PLANNING BOARD

January 11, 1983

The meeting of the Planning Board of the Town of Chili was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on January 11, 1983. The meeting was called to order at 7:30 P.M. by Chairperson, Betty Bartok.

PRESENT: Betty Bartok, Chairperson; Bob Hunter; Dr. Rague; Bob Newman, Chairperson; Bill Deans and Mitch Rakus.

ALSO PRESENT: Bob Connolly, Building Inspector; John Flint, Bergmann Associates; Larry Hoy and Dan Miller, Town Attorney.

Mr. Miller stated this to be a legally constituted meeting of the Chili Planning Board and that notice of the meeting has been advertised in a newspapaer of general circulation and also posted on the Town Clerk's bulletin board.

1. Application of Kimberly Town Homes, c/o GRT Mamagement, 700 Warren Road, Ithaca, New York 14650 for rezoning of a portion of property located at 401 Beaver Road from RM & FPO to R-1-20 zone. Rezoned portion to be approximately .505 acres.

Frank Monfredo, Esq., was present and stated he was the attorney for Kimberly Town Homes. He stated the application is a result of an earlier ruling by the Board which approved preliminarily a subdivision conditioned upon their application for rezoning from multresidence to R-1-20, and since that is the desire of the Board and they concur, he asked that the Board recommend to the Town Board the rezoning.

Mrs. Bartok stated that the reason they made that request was that this lot on Chili Avenue and Beaver Road was surrounded by single-family residences with some very nice homes and it was their intention to keep the character of the neighborhood. Also, the County Planning has reviewed this and they are suggesting the single family residences and the Kimberly Town Homes also be rezoned for multi-residences at R-1-20. She stated this can not be done without notification to all of the home owners and stated on Sunday evening she called--two to the west and four to the south and asked how they felt about rezoning and each one was in favor of rezoning to R-1-20 and hoping that the entire block would be rezoned.

Mr. Rakus asked what was happening with the school number one. He asked if Kimberly tried to purchase this and was told there was a problem with the title and stated when this was cleaned up he imagined the owner of the parcel would acquire it and develop the entire parcel.

Mrs. Bartok stated that in talking to the home owners, Mr. Wingate, who lives immediately to the south of the parcel stated he felt there was a right-of-way through that property for the Kimberly complex and that it might be needed as a fire access. Mrs. Bartok stated there were no easements on any of the drawings submitted and there are no easements on the maps in the Town Hall. She asked if Mr. Wingate was mistaked, and was there a driveway of some sort. Mr. Monfredo stated there was nothing on the abstract of title to indicate there was an easement. There is nothing on the original application to the Town that would indicate there is an easement. So there is no easement of record.

Mr. Hunter stated that it did not appear to meet the codes. He asked if the lot in question was rezoned could that be built on without taking on that other property. Mr. Connolly answered that he didn't know. It would have to meet the legal setbacks, but it does front forty feet on the road.

Mr. Bernard Koster, 387 Beaver Road asked how could it be 401 and was told that it does so because from a tax assessor's standpoint, it is still one parcel and the other parcel has a postal address of 401 Beaver Road, which is in relationship to the larger parcel. Once it is subdivided off, it will have to have its rightful postal address. He was told it would be a matter for the Post Office. Mr. Koster asked how safe it would be to put a driveway in there. Mr. Monfredo stated he would like to clarify. Their purpose in making application for subdivision is to separate this odd parcel from the apartments which they intedn to covert into condominiums, leaving this odd parcel as part of the condominium. He stated they are not asking for a building permit. He stated he did not know if they would ever consider putting up a single family home here. He stated if the County ever cleans up, then in that event the parcel will probably be improved. Mr. Koster stated his concern for putting a driveway on a curve.

Clarence Wingate, 415 Beaver Road asked who does own the property, it it the school system that owns it. Mrs. Bartok stated the procedure for rezoning is for a public hearing before the Planning Board and a recommendation is then made to the Town Board and then a Town Board holds a public hearing and then the Town Board makes the decision.

No one spoke in favor or opposition.

DECISION: The Planning Board voted to recommend to the Town Board that this lot, the school property, two single family lots to the west and five single family lots to the east be rezoned to R-1-20. The change is recommended to preserve the resale value of those homes and be consistent with the surrounding zoning.

2. Application of Grossman's, 200 Union Street, Braintree, Mass. 02184 for extension of Conditional Use Permit to allow additional outside storage of building materials (97' x 160' storage yard) at property located at 3240 Chili Avenue (Chili-Paul Plaza) in GB zone.

Jim Taylor was present and stated he was an employee of Evans Products, Grossman's. He stated their reason to be there was to request approval to enlarge a previously provided condtional use which is basically to increase the sizes of the fenced in year area adjacent to the existing Grossman's in the Chili Paul Plaza Center drawing submitted. The purpose of this is to improve the operation of the floor facilitites to better serve the community by having a greater depth of merchandise and inventory and making it possible to shift some items that are stored in the building to the outside area. He stated it was his understanding the setbacks still conform as far as fire lanes. The plan shows some landscaping exists and they will replace some of the existing landscaping which was done approximately six years ago. Also, they are asking to add a canopy to the existing building and a side shed as shown on the drawings within this yard area. He stated they were told since making this application they would need a separate hearing. He asked if possible they would like consideration of both matters at the same time. He stated the caopy would provide cover for some articles. He stated the wood shed would be Texture 11 siding.

Mr. Connolly stated it was his understanding this was not going to be built at this time. He stated now they were coming in and asking for something that would require site plan approval. Mr. Taylor asked consideration for this.

Mr. Halvorson stated it was not their intention to build, but it is necessary for them to consider what to do in the future. He stated they are merely suggesting it might be convenient for the two items to be considered together, as opposed to having coming back. He stated at the present time they don't know if they would do it but they are long term plans.

Gates- **NEWS** *-Chili*

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date 1-5-83

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

GATES-CHILI NEWS

Issue Dated 1-5-83

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y. Monroe Co.
My Commission Expires March 30, 1983

Patricia M. Smith
Publisher

Planning Bd Book
Jan 1983

Legal Notice

CHILI PLANNING BOARD

Pursuant to Section 271 of Town Law, a public hearing will be held by the Chili Planning Board at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on January 11, 1983 at 7:30 p.m. to hear and consider the following applications:

1. Application of Kimberly Town Homes, c/o GRT Management, 700 Warren Road, Ithaca, New York 14850 for rezoning of a portion of property located at 401 Beaver Road from RM & FPO to R-1-20. Rezoned portion to be approximately .505 acres.

2. Application of Grossman's, 209 Union Street, Braintree, Mass. 02184 for extension of Conditional Use Permit to allow additional outside storage of building materials (97'x160' storage yard) at property located at 3240 Chili Avenue (Chili-Paul Plaza) in GB zone.

3. Application of Robert Malone, 37 Greenbriar Drive, Rochester, New York 14624 for Conditional Use Permit to allow a Real Estate Office in portion of existing building at property located at 2709 Chili Avenue in NB zone.

At such time all interested persons will be heard. By order of the Chairwoman of the Chili Planning Board.

Betty Bartok,
Chairwoman
Chili Planning
Board

Mrs. Bartok stated that since they don't know exactly when they would like to build, wasn't it possible that by the time they do decide to build, they would want to change these plans significantly enough so it would require another formal hearing.

Mr. Taylor stated, no, he didn't think there was room available for them to make any major plans.

Mr. Hunter stated he would like to know what kinds of materials would be stored and asked about the height of the materials. Mr. Taylor stated the types of materials would be substantialyy those that are out there now, but a greater depth.

Mr. Halvorson stated he would like to make a brief presentation of what will be stored out there. He stated they have done similar projects at their store in Brighton on West Henrietta Road and in other sotres, and what that is is to expand and improve the merchandise in such a way that they will covert a larger portion from strictly a storage facility to an extension of their indoor selling area by means if providing customers with an easy access to the merchandise. Mr. Taylor stated the kinds of materials would be landscaping materials and timbers, lumber. He stated the height would be two bundles high, rather than a specific height measurement.

Mr. Ragne stated he noticed that by extending the fence out in an easterly direction that they would be cutting away some of the area that people have been using to cut across Chili Paul Plaza over to K-Mart Plaza, and they seem to be cutting that down to forty feet and that the area has pot holes and this extra area helped out. He was told the biggest pot hole area would be within the fence.

Steve Hunt stated they do have plans to re-strip and repair the parking lot.

Mr. Ragne stated they were cutting down the forty feet and were cutting away the ability to navigate around the east side, and also was a concern about snow being stored. Mr. Hunt stated they did have plans for the parking and it was their intention not to push the snow in the forty foot right-of-way.

Mr. Miller stated that it shoudl be looked into by the Town Engineer if the parking in the shoppiing center is adequate to handle something like this. Mr. Hunt stated this was crucial to the success of the shopping center and they feel it is adequate parking. He stated that even after the expansion, they have some seven hundred and fifty-six cars on the plan that was approved by the Board when the Grant building was built. He stated they have a hundred and thirty thousand square feet per one parking spece. He stated they have one hundred and thirty over the required spaces right now according to the plan. Also, they have five acres of land behind the shopping center that isn't figured in. He stated it was about thirty thousand more square feet. Mr. Hunt stated that the potential for parking was enough to handle almost two shopping centers.

Mr. Miller stated that in his experienve over the years as counsel for the Town of Chili, he seemed to recall when the application was made to convert Grant's to Grossman's, they came in with a landscaping plan.

Mr. Taylor stated shrubs were planted and subsequently died. Mr. Miller stated they were asked to replant them and they died. Mr. Miller suggested they try some artificial shrubs. Mr. Taylor stated they would have a landscaper come in and redo the area.

No one spoke in favor or opposition.

DECISION: Application approved with the following condition:

1. The fence along the south side include wood slats to provide visual screening of stored materials from Chili Avenue.

3. Application of Robert Malone, 37 Greenbriar Drive, Rochester, New York 14624 for Conditional Use Permit to allow a Real Estate Office in portion of existing building at property located at 2709 Chili Avenue in NB zone.

Robert Malone was present and stated he had proposed to open a Real Estate Brokerage Office in the location that was originally the Parkminister Bood Store at 2709 Chili Avenue, which is east of the United Dry Cleaners, He stated they would like to be open nine in themorning until nine in the evening, and as far as the number of parking spaces required, typically their customers would be coming in by appointment only and in most cases would park in the rear of the building which there is a very large parking lot behind where the stores are located. And as far as the number of people that would be there on a regular basis, would generally be a secretary from nine in the morning to three and then maybe as many as ten people would come in but never at the same time because it is always by appointment. He stated that mainly the office was to keep papers and most transactions were done elsewhere.

Mrs. Bartok asked when the office opened and was told they haven't opened. Mrs. Bartok stated she saw people in there was was told they were just setting things up but they were waiting for approval before opening officially. Mrs. Bartok asked if this would be a Century 21 Office and was told yes.

Mr. Connolly stated he would like to request that the requirements for formal site plan approval with this application be waived. There is no major construction.

DECISION: Application approved for a five year period.

Betty Bartok
Chairperson, Planning Board

PLANNING BOARD

February 8, 1983

A meeting of the Planning Board of the Town of Chili was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on February 8, 1983. The meeting was called to order by Betty Bartok, Chairperson.

PRESENT: Betty Bartok, Chairperson; Bill Deans; Robert Hunter; Dr. Rague; Mitch Rakus; Robert Newman; Ray Bleier.

Also Present: Bob Connolly, Building Inspector; John Flint, Town Engineer; Larry Hoy, Betty Glende, Drainage; Dan Miller, Town Attorney.

Mrs. Bartok called the meeting to order. Mr. Miller stated that this is a legally constituted meeting of the Chili Planning Board and that notice of the meeting has been advertised in a newspaper of general circulation and also posted on the Town Clerk's bulletin board.

1. Application of George Horeth, 3124 Chili Avenue, Rochester, New York 14624 for Conditional Use Permit to allow a fire-wood business in residence at property located at above address in R-1-12 zone.

Mr. Horeth was present and read his petition into the record and for the audience. Mr. Horeth stated that with the agreement of his neighbor, Frank Phillipone, he is going to erect between the shrubs, a six foot stockade fence, and at the request of the people behind him, a four foot fence in the back, so that they can still have a view of Chili Avenue. He stated he is open to any suggestions that the Planning Board may have for him that won't deteriorate the neighborhood. He stated he had the signatures of everyone of his neighbors that he could find at home, Mr. Leckner, across the street; Al Graham, to the west; the three properties touching him; Mr. Humphrey and the Chapins who are also touching him to the back; and Mr. Phillipone to the east. He stated the only person he did not get a signature from is someone who touches him for a few feet, but he was unable to contact them.

Mr. Bleier asked how long the truck was and was told twenty foot long and it is a six wheel truck; a flatbed. Mr. Horeth stated most of the time the truck will not be on his property. He will pick up the wood and deliver it. He stated he goes to Pennsylvania or the Adirondacks and picks up the wood and goes right to the people's houses. Besides his own wood there would be very little wood stored on his property. He has a site in Ontario, a site in Hilton, and a site on Brooks Road where he can dump large quantities of wood.

Mr. Bleier stated he was not sure what type of condition this fits into. Mrs. Bartok asked if it would not be agriculturer products. Mr. Horeth stated his gas bill for December was twenty seven dollars. Mr. Bleier stated it seems like he has been conducting this business since the winter and was told he has been mostly supplying himself and as far as any other business is concerned, it has not been his yard. He stated his basic concern for getting a permit is he wanted to be able to, if he had some wood, to leave it there. Mr. Horeth stated he does not want to detract from the negihborhood. He stated his truck has been broken down two months during this winter. Also, if it wasn't for the fact that his truck is a diesel and needs to be plugged in, he would make an attempt to find some other place for it. Mr. Bleier asked if he would be storing wood on his property and Mr. Horeth stated, no, he had three farms where people have said he could store it. One in Hilton, a Richard Hebert on Walker Road, one in Ontario, and the other isCampbell, who has fifteen acres overon Brooks Road. So he doesn't intend to bring any wood to his residence, other than his own, and whatever would happen to be left. Mr. Bleier asked what the maximum amount he

has stored on his property and was told no more than thirty face cords and that was because it was delivered to him when the truck was broken down.

Mr. Connolly stated that probably the proper application would have been land use variance, but he called the Town Attorney, and he agreed that it would be best for him to come in for a conditional use; that it would be best for him to come in for a conditional use; that we would have more control.

Mr. Deans asked if they would limit the amount of wood, would that slow him down. Mr. Horeth stated he has been in the learning process and is trying to get organized. He stated he is selling his wood splitter because it is too time consuming. He stated he has no need to bring wood to his place other than just a little bit off and on, besides his own use. Mr. Horeth stated the area he has been putting his wood into has been approximately thirty feet to the east of his property and there on back. He has taken and put up a row of wood and then he put up some shrubs and the truck has been parked in there.

Mr. Frank Phillipone was present and stated that Mr. Horeth has told him that he will go along with anything that the Board recommends. He stated he knows that Mr. Horeth uses a lot of wood for his own home. As long as the area is properly screened, he has no objection to him getting a conditional use permit. Mr. Phillipone stated he suggested a fence of redwood, perhaps, would be good, and about six feet would be high enough.

James Leckner was present, 3127 Chili Avenue, and stated he thought Mr. Horeth was using the right approach with the Town Planning Board.

Al Graham, 3134 Chili Avenue, was present and stated he lives on the west side of George, and George has done a very good job, and he respects his right to try to earn a little extra money furing thewinter, and it has been a help to him because George supplies him with wood and it has not been a nuisance to him or his family.

John Young, 9 Grenell Drive, was present and spole in opposition. He stated he and his family were in opposition because of the noise of the chain saw and the noise of the deisel truck at six o'clock in the morning. He stated that Mr. Horeth approached them about buying wood but they refused it. He stated that Mr. Horeth says one thing to them and now another thing. He is strictly opposed.

Mr. Horeth stated he did not approach them about buying wood. He stated that he gave Mr. Young the card of someone he bought wood from at nine dollars a cord and told them they could get wood from them at the same savings on his name.

DECISION: Approved for one year with following conditions: Stockage 6' fence on east side, rear 4' fence. Wood not stacked higher than fence. No cutting of wood, no advertising.

2. Application of Benjamin Sarfaty, 518 Paul Road, Rochester, New York 14624 for Conditional Use Permit to convert existing house to a two-family dwelling at property located at above address in R-1-15 zone.

Benjamin Sarfaty was present and stated he finds himself with a house that is too large after the children have grown up and he would like to convert it into a two-family house. He stated his daughter would reside in one part of it, his wife and himself in the other.

Mr. Hunter asked what the approximate square footage is and was told twenty-five hundred square feet. Mr. Hunter asked if that included the two car garage and was told, no. He stated the lower part would be cut in half, about eleven hundred feet. It is a

Gates- **NEWS** *-Chili*

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date 2-2-83

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

GATES-CHILI NEWS

Issue Dated 2-2-83

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y. Monroe Co.
My Commission Expires March 30, 1983

Patricia M. Smith
Publisher

Legal Notice

CHILI PLANNING BOARD

Pursuant to Section 271 of Town Law, a public hearing will be held by the Chili Planning Board at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on February 8, 1983 at 7:30 p.m. to hear and consider the following applications:

1. Applications of George Horeth, 3124 Chili Avenue, Rochester, New York 14624 for Conditional Use Permit to allow a firewood business in residence at property located at above address in R-1-12 zone.

2. Application of Benjamin Sarfaty, 518 Paul Road, Rochester, New York 14624 for Conditional Use Permit to convert existing house to a two family dwelling at property located at above address in R-1-15 zone.

3. Application of Mauro Peluso, 222 Curtis Street, Rochester, New York 14624 for Conditional Use Permit to allow an accounting office and tax business in portion of existing building at property located at 2709 Chili Avenue in NB zone.

At such time all interested persons will be heard. By order of the Chairwoman of the Chili Planning Board.

Betty Bartok,
Chairwoman
Chili Planning Board

raised ranch. We have an entrance that would come in and then there is one flight of steps that goes down to two bedrooms, a full bath, large family room and cove where a kitchen would be put in. There is a rear door that goes out. There is one entrance at the level to go out to the yard. He stated there are separate furnaces that are already htere. He stated it is too big to heat the whole house now.

Mr. Hunter asked what he estimated it would cost to do the work. It would be approximately six hundred dollars since he is doing most of the work. The kitchen will cost a thousand dollars. Round figures, about two thousand dollars.

Dr. Ragué asked if the daughter moved out, this would then be a rental, and was told, yes. Mr. Bleier asked if the daughter was going to move in and was told, yes, she says she is.

Mr. Connolly stated he has been down to the house and the house was almost built for a double when it was built. He stated it would be a simple one wall that he would have to put in to completely separate the two occupants.

No one spoke in favor or opposition.

DECISION: Unanimously approved.

3. Application of Mauro Peluso, 222 Curtis Street, Rochester, New York 14624 for Conditional Use Permit to allow an accounting office and tax business in portion of existing building at property located at 2709 Chili Avenue in NB Zone.

Mario Peluso, 222 Curtis Street, was present, and stated he wanted to open an accounting office and income preparation office in the existing building. He stated there will be two, three people working at one time and somebody to answer the phone when they are not there weekdays from five to nine and Saturday and Sundays from one to five. There is available parking spots in front and several in the rear. Most of the business will be done by appointment and there shouldn't be more than two appointments in there at any one time. We have cleaned it up, painted it and our furniture is in there.

No one spoke in favor or opposition.

DECISION: Approved for as long as he owns the business.

OLD BUSINESS

1. Application of Bausch & Lomb, 465 Paul Road, Rochester, New York 14624 for preliminary site plan approval to erect a 30' x 40' and 15' x 9½' storage building at property located at above address in LI and FPO zone.

Peter was present and stated there are some subtle changes, but overall, the project remains the same as submitted. A place to store various chemicals and materials they are using for the Ray Ban sunglasses. The addition will be going to the east side of the existing building and will face it. The nearest non-Bausch & Lomb property is the military reserve center which is approximately two hundred yards to the east. He stated one thing that was requested was the landscaping plans and he has a fewwhich he could leave. They had added a couple of trees. He did discuss the plans with the Fire Marshal. He also contacted the Monroe County Water Authority people to make sure they were satisfied and discussed it with them and described what they were doing and they have no further need to look into it. He took a copy of the prints over to the Department of Waste Water Planning, Michael Kirchgessner and reviewed the plans with him on January 24th.

Mr. Connolly stated they have got two rooms which aren't vented and was told, no, they are all vented. That is a mistake. Mr. Connolly asked for the specs on the plumbing.

John Flint asked if he talked to anybody from the County Health Department and was told, no, he went through the criteria for the State Environmental Quality, and basically, it seemed to fall under the type two, which was something that already had been done in the building and we are adding on and improving. Mr. Flint stated he thought he should still go to DEC and he thought they would refer them back to the County Health Department.

No one spoke in favor or opposition.

DECISION: Approved. Formal requirements for final site plan approval waived.

2. Application of Robert Dugan, 425 Winton Road North, Rochester, New York 14610 for preliminary site plan approval to erect a 30' x 40' two-story, Industrial Building to be used for manufacturing wood, plastic, ceramic components at property located at 2 King Road in LI zone.

DECISION: Reserved to allow Drainage Committee & Town Engineer to evaluate new plans.

3. Application of Robert Ehrhardt, 6 Berry Lane, North Chili, North Chili, N.Y. 14514 for resubdivision and simple alteration of lot line at 3252 Union Street in GB zone and R-1-15 zone.

DECISION: Approved. Normal subdivision procedures waived.

Betty Bartok
Planning Board Chairperson

/ed

PLANNING BOARD

March 8, 1983

The meeting of the Planning Board of the Town of Chili was held in the Chili Administration Office, 3235 Chili Avenue, Rochester, New York 14624 on March 8, 1983. The meeting was called to order at 7:30 P.M. by Chairperson Betty Bartok.

Present: Betty Bartok, Chairperson; Bob Newman, Vice Chairman; Ray Bleier, Bob Hunter, Dr. Ed Ragué, and Bill Deans.

Also Present: Bob Connolly, Building Inspector; John Flint, Bergmann Associates; and Dan Miller, Town Attorney (Deputy).

Mrs. Bartok stated that this is a legally constituted meeting of the Chili Planning Board and that notice of the meeting was advertised in the Gates-Chili News and also posted on the Town Clerk's bulletin board.

1. Application of Randal Richard, 3429 Chili Avenue, Rochester, New York 14624 for a Conditional Use Permit to operate a firewood business at property located at above address in R-1-20 zone.

DECISION: Tabled for 30 days.

2. Application of Bausch & Lomb, Inc., 465 Paul Road, Rochester, New York 14624 for preliminary site plan approval to erect a 16' x 46' waste water treatment building at above address in a LI zone.

Mr. Heiti Kotkas, representing Bausch & Lomb, Inc., was present and stated that the latest blueprint forwarded to the Planning Board shows the area of activity including the area of the addition but is just for the landscaping and topography.

DECISION: Preliminary site plan approval granted; requirements for final plan approval waived.

3. Application of Perna Homes, Inc., 1075 Paul Road, Rochester, New York 14624 for approval of a Conditional Use Permit to allow conversion of an existing dwelling unit to a permitted use (professional offices) at 849 Paul Road, Rochester, New York 14624 in a GB zone.

and

4. Application of Perna Homes, Inc., 1075 Paul Road, Rochester, New York 14624 for approval of Preliminary Site for a change of use at 849 Paul Road, Rochester, New York 14624 in GB zone.

Mr. Avery, representing Perna Homes, was present and stated that he would extend the paving out to have four parking spaces. He already has a curb cut from the new road and any drainage from there could go into the catch basin existing. The front of the house and all of the trees are the same. They plan to convert the unti to an office building and the required number of parking spots are available for that size.

Mrs. Bartok asked if Mr. Avery had any idea what kind of signs or lights would be used and where they would be placed.

Mr. Avery stated that he thought it would be used during the day only so that lights would not be needed.

Mr. Connolly stated a variance for the front parking is needed and that parking was previously permitted because it is a single family and it is permitted in a single family but not in a business zone.

Mr. James Perna of Perna Homes, Inc. arrived late. He stated he is going to leave the house the way it is. They are only remodeling the garage. They've always had an office at 849 Paul Road for years and all they need is more space. All he wants to do is convert the garage into offices. At such time as he can, he wants to rent the whole existing house as offices. At that time, he will need more parking spaces. At the present time, his father is renting part of 849 Paul Road as an apartment, but is planning on building a new house soon.

DECISION: Conditional Use to allow conversion approved; building permit will be issued for authorization. Reserve preliminary pending further information.

Mrs. Bartok stated that when he gets to that point then the Board will need more information. She stated that the conditional use was approved but that more information was needed for the site plan.

Mr. Flint stated that when you get a conditional use permit for the entire building, parking requirements go with it. The fact that Mr. Perna is only using the garage at this time doesn't make any difference.

Mr. Perna stated he would hate to put another parking lot in because it would detract from the house. When his father moves out of the apartment at 849 Paul Road, he plans to convert it to offices. He said that landscaping was already done, there were no plans for lights, and there might be a post, but no sign.

Mrs. Bartok suggested that Mr. Perna revise the Customary Home Occupation with the conversion of the garage to office use because it is being used primarily as a residential. No variance is needed.

DECISION: No. 3 - Conditional Use altered.

No. 4 - Withdrawn.

5. Application of Glenn Wheeler, 6660 Lake Road, Bergen, New York 14416 for approval of Preliminary Site Plan to erect a 55 ft. x 11 ft. temporary enclosed passageway between two existing buildings at 3467 Union Street, North Chili, New York 14514 (W.M. Machine & Tool) in GI zone.

Mr. Glenn Wheeler was present stating that the plan is actually merely a way to get from one building to the other with their equipment and tools, etc. to keep the rain off. It is not really temporary. They are building it according to specs to be a permanent structure. Total cost of labor, etc. is $3,500.

Mrs. Bartok asked what type of materials are being used. Mr. Wheeler stated the same type of material as the rest of the building which is corrugated metal siding. A cement walkway is across already, but just having the cement makes it difficult in the rain.

DECISION: Preliminary Site Plan approval granted; requirements for final plan approval waived.

OLD BUSINESS

1. Application of Robert Dugan, 425 Winton Road North, Rochester, New York 14610 for Preliminary Site Plan approval to erect a 30 ft. x 40 ft. two-story Industrial Building to be used for manufacturing wood, plastic, ceramic components at property located at 2 King Road in LI zone.

DECISION: Preliminary Site Plan approval granted with the condition that no trucks be stored on the property. Reserve final pending further information.

*Gates-***NEWS**-*Chili*

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date 3-2-83

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Issue Dated 3-2-83

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y. Monroe Co.
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Planning Bd Book

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2. Application of Bausch and Lomb, Inc., 465 Paul Road, Rochester, New York 14624 for Preliminary Site Plan approval to erect a 16 ft. x 46 ft. Waste Water Treatment Building at above address in a LI zone.

3. Application of Perna Homes, Inc., 1075 Paul Road, Rochester, New York 14624 for approval of a Conditional Use to allow conversion of an existing dwelling unit to a permitted use (Professional Offices) at 849 Paul Road, Rochester, New York 14624 in GB zone.

4. Application of Perna Homes, Inc., 1075 Paul Road, Rochester, New York 14624 for approval of Preliminary Site for a change of use at 849 Paul Road, Rochester, New York 14624 in GB zone.

5. Application of Glenn Wheeler, 6660 Lake Road, Bergen, New York 14416 for approval of Preliminary Site Plan to erect a 55 ft. x 11 ft. temporary enclosed passageway between two existing buildings at 3477 Union Street, North Chili, New York 14514 (W.M. Machine & Tool) in GI zone.

At such time all interested persons will be heard. By order of the Chairwoman of the Chili Planning Board.

Betty Bartok,
Chairwoman
Chili Planning Board

INFORMAL BUSINESS

1. Application of Robert Austin, 334 Fisher Road, Rochester, New York 14624 for resubdivision and simple alteration of lot line for parcel behind 334 Fisher Road in R-1-15 zone.

DECISION: Approve subdivisions and waive formal requirement with statement that parcel behind is landlocked.

2. Application of Mr. & Mrs. Theodore DeWeese, 212 Sheffer Road, Scottsville, New York 14546 for resubdivision and simple alteration of lot line for a parcel 50 ft. wide by 237 ft. (average) between Reed Road and the B&O Railroad in RA-20 zone.

DECISION: Approve resubdivision procedures; waive formal requirements.

Betty Bartok, Chairperson
Planning Board

/dh

PLANNING BOARD

April 12, 1983

The meeting of the Planning Board of the Town of Chili was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on April 12, 1983. The meeting was called to order at 7:30 P.M. by Chairperson Betty Bartok.

Present: Betty Bartok, Chairperson; Bob Newman, Vice Chairman; Bill Deans, Dr. Ed Ragué, Mitch Rakus, Ray Bleier, and Bob Hunter.

Also Present: Bob Connolly, Building Inspector; John Flint of Bergmann Associates; Dan Miller Deputy Town Attorney; and Larry Hoy.

Mrs. Bartok stated that this is a legally constituted meeting of the Chili Planning Board and that notice of the meeting was advertised in the Gates-Chili News and also posted on the Town Clerk's bulletin board.

1. Application of Patrick Evans, 116 Janes Road, Rochester, New York 14612 for Conditional Use Permit to allow the sale and rental of used automobiles with minor repairs and touchups at property located at 1288 Scottsville Road in GB zone.

2. Application of Patrick Evans, 116 Janes Road, Rochester, New York 14612 for preliminary site plan approval for a change of use to allow the sale and rental of used automobiles at property located at 1288 Scottsville Road in GB zone.

Mr. Evans was present and stated that he proposes to convert the existing building for use to sell automobiles with the hope to refurbish the building with long range plans for a showroom for exclusive use of automobile sales, late model, luxury type cars mainly.

