6' to base of sign from ground, aluminum- with plastic lettering located 30 ft. from center of road at 3161 Union Street. B Zone.

DECISION: Granted for two years, 4' x 4', 10' in height, to be erected under supervision of Superintendent of Building. Stipulated that sign will be subject to re-appraisal if future tenant wishes to erect sign on premises.

Application of B. R. DeWitt, 1535 Scottsville Road, Rochester, N. Y. for approval of special permit to store salt on pad on property located at 1535 Scottsville Road. A Zone.

DECISION: Per modifications recommended by MCPD, topo survey to be submitted to Town Engineer and contingency plans to be submitted by 2/1/74. Engineer to report to Board by 2/22/74 for final decision on 2/26/74.

ROBERT HUNTER
Chairman

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