Mr. Rakus asked if there was enough room and Mr. Evans stated that where the two overdoors are now he plans to attach a building so that there will be only one door to go back as far to the lot line as possible, approximately 60 feet long. Mr. Rakus said there wouldn't be enough room for the cars outside then. Mr. Evans said he would have seven or eight cars inside. The addition would not be within the first year. If cars can sell in this spot, he will spend the money. He has to put a new roof on and add a false roof to make it look nice. The renovation costs would be below $20,000.

Mr. Hunter asked about low shrubbery in the spot between Scottsville and the cars. Mr. Evans said that he would if he could find something that will grow there.

Mr. Bleier asked Mr. Evans to describe what he meant by minor repairs. Mr. Evans stated that it meant getting cars ready for inspection and delivery - washing and waxing. No body work would be done. No extensive repairs. Everything he buys is intended to be wholesale. No junk cars whatsoever.

Mrs. Bartok asked if he was planning on putting up signs. Mr. Evans stated he will be applying for a site variance with the Zoning Board. As far as lighting or utility poles are concerned, there are none standing and he plans on putting specially made steel poles or wooden poles that would be attractive.

Mrs. Bartok asked if he will be needing a dumpster and if not, what kind of storage would he have outside for discarded materials. Mr. Evans stated he didn't know yet but felt the most he would have is paper and that he would make whatever arrangements are necessary. There is room behind the building for a dumpster. He said he could possibly build a fence or whatever is required. He said it would be no problem if a dumpster was required.

Mr. Flint asked if two driveways was legal. Mr. Evans stated he didn't know and that he might make it one center driveway. Mr.

Gates- **NEWS** *-Chili*

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date 4-6-83

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

GATES-CHILI NEWS

Issue Dated 4-6-83

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y. Monroe Co.
My Commission Expires March 30, 1985

Pat M. Smith
Patricia M. Smith
Publisher

Legal Notice

CHILI PLANNING BOARD

Pursuant to Section 271 of Town Law, a public hearing will be held by the Chili Planning Board at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on April 12, 1983 at 7:30 p.m. to hear and consider the following aplications:

1. Application of Patrick Evans, 116 Janes Road, Rochester, New York 14612 for Conditional Use Permit to allow the sale and rental of used automobiles with minor repairs and touchups at property located at 1288 Scottsville Road in GB zone.

2. Application of Patrick Evans, 116 Janes Road, Rochester, New York 14612 for preliminary site plan approval for a change of use to allow the sale and rental of used automobiles at property located at 1280 Scottsville Road in GB zone.

3. Application of Ron DiChario, 1260 Scottsville Road, Rochester, New York 14624 for preliminary site plan approval for a change of use to allow the sale and rental of used automobiles at property located at 1280 Scottsvillle Road in GB zone.

4. Application of Mark Eggleston, 312 Paul Road, Rochester, New York 14624 for Conditional Use Permit to convert existing single family dwelling into two family dwelling at property located at above address in R-1-15 zone.

5. Application of Jack Hellaby, 816 Ballantyne Road, Scottsville, New York 14546 for preliminary site plan approval to erect an 18.5' x 26' concrete vault addition to existing building at property located at 1525 Scottsville Road in GI zone.

6. Application of Grossman's, 200 Union Street, Braintree, Mass. 02184 for preliminary site plan approval to erect a 100' x 24' canopy and 111' x 22' storage shed within confines of Grossman's fenced area at property located at 3240 Chili Avenue (Chili-Paul Plaza) in GB zone.

At such time all interested persons will be heard. By order of the Chairwoman of the Chili Planning Board.

Betty Bartok, Chairwoman
Chili Planning Board

Flint told him he should talk to the State about it because their policy is to have one driveway.

No one spoke in favor or opposition.

DECISION: Unanimously approved Conditional Use Permit with the following conditions:

1. No storage of junk cars on the property.
2. No outside storage.
3. No bodywork.
4. Landscaping in front of the building as per drawing submitted at the hearing, and plantings completed by October 12, 1984.

Application for preliminary site plan approval unanimously approved and formal requirements for final site plan approval waived.

3. Application of Ron DiChario, 1260 Scottsville Road, Rochester, New York 14624 for preliminary site plan approval to erect a 334' x 80' one-story professional office building at property located at 1280 Scottsville Road in GB zone.

Mr. DiChario was present and stated that his request is to place a one-story building approximately 24,000 square feet. He would remove the gas station and replace it with a steel and masonry building for the purposes of general offices. One of the benefits is that it now has a parking facility that is used for entrance and egress to it. He is not going to change the site plan too much. The rear portion of the property grade will be elevated enough to continue a flow of surface drain water toward the front to the catch basins on either side of the property. Presently the road has been 3-4 feet low and it will take about a foot of fill to elevate it to move the water. He feels that removing the gas station and putting up that type of building will be beneficial to the Town of Chili. He would leave the mall and grass but would minimize the shrub area because it is very hard to make things grow there because of the traffic and winds.

Mr. Hunter aksed about parking. Mr. DiChario stated he has applied for a variance change for the front of the building. The setback from Scottsville Road is approximately 30' where there is all grass and then there is a curb. There is no obstruction of entrance and egress by placing vehicles in the front. Or he could put parking in the rear but he felt it would hurt because his intent is to make it a good leasable building and everybody wants to be able to get in and park at a convenient location. It would deter some of the interests of the tenants.

Mrs. Bartok asked how many tanks there were to fill. Mr. DiChario stated four, a 10', 8' 6' and 4'. He has to take them out and put the most compactable material in.

Mr. Deans asked about the exterior look. Mr. DiChario stated the front all the way across will be brick. The side would be block, facade on the front. Socket lighting directed down. Mercury vapor lights on the outside. Sidewalk leading into the facility, all according to building plans.

Mr. Bleier inquired about a variance for the Salem parking property. Mr. Evans stated just if he needed it as an alternative. The interest in the property is leading more towards a general office and sales than product sales. Sales representatives would be there on a limited basis so he doesn't know if he will need the space.

Mr. Flint asked if he had contacted the State about the driveway because it is the State's policy to only allow one driveway entrance when they have the authority to enforce it. Mr. DiChario stated that if he wereapplying for a new use and it were the fact that he would develop an undeveloped piece of property, it would be their consideration. He is not changing the use, it is something they have already allowed. He won't have as much movement as the

gas station. He doesn't think the State will have a problem.

Mr. Flint further stated that he should contact the State for a permit to tie in to their existing storm system. The State wants to be sure that Mr. DiChario is not adding additional flow or that the existing system will take it. Mr. DiChario stated that the State says to talk to theTown and Town says to talk to the State. Presently he has a storm sewer which he should be able to connect.

No one spoke in favor or opposition.

DECISION: Unanimously approved. Landscaping plans signed and sealed by a licensed landscape architect and all State permits required needed for final site plan approval.

4. Application of Mark Eggleston, 312 Paul Road, Rochester, New York 14624 for Conditional Use Permit to convert existing single family dwelling into a two-family dwelling at property located at above address in R-1-15 zone.

Mr. Mark Eggleston was present and said he proposes to change his house from a single to a two-family dwelling at said address. He has a letter from Monroe County Planning and his neighbors at 314 Paul Road (no objection) and 308 Paul Road (no objection).

Mr. Hunter asked if the other homeowners were concerned about renting and mentioned the plaster, boards and junk in the yard. Mr. Eggleston stated when he bought the house it needed a lot of work to bring it back to the state that they would like to live in the house and that pile will be picked up in the next few weeks by the Town. He couldn't move it through the winter.

Mr. Rakus asked if the appearance is going to improve. Mr. Eggleston stated that since he moved in he has replaced the storm windows, repainted the shutters, cleaned up the garage out back, and that he has a ways to go yet.

Mr. Bleier asked if he intended to continue living there. Mr. Eggleston stated yes. When he bought the house it was just his wife and himself. The house was too big but he got a good deal on it. It's a 4-bedroom raised ranch, upper and lower. Now his wife is pregnant and the extra income will be beneficial.

No one spoke in favor or opposition.

DECISION: Unanimously approved.

5. Application of Jack Hallaby, 816 Ballantyne Road, Scottsville, New York 14546 for preliminary site plan approval to erect an 18.5' x 26' concrete vault addition to existing building at property located at 1525 Scottsville Road in Glzone.

Mr. Hallaby was present representing Armored Motor Services of America. They take funds from various commercial and industrial businesses to the bank and back again. They bought the property with the thought of consolidating the Rochester operation. In order to provide a secure place for the funds that can be on site, they require a reinforced concrete bank type vault which has to be placed in the rear of the bulding because there is no room inside the building. It will be out of sight from the traffic and it is lower than the existing building. They have inherited the landscape from the existing tenants which will shape up because the building has been vacant for a few months.

Mr. Hunter asked the estimated cost of construction and was told approximately $15,000.

Mrs. Bartok asked about the timetable for construction. Mr. Hallaby stated the lease is up in about two months. A variance is needed on the side lot.

No one spoke in favor or opposition.

DECISION: Unanimously approved. Formal requirements for final site plan approval waived. Building permit required prior to construction.

6. Application of Grossman's, 200 Union Street, Braintree, Massachusetts 02184 for preliminary site plan approval to erect a 100' x 24' canopy and an 111' x 22' storage shed wihtin confines of Grossman's fenced area at property located at 3240 Chili Avenue (Chili-Paul Plaza) in GB zone.

Mr. Rick Halverson, Construction Manager of Grossman's, was present to answer questions from the Board. He said they hired a local architect, Mr. LaDue, for the landscape plan. He said the canopy would be for the storage of building materials and the shed for the storage of sheet goods, plywood, paneling, etc.

Mr. Rakus asked about the roof and how they are going to handle the water. Mr. Halverson said there is an asphalt strip behind the building. The roof will pitch to the back and the water will fall to the back to the storm basin.

Mrs. Bartok stated that the entrance from Paul Road is so bad that they should think about closing it. Mr. Halverson stated that paving plants woun't open until April 15 at which time they plan to correct it. All of it is in motion. When they got the shopping center, the original paving job was done over dirt. They had to correct it by putting in a new base. They added storm sewers. There has been a good faith effort to correct it and they believe this last bit of paving will correct it. They don't pave during the winter.

Mrs. Bartok asked about drainage, if little spaces could be left in the perimeter of the planter so storm water could run through. Mr. Halverson stated it is their plan to do that. The area is very flat, there is no defined swail area. During the construction of the new yard they will leave 2' swail areas at the critical points to allow the water to pass through. The proposed storage shed building is not a continuing wall and water will be able to pass through underneath. Their object is to leave swail areas at critical points.

Mr. Hoy asked if Mr. LaDue is a licensed landscape architect and was told yes. He asked if they will replace the plants if they die and was told yes. Under their agreement with the owners, it is Grossman's responsibility to maintain the landscaping. They are agreeable.

Mr. Hunter asked if the buildings will be plain white. Mr. Halverson stated the fence would be redwood and they would be staining the shed the same color as the fence. There won't be an orange and white building.

No one spoke in favor or opposition.

DECISION: Unanimously approved with following conditions:

1. Plantings to be substantially as proposed in the landscaping plan.
2. Landscaping to be maintained by the applicant.
3. Provisions to be made for the flow of storm water through the planting area to the storm water catch basin.

Formal requirements for final site plan approval waived.

Betty Bartok, Chairwoman
Chili Planning Board

/dh

PLANNING BOARD

May 10, 1983

The meeting of the Planning Board of the Town of Chili was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on May 10, 1983. The meeting was called to order at 7:30 P.M. by Chairperson Betty Bartok.

Present: Betty Bartok, Chairperson; Bob Newman, Vice Chairman; Bill Deans, Dr. Ed Ragué, Mitch Rakus, Ray Bleier, and Bob Hunter.

Also Present: Bob Connolly, Building Inspector; John Flint of Bergmann Associates; Dan Miller, Deputy Town Attorney; and Larry Hoy.

Mrs. Bartok stated that this is a legally constituted meeting of the Chili Planning Baord and that notice of the meeting was advertised in the Gates-Chili News and also posted on the Town Clerk's bulletin board.

1. Application of August Calleri, 31 Chi-Mar Drive, Rochester, New York 14624 for preliminary site plan approval to convert existing house to a beauty shop at property located 3149 and 3151 Chili Avenue in GB zone.

2. Application of August Calleri, 31 Chi-Mar Drive, Rochester, New York 14624 for conditional use permit to convert an existing dwelling to a permitted use (beauty shop) at property located at 3149 and 3151 Chili Avenue in GB zone.

Angelo Calleri, Esq., representing August Calleri, of 19 West Main Street was present and stated that the application is in two parts and that the Board has been furnished with various maps and site plans. Since the application has been submitted, inquiries have been made as to the curb cut on the Paul Road side of the proposed parcel. The Department of Transportation suggested that without a formal decision, there will be no curb cut on the south side of Paul Road and the applicant is prepared to go along with that suggestion and eliminate any curb cut on that side. The stated reason is concern about the drainage pattern and it was their feeling that to install a curb cut on the south side of the raod would unnecessarily interfere with the drainage. Another suggestion was to move the curb cut on Chili Avenue further east. They have submitted a sketch which would indicate that curb cut would be more in the center of the shaped parcel. Upon quick review of their suggestion, they will probably make application before this Board to have the curb cut as far east as possible. To move it by the State's suggestion would destroy necessary parking spaces. To move it further east would allow them parking spaces further west. They are, therefore, prepared to exceed DOT's proposal. They wthink it would be of the best interest for the flow of traffic as well as eliminating any difficulty on in and out traffic patterns on Chili Avenue and Paul Road. They would like the opportunity to submit to the Board a revised plan to show the movement of the parking spaces as originally proposed tohwere they should be ultimately located - still talking about 10 parking spaces totally paved and lined with each space positioned so that the 30 degree radius for turning would be observed. Entrance way would be buffered by a green belt. The entire parcel would be buffered. Applicant presently runs a beauty salon in the Chili Paul Plaza for 10 years. His tenant lease is about to expire. He is under contract to purchase two parcels of land. When you put them together they make up the entire parcel as submitted on the map. He would like to relocate his present business and employees. The building would be renovated, the exterior modified in part by removing some of the older style windows and installing newer steel windows with more glass and visibility for the people inside and out. The present garage to the east would no longer serve as a garage. The front entranceway which comes out to Chili Avenue would be relocated to the easterly portion of the main structure so that people entering and leaving would not have to go around the front of the building so close to Chili Avenue. The structure will remain

Gates- **NEWS** *-Chili*

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date 5-4-83

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

GATES-CHILI NEWS

Issue Dated 5-4-83

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y. Monroe Co.
My Commission Expires March 30, 1985

Patricia M. Smith
Publisher

Legal Notice

CHILI PLANNING BOARD

Pursuant to Section 271 of Town Law, a public hearing will be held by the Chili Planning Board at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on May 10, 1983 at 7:30 p.m. to hear and consider the following applications:

1. Application of August Calleri, 31 Chi-Mar Drive, Rochester, New York 14624 for preliminary site plan approval to convert existing house to a beauty shop at property located at 3149 & 3151 Chili Avenue in GB zone.

2. Application of August Calleri, 31 Chi-Mar Drive, Rochester, New York 14624 for conditional use permit to convert an existing dwelling to a permitted use (beauty shop) at property located at 3149 & 3151 Chili Avenue in GB zone.

3. Application of Herman Klingenberger, 1504 Scottsville Road, Rochester, New York 14623 for preliminary subdivision of one lot to be 8 acres at property located at 320 Humphrey Road in PRD zone.

4. Application of Amateur Sports Program, 53 Hay Market Road, Rochester, New York 14624 for preliminary subdivision of one lot to be 38.64 acres at property located at 525 Ballantyne Road in RA-20 & FPO zone.

5. Application of Amateur Sports Program, 53 Hay Market Road, Rochester, New York 14624 for preliminary site plan approval to erect a 50' x 40' recreation shelter at property located at 525 Ballantyne Road in RA-20 and FPO zone.

6. Application of Midas Realty, 222 South Riverside Plaza, Chicago, ILL. 60606 for preliminary site plan approval to erect a 43' x 73' building to be used for the minor repair of vehicles at property located at 3220 Chili Avenue in GB zone.

7. Application of Midas Realty, 222 South Riverside Plaza, Chicago, ILL. 60606 for conditional use permit to allow the minor repair of vehicles (mufflers, shocks, brakes, and springs) at property located at 3220 Chili Avenue in GB zone.

8. Application of Elliott Press, 1400 Mt. Hope Avenue, Rochester, New York 14620 for preliminary site plan approval to erect a 182' x 80' 2½ story office building at property located at 1200 Scottsville Road in GB zone.

9. Application of Joyce Scott, 11 Sequoia Drive, Rochester, New York 14624 for conditional use permit to convert a 22' x 20' garage with a 4' x 20' addition into an in-law apartment at property located at above address in R-1-12 zone.

At such time all interested persons will be heard. By order of the Chairwoman of the Chili Planning Board.

Betty Bartok, Chairwoman
Chili Planning Board

as a framed structure. Only portion to be removed would be small portion of the front of the building. Both floors would be used. Second floor opened up so that it would be visible from below, balcony effect. Three people operating the shop including Mr. Calleri. Signage would be a separate matter before the Zoning Board.

Mr. Rakus mentioned there is a large slope from Chili to Paul Road. Was he planning on bringing in any dirt when he reworks the parking area? Mr. Calleri stated they would submit it to an engineer and have him in contact with the Town Engineer to work out the best drainage. Their concern is for the people to be able to leave. The dead start to the north of Chili Avenue is a concern. If they had fill it would be to raise the Paul Road side but maintain the same basic drainage pattern. The water would have to flow west and then east. Mr. Rakus said in the winter time he will have a problem with the slope. Mr. Calleri said it will have to be reduced. The preliminary plan would be to arrive at a plateau so that cars will be exiting at a level.

Mrs. Bartok mentioned that egress onto Paul Road would be better. Mr. Calleri stated that DOT's position is that the drainage is east. If you fill the Paul Road side of the parcel, then you will have to reroute the water first to the east and then have it turn around into the natural drainage.

Mr. Bleier asked if definite buffering was being proposed between the easterly boundary and the next door neighbor. Mr. Calleri said it would be whatever the Board's requirements are, either evergreen or fencing. Mr. Bleier said shrubbery is preferential to fencing.

Mrs. Bartok asked if there would be employees parking on ingress and egress area. Mr. Calleri stated that with the nature of the business, it is not going to be a crowded lot with only three people operating the shop and only 6 to 8 customers per hour, depending on the service. Mr. August Calleri stated that at the peak hours, traffice would be 6 to 8 cars going in and out, peak hours being from 11:00 A.M. to 2:00 P.M. They are open only one night a week from 3:00 to 7:00 P.M. The normal hours during the day are 9:00 A.M. to 5:30 P.M.

Mrs. Bartok asked if there was any mention of the DOT planning to redesign Chili Avenue Paul Road in 1986. Mr. Calleri stated that in 1987 they may take the parcel. Their belief is that for the time period, it would be good use to operate this business. Mrs. Bartok said that as long as they know the corner of the building is on the right of way. Mr. Calleri stated they come within the statutory protection, permitted encroachment because the State would allow the building. Mrs. Bartok asked if the building could be brought up to building code violations and Mr. Calleri believes it can be. The building is sound.

Mrs. Bartok asked about lighting, if lights would be used at night. Mr. Calleri stated the parameter of the parking lot and adjacent to the building. It will be on the plan as the engineer plans it. Mrs. Bartok stated drawings normally contain topography. The flow of water off the paved area will be greater than it would be off the grass.

Mr. Flint asked if all of the clientele is by appointment or if there are walk-ins also. Mr. Calleri stated that 95% are appointments. Mr. Flint said that because of the slope, he would try to reduce the number of parking spaces. It would be better if it could be cut down to 6 or 8. Mr. Calleri stated he needs some area to deposit snow.

Mr. Hunter asked the preliminary estimate for renovation costs and was told in excess of $10,000, strictly relating to the structure. Mrs. Bartok said landscaping plans are required.

No one spoke in favor. In oppostion:

Mr. Al Gram, a neighbor. He said he goes through that intersection quite a bit and the house is a traffic hazard. Adding to the intersection is not a good idea. Drainage is going to be a

problem. The slope does not make for a desirable parking area. Essentially the character of the neighborhood is residential and the house is an eyesore. There is plenty of room for expansion on the west side of Coldwater Road.

Ms. Joanne Young, 9 Grineel Drive lives directly across the street and catches a good percentage of the water from Chili Avenue. She is concerned about off street parking and the drainage. Traffic is also a concern as there are children who use the road to go the Library, etc. even though there is no sidewalk. It is a very dangerous intersection. They would like to keep it residential.

DECISION: Unanimously approve application for Conditional Use Permit to convert existing dwelling to a beauty shop. Deceision reserved on preliminary site plan approval until all information required in the Chili Zoning Ordinance for preliminary site plan approval has been received.

3. Application of Herman Klingenberger, 1504 Scottsville Road, Rochester, New York 14623 for preliminary subdivision of one lot to be 8 acres at property located at 320 Humphrey Road in PRD zone.

Mr. Klingenberger was present and stated he wants to subdivide an 8 acre parcel off his land for a single family residential house for his own use. There is a leech-field located in the rear of the house. House would be served by proposed well as shown on the plan, fill system as shown.

Mr. Rakus asked ff the well had been drilled yet and was told no. Mr. Rakus asked if he was familiar with the water in the area and was told he know somenne who would be more familiar with it.

Mr. Klingenberger stated that in order to better define a 8 parcel of the 20 acres, he has a copy of the tax plan and a variance from the Zoning Board to subdivide.

No one spoke in favor or oppostion.

DECEISION: Unanimously approved.

4. Application of Amateur Sports Program, 53 Hay Market Road, Rochester, New York 14624 for preliminary subdivision of one lot to be 38.64 acres at property located at 525 Ballantyne Road in RA-20 and FPO zone.

5. Application of Amateur Sports Program, 53 Hay Market Road, Rochester, New York 14624 for prelimianry site plan approval to erect a 50' x 40' recreation shelter at property located at 525 Ballantyne Road in RA-20 and FPO zone.

Mr. Donald Aselin, President of Amateur Sports was present as drawings indicate, they are looking to put up a recreational shelter because of problems with vandalism and security. They have been operating out of Sterling Homex modules but can't get a proper alarm system. It would cost too much. A 50' x 40' shelter facilitate the area they are already using in the modules at the park, with an office area which will serve the same purpose such as scheduling of teams, public notice board, etc. just like the recreation next door with notices being posted, applications for events being handed out, gum and cady vending machines, No pool tables though they have video game machines.

Mr. Rakus asked if there would be beer sold at the site. Mr. Aselin stated yes, that his concession is licensed to sell beer which he has been doing and will be doing to serve the prople coming up from the ball field. The building is notheated. It is intended for the same use they have now from April 1 to November when they shut down. There is no reason to be there in the winter.

When asked about bathrooms, Mr. Aselin stated they have portable johnnies which they have been using since 1979. They would like to

build a permanent structure on the parcel but it would be very difficult because of the folld plan, and 5,600 square feet would be very expensive. It is just not financially feasible.

Mrs. Bartok read a statement from the Fire Marshal. She also read a letter from Monroe County which stated the application for a site plan for construction of a shelter should meet all the requirements of the natural flood plan.

Mr. Aselin said he has sat down with Ron Samel, P.E. who has given him a recommendation as to what he can do. Hi is completely aware of what leechbed drainage exists and that the only water that is needed is for hand washing. He uses bottled water to wash the counter and the hot dogs. The County Health Department has said he is in complete compliance and has inspected him every month since he started his concession.

Mr. Aselin was told there were two problems with the building: He is encountering a 100 year flood elevation and it is a place of business. Should the requirements of the building codes be ignored, the Town would be subject to a lawsuit.

Dr. Ragne asked if a separate storage, office and concession area were okay, and if there was a manimum on the number of people. Mr. Connolly stated that the Fire Marshal and he determined that by the square footage, there is a 120 occupancy. Mr. Connolly further stated that he had indicated to Mr. Aselin that he would never okay a building without complete toilet facilities and complete provisions for the physically handicapped under the new Handcap Lae effective May 4, 1983. Mr. Aselin stated he is also under a handicap in that he has no facility for water.

Dr. Ragne asked if the other things could be put without a recreation area. Mr. Connolly stated he would have to comply with the rest of the ordinance. It would not be a place of public assembly. Dr. Ragne asked about the flood plan even just for storage. Mr. Connolly stated he would have to comply with the federal flood ordinance.

Mrs. Bartok asked if it would be possible to eliminate the recreation area and eliminate the public assemblage. Mr. Aselin stated his equipment would have to go outside and be water-proofed. He has programs of events, etc. and on an average night, he has 40 to 50 people go into his rented units to find out the standings, scores, etc. He said he could eliminate and make one area for storage and one for an office. Dr. Ragne stated he may have to do that and have someone sit there answering questions. Mr. Connolly stated that he would have to make provisions for the physically handicapped wunder the new laws even if they are not admitted to the building.

Mr. Aselin stated that to solve the problem, he could run an area back, not put up any walls, equipment would be locked up and he could put in an alarm system.

Mr. Rakus stated that as far back as day one, Mr. Aselin was told that this is a problem area. The flood plan and vandalism were explained to him but he still pursues it. What will he be doing a few years from now. The problem is not going to go away. Mr. Aselin stated that the Board has approved four diamonds in the back. As he grew, it called for more equipment and another tractor and more maintenance. He has no place to store the tractor. He couldn't put up a shed to lock it up. His last tractor had been badly vandalized and had to be sold for junk.

Mr. Bleier asked about the open area, if it was to be roofed. Mrs. Aselin said it was the same structure, just no walls or doors. Dr. Ragne stated a chain gate would be more pallatible that overhead doors. Mrs. Bartok stated a straight walk-through would be fine.

Regarding the subdivision, Mr. Aselin stated the property was originally one parcel and has never legally been subdivided. A Mr. Virgo advertised the two but Mr. Aseline bought it as a 37.8 acre parcel. Mrs. Bartok said that when he subdivides this formally, she will have to have plans with the County of the complete parcel which is goind to be his, both sides.

No one spoke in favor or opposition.

DECISION: Unanimously approve application for preliminary subdivision of one lot to be 38.64 acres. Drawings for final subdivision approval must show this lot and the other parcel from which it is being subdivided.

Decision reserved on application for preliminary site plan approval to erect a 50' x 40' recreation shelter pending submission of new drawings for a storage building. Setbacks on drawings should be checked as they appear to be measured from the center-line of the road rather than the edge of the right of way. All needed variances should be obtained from Zoning Board of Appeals.

6. Application of Midas Realty, 222 South Riverside Plaza, Chicago, Illinois 60606 for preliminary site plan approval to erect a 43' x 73' building to be used for the minor repair of vehicles at property located at 3220 Chili Avenue in GB zone.

7. Application of Midas Realty, 222 South Riverside Plaza, Chicago, Illinois 60606 for Conditional Use Permit to allow the minor repair of vehicles (mufflers, shocks, brakes, and springs) at property located at 3220 Chili Avenue in BG zone.

Mr. John Darcy, the applicant's attorney, was present and stated he would like use of the property as it is stated for an automobile service station without major repairs. It would be a typical Midas Muffler shop to be built in front of the Chili-Paul Plaza.

Mr. Don Avery of Denluck-Hyde Assoc. was present and stated the engineering aspects. The white house across the street would either be removed or taken down. Site plan shows where site would be and parking spaces - three more than what is required. Grass area to the west would remain. Entrance from the center, not adding any new driveway. The sewer and water services are fine. Very similar to the liquor store next door. Drainage system similar also. Catch basin for run off and down spouts from the roof - an 18" pipe going along road and underneath and onto a catch basin. Twenty cars enter per day on an average from previous experience. Traffic is minimal. Open from 8:00 or 8:30 A.M. to 6:00 P.M. every day, half day on Saturday. No lighting around it. No evening business at all. Sign in keeping with the ordinance regarding square footage on the building also standing sign.

Mrs. Bartok stated the Fire Marshal' comments: Front of the building should have no parking within 30 feet of the building and it should have adequate fire lanes.

Mr. Rakus asked if they would be changing oil or if it would be strickly mufflers. Mr. Paul Smoley of Midas stated the basis of the operation is strickly shocks, mufflers and brakes.

Mr. Hoy asked about brake fluid, how the excess is disposed. Mr. Smoley stated they don't get it in large quantities. There are no large drums. Mr. Hoy asked if it would be dumped down the sewers and was told no.

Dr. Rague asked if there were any drains on the floor of the building and was told no.

Mr. Bleier asked if it was part of the Hunt Plaza. Mr. Darcy stated it was purchased separately from the plaza. When asked about a separate road cut into the plaza, Mr. Darcy stated that by virtue of their purchase contract with Hunt, they don't have any cross easements with Mr. Hunt. He owns the property which is separate from the center. The way he is set up he cannot give them the cross easements. Mr. Hunt is not the sole owner of the plaza. He is of this property. They are dealing with two different entities and he is not in a position to give them any rights. Mr. Bleier asked why there was an easement problem. Mr. Darcy stated it would be very awkward for Mr. Hunt to negotiate cross easements because of mortgages and many differenct people - the plaza is owned by a partnership. It would be a massive conflict of interest.

Mr. Flint stated the Chili-Paul Plaza is in the drainage district as well as the liquor store and Pizza Hut. The Town would require that Midas incorporate into the drainage district. Mr. Darcy asked if all the other properties were in the drainage district and was told they are in two separte ones. The diquor store and the pizza place are in the one they would go into. Mr. Flint stated that along those lines the next step would be to propose that Midas Muffler provide or participate in drainage improvements downstream between Mr. Hunt's property and get some storm sewage installed to the west at the expense of Midas or whomever. Piping existing would be between Midas Miffler's property and the Chili-Paul driveway another 250 feet.

Mr. Darcy stated there was some obstruction. There is no reason why it shouldn't be kept clear instead of piping it. Pave it and Hunt can clean it out. Midas will pave it 250' from the pavement. It will cut down the expense considerably to Midas. Mr. Avery stated he felt it would be tough to get a pipe in there and get a cover over it. The State likes to have the base sweep out on both sides. It is too close to get a pipe in there. Mr. Flint said the problem the Town is faced with is improving and maintaining that drainage ditch. It is the Town's concern and it is their responsibility to improve it. The State still owns the right of way and they would like to see a pipe. They require a pipe. We would need approval from the State as to paving. Mr. Avery asked why don't we show what we have to the State. The sew5r would have to be filled in. If too much is filled, it would pile up and pipe wouldn't work. Mr. Darcy stated they would be willing to contribute to an offsite drainage district, but it is unfair to put it all on them but they would do it. It was stated that the pizza parlor is required to do the same.

Mr. Connolly state there were three variances necessary: 1) front parking; 2) front set back; and 3) signs. He stated that a free standing sign does not require a variance. When asked whether it would be non-combustible construction, Mr. Darcy stated it would be concrete blocks with a solid wall in the back.

Mrs. Bartok asked if the landscaping plans were signed and sealed by a licensed architect as is required and was told yes.

Mr. Darcy stated the reason why everything was complied with so nicely is because Mr. Miller and Mr. Connolly told them what to do.

No one spoke in favor or opposition.

DECISION: Denied for the following reasons:

1. The nature of the operation doesn't contribute to the health of the adjacent properties.

2. It would result in significantly increased noise in the center of town, especially in the summer when the doors are likely to be open.

3. It is incompatable with the general character of the area specifically Memorial Park, Town Hall, library, church, retail shops, restaurants, banks, and shopping plaza.

4. The site is not large enough to accommodate the business.

5. The parking spots block the site lanes of traffice entering and exiting the plaza.

8. Application of Elliott Press, 1400 Mt. Hope Avenue, Rochester, New York 14620 for preliminary site plan approval to erect a 182' x 80' 2½ story office building at property located at 1200 Scottsville Road in GB zone.

Warren Rosenbaum, Esq. and Marty Rose, Architect were present to the applicant.

Mr. Press was present and stated that they have a tenant who has certain requirements for occupancy no later than June, 1983 and without whom the short term financial feasibility would be in question.

Mr. Rosenbaum stated their intentions are to create a business park with offices for general use. The office building would take up 1.76 acres of land. There would be one entranceway, tree lined, 60 ft. wide. They addressed the drainage water lines, electrical lines, right of way of Scottsville Road, storm drainage through catch basin district running in a westerly direction, manhole, open swail which would be the beginning of any storm sewer. They don't believe that the solution is hay bail in swail to offset any silt that would find its way into the pond. One of the variances addressed was for 119 spaces based on anticipated tenants. Not going to market to heavy traffic - a real estate office such as a central clearing house. Not a lot of people coming and going. The number of spaces they showed should be sufficient for the structure. They have additional lands where parking could be added should it not prove sufficient. The tenant doesn't see any difficulty with it. The building's center section exceeds the height limitations of the Town. The center section opens to each floor. The executive suite is to have two means of egress. The inside of the upper lobby would be filled with natural light. They feel they are trying to do things that are somewhat different to attract tenants to the Scottsville Road area. There is great potential because of the airport. Some of the interest they are getting now is very positive. The building materials would include a masonry lower floor with brick carrying it towards the center section. They are also looking for a front parking variance which they believe has been granted up and down Scottsville Road.

Mrs. Bartok asked if the parking around the building got to the Fire Marshal and Mr. Connolly stated not that day. Mr. Connolly stated that parking along the building is against the fire code - not permitted along three sides. Mr. Rosenbaum stated it doesn't visually go against the building. Mr. Hunter stated the Town needs a fire lane. Mr. Rosenbaum said an extremely large blacktop area marked "no parking" would be created and it would be an excessive use of the land. Even if cars are there, the firefighters have to go between them. It would be a tremendous hardship in terms of parking. Most office buildings do not have fire lanes. Mrs. Bartok stated that without a written communication from the fire marshal, they don't know what he wants.

Mr. Flint mentioned the application for a fill permit to fill a portion of the front pond area. He stated that close to a third of the property is underwater. Mr. Press stated that unknown to them during the winter, vandalism and dumping occurred which washed back into the culvert. They have never had that water on the property before. They have it now because the culverts are blocked by debris from the vandals. They can't send someone down until the rains cease. Then they can go into the water and unplug it. Only after the culverts are open will their architects determine if bonding is necessary and where.

Mrs. Bartok stated that site plan approval for final landscape plans are needed from a licensed landscape architect. She asked it they were on the agenda for the May Zoning Board meeting and was told they had made application. Mr. Connolly stated he had to have the materials to make an application. Mr. Press stated they are doing their best to comply. If they loose their tenant, they can't start the project. There are four groups to tie in: The Boards, the tenant, the bank and the builder. The bank will give them a mortgage if they have 25% of the tenancy. The one tenant will give them 25% but unless they can give him occupancy in October, he will not sign the lease.

Mr. Press stated that when he leased a portion of his land to Burger King, he allowed them the use of 38' of land at no charge to them.

Mr. Miller asked what the timetable was for removing the existing project house. Mr. Press stated he had sat down with the assessor's office and agreed to use it as a construction building rather than put a series of temporary sheds or trailers for storage. They would like to use it for constrcution building materials. They will need facilities for the water which would be better than johnnies on the spot. Couldn't say exactly when it would be removed. It would attract less vandals. Mr. Hoy asked if they were planning on storing combustibles and was told no, that storage would be only for construction purposes.

Mr. Press stated they arepaying $40,000 per year between taxes, etc. They envision this as being the outstanding office park in Monroe County.

Mrs. Bartok stated they are lacking landscape plans which are required for final approval.

Mr. Rosenbaum asked in regard to the 38' strip of land, would the plans have to be redone and Mrs. Bartok told him the plans that get final approval should be the ones that are built. Mr. Press asked if an overlay would be acceptable and was told there would be no problem with that.

DECISION: Unanimously approved application. Special Planning Board Meeting scheduled for final site plan review on June 7, 1983 at 8:00 P.M. in Thili Town Hall.

9. Application of Joyce Scott, 11 Sequoia Drive, Rochester, New York 14624 for conditional use permit to convert a 22' x 20' garage with a 4' x 20' addition into an in-law apartment at property located at above address in R-1-12 zone.

Mrs. Joyce Scott was present and stated she wanted the permit for her monther. Mrs. Bartok asked if she intended to use it as a rental unit and was told no. Mrs. Bartok stated that when the in-law ceases to use it, it cannot be used for rental. It should be written into the deed. Miscellaneous records should be tied into the deed. No new deed is written. Mrs. Scott said she was willing to pay the necessary filing fees.

No one spoke in favor or opposition.

DECISION: Unanimously approve with the following conditions;

1. The Conditional Use is granted for use by in-laws only, and shall cease to exist when the in-law ceases to use it.

2. The apartment may not be used as a rental unit.

3. A copy of this decision must be filed in the County Clerk's Office under miscellaneous records and tied to the liber and page of your deed. The cost will be $15 and payable to the Town of Chili.

10. Application of Ronald DiChario, 1260 Scottsville Road, Rochester, New York 14624 for final site plan approval to erect a 334' x 80' professional office building at property located at 1280 Scottsville Road in GB zone.

Mr. DiChario was present and stated a letter he recieved from the Town required him to do a few more things. One of the requirements to satisfy is the entrance and egress from Scottsville Road. He called DOT and spoke with Roger Budda and Dave Powell. They stated they felt it was a danger to have an adjoining driveway to the gas station and his property. Mr. DiChario is in complete agreement with their request to eliminate one of the driveways currently in use. He will consolidate the adjoining driveway where his present driveway is and the gas station driveway, maintaining one entrance and one egress. It was suggested by the State and he realized the threat to safety.

Mrs. Bartok asked if the State approved the drainage or storm water to Scottsville Road. Mr. DiChario said he talked to Mr. Budda who said it was very difficult to get a firm commitment on the best thing to do but that there is no difficulty with his draining his roof onto the pavement and letting it take it over to the catch basin on the north corner.

Mr. Flint stated someone from the Town should have something on file from the State as to drainage. Mr. DiChario said he would get something from Mr. Budda.

No one spoke in favor or opposition.

DECISION: Unanimously approved subject to submission of letters from NYSDOT approving the drainage plan and road cuts.

Betty Bartok, Chairperson
Chili Planning Board

/dh

PLANNING BOARD

June 7, 1983

A special Hearing of the Chili Planning Board was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on June 7, 1983. The meeting was called to order at 8:00 P.M. by Chairwoman Betty Bartok.

Present: Betty Bartok, Chairwoman; Bill Deans, Dr. Ed Rague, Mitch Rakus, and Ray Bleier.

Also Present: Bob Connolly, Building Inspector; John Flint of Bergmann Associates; and Dan Miller, Deputy Town Attorney.

1. Application of Amateur Sports Program, 53 Hay Market Road, Rochester, New York 14624 for final subdivision of one lot to be 38.64 acres at property located at 525 Ballantyne Road in RA-20 and FPO zone.

Messrs. Don Aselin and Ron Samsel were present. It was stated that the decision was reserved on the pole barn because it is a place of public assemblage. It was further stated that it was understood that Amateur Sports has a problem - that they need some place to store their equipment. Mr. Aselin stated that is why they agreed to open up the area but the building inspector says they need flush toilets. Pratt and Morrow say it is fine with them. The Town Planning Board would have to approve outside handwash and portable toilets. It is a catch 22 situation - the county won't do anything unless the town does and the town won't do anything unless the county does. The DEC went out and said they do not need an article 24 permit and informed Mr. Connolly of that.

Mrs. Bartok stated that the fire marshal complained that it was in his opinion that the building is a place of public assemblage and will have to comply with such. Mr. Aselin stated he was not aware of that. Mr. Aselin further stated that they asked the board if it was acceptable to open it up and make it a clear walk through so at least the people could get out of the rain - a straight walk through so that it could be locked up at night. Should they provide a walk through and not an enclosed separate recreation area, it would be acceptable to the board. This was the premise they went under. Nothing in any letters that stipulate they should go back to the fire marshal because it is not totally enclosed. It is nothing more than a straight walk through. Mr. Connolly didn't seem to object.

Mrs. Bartok asked what's to prevent this from becoming a friendly neighborhood bar for the neighbors with the concession stand and games. Mr. Aselin replied that it only for the convenience of the ball players that are there in the park. Their normal hours are only for the time that operations are going on. They must stop serving at 10:00 P.M. and close by 11:00 P.M. They have no license and are usually closed earlier than that.

Mrs. Bartok asked if they had non-sport people going in at this time and Mr. Aselin answered none because they are out of the way.

Dr. Rague asked if the concession stand is open to the inside of the walkway and was told yes, if it is raining outside, they can still serve them from the inside.

Mrs. Bartok asked what kind of vending machines and was told snack, candy, two pop machines, three video games and two pinball machines.

Mr. Bleier asked about the area to the left and Mr. Aselin replied it is a 15 x 15 ft. area and the tractor will not fit in it. It will be used for the trophies, etc. The tractor will be driven into the center and locked up. Mr. Bleier stated that when they came in, their basic concern was availability of storage. The board is starting to get a little bit concerned about the fact that they might be trying to use some of this area for recreational. Mr. Aselin replied they opened it up so that it wouldn't be. It is up to the board and Mr. Connolly. The Health Department is aware they are anticipating moving

the concession stand. They agreed to the outside handwash and the bottled water.

Mr. Rakus stated that they have known that there have been restrictions. They have parking restrictions in the area. When Mr. Rakus went through there, there were 16 cars that weren't supposed to be there. Mr. Aselin replied that he put up the "no parking" signs, purchased them himself. He is aware of the problem and he has been trying to deal with it. Mr. Rakus said that he felt it is their responsibility to police the area. If they can't police that, he didn't know how they are going to police this. The town would have to do it and it wouldn't look good. For storage - yes. Mr. Aselin asked what about concessions - if they were to use two Sterling Homex, it would be the same.

Mrs. Bartok read a copy of Mr. Flint's letter dated June 1, 1983 to the Town regarding the flood insurance. Mr. Samsel stated that every time they come into a Planning Board meeting, it is always the last minute that they receive copies of things. They go to the meeting and discover there is another letter. They are told they are okay until they get to the meeting. They would like certain requirements set up. Mrs. Bartok asked if they didn't recieve a copy of the ordinance which states what they have to comply with. Checking with the fire marshal is something new. The board has a new drawing and since they have a lot of liability there, she thought it would be better to slow down and get everybody's response before they make a decision. County Planning handed the board a letter at the last meeting one hour before the meeting.

No one spoke in favor or opposition.

DECISION: Approved.

INFORMAL:

1. Application of Elliott Press, 1400 Mt. Hope Avenue, Rochester, New York 14620 for final site plan approval to erect a 182' x 80' 2½ story office building at property located at 1200 Scottsville Road in GB zone.

DECISION: Approved.

OLD BUSINESS:

1. Application of Amateur Sports Program, 53 Hay Market Road, Rochester, New York 14624 for preliminary site plan approval to erect a 50' x 40' recreation shelter at property located at 585 Ballantyne Road in RA-20 and FPO zone.

FOR DISCUSSION:

1. Stuart Hunt, Hunt Realty, re: Proposed Midas Muffler shop at 3220 Chili Avenue.

Betty Bartok, Chairwoman
Planning Board

/dh

*Gates-***NEWS**-*Chili*

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date 6-1-83

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

GATES-CHILI NEWS

Issue Dated 6-1-83

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y. Monroe Co.
My Commission Expires March 30, 1985

Patricia M. Smith
Publisher

Planning Bd
Board
June 1983

Legal Notice

PUBLIC HEARING
SPECIAL HEARING
CHILI PLANNING BOARD

Pursuant to Section 271 of Town Law, a public hearing will be held by the Chili Planning Board at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on June 7, 1983 at 7:30 p.m. to hear and consider the following application:

1. Application of Amateur Sports Program, 53 Hay Market Road, Rochester, New York for final subdivison of one lot to be 38.64 acres at property located at 525 Ballantyne Road in RA-20 & FPO zone.

At such time all interested persons will be heard. By order of the Chairwoman of the Chili Planning Board.

Betty Bartok,
Chairwoman
Chili Planning Board

Bergmann Associates

Brian M. Dougherty, P.E.
Gary B. Olin, P.E.
John R. Murray, Jr., P.E.
Kenneth P. Allen, P.E.
John L. Flint, P.E.
Paul E. McAnany, P.E.
Larry D. Smith, P.E.

Donald J. Bergmann & Associates, P.C.
Consulting Engineers and Planners

June 1, 1983

Town of Chili
Zoning Board of Appeals
3235 Chili Avenue
Rochester, New York 14624

Re: Amateur Sports Park
Zoning Variance Application

Dear Sirs:

In response to the Monroe County Planning Letter to your Board dated May 20, 1983, concerning the subject application, I am attempting to clarify the Town's responsibilities in regard to the National Flood Insurance Program.

The National Flood Insurance Program sets minimum requirements for construction of all structures and any filling operations within the flood way and within the fringe areas (our Flood Plain Overlay Zone). The Town of Chili, in adopting this federal program, established more stringent criteria for construction in these areas by virtue of the Zoning Ordinance.

The responsibility of the Town, having adopted these criteria is to enforce the requirements for construction unless a true hardship can be demonstrated for which a variance may be granted. The Federal Flood Insurance Program will review decisions affecting both the flood way and the Flood Plain Overlay Zones to determine: (1) if the minimum standards set for participation in the program have been complied with, and (2) if not, was the application in question presented as having certain circumstances associated with it that made it a true hardship for the applicant to comply with the zoning requirements.

The Zoning Board in granting a variance from the zoning ordinance for construction in the flood zones of the Town must be convinced that it is unreasonable to require the applicant to comply with the criteria set by the zoning ordinances. Any variance granted under these circumstances will not jeopardize the Town's participation in the National Flood Insurance Program.

Very truly yours,

BERGMANN ASSOCIATES

John L. Flint

John L. Flint, P.E.

JLF:jlb

cc: J. Powers
D. Miller

One South Washington Street • Rochester, New York 14614 • (716) 232-5135

Mrs. Bartok stated the area is becoming more and more residential so Mr. Denigris will want to put a cap on the agricultural desires there. A very nice subdivision is going in just east of him. More residential developers are expected in the future so he will more likely have more complaints should he expand at all. Mr. Rakus stated that Mr. Denigris has been before the Board on a number of occasions and he has never had any complaints except from one individual. The horses did get away not too long ago, but Peter was on vacation and the person who was watching forgot about them. The person complained about the flies. Dr. Ragué asked if there were any additional limitations and Mr. Connolly stated no.

No one spoke in favor or opposition.

DECSISION: Unanimously approved for a period of three years.

3. Application of Charles Cutaia, 44 Twin Circle, Rochester, New York 14624 for renewal of extension of Conditional Use Permit for a 19' x 41' greenhouse at property located at 2757 Chili Avenue in NB zone.

Mr. Charles Cutaia was present and stated he wished to renew his permit the same as it was proposed last year. Nothing has changed. He didn't bring any maps or anything because he figures it was submitted last year and didn't have to be submitted again this year.

Mrs. Bartok stated it looked like it has been very successfull and Mr. Cutaia stated it had been.

Mr. Hunter asked what period of time was given last year and was told one year. Mrs. Bartok asked if anyone had a problem with extending the time.

Mrs. Bartok stated they seem to last a long time. Mr. Cutaia stated that every year he replaces the plastic with new plastic. Dr. Ragué asked what time frame he would like. Mr. Cutaia stated five years because he thought the sign is every five years. Mr. Rakus asked if it would coincide with the conditional use for farm market. Mr. Cutaia stated it was going on the fourth year. Next year will start his fifth year. Mr. Rakus stated whenever he has to come for the conditional use for farm market.

No one spoke in favor or opposition.

DECSISION: Unanimously approved for a period of time to coincide with the conditional use permit for the farm market (July 11, 1985).

4. Application of Gilbert Glidden, 3216 Union Street, North Chili, New York 14514 for Conditional Use Permit to convert an existing dwelling into a permitted use (Pizza Parlor) at property located at 4358 Buffalo Road in GB zone.

Mr. Giblert Glidden was present and stated he would like to know if he can use the existing building which has an apartment in it and a 1½ car garage for permitted use for a pizza parlor.

Dr. Rauge asked about the parking area in the driveway, if it could be gravel. Mr. Glidden stated he would like to but it is up to the Board. Dr. Ragué stated the reason he asked is because of the severity of the drainage problem during heavy rains. It is advantageous to maintain gravel.

Mr. Rakus stated that Mr. Glidden is in the process of selling property to a Mr. William Heffron and in his closing he has to guatantee that it is alright to use that spot for a pizza place and at that time he will come to the Board for a site plan approval, not at the present time.

Dr. Ragué asked if the building was able to be converted to meet the building code standards. Mr. Rakus stated he thought so. It can be done. It is mostly masonry construction.

Mr. Newman asked if an area is rezoned, is it Zoning that says

you have to use it within the year? Mr. Rakus asked if he meant conditional use and was told yes. Mr. Rakus stated he knows it is to be started within a year.

Mrs. Bartok asked if he was going to be serving pizza to people like at a restaurant or strictly take out. Mr. William Heffron, also present, stated it would be strictly take out. He owns Pizza Parlor at 4350 Buffalo Road and he would like to move down to Mr. Glidden's. Mrs. Bartok stated that if they were serving people, they would need another bathroom as presently only one exists.

Dr. Rague asked if he was planning on closing the Pizza Schack because otherwise there would be a lot of pizza parlors there and was told yes, it would be closed down.

Dr. Rague stated that once he gets a building permit, it becomes permanent then he doesn't have to go back for a conditional use. Mr. Heffron stated that he couldn't start construction for about a year. Dr. Rague stated they should make it two years then.

Mrs. Bartok stated that before they vote, they should put a sentence in regarding the water. The only thing they can do is suggest that it be maintained gravel. Mr. Rakus stated that before he opens up, he should come for a site plan approval for a change of use then and at that time, he can address this issue.

No one spoke in favor or opposition.

DECISION: Unanimously approved for a period of two years.

5. Application of Perna Homes, 1075 Paul Road, Churchville, New York 14428 for final subdivision of 22 lots to be known as Clay Hill Farms Section 3 at property located at 140 Archer Road in R-1-15 zone.

Mr. Donald Avery of Denluck-Hyde Associates, was present and stated there were no changes from the original plan submitted as far as grading, etc. Letter to Town concerning lots for variance for setback so that there will be more backyards. Has been presented to the Drainage Committee and they have added an easement to take care of a little drainage in the back. Only drainage into pipes will be downspouts or cellar drainage from lot 37. No major change in the valves. He thinks they have done a nice job on the drainage. They have cleaned the ditch out up along the railroad and put in a culvert pipe. There is still a little riff raff work to be done. The sewer continues on over and picks up section 4. They will plant some shrubs inthere.

A Mr. Mike Scarson had appeared earlier and stated he lives in the back of these people. He said he loves the idea of homes going up but he hears rumors of a street from Archer to Janice. He heard Mr. Perna approached some people about purchasing their homes and was refused. He is deadly against that. It would be a racetrack. Dr. Rague stated that it was not approved for a preliminary and he has not approached the Board as far as he could recall. Mr. Scarson asked in case it comes up, would he be notified and Dr. Rague stated yes, but it was better to address it now.

Mrs. Bartok asked Mr. Avery about this matter. Mr. Avery stated it would destroy the value of the property. The only thing Jim would want would be the parcel to the north, just wetland for drainage. He knew nothing about it.

Mrs. Bartok stated they have a letter from Steve Chudyk, Supt. of Highways, dated June 14, 1983 asking for two things: 1) a 60' right of way with 20' pavement and stretch of road to be in cross sections. All of the streets would be dedicated to the Town of Chili. 2) A 20' drainage easement dedicated to the Town of Chili along the rear lot lines 36, 37, 48, 49 and 50.

Mr. Bleier stated the easements are on there that are necessary. He realized the Town's standard is 20' but he doesn't think it is necessary. They get carried away with easements in people's backyards and then they have to maintain them.

Mr. Avery stated it drains from back to front.

Mr. Hunter asked the nature of the terrain. Mr. Avery stated they start to hit the top of the hill where Foley is.

Mrs. Bartok stated that with Section 4, they will need to get an easement so they can get water on Janice Drive. Did they have an alternate plan if they didn't get the easement? Mr. Avery stated they have a detention facility. Mr. Bleier stated it may cost them a lot. Mr. Avery stated there is a nice natural pond there. It saves flooding on Janice because it holds a lot of water. He would not violate the area if he did that. Dr. Ragué stated the subdivision is beautiful. There shouldn't be any problem if the land is contoured as designed. It is one area where the people say they don't have any drainage problem.

No one spoke in favor or opposition.

DECISION: Unanimously approved with the following conditions: Requested setback variances are granted under subsection 96-7 of the Chili Subdivision Ordinance for the following reasons:

1. To provide more land in the backyards.

2. To allow corner lots more land in the backyards.

A 45' front setback is granted for lots 29-43 and lot 50. A 50' front setback is granted for lot 45.

INFORMAL

Application of Robert Fallone, 237 Fisher Road, Rochester, New York 14624 for sketch plan layout for an 81 lot subdivision to be known as West Forest Estates Section 4 at property located at 102 Emerald Point in R-1-15 zone.

DECISION: Unanimously approved with the following conditions:

1. You are to provide for dedication to the Town of Chili the two plots of conservation lands (12.5 acres and 17.5 acres) at the hearing for preliminary subdivision approved of the above described section. This dedication is to be filed with Section I of the overall subdivision.

2. You are to supply engineering calculations to verify that designed storm flows will not be increased in the off-site drainage channels, and that existing storm sewer pipes are correctly sized.

3. You are to supply calculations of how many homes could be legally built on the property in this last section, if these homes were to be built per the zoning ordinance of the Town of Chili, without use of the "281" state law.

OLD BUSINESS

Application of Amateur Sports Program, 53 Hay Market Road, Rochester, New York 14624 for preliminary site plan approval to erect a 50' x 40' recreation shelter at property located at 525 Ballantyne Road in RA-20 and FPO zone.

Mr. Don Aselin, President of Amateur Sports, and his Structural Engineer, Ron Samel, were present. The following letter to Betty Bartok from Bob Connolly dated June 13, 1983, was read by Mr. Samsel:

"I have reviewed the application of Don Aselin of Amateur Sports for a building at the above captioned property (plans dated April 8, 1983).

The applicant requests that the building be 10'0" from front lot line where 100' is required, and a finish floor evelvation of 523.0' where 527.50' is required to be 2'0" above base flood elevation. These are both Zoning Board of Appeals matters. However, where so much fill is needed, it is required by Article 6, Section 115-42 (I) that an application for a fill permit must be made at the time of Site Plan review. Being so close to the lot line and in an FPO district, I would think it would be of great concern to the Planning Board.

Now to the building itself, It is the opinion of this department that it is physically impossible for an architect or professional engineer to design a building of Type 5 Wood Construction for the use of what the applicant wants to use this building:

1. A business office.

2. A storage area, where lime, grass seed, tools paints, etc. may be stored.

3. An aopen area where the applicant plans to store the tractors and other gas driven vehicles, where gasoline and oil may be stored.

4. A concession area and a area for vending and game machines which has nothing to do with the other occupancy (applicant has no approval for game machines from this board).

The structure does not have an accessible route for all usable areas within the building for the use of the physically handicapped and no toilet facilities for men, women, or the physically handicapped.

I have told the applicant from the first day he came to my office with this application that I would not issue a Building Permit until this building was in complete compliance with the New York State Buidling Code. I told him at the time he would have to appeal my decision to the New York State Building Code Council for a variance. Nothing has changed to alter my decision."

When asked if they had a letter from the deputy fire marshal, Mr. Aselin stated he had talked to the deputy on Thursday and he was going to review the matter and get back to them on Friday. They have called every day since then but have received no letter.

Mr. Samsel read the following letter dated June 14, 1983 from himself to the Planning Board:

"In response to the June 1, 1983 letter by John Flint, P.E., Bergmann Associates, to the Zoning Board of Appeals regarding compliance with the National Flood Insurance Program:

1) The letter was firected for "variance" from the F.P.O. Flood-plain Overlay District as required by the "zoning ordinance" and ruled by the Zoning Board.

2) Two alternative methods of compliance are noted:

   a) Minimum standards compliance

   b) Variance due to "hardship"

Since we feel an undue hardship would result from strict compliance with the requirement, we are requesting a "hardship" variance based on the following facts:

1) The purpose of the F.P.O. District is to "protect areas subject to periodic inumdation" resulting in loss of life and property, hazzards to health or safety, disruption to commerce and government services, extraordinary public expenditures for flood protection, etc. affecting the public health, safety and general welfare.

2) The purpose is also to prevent flood losses caused by "cumulative effects of obstructions causing increased flood heights and velocities.

It is hard to fathom a small 40' x 50' recreation/storage shelter, located on approximately 37 acres fo open "ball fields" (land which cannot be used for other purposes) being forced into prohibitive flood plain requirements.

3a) The 100 year flood elevation is 525.5 feet.

b) Zoning requirements mandate the finished floor to be 527.5'.

c) Existing grading (ball fields) 519.0± feet below this requirement.

d) Ballantyne Road is at 521.0±: 6.5 feet below the requirement.

e) Our "proposed" finished floor is 523.0': 4.0 feet above the surrounding fields.

f) The use of the building is such that damage to the contents is unlikely or minimal.

g) Handicap access is required and the higher elevation (527.5') would cause undue hardship on not only handicapped person but all users of the facility.

h) The regulation requires drainage and runoff which would necessitate major regrading to accomplish an 8'-6" rise.

i) The addition of fill and regrading would also place a far greater impact on the site than the minimal wodk proposed. This regrading would invariably affect the existing drainage pattern possibly compounding unknown existing problems.

It is for these reasons we fill the best alternative is to allow the variance to the finished floor elevation 523.0 feet as provided for in the Zoning Ordinance."

Mr. Aselin stated that evertime they come to a meeting, they are handed something different. He said that two areas are private, restricted areas only for people that work for him and for storage area. There is an open walk area, stright walk through, nothing there but a bulletin board, the standing board which people will go in to look at and walk out. Mrs. Bartok stated there is a vending area also which could contain considerably more than six people. Mr. Aselin stated the area would allow a mixiumum of seven people.

Mr. Rakus stated the fire marshal has put a capacity of 331 people for a building at 3 square feet per person. That is what he has determined; he is the one that sets occupancy. Mr. Aselin asked how many people can you put in a phone booth. Mrs. Bartok said the point is they have a permanent structure being propsed within 10' of the right of way. Mrs. Aselin said they proposed 25', he wasn't sure where 10' came into place. Mrs. Bartok said the original location of the building measured the setback line of pavement rather than right of way. Ordinance says measure from right of way, not center line. Mr. Aselin replied exactly where they have their structures. Mrs. Bartok stated they are temporary; now they have to consider the permanent structure. Mr. Aselin said if the setback is any more than that, it would be an encroachment on their playing fields. Mrs. Bartok mentioned the future club house which is more centrally located. Mr. Aselin stated right now, they are looking for storage and security. Mrs. Bartok asked if anyone had any comments about the 10' setback.

Mr. Connolly stated that he couldn't see making an exception in this case. It should be put back where it complies. Once the building is up, it will be there for a long time. Mr. Aselin stated it is for storage. If he forgets about the permanent building and leaves the three trailers there for 100 years, 10' is fine. Mr. Aselin stated he was not going to flex to the point where he would have to build his storage behind diamond #2 and interupt his business. Mr. Rakus said he pointed it out to him several times. He knew the situation he was getting into from day one and he deeps on making an addition and another addition and he is the one that is creating the hardship. He agrees with the building superintendant and the fire marshal and he is not going to lead them down the garden path. Mr. Aselin stated that is why he is asking for permission.

Mr. Hunter stated that asking gor 10' where the ordinance calls for 100' is asking for too much. He doesn't think they should have a building 10' from the right of way. Mr. Aselin asked to have the right explained to him. Mr. Bleier stated it was 24.9'. Mr. Aselin stated that there is a descrepancy between the county and town. He measured from the edge of the road 25' in. Mrs. Bartok stated he was including part of the right of way. Mr. Bleier stated 15' on each side of the road. Mr. Aselin said as far as moving it down, there is a well problem with sulphur and electrical problems. It would overlap the soccer field and a portion of the football field. The remaining portion is all parking lot. The open areas they have are the areas they proposed where the future clubhouse is and one area by the woods where they currently have parking. Mrs. Bartok asked about the area between diamonds 3 and 7. Mr. Aselin stated they are all swails, the contour drops at least 5'.

Mr. Deans asked about the proposed clubhouse. Mr. Aselin stated it would be a fully contained building with bathrooms, locker rooms, and a full service restaurant. He is talking $200,000. Long way down the road. Estimates of cost: septic system along for clubhouse with tanks, anchors, pumps, and a filtration system would be $80,000 alone. Mrs. Bartok asked if there was any reason why they couldn't relocate the storage area and attach the clubhouse later.

Mr. Rakus stated this is not a storage building, it is a place of public assemblage. Mrs. Bartok said that with the vending area and concessions being inside the shelter rather than outside, there is no question that people will be inside. With video game and beer so close to the road, she can see more than just people who are there legitimatley.

Mrs. Bartok stated that to protect the Town, they have to protect the Town, they have to enforce the building code requirements. If they approve this as submitted, they would be jeopardizing the town and putting them in a position to be liable for a lawsuit for being negligent for haveing a building that doesn't come close to standards. Mr. Aselin asked what the portable building is considered. Mr. Bleier stated they may be abusing it. The fire marshal should go down and put occupancy on the building. But they were there before April 4, 1983 before the new laws went into effect.

Mr. Aselin asked what they wanted and he was told he would have to do something aoubt the setback. Mrs. Bartok read a letter dated May 10 and stated the implication was for storage, not people. Mr. Newman said if the center was eliminated, he could have a 6' overhang on two sides of the building and he could have the bulletin boards and food outside which would eliminate the problem of public assemblage.

Mr. Rakus said he would be willing to go along with a pole barn for storing the equipment, if he comes up with a setback.

No one spoke in favor or opposition.

DECISION: Decision reserved.

Betty Bartok, Chairwoman
Chili Planning Board

/dh

PLANNING BOARD

June 14, 1983

The meeting of the Planning Board of the Town of Chili was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on June 14, 1983. The meeting was called to order at 7:30 P.M. by Chairperson Betty Bartok.

Present: Betty Bartok, Chairperson; Bob Newman, Vice Chairman; Bill Deans, Dr. Ed Rague, Mitch Rakus, Ray Bleier and Bob Hunter.

Also Present: Bob Connolly, Building Inspector; John Flint of Bergmann Associates; Dan Miller, Deputy Town Attorney; and Larry Hoy.

Mrs. Bartok stated this is a legally constituted meeting of the Chili Planning Board and that notice of the meeting was advertised in the Gates-Chili News and also posted on the Town Clerk's bulletin board.

1. Application of John Hellaby, Jr., 203 Robert Quigley Drive, Scottsville, New York 14546 for preliminary subdivision on one lot to be 5 acres from a total 136.40 acre parcel at property located at 816 Ballantyne Road in RA-20 and FPO zone.

Mr. John Hellaby, Jr. was present and stated he had a revised plan. He received a letter from the County Health Department and the problems have been corrected. The front set back originally on the drawing was marked out in error. The 12" cup added on the front driveway was omitted on the original drawing. The Health Department indicated the bend in raw sewage should be eliminated which he has done.

Dr. Rague asked when he subdivided this lot from 130 plus parcel, did he have drawings prepared for filing with the County for two separate tax accounts. Mr. Hellaby stated not as of yet, it is still in his Dad's name. Dr. Rague stated it is something that needs to be done. He will have to draw up a special map for that and file it. When asked if the entire parcel is in the FPO zone, Mr. Hellaby stated he was not sure. Mr. Connolly stated he thought it was front back. Dr. Rague asked that the Town didn't have to worry about flood elevation with respect to the first floor and was told yes.

Mrs. Bartok asked what would be happening to the little pond. Mr. Hellaby stated it is still his Dad's property. The whole area around will be all reseeded and graded and mowed down. He will have an accumulation of top soil. Once, they dug the pond out a few years ago but he has no intention of disturbing the pond at this time. Mrs. Bartok inquired about how many feet and was told 115' to berock.

No one spoke in favor or oppostion.

DECISION: Unanimously approved.

2. Application of Peter Denigris, 254 ArcherRoad, Churchville, New York 14428 for renewal of Conditional Use Permit to allow two horses with the addition of ducks and chickens at property located at above address in R-1-20 zone.

Mr. Peter Denigris was present and repeated his application as above stated. Dr. Rague asked how many chickens and ducks he presently has and was told five ducks and approximately ten chickens and still just two horses with no visiting horses. Dr. Rague asked if he was planning any additional animals. Mr. Denigris stated the chickens were a project of his wife's at her school. Every year one or two were added. In the past they have butchered some for their own use. It may go up and down, about 10 to 12.

Mr. Hunter asked the size of the confined area and yard. Mr. Denigris stated near the barn in a picket fence confined area. The picket fence is enclosed.

(continued on page 75)

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date 6-8-83

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

GATES-CHILI NEWS

Issue Dated 6-8-83

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y. Monroe Co.
My Commission Expires March 30, 1985

Patricia M. Smith
Patricia M. Smith
Publisher

Planning Bd Book
June 1983

Legal Notice

CHILI PLANNING BOARD

Pursuant to Section 271 of Town Law, a public hearing will be held by the Chili Planning Board at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on June 14, 1983 at 7:30 p.m. to hear and consider the following applications:

1. Application of John Hellaby Jr., 203 Robert Quigley Drive, Scottsville, New York 14546 for preliminary subdivision of one lot to be 5 acres from a total 136.40 acre parcel at property located at 816 Ballantyne Road in RA-20 & FPO zone.

2. Application of Peter Denigris, 254 Archer Road, Churchville, New York 14428 for renewal of Conditional Use Permit to allow 2 horses with the addition of ducks and chickens at property located at above address in R-1-20 zone.

3. Application of Charles Cutaia, 44 Twin Circle, Rochester, New York 14624 for renewal of extension of Conditional Use Permit for a 19'x41' greenhouse at property located at 2575 Chili Avenue in NB zone.

4. Applicaton of Gilbert Glidden, 3216 Union Street, North Chili, New York 14514 for Conditional Use Permit to convert an existing dwelling into a permitted use (Pizza Parlor) at property located at 4358 Buffalo Road in GB zone.

5. Application of Perna Homes, 1075 Paul Road, Churchville, New York 14428 for final subdivision of 22 lots to be known as Clay Hill Farms Section 3 at property located at 140 Archer Road in R-1-15 zone.

At such time all interested persons will be heard. By order of the Chairwoman of the Chili Planning Board.

Betty Bartok,
Chairwoman
Chili Planning Board

PLANNING BOARD

July 12, 1983

The meeting of the Planning Board of the Town of Chili was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on July 12, 1983. The meeting was called to order at 7:30 P.M. by Chairperson Betty Bartok.

Present: Betty Bartok, Chairperson; Bob Newman, Ed Rague, Mitch Rakus, Ray Bleier and Bill Deans.

Also Present: Bob Connolly, Building Inspector; John Flint, Bergmann Associates; Larry Hoy, Department of Environmental Conservation; Betty Glende, Drainage Committee; Dan Miller, Town Attorney.

Mrs. Bartok stated this to be a legally constituted meeting of the Chili Planning Board. She asked Mr. Miller to make further comments.

Mr. Miller stated that the agenda for this meeting had been published in the Gates-Chili News and also on the Town Clerk's bulletin board.

Mrs. Bartok introduced the members of the Board and the experts present and the front table.

1. Application of Douglas Drago, 4281 Brick School House Road, Hamlin, New York, 14464, for preliminary subdivision of one lot to be five acres at property located at 240 Humphrey Road in PRD and FPO zone.

Mr. Drago was present to discuss this before the Board. He said he wanted to get a five-acre subdivision, and he planned to build a house there.

Mrs. Bartok asked whether the location was to be on the upper left corner of the drawing submitted by Mr. Drago, and whether that showed the entire parcel from which the lot would be subdivided. Mr. Drago answered yes, he believed so.

Mrs. Bartok asked whether there were any questions from the Board.

Mr. Bleier asked whether Mr. Drago had any plans to subdivide this lot, and Mr. Drago answered no he has spent 20 years of his life there and the land is in his family.

Mr. Connolly said that at the time Mr. Drago is going to want his building permit, the Town will have to have all of the other information necessary for approval by the Health Department, such as septic system and topographical information in and around the house. Mr. Drago said that he understood that he is to show all the pertinent information.

Mr. Flint said that the Code requests that you have to show one-foot contours -- any place where you have a change of more than one foot. Mr. Drago asked any place where you are going to excavate? Mr. Flint replied no - you have to show one-foot contours on any property where you have a septic system.

Mr. Miller added that any time there is a one-foot change in elevation, you have to show it.

Mrs. Bartok mentioned that this is a pretty straightforward thing, and that the surveyor would understand it. Septic system has to be approved. Mr. Drago said that he understood this.

No questions.

No one spoke in favor or opposition.

DECISION: Approved, finals waived, with Mr. Deans abstaining.

2. Application of Anthony Perrotta, 1350 Buffalo Road, Rochester New York 14624, for preliminary subdivision of 7 lots to be known as Toper Subdivision at property located at 20 Province Drive in R-1-15 zone.

Mr. Herman Klingenberger, surveyor, with offices at 1350 Buffalo Road, Rochester, New York 14624, was present to represent Mr. Perrotta and to describe the project. He had a map of the proposed subdivision to which he referred. He siad that the subdivision would be located at the southerly end of Province Drive; it would consist of seven lots, varying in acreage. Lost 2 would be the largest with 11.2 acres. Lot 4 would be the smallest, with six tenths of an acre. He said Mr. Perrotta is not requesting any variances for the size of the lots, and that they are existing parcels. He referred the Board to sheet 2 of the map.

The second sheet is the topograaphical map which shows the existing contours and existing elevations and the proposed houses. Sheet 3 is a duplicate of Sheet 2, except that he has included a grading plan which was proposed furnishing contours throughout the subdivision. The existing sanitary sewers on Province Drive, which comes down through the south end is hooked up to existing (sewer) on to east end to west. There is an eight-inch water main on Province Drive.

They are proposing to pick it up, carry it along using reinforced concrete pipe which comes down Province Drive. There is existing head water at line of lots 3 and 4. They are going to carry that current down to the southwest corner of lot 4 where there will be existing drainage and carry it on to the south end of the subdivision, using existing storm water sewer system. There is an existing catch basin and the existing catch basin comes together at another catch basin 55 and 56; it is then connected with a 12-inch pipe approximately 10 to 15 feet away from lot No. 1. It is proposed to pick up 12 inch sotrm sewer, carry it down to the southwest corner of lot 1 and then carry sanitary water sewer from and along south proposed line of Lot. No. 1. The existing 12-inch pipe ends here and flows over the land.

Mrs. Bartok asked if they have submitted calculations on pipe size to the Town Engineer.

Mr. Klingenberger replied no, there are a number of things we must do. We have to contact the Department of Environmental Conservation regarding the wet lands. They have not set up an appointment with them yet. There are other items, for example, the Conservation Board wanted additional information and we have not had time to complete requirements.

Mrs. Bartok stated that the DEC has required a full impact statement. She mentioned that this hearing is being held prematurely, since things are not done. The drainage calculations are very important.

Mr. Klingenberger replied that they have not had a chance to get these things done; he had to move his office and lost time that way.

Mrs. Bartok asked if they have received comments from the County.

Mr. Klingenberger replied they have recieved them and they will be taken car of. He added that they have notified the DEC and they have not scheduled a hearing, but that they will.

Mr. Klingenberger added that there is a 12-inch pipe which they will pick up and take into the system. They will fill in the dip between Lots 3 and 4 with suitable concrete pipe so that it won't be there any more.

Mr. Flint suggested that the pipe be carried a little further down the street.

Gates- **NEWS** *-Chili*

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date 7-6-83

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

GATES-CHILI NEWS

Issue Dated 7-6-83

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y. Monroe Co.
My Commission Expires March 30, 1985

Patricia M. Smith
Patricia M. Smith
Publisher

Planning Bd Book
for July 12, 1983

Gates-Chili NEWS, Rochester, N.Y., July 6, 1983

Legal Notice

CHILI PLANNING BOARD

Pursuant to Section 271 of Town Law, a public hearing will be held by the Chili Planning Board at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on July 12, 1983 at 7:30 p.m. to hear and consider the following applications:

1. Application of Douglas Drago, 4281 Brick School House Road, Hamlin, New York 14464 for preliminary subdivision of one lot to be 5 acres at property located at 240 Humphrey Road in PRD & FPO zone.

2. Application of Anthony Perrotta, 1350 Buffalo Road, Rochester, New York 14624 for preliminary subdivision of 7 lots to be known as Toper Subdivision at property located at 20 Province Drive in R-1-15 zone.

At such time all interested persons will be heard. By order of the Chairwoman of the Chili Planning Board.

Betty Bartok, Chairwoman
Chili Planning Board

Mr. Klingenberger replied he has no problems with that; they are talking about 50 feet recommended by the Town Engineer, and when they get all the other stuff together, it will be changed.

Mrs. Bartok asked if there were any further questions from the Board.

Dr. Ragué asked who owns the land, and Mr. Klingenberger replied that there is a deed to the Town.

Mr. Rakus asked where the odors came from that he had noticed when he was at the site on Sunday. Mr. Klingenberger replied that he didn't know, but that there was a swamp to the south.

Mr. Newman mentioned the existing drainage ditch betwee Lots 2 and 3, and asked what they propose on that. Mr. Klingenberger replied that there is no existing drainage ditch between Lots 2 and 3.

Mr. Newman mentioned that this is a low area, especially Lot 2. Mr. Klingenberger replied that it is accessible from the north.

Mr. Newman asked what about easements between Lots 3 and 4 for storm water? Mr. Klingenberger replied that easements will be given to the Town at any width the Town would require.

Mr. Newman asked if Mr. Klingenberger's next plans will show easements, and Mr. Flint added they must be 20 feet minimum.

Mrs. Bartok asked if there were any other questions.

Mr. Rakus asked if they were going to use culvert, and Mr. Klingenberger replied yes.

Mr. Rakus asked if Mr. Klingenberger knew elevation of sewer pipe and if he was going to have toilets in the basements of the houses. Mr. Klingenberger replied that it depends on the inverse of the sanitary sewers, but that he doubts it. Eash sewer is to be enough and they may be put in. He doesn't know, but as far as he knows storm water sewer is ok.

Mr. Rakus said they have had problems in the area where sewer backed up through the toilet, and the Town doesn't want to see this again. Mr. Klingenberger replied that if there has been such a problem, we should put on theplans that there would be no toilets.

Mrs. Bartok inquired who is the licensed professional engineer who will be responsible for the calculations, and Mr. Klingenberger replied Stepehn Shelley.

Mrs. Bartok stated that in the Board's letter to them of December 16, 1982, they asked that wetland area be put into a conservation easements. That should be a 100-foot buffer. This lets the buyer know that there is a problem and he should be cautious. Mr. Klingenberger agreed.

Dr. Ragué had a question about Schedule 2, third line down--62.4 - what does this mean? Mr. Klingenberger replied that these elevations are for Lot. 6. Those are existing support elevations. On Schedule 2 there is no proposed support elevation, but there is on Schedule 3 at the corners of the house. These indicate support elevations.

Mrs. Bartok mentioned that they didn't have topographical map where there are occupied dwellings. The ordinance requires 200 feet. Mr. Klingenberger replied that they will try. They do have problems with this type of thing because of changes, etc., but they will try.

Mrs. Bartok said this is a crucial area. The area has house drainage plans.

Mr. Flint spoke regarding the location plan and said he was not sure he understood it. Does it go all the way to the tracks? Mr. Klingenberger replied that it did not.

Mr. Flint mentioned that we are landlocking anyone be develop-

ing this to the end. Does buyer own entire parcel? Mr. Klingenberger replied he owns it as shown.

Mrs. Bartok said there is one that appears landlocked but it does have an easement for access which goes off to end of Stone Barn. It was proposed by person on West Side Drive as cut low. It is probably recorded.

Mr. Flint agreed, and went on to easements on 30-inch pipe -- would this require a 30-foot easement. Cuts are 20 feet unless you need access to a house. He recommended extending the pipe plus or minus 50 feet parallel to east property line of Lot No. 3. He directed the attention of the Board to the proposed drainage ways on Lots 3, 4 and 5. They are closing over easements and goind back and forth. He said Mr. Klingenberger mentioned that he was not requesting any variances, but he will need them, specifically for Lot No. 5 -- 40 foot easements.

Mr. Connolly added that 40 feet are needed for every lot; then you have to meet whatever the zoning ordinance requires.

Mrs. Bartok mentioned that that could be done with final approval--allow modification to site and characteristics of parcel.

Mr. Flint asked whether the final plans will need to show head well desgin, channel section.

Mr. Hoy asked where is the crrek or sewer drainage which runs back. Mr. Flint replied it follows lot line between Lots 3 and 4 -- head line is in line with front of garage on Lot 4. Then there is an open ditch.

Mr. Connolly asked what they plan to do with that creek? (Mr. Klingenberger showed on map).

No further questions from Board or experts.

Questions from audience?

Charlies Murphy, 10 Loring Place, spike in response. He said he has a drainage pipe in his back yard; it comes off the north side of Loring. It is closest on the south side and goes out into the area. He expressed concern that the pipe be kept at the proper elevation.

Mrs. Bartok replied that the Board needs the calculations from the engineer.

Mr. Murphy said there are large amounts of water that works through. This is a wooded area. Kids are enjoying the area and the Fire Department are cleaning it up; 12 inch pipe should maintain proper angle and drainage so that when it hits they would be sure it does not back up because wyou will affect the whole north side of Loring.

Mr. Jerome Bovenzi, 9 Province Drive, said every time it rains they get the sewer smell. Will this get worse now? It gets worse after every rain. Mr. Klingenberger replied that the proposal has to go through Pure Waters for approval.

Mrs. Bartok indicated that the Board must check into this. If there is a leak, they must find it.

Mr. Bovenzi asked what did you mean about easements?

Mr. Flint replied that an easement is written into the deed; it allows the Town to come in and maintain the drainage area pipe sewer or ditch. It (an easement) gives the Town access.

Mr. Bovenzi asked if there would be some place in the area where they can get back in? Mrs. Bartok replied no, there is no public right of way. This is a Section 281 development.

Mr. Newman mentioned that these are for normal maintenance that need to be done on drainage areas. They are not necessary for public accessibility but for maintenance and for other people in the Town.

Mr. Buehler, 13 Province Drive questioned - the Town must have these easements? Mr. Miller replied, for the drainage ditch only. Mr. Buehler said that he has a problem with drainage along. He has talked to Mr. Powers, engineer, who was supposed to come out. The drainage pipe is 4 to 6 inches above current. He is on the west side. Water is not going to get in there. The pipe he is talking about is going down through where the creek is now. In a good rainstorm ditch backs up quite heavily. Maybe it won't harm him, but it will harm others, on Baylor. They are low to start out. He has ssen the ditch there it is 3 to 4 feet above what it is now.

Mr. Murphy said that Lot 2 is mostly wooded area now. It is wooded and swampy area. It is a wet area. It is a red clay that has been put in over a swamp. He said the proposal will close two drainage channels on Baylor and Province. It is OK as long as it deains properly.

Mrs. Bartok added that it will be very important to find out where the water goes so that the property owner of Lot 3 cannot complain that the back yard is wet. He should know right away.

Mr. Buehler added that the water is now all the way up. He said Ryan Homes tried to build but was turned down because of low elevation. He can't see where there has been any change in elevation at all.

Mr. Jan Ryke, 19 Ryke Place mentioned that Mr. Perrotta mentioned a number of reasons why application would be acceptable. One is that distrubance of area will not be in close proximity to wet lands. He understands that conservation easement may take care of it, but what will prevent future property owners from disturbing property? Also, Mr. Perrotta makes statements that other existing vegetation will not be diturbed. But what would be done to keep future property owners from changing the vegetation? He is concerned that this may bring out of hiding vehciles such as dune buggies. The conservation easement may help protect it, but he is concerned about other natural vegetation.

Mrs. Bartok said that the Town has an ordinance regarding dune buggies and snowmobiles. You are permitted to operate them on your own property. It you are on another person's property, you must carry with you written permission from the property owner. Perhaps this will put owners in control. If there are problems, especially with minibikes, this is the main way we have to control them.

Mr. Ryke mentioned that the land is used by children, but it is beginning to be reclaimes by trees, and he is concerned that those woodlands as well as wetlands can be damaged by vehicles. They can do a great deal of damage to land.

Mrs. Bartok said the conservation easement would be used to mark such a wet land as a 100-foot buffer and any other land. Wetland area is subject to restrictions of New York State Lands Act. So even an individual is limited to what he can do and needs a permit. Mr. Ryke agreed it is under Statecontral in the county.

Mrs. Bartok added that by putting a conservation easement in the deed we have served notice on them that this is a special area.

Mrs. Bartok replied that if a freshwater wetlands permit is needed, then an ad would be placed in the Democrat & Chronicle and Times Union showing that this has been applied for for property located at_____. All interested parties should take a look at the maps at the Town Clerk's Office. If enough people are interested, a hearing is held. Commissioners come from Albany, and then a decision is made. Otherwise, there is no public hearing. But the Conservation Board will be aware of this. Mr. Hoy, will you be seeing someone on this?

Mr. Hoy replied yes. If we know when they are coming. They could get it at a monent's notice, but we have to know when.

Mrs. Bartok asked Mr. Hoy and Mr. Klingenberger to get togehter and set a time for this purpose.

Mrs. Bartok mentioned that the boundary and high way has been marked. She will wait for maps with boundaries.

Mr. Hoy asked if the boundary is the same, and Mrs. Bartok replied it can be different or the same.

Mr. Hoy said the DEC can relocate the wet land back there, and Mr. Klingenberger agreed, from what is on this map.

Mrs. Bartok added, 100-foot buffer is 100 feet out from wet land to protect it.

Mr. Ryke asked it notice of hearing would be in the Chili newspaper, and Mrs. Bartok said no, just in the Democrat & Chronicle under public notices; it must be a newspaper of general interest and circulation, not one of limited circulation.

Mr. Murphy stated he wanted to be assured that the drainage would be maintained throughout the development. He says Mr. Fallone has regraded along Emerald Point and water is going to Baylor side. They have done alot of grading; they have moved a lot of land there to the extent that drainage is off on Baylor.

Mrs. Bartok asked what lot?

Mr. Murphy stated it all has been altered on the Emerald Point side.

Mr. Flint said it is the responsibility of the Town to be sure that this is taken care of.

Mr. Larry Hoy, 8 Loring Place, said he would like to know from John or the engineer whose responsibility it is if it does back up? Mr. Flint asked, the storm water system? Mr. Hoy added, whose responsibility would it be if it is approved and built?

Mr. Flint replied, the Town's. As far as maintenance, it is the Town's problem to maintain it. There may be additional problems between this lot and the lot on Loring Place; the Town will not come in unless there is an easement. Mr.Murphy added that there is an easement, and Mr. Flint said he should be protected. Mr. Murphy said he has water now, and Mr. Hoy said he had water also.

Mr. Bovenzi asked how we can be in favor or opposed when there are so many variables? How can we decide. Mrs. Bartok agreed, and mentioned she thought it was premature to talk about this without formal engineering calculations.

No further discussion or questions.

No one spoke in favor or opposition.

DECISION: Reserved.

OLD BUSINESS:

1. Application of August Calleri, 31 Chi Mar Drive, Rochester, New York 14624 for preliminary site plan approval to convert existing house to a beauty shop at property located at 3149 & 3151 Chili Avenue in GB zone.

Mr. Herman Klingenberger, surveyor, was present, along with Mr. Calleri, attorney, were present. Mr. Klingenberger had a site plan for Mr. Calleri, and explained that the applicant is moving a beauty parlor to an existing house at the corner of Chili, Paul and Coldwater Roads. There is a proposed parking area to the west of the existing structure, as shown. They are proposing ten parking spaces of a size that his prescribed by the Zoning Ordinance, that is, 9½ by 19½. The existing driveway comes in here (demonstrates on map). We are going to eliminate the driveway and take it down to the intersection as shown on the site plan. The driveway will be 24 feet wide and all driving areas in the parking lot will be 24 feet wide to accommodate two-way traffic. There is no other driveway. One of the requirements

of the Town for this type of application would be to have a landscape architect submit landscaping plans. The planting plan must be equal to one per cent of the amount spent on the site. The entire project will cost $10,000.00. They have a planting plan of $100.00. The landscape architect charges $125.00 todo the plan, so they are asking for relief under that condition. That is why they do not have a landscape plan this evening. Because of what the Zoning Ordinance says, they say this can be included in proposal for landscape plan.

Mr. Miller asked if there would be flower boxes on the house, or flowers elsewhere.

Mr. Callleri, attorney, appearing on behalf of and with Mr. August Calleri, replied that there will be shrubs.

Mrs. Bartok asked if they would be in place of the existing shrubs, and Mr. Calleri, attorney, replied that they plan to take out the old ones and put in new shrubs and flowers. Their plan is to make a "doll house" out of it.

Mr. Bleier asked if the two parking spaces nearest the building can be used, and if this was shown on the drawing. Mr. Connolly said they could, if they are shown.

Mr. Miller asked if cars can pull in from any of the three roads. Mr. Connolly asked if Mr. August Calleri owned both parcels.

Mr. Calleri, attorney, answered, yes, Mr. August Calleri is under contract to buy both.

Mrs. Bartok asked if it was necessary to combine the two lots into one tax account number. Mr. Miller suggested that the surveyor prepare a new map totake care of this, and Mr. Klingenberger agreed.

Mrs. Bartok asked if the applicant had submitted calculations for storm water runoff to the Town Engineer. Mr. Klingenberger answered that they have not submitted any calculations. They are proposing a gravel drive so there will not be a lot of runoff. The parking area will accept water.

Mrs. Bartok mentioned that a building in Chili Center had had a gravel driveway and it had to be paved because of a problem with ice; it could not be plowed. She wondered if this would happen in this instance, especially because of the slope, and asked ifit could be paved. Mr. Klingenberger asked all or just the apron, and Mrs. Bartok answered all.

Mr. Flint said he would rather not see it paved for the same reason the other building's driveway wasn't paved at first--storm water stays there a lot longer.

Mrs. Bartok asked if ice could be adequatley controlled in the parking lot, and Mr. Flint answered with a 1/4 inch slope, it can be.

Mr. Rakus asked if there is going to be an apron at all to get on to Chili Avenue, and Mr. Klingenberger replied they can pave the apron.

Mr. Connolly asked if they have applied for a road cut. Mr. Calleri, attorney, replied that the curb cut was moved further to the east at the request of the Department of Transportation; it is where they want it. They recommended that the curb cut be located there. The existing one would do substantial harm to users. He does not anticipate any problem with the Department of Transportation.

Mrs. Bartok reminded the applicant that he had said there would be lighting around the edges of the parking lot area, and asked what kind will be used.

Mr. August Calleri replied timer lights. He already has it. For security reasons it will go off at 10:00 or 10:30 P.M. The shop is open Thursday evening only.

Mrs. Bartok asked where the lights will be located. Mr. August Calleri replied right where the garage is now, east road.

Mrs. Bartok asked if the light will shine into the windows of the existing neighboring house, which is an occupied dwelling (to the east of the parcel)?

Mr. Calleri, attorney, replied it is too far. It would be about 100 feet. Mrs. Bartok asid that they must angle the light so that it does not shine into the windows. They must give them consideration. Mr. Calleri, attorney, agreed.

Mrs. Bartok then inquired what they had done about a buffer of vegetation, and Mr. Calleri, attorney, replied that there would be hedgerows. Mrs. Bartok asked how high they would be, and Mr. Calleri, attorney, replied about four feet. They will be arbor-vitae, and they will be assisted by the natural contour of the land.

Mr. Connolly said he would like to have drawings by survey engineer when they come for building permit.

Mr. Flint asked how they will maintain the slope off the end of the parking lot. Mr. Klingenberger said they must support a three-foot differential between the existing contour and the proposed site elevation.

Mr. Flint asked if the slope would be seeded, and Mr. Klingenberger replied it would. Mr. Calleri, attorney, added that it would be maintained as a lawn.

Mrs. Bartok asked who is the engineer responsible for calculations on storm water drainage, and Mr. Flint said they do not require any.

Mrs. Bartok asked if the parking arrangement would be done so that the runoff would not go to the little white house where storm water goes. She asked if there is sufficient roadside swale or can they add to roadside swale to channel water away from the house. She said it looks like the swale is in poor shape.

Mr. Flint added that the swale is in poor condition for the house to exist.

Mrs. Bartok asked if they would not be out of line to ask to have swale cleaned, and Mr. Flint said it would be OK.

Mr. Rakus asked if there would be any problem with runoff, and Mr. Flint said there would not be.

Mrs. Bartok asked if Mr. Flint thought they had enough information for them to make a decision for prelimianry site plan approval, and Mr. Flint said yes.

Mrs. Bartok asked what additional information would be needed, and Mr. Flint added information about the ditch--how far. Mrs. Bartok asked if they could get it to Pikuet Road.

Mr. Flint said that the lighting should be shown. We would need approval of the driveway cut; hedgerows should be shown. He understands the slope is on the far area next to the parking lot. He needs an idea of the minimum depth of gravel. Will the hedgerows be on the east.

Mrs. Bartok mentioned that they had asked for a planted buffer, and it should be set down on paper.

Mr. Miller mentioned that halfway back along eastern boundary would be enough, and Mrs. Bartok said that would cover the entrance.

Mr. Miller said that 50% as a practical matter...

Mr. Calleri, attorney, referred to the amp, and said they will plant hedgerows, and will mark them "future planting" on the map.

Mrs. Bartok asked if they would want to specify paved apron?

Dr. Rague mentioned that when the blacktop from concrete to gravel, you get holes. Mr. Connolly mentioned that they will have to do it somewhere. Mrs. Bartok mentioned if the gravel does not work it out, you can always fill it in. Mr. Flint added that gravel parking lots have to be maintained.

Mr. Deans said he doesn't like to see any parcel be put in with gravel. After two years you will have weeds and everything else.

Mrs. Bartok asked if storm water runoff could be handled in another way.

Mr. Flint said you could slope it in another direction. Mr. Miller mentioned the possibility of gravel in the first year or two and then pave it. Mr. Newman mentioned it will cost more to pave the land than for the renovation. Mr. Miller agreed.

Mr. Calleri, attorney, said they are planning on seven years. He said the applicant, Mr. Callerie, is amortizing this over a long period. He added that the parcel would be mained in a natural state.

Mrs. Bartok mentioned the parking area is difficult with run-off. Mr. Calleri, attorney, added it would accelerate runoff.

Mr. Newman said there would be no increase in the building but there will be an increase in the parking area. There would be less runoff with gravel than if it was paved. There are weeds growing up now. They would like to improve the looks of the corner. Minimum inverse with gravel parking lot--it would be an improvement.

Mrs. Bartok asked if the Board would like to vote on preliminary site plan approval. They can't go to final because there is a lot of detail, for example, lighting to be shown, weeds, etc.; the possibility of neighbors complaining. Mr. Callerie, attorney, said he understood this.

Mr. Rakus asked if applicant Calleri owned it. Mr. Calleri, attorney, replied that the applicant is under contract to purchase both parcels.

Mrs. Bartok asked if there was a motion to approve.

Mr. Newman said approval with conditions--shrubs be added to the east side of lot line down to proposed future parking area.

Mrs. Bartok asked how much do you need for line of vision from setback. Mr. Flint replied, right to the right of way.

Mrs. Bartok asked if they should include inverts on Paul Road ditch to Pikuet Road and make determination whether New York State would clean the swale. Mr. Newman asked whether this cleaning would be done with a pick and shvel or a backhoe. Could a man do this in a day? Mr. Flint said yes. Mr. Newman asked how much it would cost, and Mr. Flint replied $150.00 to $200.00 to hire a backhoe.

Mrs. Bartok mentioned that New York State may do it. Mr. Flint said he didn't know how likely it is.

Mrs. Bartok asked if they should ask to have inverts shown.

Mr. Flint mentioned he would like to get the state to do it.

Mrs. Bartok asked if there were any other conditions, and Mr. Newman mentioned the lighting.

Mrs. Bartok said the lighting should be shown and not shine in neighboring house. Dr. Rague mentioned the lighting is coming from the east lot line...Mr. Deans said the light can be shielded so that all the light will go down.

Mrs. Bartok mentioned that the Ordinance requires location and type of lighting be indicated. She asked if the Board wanted to limit the hours of operation of the shop. It is a general business zone.

Mr. Newman said no problem, they are open one night a week. Mr. Calleri, attorney, said yes, this is true. Mr. Miller mentioned that other businesses in that area are open late.

Mrs. Bartok asked if there were any other conditions, and Mr. Bleier said the paved apron should be shown.

Mrs. Bartok said the shrubbery should be added to the east lot line. Mr. Newman added the type and location of lighting should be shown on the drawings. Dr. Rague said the paved apron on entrance from Chili Avenue should be shown.

THE VOTE:
Mr. Deans: No
Mr. Bleier: Yes
Mr. Rakus: Yes
Dr. Rague: Yes
Mr. Newman: Yes
Mrs. Bartok: Yes

DECISION: Approved for preliminary sit approval with the following conditions:

1. Shrubbery be added to the east side line of the property, from Chili Avenue to the end of the future parking area.

2. The location and type of lighting should be shown on the drawing. The lighting must not shine in the windows of the single family dwelling to the east of the property.

3. A paved apron should be shown on the drawing at the entrance to the parking area from Chili Avenue.

2. Application of Amateur Sports Program, 53 Hay Market Road, Rochester, New York 14624 for preliminary site plan approval to erect a 68' x 30' building at property located at 527 Ballantyne Road in RA-20 and FPO zone.

Mr. Don Aselin was present and said the original plans were for a building 4o feet wide and 50 feet long. The new building is to accommodate greater setback and is 30 feet wide and 68 feet long. He said they have put everyting in line, vending machines, etc. Complete open area; change in configuration. Everything is to the outside of the current setback from right of way.

Mrs. Bartok asked, 35 to 40 feet? Mr. Aselin answered yes.

Mr. Newman asked where the building is. Mr. Aselin said the building is still the same distance from playing fields. They have pulled it ten feet back. Mr. Newman asked, ten feet from Ballantyne? Mr. Aselin said the old building was 40 feet wide and 50 feet long; the new one is 30 feet wide and 68 feet long.

Mr. Bleier asked if there would be toilets in the area? Mr. Aselin answered that they have no water. All wells are sulphur. They have a permit from the Board for the portable johns. Mr. Bleier said that part of the Code calls for private facilities.

Mr. Aselin said they would like to continue with the portables, and he added they don't have water. The other problem is enclosed toilets here and no where else. They have 37 acres. That is a long way from Diamond 9 to toilet facilities.

Mrs. Bartok said their septic system must be large, and Mr. Aselin said if the Health Department gives them all the particulars.

Mr. Bleier asked what about actual elevation of the building? Mr. Aselin replied that the code calls for two feet above front plan elevation. The new elevation is 525.5 Current elevation of property and facilities is 519. Building is 8 feet above everyone. They have proposed 523 which is two feet above current Ballantyne Road elevation.

Mr. Bleier asked if John and Bob would be satisfied.

Mr. Flint spoke regarding the flood plain. He said he didn't think 523 would be too bad. But the Code requires an applicant bear that flood plan elevation to plus or minus two feet or prove hardship and get variance.

Mrs. Bartok said the application has been made on setback and elevation.

Mr. Connolly said he would like them both to take some kind of action. His alternative is not to issue building permit and let them appeal, because they are not complying because of toilets and handicapped or whatever else he finds.

Mrs. Bartol asked him if he wants them to reject the site plan--location of the building on the site, etc. She asked if the Board would like to vote on this.

Dr. Ragué said he found it bery acceptable. He said he thought this kind of facility is needed. He did have some qualms the last time because of elevation, etc. but if that is taken out of my hands.. there is a problem with setback but can go up to the road...and there are too many questions; Mr. Aselin has done everything he can do about parking. I think he has done as much has he can possibly do. I think it is a needed facility and provides a recreational area in a place that is good for nothing else. I don't think it is bad thing for the Town to have.

Mrs. Bartok asked if there was a motion to accept. Dr. Ragué said yes.

Mr. Newman said this is all accepted provided there is an addendum to the original set of plans. If there is an addendum, I will accept this.

Dr. Ragué said yes.

Mr. Rakus said opposed.

Mr. Bleier said he votes for it.

Mr. Deans abstained.

Mrs. Bartok voted yes.

4 yes
1 no
1 abstention

DECISION: Approved.

Further discussion took place regarding Item 2 of the Agenda-application of Perrotta.

Mrs. Bartok said they must have engineering calculations done and topo to existing area.

Mr. Hoy said the environmental impact study was needed.

Mr. Flint said the Board must recommend that a full impact study should be done. The County has said this is a local matter. It is the job of the Planning Board to take care of it.

Mr. Hoy said they are planning to cover up the pipe. There are fish and animals there.

Mr. Bleier said this is private property. If it is within wetlands ok, but other than that, he doesn't think the Board has the right to tell them what to do with it.

Mrs. Bartok suggested declaring the Town Board the lead agency on this environmental consideration under the State Environmental Quality Review Act. She said they will designate themselves lead agency and request an environmental impact study.

Vote to designate Chili Planning Board as Lead Agency:

Mr. Newman:	Yes.
Dr. Rague:	Yes.
Mr. Rakus:	Yes.
Mr. Bleier:	Yes.
Mr. Deans:	Yes.
Mrs. Bartok:	Yes.

Further discussion took place on this application.

Mrs. Bartok said they will need to furnish current wetlands boundary, marked. A permit is needed to be obtained at this stage. Mr. Newman asked, permit for what? Mrs. Bartok answered, for a subdivision.

Mr. Flint added, a permit to alter wetlands - see Article 4.

Mr. Miller reads from Section d, Article 4 of Chili Code.

Mr. Flint reads Section t.

Mr. Klingenberger agrees to all.

Mr. Newman asked what about Pure Waters, and Mrs. Bartok said they need a letter from Pure Waters. Mr. Klingenberger said he will get a determination from Pure Waters on this.

Mrs. Bartok said they should get a statement that sanitary sewers are adequate, and Mr. Klingenberger agreed.

Mr. Rakus asked if a bond was necessary toprotect the Town from liability. Mr. Miller said it is up to the Town Board to require a bond. The applicant doesn't need to furnish a bond at this point; the Town carries liability insurance.

Mrs. Bartok asked for a vote to reserve decision. A unanimous vote of yes to reserve decision was cast.

Betty Bartok
Chairperson, Chili Planning Board

/akw

PLANNING BOARD

September 20, 1983

The meeting of the Planning Board of the Town of Chili was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York, 14624, on September 20, 1983. The meeting was called to order at 7:30 p.m. by Chairperson Betty Bartok.

PRESENT: Betty Bartok, Chairperson; Bill Deans, Don Faso, Bob Newman, Mitch Rakus, Ray Bleier.

ALL PRESENT: Bob Connally, Building Inspector; John Flint, Bergman Associates; Larry Hoy, Department of Environmental Conservation; Bill Kelly, Town Attorney.

Mrs. Bartok stated this to be a legally constituted meeting of the Chili Planning Board and that notice of the meeting was advertised in the Gates-Chili News and also posted on the Town Clerk's bulletin board.

Mrs. Bartok introduced the members of the Board and the front table.

1. Application of Grace Covenant Church, 224 Chestnut Ridge Road, Rochester, New York, 14624 for Conditional Use Permit to allow a church ministering through daily worship, evangelism, education, fellowship, and recreation in existing building at property located at 697 Paul Road (Bethany Chapel Free Methodist Church) in R-1-15 zone.

Reverend Jones, 122 Old Scottsville-Chili Road, stated he was representing the church and they planned to make this a temporary move, hoping to get back no later than September of 1984. We have a contract that is good until December 31, 1983. After that we have to review it on a monthly basis.

Mr. Rakus asked if the building was suitable for occupancy and okayed by the Fire Marshall.

Mr. Connelly interjected that the school had been in use and under the jurisdiction of the Fire Marshall. To the best of his knowledge the Fire Marshall requested 23 remedies that he wanted them to do and it was his understanding they all had been complied with.

Mrs. Bartok inquired if they were asking for a Conditional Use Permit till the end of June of next year. The Reverend Jones answered yes.

No one in favor. In opposition:

Mrs. Costanza, 65 Paul Road, stated that there hadn't been a school there for years and she wasn't prepared to have school classes plus other things going on there.

Bob Connelly stated that there were classrooms there but he didn't know if its use had expired. He also mentioned that they had lost a similar case when it went to Supreme Court because the church when ministering has almost no restrictions and education does come under its function.

Betty Bartok asked if the existence of the school causes any problems there personally or for your neighbors. Mrs. Costanza said they were afraid of the buses getting in the way, etc.

Mr. John Fine, 86 Archer Road, wanted to know what right the church had in taking over the building for use as a school and then letting the people know after they had already occupied it. They found out after half dozen buses are there and the kids are all over. Why weren't the neighbors told ahead of time.

Mrs. Bartok answered the Board must take the blame for part of it. We couldn't get a special Planning Board Meeting scheduled before the school year because we would have lacked a quorum to take a vote.

Don Long, 86 Archer Road, stated he never heard that that building was built to be used as a school; maybe a Sunday School, but never as a Public or Private School. Mr. Connally answered it wasn't built as a school but it was used as a Sunday School in the past. He went on to say it is the function of the church's ministry to have a full time school.

Mrs. Bartok said the Board could put a time limit on the Conditional Use Permit. At the end of that period of time they will have to reapply if necessary.

Mrs. Costanzo wanted to know what else was the church being used for besides a school. Reverend Jones said he couldn't answer that. He was aware there are other groups there. Our rent applies to certain times, eight in the morning until four or four-thirty in the afternoon, Monday through Friday. You would have to contact the Pastor if you wanted to know what else it is being used for. He also stated they had approximately 7 buses that drop the children off and pick them up.

Mr. Fine spoke again and asked the Board if they were aware of all the activities that are going on there. Mrs. Bartok answered no.

Mr. Al Esse, 84 Archer Road, wanted to know where they bused the children in from. Reverend Jones replied: Rochester, Spencerport, Brockport, Rush-Henrietta, Gates-Chili, Churchville-Chili and Wheatland-Chili.

Mr. Faso asked if they were talking about two congregations in one church. Reverend Jones answered yes. How many students are enrolled? He replied 98.

DECISION: Unanimously approved.

1. Conditional Use Permit granted to allow a church ministering through daily worship, evangelism, education, fellowship, recreation and Christian Day School to extend through this school year and end on June 30, 1984.

2. The building must be brought into compliance with the building and fire code requirements in 90 days.

2. Application of New Life Assembly, 32 Ballantyne Road, Rochester, New York, 14624 for Conditional Use Permit to operate a full time day school in existing building at property located at above address in RA 20 and FPO zone.

Mike Seelig, 749 South Goodman Street, said they are applying to use the existing building as a Christian School. Fifteen children will be attending. The school will be using the same area they use for their Sunday worship. We have the okay from the Monroe County Health Department and the Chili Superintendent of Schools. We have received the items by the Fire Marshall which we will adhere to.

Mrs. Bartok asked if they had a school in operation located elsewhere. Mr. Seelig answered no.

Mrs. Bartok said there is quite a long list from the Fire Marshall and wanted to know what time frame would be needed to complete the repairs. Mr. Seelig answered two weeks.

No one spoke in favor, no one opposed.

DECISION: Unanimously approved.

1. The building must be brought into compliance with the building and fire code requirements within 90 days.

3. Application of Foggi-Bears, 510 Long Pond Road, Rochester, New York, 14612 for Preliminary Site Plan approval for a change of use in portion of building to allow a bar/restaurant at property located at 1280 Scottsville Road, GB zone.

*Gates-***NEWS**-*Chili*

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date 9-14-83

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

GATES-CHILI NEWS

Issue Dated 9-14-83

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 1985

Patricia M. Smith
Publisher

Planning Bd Min Book
Sept 20-1983

Legal Notice

CHILI PLANNING BOARD

Pursuant to Section 271 of Town Law, a public hearing will be held by the Chili Planning Board at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on September 20, 1983 at 7:30 p.m. to hear and consider the following applications:

1. Application of Grace Convenant Church, 224 Chestnut Ridge Road, Rochester, New York 14624 for Conditional Use Permit to allow a church ministering through daily worship, evangelism, education, fellowship, and recreation in existing building at property located at 692 Paul Road (Bethany Chapel Free Methodist Church) in R-1-15 zone.

2. Application of New Life Assembly, 32 Ballantyne Road, Rochester, New York 14623 for Conditional Use Permit to operate a full time day school in existing building at property located at above address in RA-20 and FPO zone.

3. Application of Foggi-Bears, 510 Long Pond Road, Rochester, New York 14612 for preliminary site plan approval for a change of use in portion of building to allow a bar/restaurant at propertly located at 1290 Scottsville Road in GB zone.

4. Application of Midas Muffler, c/o Paul Smoley, RD 7, Box 7750, Stroudsberg, Pennsylvania 18360 for rehearing for preliminary site plan approval to erect a 43'x73' building to be used for the minor repair of vehicles; and Conditional Use Permit to allow the minor repairs (mufflers, shocks, brakes and springs) at property located at 3220 Chili Avenue in GB zone.

5. Application of Pride Mark Development, 50 Lyell Avenue, Rochester, New York 14608 for preliminary subdivision of 27 lots to be known as Woodbriar Section 2 at property located at 301 Westside Drive in R-1-20 zone.

6. Application of Robert Fallone, 237 Fisher Road, Rochester, New York 14624 for preliminary subdivision of 81 lots to be future sections of West Forest Estates Subdivision at property located at 102 Emerald Point in R-1-15 zone.

At such time all interested persons will be heard. By order of the Chairwoman of the Chili Planning Board.

Betty Bartok, Chairwoman
Chili Planning Board

Patrick Petropelli, 62 South Plymouth Avenue, was there representing Foggi-Bears. He stated it was a site plan approval of a bar and restaurant located at 1280 Scottsville Road, what is known as the Airport Plaza. They have a layout as to what the restaurant will look like (A blueprint was placed on the board). Mr. Petropelli, referring to the blueprint, explained where the dining room, bar, games, etc. were located. He stated they had made provision for the handicapped.

Mrs. Bartok at this time read a letter (59725) they received from Monroe County Planning in regard to the closeness to the airport and the zoning requirements, etc.

Mr. Kelly asked if this was a first time enterprise for the company. Mr. Paul Foggett, 126 Johnson Road, one of the partners of the business, was there and replied no. He had done it twice, one of his places is still open.

Mr. Deans asked if it would be a family restaurant and what types of entertainment would there be. Mr. Foggett answered it would be a family restaurant and there would be no hard rock music. Maybe a one or two piece combo.

Mr. Dechario, representing the Airport Plaza, said that Ron came to me with a stipulation there would be no hard rock, rock and roll, or motorcycle gangs. He stated they were interested in attracting the construction lunch trade. It is his interest to complement the Plaza.

Mr. Newman wanted to know where the 3 video machines would be located. Mr. Foggett answered they would be located in the backroom.

Mr. Faso asked if they had a liquor license. Mr. Foggett replied no.

Mr. Flint stated he had one concern and that was the parking facilities. He went on to say that the town has very different requirements as opposed to what you applied for in your site approval. You have to verify to us you have enough parking. They there are three requirements: one space per table or one space per two hundred feet or one to 45 or 50 spaces. It looks like it might be too tight to fit it all in.

Mr. DeChario stated they had put a buffer between the two to stop the speeding. The State allows us to use a center media for both properties. We satisfied the State with that.

Mr. Connally stated that he had indicated to both of the owners that they would have to comply duly with the code for places of public assembly. He wanted the Board to know also that these were not final drawings.

DECISION: Unanimously approved with the following conditions:

1. The interior operations shall be conducted as outlined at the hearing.

2. Parking on the adjoining parcel will be required to meet town parking requirements.

3. Also noted: A revised plan must be submitted for final site plan approval showing changes in the driveway, parking spaces and the building itself.

4. Application of Midas Muffler, C/o Paul Smoley, RD 7, Box 7750, Stroudsberg, Pennsylvania 18360 for rehearing for preliminary site plan approval to erect a 43 ft. x 73 ft. building to be used for the minor repair of vehicles; and Conditional Use Permit to allow the minor repairs (muffler, shocks, brakes and springs) at property located at 3220 Chili Avenue in GB zone.

John Darcy, 31 East Main Street, Rochester, New York appearing for the applicant. Mr. Darcy submitted Exhibit #1, which was marked and received for identification; a drawing of the proposed Midas Muffler lot plan; last revision date September 7, 1983. The original date was April 22, 1983. Also marked and received for identification was Exhibit #2: an aerial shot of all of the neighborhood surrounding the proposed site plan.

Mr. Darcy began with the fact that the Board had denied the previous application set forth in a letter written by the Chili Planning Board on May 19, 1983. Mr. Darcy read the following reasons from that letter:

1. The nature of the operation doesn't contribute to the health of the adjacent properties.

2. It would result in significantly recreased noise in the center of town, especially in the summer when the doors are likely to be open.

3. It is incompatible with the general character of the area, specifically, Memorial Park, Town Hall, the Library, the church, retail shops, restaurants, banks and shopping plaza.

4. The site is not large enough to accommodate the business.

5. The parking spots block the site lines of traffic entering and exiting the plaza.

Mr. Darcy continued with the fact the Supreme Court remanded them here to the Board for a further hearing. At this point he asked Mr. John Avery to show the changes he had made.

Mr. Avery, referring to Exhibit #1, showed where the changes in the parking were made and where the sign would be located. He also stated they had added a catch basin on the east side of the driveway and that it was on the storm sewer line. They had submitted these plans to Mr. Roger Bodda, Regional Planning man in the West District. Mr. Avery went on to say Mr. Bodda had approved the entrance onto the lot (you can see we set the parking back). We have good site distance here, he continued as he referred to the map.

Mr. Newman stated there are only 10 parking spaces. Mr. Avery replied yes.

Mr. Nakus asked if he had understood that there was only a 20 foot lot line. He felt it was minimal. Mr. Avery stated it was about the same as the other buildings immediately to the east.

At this time Mr. Darcy submitted Exhibit #3 which was marked and received for identification as a board, containing photographs of the private and commercial properties in the immediate area. It also contained pictures of other uses Midas Muffler buildings could be made into in the event the business wasn't successful. Mr. Darcy, using a place on the Four Corners, explained that it had been a gas station, then it was used as a dry cleaning establishment and now it was a real estate office.

In addition, Mr. Darcy explained, they had been around and talked to the neighbors. Marked and received for identification was Exhibit #4; letters from Morton Levy, one of the owners of Chili Plaza, and Richard V. Fox, Manager of Wendy's Restaurant, also a petition signed by 27 store owners and other residents of Chili. Mr. Darcy summarized briefly what each letter said. He mentioned in Mr. Levy's letter that Midas Muffler shops would bring in more people to patronize the existing business which in turn would increase real estate and sales tax revenue in the community.

The next problem Mr. Darcy sited was the noise. Marked and received for identification was Exhibit #5; Chili Center Midas Muffler Shop Noise Impact Study Letter Report which was compiled by Erdman, Anthony Associates, 242 Andrews Street, Rochester, New York, dated June 17, 1983.

Mr. Darcy introduced Ken Avery, a representative from Erdman, Anthony Associates, to summarize the Noise Impact Study.

Mr. Avery explained that the first step was to go to the proposed site and measure the noise levels during a certain time span. Next they went to an existing locality on East Ridge Road. Here they did measurements equivalent to what would be out in front of this shop for the same period of time. He explained how they measured the noise levels and the different conditions that were used. He said the third step was to take these two sets of contours and superimpose them. He said they selected to use the Federal Highway Administration Criteria, which generally speaking in the area of noise is as follows:

0- 5	Decimals	-- No Impact
5-10	Decimals	-- Minor Impact
10-15	Decimals	-- Moderate Impact
15-20	Decimals	-- Severe Impact

Mr. Avery then explained the outcome of the tests.

Mr. Deans asked if the noise measurements were done with the bay doors open or closed. Mr. Avery answered open. Mr. Deans asked if that was mentioned in the report. Mr. Avery replied he did not know.

Mr. Newman, referring to figure 1, asked if the highway profile was sampled once every thirty minutes for a period of four hours. Mr. Avery explained that they used a noise meter that sampled every second and integrated them over a period of measurements.

Mr. Newman stated that basically they had a vibration meter then. Mr. Avery replied yes.

Mr. Deans asked if he had any idea what the decimal rating would be at 80 feet. What the increase would be. Mr. Avery said that they took some of those measurements but did not express them as part of the report. He stated they were located 44 feet out of that building during the period of measurement. He also said it shows: (1) the number of bays in operation, (2) the number of cars in and out of each bay, and (3) the equipment used in each bay. They all became part of the noise level.

Mr. Deans stated that they represented the average and not the worse conditions existing at various times. Mr. Avery answered that it didn't represent a 30 second period that the air wrench was on. What we are showing is the impact of all the noise contributed by the shop over a long period of time and the effect on the total noise environment. If they were using the air impact wrenches all the time our results would have been higher.

Mr. Deans stated that one could definitely hear the air impact wrench. Mr. Avery answered that you can definiately notice the needle move when you use that equipment.

Mr. Newman asked how were the contours derived around the building. Mr. Avery replied that it came from the noise we initially had on Ridge Road.

Mrs. Bartok (referring to figure 1) mentioned the different ways the patterns of the sounds dissipated and asked if it wouldn't be better to have it dissipate into the parking lot area instead of into the professional buildings across the street. It seemed to her that the parking lot was a more reasonable place to put the noise. Mr. Avery replied it was her answer but not his.

Mr. Darcy spoke this time addressing the problem of incompatibility with the general character of the area. He mentioned they now had a landscape plan, dated May 6, 1983, which was marked and received for identification as Exhibit #6.

Mr. Kelly inquired if it had an elevation on it. Mr. Darcy answered no.

Mr. Darcy then explained that the building would be brick, there would be trees around it and that the driveway would be blacktop.

Mrs. Bartok asked if it would be brick all the way around. Mr. Darcy replied that the northside would not be brick and that was because they had plans for future development. At this time he introduced Stewart Hunt, a partner of the firm that owns the shopping center. Received and marked for identification was Exhibit #8 which was a drawing of the proposed Midas Muffler Building.

Mr. Hunt spoke briefly, stating what they wanted as far as Chili-Paul Shopping Center was concerned. They wanted the Midas building to tie into the stores to the north and create a U effect. They approached their architect and asked him to design 12 to 14 thousand feet of additional retail shops with this in mind. Exhibit #9 was marked and received for identification which was a drawing of the proposed development.

Mrs. Bartok asked how many of the retail spaces were currently unoccupied and how long had they been empty. Mr. Hunt replied that they had one store empty.

Mrs. Bartok inquired as to when the proposed addition would be built. Mr. Hunt answered they would like to start immediately. At present, they had 50% leased.

Mr. Darcy cited the next problem the Board stated which was the site was not large enough to accommodate the business. He stated that the code of Chili is 30% of the land can be used for building purposes. Here we have 3100 feet of land. There was a question of the parking interfering with the site line into the entrance of Chili-Paul Center. The new plan sets the parking back considerably. Exhibit #10 marked and received for identification was a plan showing the cars as they would be parked. It shows the site view into the entrance way into the plaza.

Next Mr. Darcy introduced Mr. Robert Stacey, Regional Sales Director for Midas Muffler. He said Mr. Stacey would answer questions in regard to the amount of business, the volume of traffic and the Board's concern over the facility closing down.

Mr. Stacey stated that Midas had only closed one shop in the eight years he had worked for the company.

Mr. Kelly stated that he couldn't understand how they realistically could survive on 8 or 10 cars a day. Mr. Stacey said it was an average and it could vary.

Mr. Kelly asked what the volume was on Ridge Road. Mr. Stacey replied more because they had been in operation for 4 years. Based on that, it would be 15 to 20 cars depending on the day.

Mr. Darcy asked Mr. Stacey what type of waste would they have and how would they dispose of it. Mr. Stacey replied that one waste would be brake fluid but that would amount to bleeding the brake system which would mean only a few drops of fluid. He explained further that the fluid is allowed to dry on the floor of using a speedy-dry cleaner. When it is dry it is swept up.

At this time Exhibit #11 was received and marked for identification--a map consisting of the localities of the different people who had signed the petition and sent in the letters. (A five minute break was taken at this time so that the exhibits could be examined.)

The meeting was called to order by Mrs. Bartok at 9:10 p.m. She asked if there were any questions from the Board.

Mr. Newman began by stating that previously Midas was going to do New York State inspections and minor repairs along with installing mufflers. He wanted to know what would minor repairs include.

Mr. Stacey answered that they would do extensive brake work, possibly front end alignments and also New York State inspections. He further stated that they could not require anyone to do lube and oil changes.

Mr. Newman stated that it wasn't necessarily so that the shop would be doing lube and oil changes, but if in fact it did, how would the oil be disposed. Mr. Stacey answered that the used oil would be stored in drums and picked up on a weekly basis.

Mr. Kelly mentioned minor repairs is the language of the ordinance. Mr. Darcy restated that basically they would be doing mufflers, shocks, brakes, and springs which are considered minor repairs.

Mr. Faso inquired as to approximately how many employees are employed in a four bay muffler shop. Mr. Stacey said two employees plus the owners.

Mr. Faso mentioned then that a lot of the ten parking spaces, at least three, would be occupied by personnel. Mr. Stacey agreed.

Mr. Faso asked if they had touched upon the problem of the storage of old and used parts. Mr. Darcy replied if you look at the plan there is a place for the dumpster.

Mr. Faso asked how fast does it fill up and how often would it be emptied. Mr. Stacey answered every other day, if not on a daily basis. Mr. Faso inquired if they were using a torch. Mr. Stacey replied yes.

Mr. Deans stated that they had presented a conclusive list of the adjacent properties but he noticed that there were some that weren't mentioned. He wanted to know if these people had been contacted. Mr. Darcy was sure everyone was contacted. He continued that some said they wouldn't object but they wouldn't sign the petition. As far as the gentleman who runs the Chili Liquor Store, he wouldn't sign it because his business requires a license and he felt he shouldn't get involved.

Al Lapore, owner of the Chili Liquor Store, spoke at this point. He stated he objected to the fact that his building is set back quite a bit and the new Midas Muffler building is set up and will block the view of the liquor store from the road. He mentioned they have already had numerous problems with the people not noticing the store and having to slam on their brakes in order to make the entrance. He also objected to the fact that Midas would burn up the rubber hangers and the smell would come into the store.

Mr. Darcy stated that the existing building was going to be torn down and it was 62 feet from the road. The Midas building would be 72 feet back.

Mr. Deans expressed a concern at this point in regard to the fifth paragraph in the ordinance which refers to what type of repairs are allowed under a service Conditional Use Permit. He was unsure as to what constituted a major or minor repair and how they should interpret the ordinance.

Mrs. Bartok spoke saying she was not concerned with the span on time in which the noise study was based, but of the short period of time when the noise was loud, especially in this particular location. The other thing she was concerned with was how this building would fit in with the future development of the area. She felt she couldn't comment on that other than she had observed space open in that shopping center since the addition.

Mr. Darcy, responding to Mr. Deans concern over the interpretation of the ordinance, felt that the ordinance dealt with garages that did both minor and major repair work. The ordinance applied to the towing of wrecked vehicles and having junk cars hanging around.

Mr. Faso wanted to know if two different owners owned the two pieces of property they were planning to develop. Mr. Darcy answered yes.

Mr. Rakus mentioned that they were proposing the addition of a plaza that would be connected to the Midas building and if they could do that, he felt, they could move the proposed Midas building into the existing plaza. Mr. Darcy replied that Midas contracted to buy this property and that the Midas Muffler Shop would not be connected to the other buildings.

Mr. Rakus stated it shows them connected. Mr. Hunt (referring to the map) said that this is the property line and asked if there was anything wrong with connecting the two buildings. Mr. Rakus mentioned they do not have the proper set back and that the building will block the view of the liquor store. He continued, stating that if the Board does decide to okay this, would they consider moving it back further (here he referred to the map).

Mr. Hunt stated that as a matter of information, their engineers reported it was on line and that the house is out much further than the building would be.

Mr. Rakus said that there is a traffic problem there today and if Midas goes in it will only increase. Secondly, he wanted to know which way the Midas Muffler building on Ridge Road faced. Mr. Darcy answered that the bays faced the side.

Mrs. Bartok said it would seem better to her to turn it around 180° so that the service bays opened to the north, right into the plaza. She stated then we would have the noise, the traffic and the entrance all in the same area. Mr. Darcy replied there would be all sorts of legal problems one of which would be different owners.

Mr. Avery stated (while referring to the map) that they wanted to bring everything to the center so that everything comes out to the road. (He was referring to the drainage problem in the Plaza). He continued to explain that they would have a catch basin and would grade the land to alleviate the drainage problem as much as possible.

Mr. Hunt mentioned the fact that there was a drainage problem in the back part of the plaza but there shouldn't be a problem where the new Midas building was going.

Mr. Faso asked Mr. Stacey if Midas Muffler owned the properties or if they were leased out. He answered that some of them are leased.

Mrs. Bartok stated that one of her objections the last time was the area. The Town Hall, The Town Library and Memorial Park are all located in the immediate vicinity and set the tone for the Town of Chili. She felt this was a valid point of concern because they are trying to project a very nice, pleasant atmosphere. Having an operation such as Midas, with the impact wrenches, cutting torches, noisy grinders, etc. does not fit in with the tone as we would like to see it set for the town. One of the purposes of the Conditional Use is to screen permits to make sure it will be appropriate to the area. The only full service station we have in the area is on Chili Avenue and Coldwater Road. It is a fair distance from the Town Hall and the bays open onto Coldwater Road. Mrs. Bartok again stated that she felt strongly that all this had to be considered in this application as well as the type of repairs, major or minor that were going to be done there.

Mr. Flint said he would like to verify the fact that the drainage would be distributed to the west of the site. Mr. Darcy answered that was correct.

Mr. Flint wondered why they left the pipe open ended for a distance of ten feet or so down the driveway and why they ended the storm drain there and why wouldn't it be possible to connect the two. Mr. Hunt answered that it was off his property and that is why they didn't connect it.

Mr. Flint stated he was also concerned with the number of parking areas. He felt it was a very low number for the size of the business they were talking about. What other areas in the Rochester area did you use to get the number stated. Mr. Stacey answered that they hadn't used the Rochester area in deciding this.

Mr. Flint inquired as to how many Midas Mufflers there were in the Rochester area and if there were any to compare in size to the proposed one. Mr. Stacey answered that there were five in the Rochester area but none of them compared in size.

Mr. Flint asked how many conditional use variances would they be requesting. Mr. Connelly interjected that they have asked for a front set back and front parking for seven to nine vehicles.

Mr. Hunt said they would also need one for a sign.

Mr. Kelly asked Mr. Stacey what other type of work would they be doing at a Midas Shop besides mufflers, brakes and shocks. Mr. Stacey replied shocks on foreign cars, coil springs on front and back of vehicles.

No one spoke in favor, no one opposed.

DECISION: Unanimously denied for the reasons set forth in the letter written by the Board on September 22, 1983.

5. Application of Pride Mark Development, 50 Lyell Avenue, Rochester, New York, 14608 for Preliminary Subdivision of 27 lots to be known as Woodbriar Section 2 at property located at 301 Westside Drive in R-1-20 zone.

This application was tabled until the next meeting of the Chili Planning Board.

6. Application of Robert Fallone, 237 Fisher Road, Rochester, New York 14624 for preliminary subdivision of 81 lots to be future sections of West Forest Estates Subdivision at property located at 102 Emerald Point in R-1-15 zone.

This application was tabled until the next meeting of the Chili Planning Board.

INFORMAL:

1. Application of Azco Inc., 65 Spencer Street, Rochester, New York 14608 for sketch plan layout for a 7 lot subdivision to be known as Paul/Scotts Industrial Park at property located at 940 Millstead Way and 1431 Scottsville Road in GI zone.

DECISION: Unanimously approved with the note that the drainage problems must be addressed at preliminary subdivision approval.

OLD BUSINESS:

1. Application of Joe Bensons Service, 1421 Scottsville Road, Rochester, New York 14624 for renewal of conditional use permit to allow the temporary storage of towed and/or unlicensed vehicles at property located at above address in GI zone.

DECISION: Unanimously approved for a period of 3 years with the following conditions:

1. The conditional use permit is granted for the 150' x 150' property owned by the applicant.
2. No stacking of automobiles on the premises.
3. No dismantling of automobiles on the premises.
4. Continue to improve cleanliness and beautification of the area.
5. Storage of unlicensed vehicles, parts or merchandise to be confined to the present enclosed area.
6. Limit of 15 vehicles in front of the building.
7. You apply to the Zoning Board of Appeals for a variance to allow front parking on the property owned by Niagara Mohawk Power Corporation.

2. Application of Nina Ball, 75 Woodview Drive, Rochester, New York 14624 for conditional use permit to allow the outside storage of construction equipment at property located at 3501 Union Street in GI zone.

DECISION: Unanimously approved with the following conditions:

1. No outdoor storage of parts.
2. No dismantling.
3. No stacking of vehicles.
4. Only customer cars and vehicles for sale in front of the building.

3. Application of Nina Ball, 75 Woodview Drive, Rochester, New York 14624 for preliminary site approval for a change of use to allow the repairing, renting, and sale of construction equipment, automobiles and parts at property located at 3501 Union Street in GI zone.

DECISION: Reserve decision until October 11, 1983 pending submission of a site plan showing both lots and landscaping plans, signed and sealed by a licensed landscape architect.

4. Application of Thomas Kita, 360 Humphrey Road, Scottsville, New York 14546 for preliminary subdivision of 3 lots to be known as the Kita Subdivision at property located at the above address in RA 20 and FPO zone.

DECISION: Unanimously approved. Formal requirements for final subdivision approval has been waived.

PLANNING BOARD

October 11, 1983

A meeting of the Chili Planning Board was held on October 11, 1983 at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York.

Present: Betty Bartok, Chairwoman, Bill Deans, Don Faso, Bob Newman, Ed Rague and Ray Bleier

Also Present: Robert Connolly, Building Inspector; John Flynt, Town Engineer; Larry Hoy, DEC Liaison and Dan Miller, Deputy Town Attorney

Mrs. Bartok called the meeting to order at 7:30 P.M. and stated it to be a duly constituted meeting of the Chili Planning Board. She said notice of the meeting is on the bulletin board in the hall of the Town Offices and written notice has been sent to persons owning property within 500 feet of applications. Notice has also been published in the Gates Chili Newspaper. Mrs. Bartok then intoduced the Board.

Mr. Miller made the legal statements.

1. Application of North Chili Community Church, 3355 Union Street North Chili, New York 14514 for Conditional Use Permit to allow a church ministry through daily worship, evangelism, eduction, fellowship, and recreation at property located at above address in RM zone.

Mr. Jerry Tallo, Business Manager for the church, was present.

Mrs. Bartok said she understood that use of the church is the same but they have added a day school. Mr. Tallo said yes. Mrs. Bartok asked if there would be a school bus, and Mr. Tallo said no, the children would get to the school by car.

Mr. Bleier asked if the program were underway, and Mr. Tallo said it was.

Mr. Deans asked how many students they anticipated having. Mr. Tallo said it was hard to say. Currently there are 34.

Mr. Newman asked what the school's hours are. Mr. Tallo answered 9:00 a.m. to 3:30 p.m.

Mrs. Bartok asked if the grades are kindergarten through 12 and Mr. Tallo said through grade 7. Mrs. Bartok asked if the Fire Marshal did inspect for the new use and Mr. Tallo said he did. Mrs. Bartok said the Board had no letter from him so they don't know what he found.

Mr. Tallo said they currently own only the lower level of the new building. They hold a number of activities in each room downstairs. They would put in proper windows suitable for egress.

No further questions.

No one spoke in favor or opposition.

DECISION: Unanimously granted.

2. Application of Roger Klick, 17 Mapleton Drive, North Chili, New York, 14514 for preliminary resubdivision of 6 lots in the Springbrook Section D. Subdivision at properties located at 17, 19, 21, 23, 25 and 27 Mapleton Drive in R-1-15 zone.

Roger Avery of Denluck-Hyde was present to explain the project. People who own lots on Mapleton want to buy from the Glidden assests. Six lots on the south side of Mapleton Drive. Boundary and area of each lot is shown on this map (indicates). Fifteen (15) foot drainage easement around entire property and also 20 foot ditch for drainage. Town is retaining easement they have for drainage.

Mrs. Bartok asked if parcels immedicately behind each of the involved houses is the tone to be joined, and Mr. Avery said yes.

Mr. Bleier asked if the Town wants to retain the easement behind the existing property lines. Mr. Flynt said yes. He is sure about the proposed 15 foot easement around the perimeter. Mr. Avery added that they had done that as a safety measure.

Mr. Bleier asked whether there would be two easements of the same parcel, and Mr. Flynt said yes, he thinks it is worth keeping. Mr. Flynt asked if the land currently belongs to Mr. Glidden, and Mr. Avery said yes.

Mr. Jeff Newman was present to speak on behalf of the application. He said Mr. Glidden owns the land. The intention is to extend the lots of theexisting subdivision but to extend them to create a buffer zone. The intention is that if the area below these lots is developed there will be a buffer area of 400 feet. Drainage system consists of ditches which run along the back and a large ditch around the back of the property. If easements were removed, Town would have to find alternate sources. The neighbors understand.

Mr. Flynt stated that if a developer is developing this and is requesting preliminary subdivision approval and intends to develop it in stages, the Town would request the full subdivision map so that it has some control over the entire development--how it is laid out.

Mr. Avery said these lots have all been laid out to be of a size to comply with zoning.

Mr. Richard Tandy, 23 Mapleton Drive, was present. He asked if this is approved, regarding the additional easement across the back--would that mean, if future development came along, there would be additional excavation and accelerated drainage? There are some large trees back there. Mr. Flynt said any developer of a future section would be rerequired to handle its own drainage by detaining it on site or in detention pond.

Mr. Tandy said he was interested because the swail goes up behind his property. Mr. Avery said there is an easement there, ten feet either side. Mr. Flynt added that the Town must maintain its own easement.

Mr. Rague said the subdivision has to contain its own water. There would be nothing that would be done to Mr. Tandy's easement to facilitate drainage from another place.

Mrs. Bartok stated that she thought Mr. Tandy was concerned about preserving the trees. Is someone going to come along and take down the big trees to put in a drainage swail? Mr. Avery said they would try to save everything. Purpose would be to keep water from coming on to the land.

Mr. Tandy said the land behind his property goes uphill. Mr. Avery said that is why we have an easement there. You don't want water to come down on you.

Mrs. Bartok said she thought they have everything they need for preliminary approval. You and the building inspector must get together on what you need for the County.

No further questions.

No one spoke in favor or opposition.

DECISION: Unanimoulsy approved. Formal requirements waived. Original drawing to be filed in Monroe County Clerk's Office after Town of Chili signature.

*Gates-***NEWS**-*Chili*

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date 10-5-83

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

GATES-CHILI NEWS

Issue Dated 10-5-83

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 1985

Patricia M. Smith
Publisher

Legal Notice

CHILI PLANNING BOARD

Pursuant to Section 271 of Town Law, a public hearing will be held by the Chili Planning Board at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on October 11, 1993 at 7:30 p.m. to hear and consider the following applications:

1. Application of North Chili Community Church, 3355 Union Street, North Chili, New York 14514 for Conditional Use Permit to allow a church ministry through daily worship, evangelism, education, fellowship, and recreation at property located at above address in RM zone.

2. Application of Roger Klick, 17 Mapleton Drive, North Chili, New York 14514 for preliminary resubdivision of 6 lots in the Springbrook Section D Subdivision at properties located at 17, 19, 21, 23, 25, and 27 Mapleton Drive in R-1-15 zone.

3. Application of Grace Covenant Church, 224 Chestnut Ridge Road, Rochester, New York 14624 for preliminary resubdivision of 2 lots at property located at 220 and 224 Chestnut Ridge Road in R-1-20 zone.

4. Application of Grace Covenant Church, 224 Chestnut Ridge Road, Rochester, New York 14624 for preliminary site plan approval to erect an 80'x24' modular classroom at property located at above address in R-1-20 zone.

5. Application of Pride Mark Development, 50 Lyell Avenue, Rochester, New York 14608 for preliminary subdivision of 27 lots to be known as Woodbriar Section 2 at property located at 301 Westside Drive in R-1-20 zone.

6. Application of Robert Fallone, 237 Fisher Road, Rochester, New York 14624 for preliminary subdivision of 31 lots to be future sections of West Forest Estates Subdivision at property located at 102 Emerald Point in R-1-15 zone.

At such time all interested person will be heard. By order of the Chairwoman of the Chili Planning Board.

Betty Bartok
Chairwoman Chili
Planning Board

3. Application of Grace Covenant Church, 224 Chestnut Ridge Rd., Rochester, New York, 14624, for preliminary resubdivision of 2 lots at property located at 220 and 224 Chestnut Ridge Road in R-1-20 zone.

4. Application of Grace Covenant Churchv, 224 Chestnut Ridge Rd., Rochester, New York, 14624 for preliminary site plan approval to erect an 80' x 24' modular classroom at property located at above address in R-1-20 zone.

These applications were heard together. Mr. Rodney Jones, 122 Old Scottsville-Chili Road, was present. He said the church is in need of additional space. They have a modular classroom, 25' x 80' that is in their upper parking lot. They hope to move this onto the land they are asking for subdivision. They don't think it fits anywhere else. They would like to put it there becuase it is surrounded by evergreens and trees on three sides and a barn on the fourht side. Three classrooms and restrooms. Self-contained. It came from School 49.

Don Avery, who was also present, indicating on a drawing he had brought with him, stated that it is 102 feet from where these trees are to the end of the lot line. Intent was to take this parcel of land and add it to existing property. That would then become part of church property. We would leave front lot 22,379 square feet. This would comply with zoning for R-120. There is a sewer line and water line going in here (indicateds). We would make those connections to center of mobile classroom. Sidewald coming in here. Well buffered with trees. Double rows. They also own 140 feet on the other side of the property.

Mr. Bleier asked what the barn would be used for. Mr. Jones said he didn't know. It is in excellent shape. It has been kept in good shape.

Mr. Connolly said that inasmuch as this portable classroom is a building that has been brought to the Town it would have to comply with New York State Building Code. That would include facilities for the handicapped. As far as distance, the applicants have 6.8 feet--Code saus 15 feet. Applicants must have 15 foot fire separation between two combustible walls. He said he thought applicants were going to submit drawings of total lot and where subdivisions would occur.

Mrs. Bartok asked if the subdivision would occur on the one lot of Mr. Martin. Mr. Connolly saud yes but he is attaching it to his own property. Mrs. Bartok said he has to show his own property too, and Mr. Connolly said yes.

Mr. Miller asked if by dividing the Martin property they would not be making that into a substandard lot? Mr. Avery said he has enough area. Mr. Connolly asked if they have permission from Martin for this. Mr. Jones said they are in the process of negotiations. Purchase of entire property. They have worked closely with them on the whole thing.

Mr. Connolly stated that the Supervisor had told him that Mr. Martin had a question--maybe he isn't ready to do it yet. Mr. Jones said yes they had not yet come to a complete agreement. But they have met with Mr. Martin's attorney the prior day to make some nearly final arrangements concerning the purchase of the whole piece.

Mr. Frank Lenhart, 83 Wheatland Center Road, was present. He said he has a place of business a couple of lots down. He sees this as a preliminary subdivision. He wanted to know if the applicants own the property yet? Mr. Jones said not officially. He wanted to know how the property of the applicants and the placement of the classroom on it affect their long term goals for new additions? Mr. Jones said they additional space at this site. They can't get started on a new addition because of winter coming on. This is an immediate need.

Mr. Lenhart asked if it would be moved onto that property and considered permanent. Mr. Jones said it it were to be permanent they would not want it on any other location. He doesn't think it was built for a portable classroom. They want to keep it well fixed up.

Mr. Lenhart asked if the applicants are planning a foundation under it; Mr. Jones said just crawl space.

Mrs. Bartok said the Board has not received comments from the County Planning and they cannot vote until they do.

Mr. Jones asked if they (Planning Board of County) would not give comments until they (applicants) own land. Mr. Connolly pointed out that the whole parcel had to be shown. He said there is a new code for places of public assembly and the building must comply with all building codes.

No further questions.

No one spoke in favor or opposition.

DECISION: Tabled pending receipt of Monroe County Planning Department comments.

5. Application of Pride Mark Development, 50 Lyell Avenue, Rochester, New York 14608 for preliminary subdivision of 27 lots to be knwon as Woodbriar Section 2 at property located at 301 Westside Drive in R-1-20 zone.

Mrs. Bartok stated that the Board had received the drainage calculations. She asked Mr. Connolly if he had the calculations and the engineering report, and he said he did.

Lee Sinsebox of Costich Engineering was present. He stated they asked for preliminary and final. Now they only want preliminary. They have applied to the County for open road cut and received it. No other changes or additions to plans.

Mrs. Bartok said that since the preliminary hearing was not held because the Board didn't have drainage information, she had a couple of questions regarding drainage. The existing outfall pipe from this property has invert of 571.03. The outfall pipe that they are proposing is 569.0. How does outfall pipe two feet lower help relieve excess water that flows through back lots from those homes?

Mr. Sinsebox said it gives some fall. Mrs. Bartok said so you are helping drain the subdivision but not downstream land? Mr. Sinsebox said they are not helping it but they are not impacting it.

Mrs. Bartok said that in the plans the last time they indicated that total cubic feet of water per second would be less. Is that because the outfall pipe would be 12' in diameter not 18"? Mr. Sinsebox said the intent is to simulate existing conditions.

Mrs. Bartok asked what will happen to the invert at 571.03 and 18" culvert that crosses Pixley Road? Mr. Sinsebox said that will stay and play a part in roadside drainage of Pixley Road. Mrs. Bartok said so you will be regarding the end of detention pond? Mr. Sinsebox answered they will berm and create the pond that they want. Mrs. Bartok asked Mr. Flynt if he was satisfied that the cubic feet per second of water flowing through the outfall pipe would be all right, and Mr. Flynt said he was.

Mrs. Bartok said that on the west side of the road by Parkminster Church the invert is 568 and at east side it is 566.93 and ditch that runs through back yards is 566.2. How does lowering the pipe one foot help? Mr. Sinsebox said lowering it doesn't help at all. It is only a discharge pipe for the subdivision. The water was going to that same point but under Virginia Lane and then discharing into that ditch. Mrs. Bartok asked him if it was because of the 12 inch pipe, and Mr. Sinsebox said it was.

Mr. Flynt said the lowering of the pipe on Pixley Road is not intended to reduce the flow east of Pixley Road. It is only intended to help developer interms of the amount of fill he must install in the subdivision. They are attempting to accomplish the maintaining existing flows or slightly reduce them.

Mrs. Bartok asked if this would change or alter the plans the Board received. Mr. Sinsebox said the plans will not be distorted. In general terms all elevations of pond and detention system will be lower.

Mrs. Bartok said the Board would need a copy before finals are submitted and a copy for the Building Department.

Mr. Miller asked what is the pitch; Mr. Sinsebox answered 3 or 1. Pond is about five feet deep. Mr. Miller asked how they will secure the banks. Mr. Sinsebox said with soil-hydro seeded.

Mr. Faso asked if there would be any regarding of the ditch along Virginia Lane? Mr. Sinsebox said there would not be.

Mr. Faso asked if lowering a foot will not cause pond effect; Mr. Sinsebox said no. They have permission to work on the culvert on Pixley Road. Mr. Faso asked if they are dropping the invert of that culvert, and Mr. Sinsebox said no, they are changing the pitch of the pipe.

Mrs. Bartok asked if the one that goes down one foot is on the side by Parkminster, and Mr. Sinsebox said they are changing the grade of the pipe between them. Mrs. Bartok asked if they have located and indicated the storm water drainage pipe? Mr. Sinsebox said yes. It will be on the final plans. It will be on the west side of Cardinal. It will be extended down and discharge into the pond.

Mr. Deans asked about the elevation of the berm. Bottom of the pond is 571. A storm occurs. Water rises up. Elevation of the berm--all we need is two feet of water in this pond. Pipe cannot handle it. He sees it filling everything up into Virginia Lane.

Mr. Sinsebox said it would be going into the existing 18 ich pipe and discharge into that channel. That would be in excess of 100 year storm.

Mr. Deans asked why not berm it up higher? Right along Pixley Road? Mr. Sinsebox answered they can make it as high as they want. They don't need that storage. Mr. Deans said he was thinking of safety. Mr. Sinsebox said then they would run into a problem where storm sewer system is not developed. That elevation is based on accepted design standards.

Mr. Deans asked if it could be bermed up higher; Mr. Sinsebox said yes. Mr. Flynt said he thought they could raise that berm and cut up 18' pipe. He said Mr. Sinsebox was saying there is enough storage in that area to handle a 100 year storm. If that happens everyone will get flooded.

Mr. Sinsebox said they could build in more storage capacity by holding 73 where it is.

Mr. Deans said he has heard about problems with pipes, kids plugging up pipes. The more safety for the people downstream the better.

Mr. Miller asked what their caluclations show as the amount of water to be held in summer months. Mr. Sinsebox said the pond should be completely dry all the time. Only time it will have water is after a rainstorm.

Mr. Ragué said that if you make the berm one foot higher, you are going to make the pond one foot deeper. You are talking 6 feet instead of five feet less. So it is a tradeoff between 5foot-6 foot pond vs. water going downstream. In a 100 year storm would they get the same amount of water as with this? Mr. Sinsebox said less. They have tried to simulate existing conditions.

Mr. Faso asked if a 100 year storm would be of 3.5 foot depth and Mr. Sinsebox said yes. Mr. Faso asked if even so they can lower the invert to 568 and Mr. Sinsebox said yes.

Mr. Newman asked how long it takes to drain the pond at maximum depth? Mr. Slynt answered for a 100 year storm, 3.5 hours. Mr. Sinsebox said that one thing not in the calculations is right now and you have a wet sponge here. When it rains the water starts running out right away. By creating pond the first few minutes of a rainstorm will soak into the gorund and not go out.

Mr. Deans asked what is the elevationof the swail that runs along the back? Mr. Sinsebox said above elevation of discharge pipe that is there now. Mr. Deans said you are going to cut in there.

Mrs. Bartok stated also the back yards on Hallock Road have flooding. How will this subdivision avoid dumping additional water into Hallock Road? Mr. Sinsebox said it is picking it up from Hallock Road. (Shows the Board on their drawings).

Mrs. Bartok said, so lowering of that pipe at end of concrete channel--this is where you are going to pick up the water? Mr. Sinsebox said yes. Elevation at that point is about 2 feet lower.

Mr. Bleier asked if there was a report from the Drainage Committe on this. Mrs. Bartok said she has no written report from the Drainage Committee. They approved it. (She reads a report from the Conservation Board).

Mr. James Barbato said he doesn't want to pass title and then have the people to the title be restricted as to what they can do. It could be an encumbrance on the property.

No further questions.

No one spoke in favor or opposition.

DECISION: Approved unanimously with the conditions set forth in letter of October 13, 1983.

6. Application of Robert Fallone, 237 Fisher Road, Rochester, New York, 14624, for preliminary subdivision of 81 lots to be future sections of West Forest Estates Subdivision at property located at 102 Emerald Point in R-1-15 zone.

Mrs. Bartok said the Board still does not have drainage calculations and she understands the applicant is still waiting to meet with DEC regarding the wetlands.

Charles Costich appeared. He said the meeting was 9:30 Friday. The site is so dependend decision that it would be fruitless to do proposed drainage calculations. They are here to request that it be tabled again. You had siad it was not fair to people who are coming to listen to the proposal. But he doens't think there is anyone here who has come in favor of this proposal. We should be preparing to present drainage calculations at the next meeting.

Mr. Newman asked if they are trying to relocate the detention pond back to where it was shown in your Juen plan? Mr. Costich said yes. DEC, in other applications, has allowed us to substitute one from of wetland for another. There are about 3 acres. No vegetation but cattails. He said that if the detention pond is put in, it will regenerate itself within 2-3 years and will provide storage. There is some question as to whether that area is viable wetland.

Mr. Newman said the Board's preference is to locate it away from wooded area. Mr. Costich said he agreed.

Mrs. Bartok said even when they get information from DEC and get calculations done wouldn't Concervation Board be albe to review the plans. Also, the Drainage Committee needs to review this. The Board still doesn't have the things they asked for--sketch plan approval. Calculations on density. They should come in to be reviewed by the Engineer. They have no drawings of parkland to be dedicated to the Town. Much of what they get now in addition to what they had before so density can be calculated. We (Board) has a letter from County Planning Board, and they say this is a matter for local determination. (Reads letter from County).

Mr. Costich said they have made an Article 24 application. They are not in wetlands with any of the homes that will be built. We are meeting with them for a determination on the viability of wetlands.

Mrs. Bartok, after reading the letter from the County, said there is quite a bit that should be addressed. It should come in with preliminary. Also, there must be discussion about dedication to the Town.

Mr. Costich said that would be dedicated before dedication of Section 3. You indicated that you and John are happy with the project, but you appear to be trying to delay. We have spent over a month in trying to get DEC to meet with us. If we receive negative input from DEC everything will be irrelevant.

Mrs. Bartok said the Board is not trying to hold them up. Problem is project is not ready for preliminary hearing. A lot of things need to be done. What does the Board want to do? Do you want to schedule it month by month? Or wait until everything is together and then go through it?

Mr. Costich said they are hoping that they will get positive direction on Friday. They would like to be in the ground next spring. Theyare requesting that it be tabled.

Mr. Costich said they made an appointment with DEC. Meeting was scheduled for 9:30 tomorrow and then rescheduled for 9:30 Friday.

Mr. Miller said we must wait for DEC. I recommend to Board that they table this.

Mrs. Bartok suggested tabling application until applicant has data from DEC and have the calculations and other information. Mr. Costich agreed. (Reads letter from Ms. Ford).

Mr. Ragne said that he wondered if everything could be gathered by next meeting.

Mr. Costich said he would like to make it next month, but he couldn't be sure. He said he would not approach the Building Deppartment until he has all the information.

Mr. Bleier asked what is the cutoff for the November 16 meeting. Mr. Connolly said ten days. Mr. Costich said if they are in shape they expect to be at the November meeting. Mr. Costich said last time they got involved with DEC it was two years. He would like application to be tabled until they submit all documents.

Mr. Newman commented on the plans. (1) It appears there are two inlets and no outlets. Mr. Costich said they discussed that last time. Mr. Newman said those should be easements to the Town, and Mr. Costich agreed. Mr. Newman said the Highway Superintendent said he would want a stub on Watch Hill Road. Mr. Costich said they are not going to do anything on Watch Hill. Mr. Newman said, also a storm sewer shown on Lots 509, 510, 511 seems to head off in a westerly direction and bisects the lots. (Mr. Costich and Mr. Newman discuss this referring to the drawing).

Mr. Newman said, when you get final plans, you will have elimination of drain pipe, swails, etc. Mr. Costich agreed.

Mrs. Bartok asked what the Board would like to do. Mr. Bleier said he would rather wait until application is complete.

Mr. Miller said he was satisfied with this.

Mr. Costich said before the next meeting he would write the Board a letter of status of project so they will know they are pursuing it.

Mrs. Bartok said they would need all information so they can hear the application make a decision and then get the developer on the way. If all the information is together, they can do that.

Mr. Costich said if the State determines that they want to pursue the Article 24 application, then we go into SEQR.

DECISION: Unanimously decided to table until all information received.

INFORMAL:

1. Application of Dario Marchioni, 120 Old Chili Scottsville Road, Churchville, New York 14428 for sketch plan layout for 3 lot

subdivision at property located at above address in R-1-20, FPO, and FW zone.

Mr. Arnold Carmichael, civil engineer, was present. He had a map of the proposed project with him, and referred the Board to the same. He said the lots are 100' x 200'. Individual sanitary systems.

Mrs. Bartok asked if they have done perk tests with the County Health Department, and Mr. Carmichael said they had. Mr. McConnell, a Health Department official, was there when they did perk in deep holes.

Mrs. Bartok told him to be sure Health Department will sign before they come in for approval. Mr. Carmichael said he con't do that unless this Board gives him approval condition upon their review. Mrs. Bartok agreed.

Mr. Connolly suggested that Mr. Carmichael include one more lot and make it a four-lot subdivision; Mr. Carmichael agreed.

Mr. Flynt said, you have already managed Health Department requirements. In the recent past, we have had problems with granting prelimianry--they have required setback. Is this the full development for the entire property? Mr. Carmichael said, no, thereare others. Mr. Flynt asked if they intend to develop them, and Mr. Carmichael said not at this time.

Mr. Connolly asked if there was a state law that you can only block off five parcels; Mr. Carmichael answered, five parcels, then you must have a subdivision.

Mr. Flynt asked if the applicant intends to step develop the rest of the property; Mr. Carmichael said no.

Mr. Flynt had some comments on the drainage as Mr. Carmichael has shown it. They are collecting water and draining it in direction that it currently flows but they are channellnzing it and this can ɶeate a problem. If you allow water to go in its natural state you are OK, but if you channel it there can be trouble. Mr. Carmichael said he would take care of this.

Mr. Connolly mentioned 3/4 inch sewer, and said he thought they need one inch. Mr. Carmichael agreed.

Mr. Bleier said he would like to see the total parcel, and Mr. said he would do that.

Mrs. Bartok added that if the preliminary plans are complete, they can look them over. She asked the Board if they would like to approve subject to Health Department review of septic system, and the Board said they would. (Unanimously).

DECISION: Granted unanimously, subject to Monroe County Health Department of septic systems.

OLD BUSINESS:

1. Application of Nina Ball for preliminary site plan approval for a change of use to allow the repairing, rental and sale of construction equipment, automobiles, and parts at property located at 3501 Union Street in GI zone.

Mrs. Bartok said the Board had delayed site plan approval and was waiting for site plan and landscaping. Neither one has been recieved. She recommended that the Board grant preliminary site plan approval but provide that those two things are needed for final.

Mr. Bleier said that would hold up the final. Mrs. Bartok asked how long the Board wanted to give them. Mr. Miller suggested sending a letter with some kind of deadline. Mr. Bleier suggested the next meeting is five weeks away--that would be enough. Mrs. Bartok said the Board would contine to reserve decision and if information is not received by November it will be denied without prejudice.

Mr. Deans said he thought sending a letter explaining the situation to the applicants would be a good idea. Mrs. Bartok said she thought the letter should say that if required information is not submitted, the application will be denied without prejudice.

DECISION: Decision reserved until site plan and landscaping plans received.

Betty Bartok
Chairwoman

akw

CHILI PLANNING BOARD

November 15, 1983

The meeting of the Chili Planning Board was held on November 15, 1983 at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York at 7:30 P.M.

Present: Betty Bartok, Chairwoman, Bill Deans, Donad Faso, Mitch Rakus, Ray Bleier, Ed Rague and Bob Newman

Also Present: John Flynt, Town Engineer; Larry Hoy, DEC Liaison; Dan Miller, Deputy Town Attorney

Mrs. Bartok called the meeting to order at 7:30 P.M. and declared it to be a duly and legally constituted meeting of the Town of Chili. She stated that notice of the meeting had been sent to neighbors within a 500 foot radius of affected properties and that notice has been posted on the Town Hall bulletin board and in the Gates Chili News, the official Town newspaper.

1. Application of Lyell Metals, 1515 Scottsville Road, Rochester, New York, 14624 for preliminary site plan approval to erect a 135' x 40' warehouse addition at property located at above address in CI zone.

Mr. Bill LaDue was present representing Lyell Metals. He had a drawing of the proposed addition with him, to which he referred during his presentation. He stated that the addition is located to the west of the existing warehouse facility. It will be used for warehousing. The new addition which is under construction was approved by the Planning Board in 1981. 35' addition that extends 250'. During the process of construction, Lyell Metals determined they needed more area. They propose to extend the existing building by 40 feet. Extend existing catch basin another 40 feet to provide for proposed addition. One story. 18 feet.

Mr. Newman asked, is that a separate addition, or are you going to delete the wall on the existing building and make it all one building? Mr. LaDue replied the end of the 35 foot addition will be omitted. Two openings will be cut into the existing wall. Fifteen feet high by 15 feet wide.

Mr. Rakus asked, do you mean that wall on the north side of the building will remain? Mr. LaDue answered, yes. We will cut openings in it.

Mrs. Bartok asked, did you obtain a variance for the side lot? Mr. LaDue answered that he had.

Mrs. Bartok asked, how many feet away are you? Mr. LaDue answered, five and one-half.

Mrs. Bartok asked, is the chain link fence partially on the Play Pen property? Mr. LaDue answered, yes. We had permission to install it. We are going to install a cedar fence.

Mrs. Bartok stated, we have Monroe County comments. Regarding zoning, they state it is a local matter. OK as far as airport. SEQR review - unlisted use. Recommend that the Town declare itself lead agency and make a determination.

Mr. Bleier asked, how do you plan to use the extension? Mr. LaDue replied, storage of metal products. Some of the things outside will go inside.

Mr. Rakus asked, do you mean that trailers parked in front will be eliminated? Mr. LaDue replied, yes.

Mrs. Bartok stated, in the past few months the piles of material have gotten quite high and are higher than the 12 foot maximum that was listed as a condition.

*Gates-***NEWS**-*Chili*

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date 11-9-83

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

GATES-CHILI NEWS

Issue Dated 11-9-83

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y. Monroe Co.
My Commission Expires March 30, 1985

Patricia M. Smith
Publisher

Planning Board
Oct 1983

Legal Notice

CHILI PLANNING BOARD

Pursuant to Section 271 of Town Law, a public hearing will be held by the Chili Planning Board at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on November 15, 1983 at 7:30 p.m. to hear and consider the following applications:

1. Application of Lyell Metals, 1515 Scottsville Road, Rochester, New York 14624 for preliminary site plan approval to erect a 135'x60' warehouse addition at property located at above address in GI zone.

2. Application of Faber Construction, 80 West Main Street, Rochester, New York 14614 for preliminary subdivision of 1 lot to be .30 acres at property located at 2908 Chili Avenue in R-1-12 zone.

3. Application of LaRue & Associates, 1475 Winton Road North, Rochester, New York 14609 for preliminary resubdivision of 1 lot to be approximately 1.02 acres at properties located at 1773, 1775, 1777, 1779 Scottsville Road in RA-20 & FPO zone.

4. Application of Arthur Brennan, 200 West Avenue, Brockport, New York 14420 for preliminary site plan approval for a change of use in rear of building to allow a machine shop at property located at 3511 Union Street in GI zone.

5. Application of William O'Neill, 3229 Chili Avenue, Rochester, New York 14624 for preliminary site plan approval to allow a change of use to allow an Insurance Company in existing building at property located at 3221 Chili Avenue in GB zone.

6. Application of William O'Neill, 3229 Chili Avenue, Rochester, New York 14624 for conditional use permit to convert existing single family dwelling to a permitted use (insurance company) at property located at 3221 Chili Avenue in GB zone.

7. Application of Rev. Rodney Jones, 120 Old Chili Scottsville Road, Churchville, New York 14428 for conditional use permit to allow an in-law apartment at property located at above address in R-1-20 and FW zone.

8. Application of Pride Mark Development, 50 Lyell Avenue, Rochester, New York 14608 for final subdivision approval of 27 lots to be known as Woodbriar Section 2 at property located at 301 Westside Drive in R-1-20 zone.

9. Application of the Town of Chili, 3235 Chili Avenue, Rochester, New York 14624 for rezoning of properties located at 90,94,96, 101 Wheatland Center Road, 2, 6, 8,9,10,11,13,14,18 Clifton Road from NB to RA-1.

At such time all interested persons will be heard. By order of the Chairwoman of the Chili Planning Board.

Betty Bartok,
Chairwoman
Chili Planning Board

Today they are down to size. Mr. LaDue stated the steel products are being shipped off the site. From the time of construction of the original building, Lyell Metals took in some steel products. They are getting rid of them. It is constantly being taken out of there. They deal in copper, aluminum. It is their primary business. That is why the piles are geing reduced. Something may be stacked more that 12 feet currently, but that is the purpose of this addition. Mr. LaDue added, I would ask the Board if they would consider, due to the time of year, whether they would consider waiving final approval.

No further questions.

No one spoke in favor or opposition.

DECISION: To declare Plannign Board lead agency (unanimously granted)

Mr. Deans:	Yes
Mr. Faso:	Yes
Mr. Newman:	Yes
Mrs. Bartok:	Yes
Mr. Rakus:	Yes
Mr. Bleier:	Yes
Mr. Rague:	Yes

Declared Chili Planning Board Lead Agency for SEQR Review

The Board unanimously agreed that there would be no significant environmental impact and no further environmental review was required by the Board.

Preliminary site plan and waive finals: Unanimously granted.

Condition: No trailers outside the fenced enclosure.

2. Application of Faber Construction, 80 West Main Street, Rochester, New York, 14614 for preliminary subdivision of 1 lot to be .30 acres at property located at 2908 Chili Avenue in R-1-12 zone.

Mrs. Bartok stated that this lot was approved on March 11, 1982. It received proper signatures, but didn't get it filed within the 60-day period and it is back for reapproval. We have a drawing that is a copy of the original.

Mr. Bernard Iacovangelo was present. He stated that the original plan was approved. They went to the County for approval. There were some problems in getting their approval based on the location of the sewer line which is on property adjacent to their rear lot line. They had been negotiating with County attorney's office for 11-12 months before they got approval and entered into agreements. When the agreement was accepted by Phil Steinfeldt of Pure Waters and maps were brought out here for signature, the time had elapsed for filing. The County is prepared to provide sewer service. They would like to commence construction right away.

Mr. Newman asked, this is a formality of updating the previous approval?

Mrs. Bartok stated, we did approve it. We had findings of fact with respect to drainage problems in the west--land owned by Mr. Simon who cane in and complained. The findings of fact were: (1) No significant change in the rate or amount of storm water which would result; (2) the rear half of the yard would be undisturbed; (3) Natural depression used as detention pond; (4) problem of storm water has been adequately addressed. We also waived final subdivison approval at that time. John Flynt, are you satisfied that the additional roof top and driveway proposed will not produce a significant increase in the amount of storm water to Mr. Simon's peoperty?

Mr. Flynt replied, yes.

Mrs. Bartok said, the watershed on Mr. Simon's property is almost developed. It is almost completely developed. There would be a

considerable number of lots ecisting. The drainage produced by those homes would be greater. It would be hard to claim hardship on his part by having ne more lot approved. We can do nothing about exsiting development. The watershed is almost completey developed on Fenton Road on west and north; Brewster Lane to north; Chestnut Drive, Wilelen Drive, Linda Lane, Hartom and part of Hallock to east and Chili Avenue to south.

Mr. Flynt stated, there is no impact from a one lot subdivision in the drainage area. Those roofs and driveways will go toward Chili Avenue rather than toward the rear of the property. There is no impact based on a one lot subdivision. There has been some study on impact to Mr. Simon's property. I think we should consider this subdivision on its own merit.

Mr. Faso asked, Mr. Simon's is the Parcel to the west? Mrs. Bartock answered, the large vacant parcel.

Mr. Bleier asked,were there any variances required?

Mrs. Bartok asked if there were questions from the audience.

Dorothy Meltzer, 2907 Chili Avenue, asked, what type of house will be built on the land? A single family dwelling? Mr. Iacovangelo answered, yes. It will be 1250 square feet - a side split with a one-car attached garage.

Mr. John Kay, 2912 Chili Avenue, stated he never got a notice about this in March, and why not? He added, we have a lot of problems with sewers because of all the turns. I have been flooded out. I talked to Mr. Powers and he said he would look inot it, but he still hasn't. I think we have a lot of problems. There is a lot of water there. I have cattails.

Mrs. Bartok stated that sanitary sewers are the responsibility of Pure Waters. We were referring to storm water.

Ruth Rosenberg, Esq., of Nixon, Hargrave, Devans & Doyle, was present on behalf of Mr. Simon, who accompained her. She submitted a letter to Mrs. Bartok. She stated, Mr. Simon owns 30 acres. Storm water collects there. Some neighbors have dug ditches into Mr. Simon's property. This subdivision map is deficient. Natural drainage is toward Mr. Simon's property (refers the Board to the subdivision map). A significant part of Mr. Simon's property has been designated wetland so he can do very little because of this. Mr. Simon got two surveyors and a drainage expert to help resolve this problem. One additional house more or less is not relevant. What you have is a property that drains onto our property. That is trespass. Klingenberger's map does not show all the ditches and storm water collection. This in itself is a wrong. The map does not contain all the required information. This is the second time we have pointed out to your that it doesn't comply with your ordinance. After last year;s approval, Mr. Iacovangelo asked if he could connect to the existing sanitary sewer. But what he has done is persuade the County Attorney that the Gates-Chili-Ogden Sewer District should install the lateral under easement. So he gets around obtaining our consent. I am aware there is an agreement wherein the Gates-Chili-Ogden Sewer District will install the lateral. This is misuse of an easement and is illegal. It is not the connection of the lateral to the existing sanitary sewer that is the problem; it is the problem of storm water drainage. This subdivision map must stand on its own merits.

Mrs. Bartok asked, what do you want Mr. Iaconvangelo to do? Mrs. Rosenberg replied, close up hand dug trench; engineer the storm water wo it doesn't end up on our property.

Mrs. Bartok stated, it can't go uphill. Mrs. Rosenberg said, well, another direction. Get and easement. Mr. client wants to the Town of Chili to participate in this problem.

Mrs. Bartok stated, that is the responsibility of the Town Board.

Mrs. Rosenberg added, yes, but you can approve the subdivision map which is not correct. If you approve it, you approve in the face of these facts.

No further questions.

No one spoke in favor.

In opposition:

Mr. & Mrs. John Kay, 2912 Chili Avenue
Dorothy & Robert Metzler, 2907 Chili Avenue
Mr. Gary Marks, 2911 Chili Avenue
Mr. Milt Simon, 140 Fenton Road

Mr. Iacovangelo added, this matter has been reviewed on a prior occasion. The problem of Mr. Simon's existed before he purchased the property. He is trying to sure this problem by trying to forestall other development. I can understand he has water draining on to his property. However, I do not feel that development of this property will influence his property in any damaging way. He was aware when he purchased it that there was storm water on that site.

Mrs. Rosenberg stated, I must disagree that storm water was there for many years. It has not been there for many years. We have an expert who has done a study. We can offer evidence when necessary.

Mr. Kay stated, if they build it up, it will all go downhill. If it doesn't end up in Mr. Simon's property, it will end up in mine.

Mr. Flint asked, where are you? Mr. Kay replied, west of the propert. Mr. Flint asked, first house? Mr. Kay answered, yes.

DECISION: He has preliminary and infals waived.
Mr. Deans: No
Mr. Faso: Yes
Mr. Newman: Yes
Mrs. Bartok: Yes
Mr. Rakus: Yes
Mr. Bleier: Yes
Mr. Rague: Yes

3. Application of LaRue & Associates, 1475 Winton Road North, Rochester, New York, 14609 for preliminary resubdivision of 1 lot to be approximately 1.02 acres at properties located at 1773, 1775, 1777, 1779 Scottsville Road in RA-20 & FPO zone.

Mr. Jerry Mastrella of LaRue Associates was present. He stated, we are requesting consolidation of four existing lots into one lot. To reduce the amount of bookkeeping for tax paying and Pure Waters purposes.

Mrs. Bartok stated Monroe County has done the airport review, and their decision is it is approved as far as airport. This new lot has been before the Chili Zoning Board. Have you been there?

Mr. LaRue answered, yes. It was approved unanimously.

Mrs. Bartok listed the zoning recommendations of the County: This is a local matter. The new lot is within a 100-year flood plain--be sure all requiremnts for flooding have been met. Also, indications are that you intend to build a multi-residential structure on the site, and have been before the Zoning Board for a variance. Do you intend or have plans for residential units?

Mr. Mastrella answered, not at this time. There is a one-family dwelling there.

Mrs. Bartok continued, SEQR review - unlisted action. They recommend that the Town deem itself lead agency and continue environmental assessment and make a determiation.

No further questions.

No one spoke in favor or opposition.

DECISION: Lead Agency: Unanimously voted.
Environmental Significance: Unanimously voted that there is none.
Approve and waive finals: Unanimously voted.

4. Application of Arthur Brennan, 200 West Avenue, Brockport, New York, 14420, for preliminary site plan approval for a change of use in rear of building to allow a machine shop at property located at 3511 Union Street in G1 zone.

Mr. Arthur Brennan was present. He stated, I have woned the parcel for 15 years. Eight years ago, the Planning Board gave me approval and permission to build this buidling (indicating on a drawing which he had with him and put up on the wall). It was occupied by Prescott Motors. They have moved out. I have rented the back section of the building to a machine shop. My application is for a change of use. I would like to continue front office and front portion of building as new and used vehicle sales.

Mrs. Bartok asked, do you have any plans for additional landscaping? Mr. Brennan answered, no. I put shrubs in. I have a green area. I have maintained one tree but I have no plans.

Mr. Rague asked, car sales--drive on-no repairs. Wholesaled in, retailed out?

Mr. Brennan answered, yes. I have no tenant. Mr. Rague said, Presoctt did his repair work.

Mr. Brennan said yes, but therear is tool and die making.

Mr. Rakus asked, do you have plans to add another tenant? Mr. Brennan answered, no. I prefer one tenant, but I was unable to find one.

Mr. Bleier asked, do you have a prospective tenant? Mr. Brennan answered, no. The change is in the rear of the building.

Mr. Faso asked, how much oil and water discharge will there be? Mr. Brennan replied, it is all sealed. The entire front goes into a holding tank.

Mr. Faso said, I see on your original application there will be no washing of cars. I know machine shops use a lot of water to cool their equipment.

Mr. Rakus asked, the coolants will be recirculated? Mr. Brennan answered, I am not sure. The drains go into a holding tank if there is a spill.

Mr. Flint asked have you had discussion with Bob Connolly regarding the change--insurance, etc? Mr. Brennan answered, yes, and it is all right.

Mr. Flint asked, how about dual occupancy? Mr. Brennan answered, yes.

No further questions.

No one spoke in favor or opposition.

DECISION: Approve and waive finals. Landscaping to be improved. Granted unanimously.

5. Application of William O'Neill, 3229 Chili Avenue, Rochester, New York, 14624, for prelimianry site plan approval to allow a change of use to allow an Insurance Company in existing building at property located at 3221 Chili Avenue in CB zone.

6. Application of William O'Neill, 3229 Chili Avenue, Rochester, New York, 14624, for conditional use permit to convert existing single family dwelling to a permitted use (Insurance Company) at property located at 3221 Chili Avenue in CB zone.

Mr. William O'Neill was present. He stated, I have my office at 3228 Chili Avenue. I would have my insurance office on the first floor. I have been in contact with Mr. Connolly regarding requirements for the handicapped and I am in compliance. There will be no additions to the building. Thr front porch would be enclosed. (Refers Board to sketch he has brought with him).

Mr. Rakus asked, how will you handle parking? Mr. O'Neill replied there is a large area already. 45' x 46'. We have about 20 cars a day. The office is open from 9:00 a.m. to 5:00 p.m. five days a week. That comes out to about 5-1/2 cars per hour.

Mr. Bleier asked, what will you do withthe upstairs? Mr. O'Neill replied, I paln on making it into an apartment. I would like to request that final approval be waived.

Mr. Rakus asked, are you going to reside in the house? Mr. O'Neill replied, I am going to be enclosing it with clapboard siding; there will be blown in insulation. There is a high pressure water spraying technique to remove damaged paint. I will paint it white in the spring.

No further questions.

No one spoke in favor or oppostion.

DECISION: No. 5 - Unanimously granted.

No. 6 - Unanimously granted.

7. Application of Rev. Rodney Jones, 120 Old Scottsville-Chili Road, Churchville, New York, 14428 for conditional use permit to allow an in-law apartment at property located at above address in R-1-20 and FW zone.

Rev. Jones was present. He stated, when I built the house, the basement was disgned for an in-law apartment. In 1981 my son was married and he moved in. We made the utility room into a kitchen. We did not know we needed special permission, so I am here tonight. It has been used as an apartment for about two years since my son got married.

Mrs. Bartok stated, in the past when we have granted apprival for in-law apartments, we have added conditions. First, that the use shall be for in-laws only and shall cease to exist when the in-laws are not longer there; second, the apartment may not be used as a rental unit; third, a copy of these conditions and decision must be filed in the Monroe County Clerk's offices under Miscellaneous Documents and tied to the liber and page of your deed.

Mr. Jones stated, no problem.

No further questions.

No one spoke in favor or opposition.

DECISION: Unanimously granted with conditions listed above.

8. Application of Pride Mark Development, 50 Lyell Avenue, Rochester, New York, 14608 for final subdivision approval of 27 lots to be known as Woodbriar Section 2 at property located at 301 Westside Drive in R-1-20 zone.

Mr. Lee Sinsebox of Costich Engineers was present on behalf of Pride Mark Homes. He had a drawing of the proposed subdivision with him, and referring to it, stated: I would like to address the comments your engineer had at the last meeting. One was that approval be based on abandoning the 18 inch culvert on Picley Road. I would like not to have that condition. That culvert is a part of Pixley Road's drainage. That culvert has to be operating to drain the western half of Pixley Road from Westside Drive to the culvert. The County asked to keep it open. To keep the culvert under our entrance. We would ask not to keep that condtion. Second, to show the drainage pipe on Cardinal Drive. We are extending 8 inch pipe to drainage point. Your engineer's comments had more to do with construction. They ask that were we to connect to Wyncrest, we connect to the outside edge. They ask to show

posted monuments along the right of way. They asked to have note on plans regarding street signage in accoradance with your street ordinance. We have made it part ofthe notes. We have included the 3500 psi provision he asked for. Crushed stone along inlet course over the pipe. We have done this. Asked for chages to channel dimensions and we have done it. We discussed the detention pond. All calculations have been submitted to your engineer. We mentioned that we were looking for a lower discharge amount per foot. We have received permission from the County to do so. The new elevation will work. We have increased the capacity of the pond. There was concern about the elevation of the berm--we raised it eight tenths of a foot. We would like an 8% grade, not 6%. We would like to have the Board consider the stretch of road from Wyncrest on. We have to make up the grade change. Special construction for one half of that to go beyond 8% and the other half 2%. (Reads Section 69-16 of Town Code). This saves trees and follows the topography of the land better.

Mr. Ragne asked, John, what is an 8% grade and what is a 6% grade? Mr. Flint replied, 8% is not unworkable. We had 8%. We lowered it to 6%.

Mr. Ragne asked, 8% would not be a problem with trucks? Mr. Flint answered, no.

Mr. Faso asked, would a school bus have a problem with an 8% grade? Mr. Flint replied, only from a dead stop.

Mrs. Bartok stated that Steve Chudyk was concerned and felt 6% should be enforced because of salt trucks.

Mr. Flint replied, yes, we need his recommendation. Lee's point is that he can build it either way. I like the 8% bacause it is more economical, but it should be Steve's decision.

Mrs. Bartok asked, are you so interested in receiving permission for 8% that you would wait until we have permission from the Highway Superintendent? Mr. Sinsebox answered, yes. I would wait and I would advise our client to wait.

Mr. Newman asked, what about the 18" culvert and maintaining it?

Mr. Flint said yes, my question is that if we retian the 18" pipe that feeds into the same system as outlay--would you consider that and do you feel it is a problem--upstream flows along Pixley Road. To your total system?

Mr. Sinsebox replied, that pipe drained the entire 52 acres. Now it will drain less than one-half acre. At the point that you commence it is the same acreage.

Mr. Flint said, the total system as it is designed including berm will not affect rear yards on Virginia Lane.

Mrs. Bartok said, I have four questions for John. Are you satisfied that removing the 12' corrugated pipe and replacing it with the 18" will not increase runoff into swales at Virginia Lane?

Mr. Flint replied, yes, I am. The way the system is desinged--the control center is the point at which it becomes a closed system. Anything downstream of that we don't want to hold back water. That is why we went from 12" to 18" pipe.

Mrs. Bartok asked, are you satisfied that the proposed detention pond will be able to hold the amount of water that is presently held by the underdevelopes land there plus additional water produced by development. Mr. Flint replied, yes.

Mrs. Bartok said, so you would conclude that Virginia Lane's land would receive some relied from storm water runoff as a result of this development?

Mr Flint replied, yes, but I am not sure it is visible. There is going to be standing water.

Mrs. Bartok said, in a large storm they should be significantly better off? Mr. Flint replied, I don't think so.

Mrs. Bartok asked, will they be worse off? Mr, Flint replied, no.

Mrs. Bartok asked, are you satisfied that the drainage problems in the Hallock Road back yards will be improved? Mr. Flint replied, yes, we are adding a concrete swale.

No further questions.

No one spoke in favor or opposition.

DECISION: Unanimously approved, subject to obtaining Town of Chili Highway Superintendent Stephen Chudyk's approval of the 8% road grade.

9. Application of the Town of Chili, 3235 Chili Avenue, Rochester, New York, 14624 for rezoning of properties located at 90, 94, 96, 101 Wheatland Center Road, 2, 6, 8, 9, 11, 13, 14, 18 Clifton Road from NB to RA-1.

Mrs. Bartok stated, this application has come about as a result of a request from Supervisor Powers in a letter dated September 13, 1983.

Mrs. Bartok said, in regard to No. 9 Clifton Road, is there anyone here representing the neighbors?

Mrs. Irma Henfer, 18 Clifton Road was present. She stated, we wish to be residential, not commercial. No. 9 was on vacation when I took the petition around.

Mrs. Bartok asked, does he have objections? Mrs. Henfer replied, no.

Mrs. Bartok asked, is there anyone operating a business at this time in the area? Mrs. Henfer replied, no.

Mr. Faso asked, are there any properties there for sale? Mrs. Henfer replied, no.

Mrs. Bartok stated, the surrounding zoning is rural agriculture, one acre. Are there other property owners here from Clifton?

Miriam Miller, 101 Wheatland Center Road, was present. She stated, I think it should be done.

Mr. Frank Lenhard, 83 Wheatland Center Road, was present. He stated, my property is not included. But what is the nature of neighborhood business zone and what is the reason for the request for change?

Mrs. Bartok stated, the purpose of neighborhood business is to provide an area or center for conveient shopping. (She reads the definition).

Mrs. Henfer stated, I have no business in my home and I don't see why I should be commercial.

Mr. Lenhart asked, is there any difference in the tax rate? Are people taxed differently? Mrs. Bartok replied, I don't know.

Mrs. Henfer stated, no. I would have been here.

Mr. Iacovangelo asked, what is the Town's intent? Mrs. Bartok replied, there already is neighborhood business. We are trying to meet the desires of the Town.

Mr. Vince Kovalcek, 120 Wheatland Center Road was present and asked, does this apply to the whole Town of Chili? Mrs. Bartok replied, no.

Mr. Lenhart said, would I be correct in saying that if these zonings are changed to residential, then there will be no opportunity for neighborhood business in Chili?

Mr. Miller replied, no. In the future someone could come in and apply for a variance to open a business. Since the people living there

arenot in a residential area, it is more for your protection to do this.

Mr. Deans said, RA is unconditional use. So it would be very difficult to have commercial use.

Mrs. Bartok stated, most of these lots are very small, and would not have parking. They are not really suited for business.

No further questions.

No one spoke in favor or opposition.

DECISION: Unanimously approved as requested.

INFORMAL BUSINESS:

1. Application of Perna Homes, 849 Paul Road, Rochester, New York, 14624 for sketch plan layout for a 4 lot subdivision to be known as Chestnut Hills at property located at 268 Chestnut Ridge Road in R-1-20 zone.

Mr. Don Avery of Denluck-Hyde was present. He had a sketch of the subdivision with him which he presented to the Board. He stated, they will divide the piece into four lots. Would like 65 foot setback. Would like opening or width at setback. Would like to extend it 90 feet. The house on Lot No. 4 goes from rear of house to property line of 43 feet where we are supposed to have 90 feet. All lots will be more than 20,000 square feet. We will extend sewer to accommodate these houses in front. We will contain the water on site. It is at the top of a hill. Each house would have a driveway.

Mr. Miller asked, would the first lot need a side lot line setback? Mr. Avery answered, we have ten feet there.

Mrs. Bart.k asked, where are you going to run the storm water? Mr. Avery answered it will be dished out here in this area (indicating). I would put a swale in here. We did that on Chestnut Ridge. There have been no problems.

Mrs. Bartok said, we could grant a variance that you need under a special section of the Subdivision Ordinance. That is the only way you can make us satisfied.

Mr. Fasoasked, the apartment project--where is house located on that lot? (Mr. Avery answers him by indicating on the sketch which the Board has).

Mr. Flint said, I would like Don's opinion on storm water runoff--is there a necessity for detention or will it soak in? Mr. Avery answered, I think it will soak in. I have better topo than this. I think it will be absorbed.

Mr. Rague asked, can you build one house between the two trees? Mr. Avery answered, I don't know of any; unless the Town knows.

Mr. Deans said, it might be worth taking note of.

Mrs. Bartok added, we could ask the Town Historian.

No further questions.

No one spoke in favor or opposition.

DECISION: Unanimously approved; applicant to check with Town Historian to find out if the house on the property is of historical significance.

2. Application of Grace Covenant Church, 224 Chestnut Ridge Road., Rochester, New York, 14624 for final site plan approval to erect an 80' x 24' modular classroom at property located at above address in R-1-20 zone.

Mrs. Bartok stated, and wished it made part of the record, that Rev. Jones was very anxious for a decision by November 1. She checked to see if everything was all right with the Martins. She telephoned the Board members for decisions that were made. Vote on preliminary subdivision of Martin property and waiving final approval:

Mr. Faso:	Yes	10/31/83
Mr. Newman:	Yes	10/31/83
Mr. Deans:	Yes	11/2/83
Mr. Rakus:	Yes	11/3/83
Mr. Rague:	Yes	11/3/83
Mrs. Bartok:	Yes	11/3/83
Mr. Bleier:	Out of town	

Mrs. Bartok stated, we ask for decision on preliminary site plan and agreed that preliminary only would be granted; we would like to see final drawings.

Mr. Faso:	Yes	10/31/83
Mr. Newman:	Yes	10/31/83
Mr. Deans:	Yes	11/2/83
Mr. Rakus:	Yes	11/3/83
Mr. Rague:	Yes	11/3/83
Mrs. Bartok:	Yes	11/3/83
Mr. Bleier:	Out of town	

Mr. Don Avery of Denluck-Hyde was present on behalf of this application. He presented final drawsing. He siad there is 15 feet between the existing barn and where portable classroom will be and provided for handicapped ramp for entry into the classroom.

Mrs. Bartok said, an application for a variance for the rear setback for Martin's home has been made.

Mr. Avery answered, yes, to the Zoning Board.

Mrs. Bartok stated, let the record show that preliminary and final subdivision approval of Martin property is contingent upon obtaining rear yard setback for the Martin house.

No further questions.

No one spoke in favor or opposition.

DECISION: Unanimously approved.

OLD BUSINESS:

1. Application of Gilbert Glidden, 3216 Union Street, North Chili, New York 14514 for sketch plan layout for a 22 lot subdivision to be known as Springbrook "E" at property located on King Road (subdivision to be off Parkway Drive) in R-1-15 zone.

Mr. Don Avery of Denluck-Hyde was present on behalf of this application. Using a drawing he had brought with him, he showed the Board the section which would be Springbrook. He said, we have done complete topo on all surrounding area. We have ended up with 24 lots. Regarding drainage--there is a ditch down here with control. Apartment seems to contain water in all systems and it goes into a ditch that crosses Union Street. (Referring to his map, he explains how he will control the water).

Mr. Avery continued, regarding lots 9 and 11--we want to purchase land in back of them. We don't have to worry about drainage. I want to put an overflow area in here. I will have detail on this by the meeting on December 13. The lots are all standard--all conform to R-1-15. I am requesting 50 foot setback.

Mrs. Bartok asked, will you need to install control units on the existing detention pond? Mr. Avery replied, no.

Mr. Miller asked, do you turn around for snow plow? Mr. Avery answered, easement to the Town of Chili.

Mr. Flint asked, you intend to retain water in linear faschion along a 100' easement? Mr. Avery replied, yes.

Mrs. Bartok said, I will be picking up drawings, engineering reports and anything else required for the Planning Board meeting of December 13 on the last Monday in November. So anything not there will be postponed until the next month.

No further question.

No one spoke in favor or opposition.

DECISION: Unanimously approved.

2. Application of Nina Ball, 75 Woodview Drive, Rochester, New York, 14624 for preliminary site plan approval for a change of use to allow the repairing, rental and sale of construction equipment, automobiles, and parts at property located at 3501 Union Street in GI zone.

Mr. Yankanich, landscape architect, and Mr. Ball, Jr., were present. Mr. Yankanich said, we have added a definition of the line between the two parcels; impervious barrier to limit flow and prevent erosion.

Mr. Ball asked, does anyone have any questions?

Mrs. Bartok said, no, we just needed the landscaping plan and the line between the two parcels. John, are you satisfied with the barrier along the back?

Mr. Flint replied, yes.

DECISION: Unanimously approved. Waive finals for site plan. Structure must be brought into compliance with the New York State Building Code for its new intended use.

FOR DISCUSSION:

1. Faber Construction - proposed condominiums at 844 Paul Road.

Bernard Iacovangelo was present. He stated that Faber Construction is composed of himself, his brother Frank and his brother Anthony. He said they have undertaken the total rehabilitation of Lexington Manor Apartments and it has been completed. They have purchased land on Paul Road. They have used a planner and engineers.

Mr. Steve Buechner, of Reimann Buechner, landscape architects, was present. He had a plan of the propsed condominiums. Using it, and distributing copies of it to the Board, he explained the project. He said it would be composed of 28 acre sites. He said they have done site analysis, studied the soils, drainage patterns, noted easement areas. There is one existing retention basin partially on the site. Program is to build 172 condominium homes -- two story town houses and one story patio homes. These will be sold as condos only. Land will be owned in common. There will be a fee assessed to each owner for snow removal, maintenance, repair of roofs, etc. They are striving for an open feeling in the development. 6.14 where 8 is allowed (density). There will be a private road, 20 feet wide. All the roads are private and will be maintained by the condominium association. hey have considered entry of emergency vehciles. They have provided cul-de-sacs for a feeling of privacy. Inside diameter 80 feet; outside, 120 feet. Interior will be turfed and they will plant trees.

Mrs. Bartok said, the radius will be 60 feet rather than the 80 feet required. The Supervisor and Highway Superintendent have requested that all private roads be built to Town standards. The residents eventually ask to have the roads dedicated to the Town. It is necessary that roads be built to Town standards.

Mr. Buechner said, we are aware we have not met Town standards on cul-de-sacs but it is legally impossible for these roads ever to be turned over to the Town because of the way it is set up with the Attorney General. We would like to make the roads a little narrower

because they will be privately maintained. We would rather narrow down the cul-de-sacs so that they are private--that is our request. Same with road width of 20 feet. But pavement depth would be the same as Town specifications. The development would be 57 one story homes and 115 two story homes for a total of 172. The units are closed--3-6 units each. We are asking for setback from road to unit of 25 feet and unit to unit setback of 20 feet. Where in impact with neighbors, 40 feet. From major roads, 100 feet. We want to develop the open spaces. As part of the fee, each owner could use the area containing the swimming pool, tennis courts, etc. We have done a study, I feel we can get good drainage. Each unit will have a patio at the back that will be built slap on concrete-no basements. We want to complete all planning so Phase 1 of construction can go forward. This is one of 40 that our firm has designed in the Rochester area.

Mr. Miller asked, what about automobile parking? Mr. Buechner replied, wach home has two parking spaces--one in the garage and one in the driveway. Also thereare 15 spaces in the recreation area.

Mr. Miller asked, what about more than 15? Mr. Buechner replied, the neighbors sometimes allow people to park in their indivdual driveways.

Mrs. Bartok asked, is the open space the only recreational facility provided? Mr. Buechner replied, yes. We are building the infrestructure as we go.

Mrs. Bartok said, when Spring Lake Apartments came in, a recreational phase was promised, but never arrived. What sort of buffer will you have between single family dwellings? Mr. Buechner answered, there is extensive existing planting.

Mrs. Bartok asked, any chance of of getting additional plantings? Mr. Buechner replied, yes. We have $1,000 worth of plantings purchased. We will add some conifers.

Mrs. Bartok asked, do you plan to first protect some single family residences? Mr. Iacovangelo answered, we will use plantings. We want to keep it as natural as possible. Mr. Buechner said, I would recommend first to the client.

Mrs. Bartok asked, what type of architecture will you use? Mr. Buechner said, we are working on it now. I am setting up how the units relate to the site. The architect will then work from that. Units are not designed yet.

Mrs. Bartok asked, would you be adverse to having us write in what type of architecture will be built there?

Mr. Iacovangelo answered, we are planning on traditional architecture with aluminum siding. We are trying to maintain the cost between $59,900 and $63,900. We wanted it to be maintenance free so we can't have brick.

Mrs. Bartok asked, can you have it firmed up? Mr. Iacovangelo answered, yes.

Mr. Bleier said, it looks like you will be adding surface water runoff. Will it all be geared for the retention pond? Mr. Buechner answered, yes. We will than make this (indicates on sketch) into a retention area and then use swales. Eventually all water will go into the retention basin.

Mr. Bleier said, most of the traffic will enter and exist on Coldwater Road. If something could be done to ease the traffic, you might want to consider it.

Mr. Buechner said, we have tried to provide quite a bit of stacking space here.

Mr. Faso asked, can you elaborate on being able to dedicate the roads?

Mr. Buechner answered, I don't think there will be a lot of 8-16 year old children. We are not designing streets so that emergency vehicles or buses could not come in. But we are not desiguing 30 foot streets. We want the pavement to be kept to a minimum. We do no want to dedicate any of these streets.

Mr. Iaconvangelo said, it is the same at Hidden Valley. All the children get picked up at the corner. But we are planning on young families and empty nesters. A bus will not go in if it is a private road.

Mr. Newman said, Coldwater Road is heavily trafficked. I would think you would have some kids out of 170 units.

Mr. Ragne said, but you don't see many kids standing outside alone--their parents are with them.

Mr. Buechner said, we had a project in Syracuse--the total project has generated ten children.

Mrs. Bartok asked, have you checked with Kimberly Town Homes to see what their population is? They told me they have single parents. You may need to change your plans. Mr. Buechner answered, we will check that.

Mrs. Barok said, the engineering reports will be necessary to be prepared and turned in when you bring in the drawings to schedule the hearing. I will pick them up the Monday before. Do you want to see how the Board feels about the roads being dedicated to the Town?

Private Roads:

Mr. Deans: No
Mr. Faso: Dedicate
Mr. Newman: Dedicate

Mr. Rakus said, you will have a parking problem. I have a problem with the width of the roads.

Mr. Bleier said, I don't see a problem with the private road concept.

Mr. Ragne said, I feel the same as Ray.

Mrs. Bartok said, I favor dedicated streets. I suggest you confer with Steve Chudyk before you do any drawing to see what he will sign.

Mr. Flint said, I think the Board wants to complete traffic study in terms of numbers, geometrics, site distance at intersection. I like the idea of making it a cross intersection. Utilities will also be question and storm drainage. As a neighbor, I think we are taking a step backward in terms of development. Have you addressed the intention of the Town adequately given the fact we have dondomiium development at Kimberly?

Mr. Buechner answered, we are trying to provide affordable homes for a specific market.

Mrs. Bartok said, with low-priced houses, we generally get quite a lot of kids who cause problems in the neighborhood. I hear bad things about Kimberly. Those neighbors will be upset if you bring in an undesirable element.

Mr. Iacovangelo said, I am aware of the problem with children. At Kimberly, they have condominum conversion. A lot of people there are tenants. The units are $37,000. We are planning on a Hidden Valley type of project that is affordable. They cause problems in subdivisions also. We are trying to develp this so it will not detract from the value of the single-family dwellings.

Mrs. Bartok said, I think that will have to be addressed. The neighbors will be very interested in this.

Mr. Buechner said, we are aiming this toward young couples and retired people.

Mr. Rague said, what about swuare footage?

Mr. Iacovangelo said, the square footage on a one-store unit will be 1000-1125; on a two-story, 1175-1320. There will be five different footprints.

Mrs. Bartok asked, how many bedrooms?

Mr. Iacovangelo answered, two. And no basements. Storage within each unit.

Mr. Rakus said, are you planning a walkway into a shopping center? Mr. Iacovangelo answered we have discussed but have no plans yet. We would like to do it well.

Mr. Bleier said, there was a lot of opposition in Spring Valley--I am sure you will have opposition from people around here.

Mr. Iacovangelo answered, we had an operation in apartments and town homes. We are going to make it a nice project. I know we will encounter opposition from the neighbors, but I am sure their fears will be exhausted when they see the site plans.

Mr. Flint said, are you proposing two phases of construction? Mr. Iacovangelo answered. three, over a three-year period or soomer.

Mr. Flint said, the rirst phase is the east protion? Mr. Buechner answered, yes.

Mrs. Bartok said, then you must see the Fire Marshal before Phase 2.

3. Application of North Chili Community Church, 3355 Union Street, North Chili 14514 to amend wording of Conditional Use Permit granted on October 11, 1983.

The Board decided to delete the phrase"and Christian day school" as requested.

Betty Bartok
Cahirman

bb/akw

Planning Board

December 13, 1983

A meeting of the Chili Planning Board was held on December 13, 1983 at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York.

PRESENT: Betty Bartok, Chairwoman
Bill Deans
Don Faso
Bob Newman
Mitch Rakus
Ed Rague
Ray Bleier

ALSO PRESENT: Bob Connolly, Building Inspector
John Flint, Town Engineer
Betty Clende, Drainage
Larry Hoy, DEC Liaison
Dan Miller, Deputy Town Attorney

The meeting was called to order at 7:30 P.M. by Mrs. Bartok. She asked Mr. Miller to make the legal statements, and he did so. Mrs. Bartok introduced the Board.

1. Application of T & D Trophies, 2116 E. Henrietta Road, Rochester, New York, 14623 for Conditional Use Permit to allow a retail trophy store in portion of existing building at property located at 2709 Chili Avenue in NB zone.

Mr. Richard Diehl, 139 Farnsworth Road No. was present. He stated he has been in business since 1972 in Henrietta. He builds trophies to customers' specifications.

Mr. Rakus asked if he uses acids in his glass etching. Mr. Deihl said not too much of it, they have a machine. The machine etches, does not engrave.

Mr. Deans asked how is the parking situation, how many people come into the store? Mr. Diehl said there is parking in the front and rear. He will have a sign in the window saying "Parking in Rear". They don't have a lot of traffic. Their business is seasonal. Coaches come in. There are only a few people doing engraving, but it is not a business like a gracery store. Not a lot of people in all the time.

Mr. Bleier asked him if he is relocating his business. Mr. Diehl said no he is opening up here because he is drawing so many people from this area.

Mr. Newman asked if he has a truck or van that he uses for pickups and deliveries that would be parked there. Mr. Diehl answered they don't deliver.

Mr. Newman asked, people bring things to you and then pick them up? Mr. Diehl said right. They have no delivery trucks.

Mr. Faso asked if the store is vacant now. Mr. Diehl said yes, it is. He will not alter the store only to put up wall to make a back room to build trophies.

No further questions.

DECISION: Granted unanimously, no conditions.

2. Application of B.R. DeWitt, P.O. BosSx 95, Pavilion, New York, 14525 for preliminary site plan approval to erect a 10' x 10' hopper and 18'10" x 18'10" cement silo at property located at 1533 Scottsville Road in GI and FPO zone.

Mr. Doug Hicks, and employee of B.R. DeWitt was present. He said they have received a contract with Eastman Kodak for ready mix product. It requires a special batching facility. They are requesting a portable batching plant to be 70-80% inside an enclosed building.

*Gates-***NEWS**-*Chili*

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date 12-1-83

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

GATES-CHILI NEWS

Issue Dated 12-1-83

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 1985

Patricia M. Smith
Publisher

Planning Board
Nov 1983

Legal Notice

CHILI PLANNING BOARD

Pursuant to Section 271 of Town Law, a public hearing will be held by the Chili Planning Board at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on December 13, 1983 at 7:30 p.m. to hear and consider the following applications:

1. Application of T&D Trophies, 2116 E. Henrietta Road, Rochester, New York 14623 for Conditional Use Permit to allow a retail trophy store in portion of existing building at property located at 2709 Chili Avenue in NB zone.

2. Application of B.R. DeWitt, P.O. Box 95, Pavilion, New York 14525 for preliminary site plan approval to erect a 10'x10' hopper and 18'10"x18'10" cement silo at property located at 1533 Scottsville in GI and FPO zone.

3. Application of Harold Ford, 230 Chestnut Ridge Road, Rochester, New York 14624 for preliminary subdivision of 2 lots at property located at 2661 Chili Avenue in R-1-15 zone.

4. Application of Don Avery, Denluck-Hyde Assoc., 25 Main Street, Suite 400, Rochester, New York 14614 for preliminary resubdivision of 3 lots in the Springbrook Section "D" subdivision at properties located at 9, 11, 15 Mapleton Drive in R-1-15 zone.

5. Application of Gilbert Glidden, 32 North Chili for prelimi of 24 lots Springbrool property I Road (subd Parkway 1 zone.

6. Applica Constructio Road, Roc

Mr. Newman asked if this would be a permanent installation or could it be removed. Mr. Hicks said the batching facility is on wheels and is driven into the building. Silo is legged into the existing footings. It can be transported.

Mr. Rakus asked if there will be any smoke or dust; Mr. Hicks said no.

Mrs. Bartok said that the Monroe County comments were received tonight. This is subject to airport review. It has been approved. Zoning is found to be a matter for local determination. No further review required and no significant couty-wide environmental impact.

Mr. Miller asked how many truck trips do they anticipate there will be to service this plant. Mr. Hicks said it all depends on Kodak's warehouse construction. About two loads a week. 18 tons per load. Also, they make many yards of ready mix concrete.

Mr. Miller asked if this is a special project, and Mr. Hicks said yes. It is called a pan mixer.

Mr. Miller asked, four to five trucks in and out per week? Mr. Hicks said yes.

Mr. Miller asked if they would need to do this in order to keep their other business and Mr. Hicks said yes. Mr. Miller asked if there is anyone else in this region who might buy this, and Mr. Hicks said not that he knows of.

No further question.

No one spoke in favor or opposition.

DECISION: Unanimously granted, no conditions.

3. Application of Harold Ford, 230 Chestnut Ridge Road, Rochester, New York, 14624, for preliminary subdivision of 2 lots at property located at 2661 Chili Avenue in R-1-15 zone.

Mrs. Bartok stated the Board did not subdivide this. She also stated that the County approved this as far as airport, and it is a matter for local zoning determination.

Gail Elder was present. Using a drawing of the proposed subdivision, he indicated the particulars of the same to the board.

No questions.

No one spoke in favor or opposition.

DECISION: Unanimously granted, no conditions.

4. Application of Don Avery, Denluck-Hyde Associates, 24 Main Street, Suite 400, Rochester, New York, 14614, for preliminary resubdivision of 3 lots in the Springbrook Section "D" subdivision at properties located at 9, 11, 15 Mapleton Drive in R-1-15 zone.

Mr. Avery was not present. Mrs. Bartok stated that they would be adding to the size of the lot, and that they must understand that the proposed drainage easement will be detention pond.

Mr. Jim Northrup, 15 Mapleton, was present. He stated he was aware that could happen. Mr. Clidden will retain ownership of the land.

Mr. Clidden, 3216 N. Union Street, No. Chili, was present. He stated that he agreed to sell to the easement if they needed it for drainage.

Mr. Northrup introduced his neighbor, Roger Klic, who points out existing drainage ditch on a map of the premises. He stated they wanted the boundary to run down the ditch.

No further questions.

No one spoke in favor or opposition.

DECISION: Unanimously approved, finals waived. Revised drawings must be filed in Monroe County Clerk's Office after obtaining the necessary Town of Chili signatures.

5. Application of Gilbert Glidden, 3216 Union Street, No. Chili, New York 14514 for preliminary subdivision of 24 lots to be known as Springbrook Section "E" at property located on King Road (subdivision to be off Parkway Drive) in R-1-15 zone.

Mrs. Bartok stated that on this application, we have a letter from one of the downstream neighbors (reads letter).

Mr. Avery arrives. Presents his drawing. Using the drawing as a reference, he stated that the people in back want to take land from the Glidden property. The other section is in back of these three houses (indicating) where three back lots have been added. The same sewer will use gravity and go to a new manhole. All lots are not in present zoning. We are asking for a 50-foot setback. That is the one variance we are requesting. The road will slope this way (indicates).

Mrs. Bartok said that the property owners had told the Board that they will buy only to the easement and that Mr. Glidden will retain the pond. Mr. Avery said OK.

Mr. Rague asked Mr. Avery what he is going to do with the water. Mr. Avery said they plan to control it in this drainage pond. No more runoff into the ditch.

Mrs. Bartok asked Mr. Flint about existing drainage problems. Mr. Flint said he had looked at downstream drainage from here to King Road and on to Union Street. He talked with some of the neighbors and looked at the detention pond. He thinks in a major storm the pond could cause problems. There are a couple of 90 degree bends that cause water to back up north of King Road. The County installed them and they are reluctant to come back. He understands this from Mr. Chudyk. When he was out there, there was 8 inches of water coming out of the pond. So he would like Don Avery to take a look at that condtion and simulate it under Town requirements of a ten-year sotrm. Three cfs for ten-year storm. How much water could the existing pipe allow?

Mr. Avery said presently it is around 9cfs. When they do it, they will have to berm up this end (indicating) more.

Mrs. Bartok asked who will do this. Mr. Avery said they would be willing to in order to get approval.

Mr. Flint asked, it is at 9 on a day like today? Mr. Flint said no, not today, but it could.

Mr. Rague asked how this affects the low parcels on King Road. Mr. Flint said that the water flows down through the ditch through Mr. Chapman's property. When it hits that turn, it loses so much velocity that it ends up backing up. A 15-minute sotrm equals water flow at 50 cfs.

Mr. Rague asked where the poond would release the water. Mr. Avery points the location to him on the drawing.

Mr. Flint said nothing can be done about the physical part of the road. We would restructure the flow so the downstream section could enter at second pond.

Mr. Rague asked if there is an easement. Mrs. Bartok said it is in the deed.

Mr. Rague asked if this would alleciate the problem that some people on King Road have. Mr. Flint said it would.

Mr. Avery, indicating on his drawing, said there is a small creek here.

Mr. Deans asked, what about the second pond? Will you berm it up. Mr. Avery said they would.

Mr. Deans asked how big the pipe is. Mr. Very said 21, but they are going to change it.

Mr. Bleier said, you will slow down the rate of outflow. You are going to be adding more water to the development. What type of detention will you have on the first pond? Mr. Avery shows him on the drawing.

Mrs. Bartok interposed that she thinks Mr. Bleier means, are they controlling the outflow with a pipe. Mr. Avery said yes.

Mr. Bleier asked if they would be for ten-year sotrms and Mr. Avery said yes.

Mr. Newman asked what is the extent of the pavement in the temporary turn-around? He said he was concerned about meeting Town standards, and that he is concerned about snow plows. Mr. Avery said they have an 80-foot radius.

Mr. Flint said along the west property line of this subdivision there is a lot of debris; it is on this property and should be taken out and disposed of. It should be cleared according to Town standards and seeded.

Mrs. Bartok asked if there were questions from the audience.

Mr. Roger Klick, 17 Mapleton Drive, was present. He asked if outflow is reduced in the existing pond, what will this do? Mr. Avery said it will bring it up. Mr. Klick asked how high and Mr. Avery said 6 inches in the pipe. Mr. Klick said there are six inches in there now. Mr. Avery said with the reduction, you must expect the ditch to load up more.

Mr. Klick asked what the grade is. Mr. Avery said 563.65. The pond is 561.

Mr. Rakus asked, in the event that this subdivision goes into effect and we know we have a problem downstream and we create problems upstream, you will assume responsibility of flood water? Our Town doens't want to assume this responsibility. He said he didn't think the people should have to assume responsibility in the event this does not work. Mr. Avery said the Town has a guarantee in a ten-year storm.

Mr. Miller asked, if they get flooded and sue the Town?

Mr. Rakus said why should the burden be on the Town.

Mrs. Bartok pointed out that the homes are very high in elevation with respect to the pond.

Mr. Ragne asked if it would interfere with backyards.

Mr. Rakus said people are concerned about water in their basements.

Mr. Don Gilluly, 138 King Road, was present. He said there are two feet of water in his backyard tonight.

Mr. Jim Northrup, 15 Mapleton Drive, spoke again. He asked if the intention was to have water drain toward Parkway from the north end of the subdivision. Mr. Avery said from station 3.

Mr. Northrup asked where the water goes--to his property. Mr. Avery said eventually.

Mr. Northrup said the problem seems to lie south of King Road. Mrs. Bartok said it will provide them with some relief. If you can't make water leave, you have to slow down the rate at which it enters.

They get water so deep on King Road that sump pump outflow pipe is submerged.

Mr. Northrup said he understood that, but he wished the Board would address the problem on King Road. Mrs. Bartok said it is out of the Board's jurisdiction.

Mr. Klick asked how the jursideiction is determined. Mr. Flint said King Road is a County road and anything on the right of way belongs to the County.

Mr. Roger Hill, 21 Mapleton Drive, was present. He said he agreed, that the people on King Road have a problem. He said the Town would take two years to fix King Road but what about his area. If there is no guarantee, he is going on record as being opposed. If you raise it higher, there will be water in his backyrad--who will take care of it?

Mr. Rague asked what happens to the water when it gets to the other side of King Road. Mrs. Bartok said it backs up onto King Road.

Mr. Richard Tandy, 23 Mapleton Drive was present. He said he was opposed to a 50-foot setback. It is not the same as the rest of the houses--they are 80 feet.

Mr. Connolly said you are 60 feet from the right of way. Mr. Avery added, these are ten feet closer to the road. Mr. Tandy said he withdrew his opposition.

Mr. Glidden said there is no builder yet--they don't know who it will be.

Mr. Fred Cranbule, 130 King Road, was present. He asked where the new Section E is supposed to start from. Mr. Avery shows him on the map,

Mr. Cliff Chapman spoke. He quoted a condition of "no further development unless ditch went underground". He said he would like to see the minutes of the meeting where this done. He also asked what is the definition of "temporary"? What is the difference between "retention" and "detention"? He said the pond that is in there now is supposed to be temporary and it has been there for seven years. What is temporary? The problem seems to be between the Town and the County. Why should Gilbert have to pay for this. There is a 15' easement on either side of the ditch.

Mr. Flint said the Town can't do it because there is no money in the drainage district. Mr. Powers and Mr. Chudyk have said there is no money in any drainage district. As far as the buyer's solving the Town's problems--he said he is sure that they feel it is money well spent. From the Town's point of view, they are trying to solve localized problems.

Mr. Chapman said, you are saying we will dig another hole in the water and live with it for ever. Mr. Flint answered, in a way you are correct. But 2 or 3 cfs is all we can design for anyway. Mr. Chapman said that it doesn't work the way Mr. Avery says it does.

No further questions.

No one spoke in favor or opposition.

DECISION Tabled for additional study on drainage by the Town Engineer.

6. Application of Toper Construction, 1350 Buffalo Road, Rochester, New York, 14624, for preliminary subdivision of 16 lots to be known as Golden Estates at property located at 250 Golden Road in R-1-15 zone.

Mrs. Bartok said that the preliminary subdivision was brought in a few months ago and was tabled. Since that time, Mr. Yankanich has substantially redesigned it.

Mr. Joseph Yankanich, 1725 Long Pond Road, was present. Using a

plan he had brought with him, he told the Board about the changes he has made in the subdivision. Originally had 17 lots but gave up 1 for a detention pond. New test borings were taken. Ground water is no factor. They have provided for positive drainage along West Side Drive. All lots could retain square footage.

Mrs. Bartok said she had inquired as to the Town Board's preference, and they prefer an easement to the Town.

Mr. Newman asked where the water is flowing out. Mr. Yankanich said west to east across the Spring property. His house is built low. We contain it on the property and discharge it.

Mrs. Bartok asked who the builder will be. Mr. Yankanich said Mr. Perratto. The houses will be in the low 70's.

Mrs. Bartok asked what the style is. Mr. Perrotta, who was present, said they will be styles to suit peoples' requirements.

Mr. Flint asked Mr. Yankanich what he plans to do along Westside Drive. Mr. Yankanich shows him, on the drawing. Mr. Flint asked what about drainage of lots on Golden Road. Mr. Yankanich answered drianage comes on to the lot. Convey it through to the front and back yard of the property. Then there is an interceptor sewer that picks it up. Overland flow is .5%. Mr. Flint asked if all surface runoff will end up in the detention area, and Mr. Yankanich said it would.

Mr. Flint said the proposed detention pond is designed to hold water in a major storm and will be dry the rest of the time. He asked Mr. Yankanich if he would object to tying a concrete channel to the end section of the pipe for maintenance reasons and to keep outfall from the roads. Mr. Yankanich said it will be done.

Mr. Martin Wehle, of Stottle Road was present. He asked what will prevent water from running to the house Mr. Yankanich said they are going to change everything so that it won't. (Indicating on the map, he shows Mr. Wehle how he will do this).

Mr. Wehle said the ditch is on his property; people go in there; there are piles of dirt. Mr. Flint said he thought Mr. Wehle wanted the ditch left. Mr. Wehle said no, an easement was given to the Town.

Mrs. Bartok said this has to do with another subdivision, not this proposed one. Easement to the Town for drainage swale so it can be kept clean and it will be inside drainage district so there will be money to keep it clear and we have equipment to clean it also.

Mr. Wehle said they want to be sure they are not going to get flooded out again. Why not berm the property one foot. It would protect Mr. Hendrickson and him.

Mrs. Bartok asked Mr. Yankanich if he would berm it a little; he answered it could be done but it will be unsightly. He said he would put one there if the Board wants it.

Mr. Russell Spring, 1751 Westside Drive, was present. He asked, what will happen on the east side of my property line? Mr. Yankanich showed hom on the drawing. He said the water will go into the pond in a 100 year storm.

Mrs. Bartok asked Mr. Yankanich to explain how high the berm will be around Mr. Spring's property. (Mr. Yankanich shows her on the drawing and shows Mr. Spring also).

Mr. Bob Hendrickson was present. He said there is two feet of water in his cellar. Referring to the drawing, he asked what a certain red line is. Mr. Yankanich answers his question.

Mr. Faso asked what will prevent water from coming out of the discharge pipe and ponding in Mr. Spring's front yard. Mr. Yankanich said they have taken that into account in their calculations. They can contain a 100-year storm is this detention area. In response to a further question from Mr. Faso, he reassured him that Mr. Spring's property will not be flooded.

Mr. Deans asked where the problem is with Mr. Spring's property--west of the driveway; Mr. Yankanich said, demonstrating on the map, that the water runs down and starts flattening out. He said they have a berm along the property.

Mrs. Bartok asked what the date of the tests was, and Mr. Yankanich said December, 1982; Mrs. Bartok asked how many days in a ten year storm does he expect the detention pond to be holding water, and Mr. Yankanich said two days.

Mr. Miller asked what happens when the water gets to the tracks that cross Westside Drive, and Mr. Yankanich said it gets out. It is a natural detention area, holding water back.

No further questions.

No one spoke in favor or opposition.

DECISION Unanimously approved, with the following conditions:

1. South end of the rear swale shoud be bermed.
2. Cleaning of the Westside Drive ditch should be listed in the engineering notes on the final plat, and approved by Monroe County. Cleaning should extend 650' east of the east boundary of Golden Estates.
3. The concrete invert should be tied into the outfall pipe.
4. Shift the Glenlivet Drive outfall pipe 50' to the north and connect the outfall pipe to the contraol structure with a concrete invert.
5. Join the detention pond property to lot 14 and give a drainage easement to the Town. Include a deed restriction on lot 14 to prevent filling of the detention pond.

Betty Bartok, Chairwoman

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