

CHILI PLANNING BOARD

January 14, 1986

The meeting of the Planning Board of the Town of Chili was held in the Chili Administrative Office, 3235 Chili Avenue, Rochester, New York 14624 on January 14, 1986 at 7:30 p.m. The meeting was called to order by Chairperson Don Faso.

PRESENT: Don Faso, Chairperson; Bill Deans, George Ford, John Nowicki, John Cross, Mitch Rakus and Ray Bleier.

ALSO PRESENT: Bob Connolly, Building Inspector; Geoffrey Benway, Town Engineer; Larry Hoy, Conservation Committee; Dario Marcioni, Drainage Committee; Dan Miller, Deputy Town Attorney.

Mr. Faso declared the meeting to be a legally constituted meeting of the Chili Planning Board. He stated that notice of the meeting had been advertised in the Gates-Chili News, as well as posted on the Town Clerk's bulletin board.

APPLICATIONS BEFORE THIS BOARD WERE AS FOLLOWS:

1. Application of the Association for Retarded Citizens, 1000 Elmwood Avenue, Rochester, New York 14620, property owner: J. Maxon and H. Scharping; for renewal of conditional use permit to allow a day treatment center for mentally retarded adults at property located at 10 Ballantyne Road in Ra-20 & FPO zone.

Diane Prulli, Program Director for the Association for Retarded Citizens, was present to represent the application.

Don Faso asked if there were any changes in the original application or letter of intent, and she said there was not. Don then asked if she was just renewing her option for another 5 years, and if the center would be operating the same hours with the same number of patients. She told him yes.

Bob Connolly said there had been no complaints whatsoever. Don Faso read the County Comments, which declared the application a matter for local determination.

Mitch Rakus asked if there would be increased traffic coming in to the center and Ms. Prulli said she didn't believe there would be any change. She said there had been no changes in the time she had been there and doubted that there would be any in the future.

Dan Miller asked how many clients the center had daily. He was told that there are generally 90 visitors; none stay overnight.

Ray Bleier said that when the original application was approved, it had coincided with the lease. He asked Ms. Prulli if she knew whether the lease had expired and if so, what the terms of the new lease might be. Ms. Prulli said she did not know, but expected that a new lease might have been signed and might expire late in 1986. She said it was not up to her to renew it, so she was not really sure what the terms were.

DECISION:

Unanimously approved by a vote of 7

Conditions:

1. The conditional use must be in line with the original letter of intent of August 8, 1980.
 2. The approval extends to the Association for Retarded Citizens only.
 3. The approval is granted for 5 years or the term of the new lease, whichever is less.
2. Application of Howarth Builders, Inc., 169 Maplewood Avenue, Spencerport, New York 14559, property owner: Alexander Tulloch; for conditional use permit to convert dwelling into an office with an apartment on the 2nd floor at property located at 3258 Union Street in GB zone.
 3. Application of Howarth Builders, Inc., 169 Maplewood Avenue, Spencerport, New York 14559, property owner: Alexander Tulloch; for preliminary site plan approval to convert existing dwelling into an office with an apartment on the 2nd floor at property located at 3258 Union Street in GB zone.

Application 2 and 3 were heard concurrently. Jim Howarth, President of Howarth Builders was present to represent both applications. He said the building was 217' north of Buffalo Road on the east side of Union Street. He said the existing building had been used for cut wood. Howarth Builders, he said, wanted to convert the first floor into an office building. He said they also wanted to remodel the garage into office space. He said one change from their original letter of intent was to have 15 parking spaces, two of which would be for handicapped persons. He said there would be a driveway to the south and an entry to the apartment on the north side of the building with a reserved parking space for the apartment behind the existing garage. Mr. Howarth said business activity there would be minimal and that there would be no increase in traffic. He said there were only 5 or 6 cars a day entering the property.

Don Faso asked if there was to be only one entrance, and he was told that there was an emergency exit at the rear of the building. Mr. Howarth showed the entries and exits on the site plan.

John Cross asked if they would leave the existing garage where it is. He was told that they were just going to remodel it, leaving it exactly where it is.

George Ford asked Mr. Howarth if he was going to buy the property, and Mr. Howarth said yes.

Ray Bleier said, "the people upstairs will not have a garage, right?" Mr. Howarth said this was right.

Don Faso asked how the site distance was in pulling out of the drive. He was told that it was not bad. Mr. Howarth said the building was about 8' off the right of way of the road.

Don Faso read the County Comments, which designated this a matter for local determination.

George Ford asked if the parking lot would remain gravel, and Mr. Howarth told him that he wanted to pave it.

Dan Miller asked what was to the east of the property and was told that Telex Plumbing is there. He then asked if Mr. Howarth intended to put in a hedge-row. He was told there is already one there, surrounding the property.

Don Faso asked how the drainage would be handled, and Mr. Howarth said he didn't anticipate any problem with drainage there. Geoffrey Benway reminded Mr. Howarth that this should be shown on the final site plan.

DECISION ON APPLICATION 2: Unanimous approval by vote of 7.
No conditions.

DECISION ON APPLICATION 3: Unanimous approval by vote of 7.
Conditions:
1. Drainage run-off and site elevations must appear on the final plans as per the Town Code for final approval.
2. Landscape must be shown on the final plan.

- 4. Application of Howarth Builders, Inc., 169 Maplewood Avenue, Spencerport, New York 14559, property owner: Anthony Semler; for final subdivision approval of 27 lots to be known as Westchester village at property located at a portion of 3861 Chili Avenue in R-1-12 zone.

Wayne Wegman from Passero Associates was present to represent the application. He said he was seeking final approval for Westchester Village. He said there had been minor alterations to the site: the size of the storm sewer has changed from 12' to 18' and then 24' on the last segment. He said they were creating a swale over the top of the pipe, which would convey water to the west in a major storm.

Board members read a letter from Ken Avery, Town Engineer, which cited certain lacking information concerning the application. Wayne Wegman said he would meet with Ken to discuss the additional information that he wanted.

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Dave Libertore - 58 Hutchins Road
He said he owns the land to the west and is concerned about the drainage.

Wayne Wegman says that there is an existing 18" culvert just west of the site, which will carry 20 CFS. He said that they would be reducing the rate of run off, so drainage in the area should be improved rather than worsened.

Vic Laberri - 115 Hampington Street, Hilton, NY
He asked how the rate of run off could be reduced.

DECISION: Unanimous approval by a vote of 7, pending approval by the Town Engineer.

INFORMAL DISCUSSION:

1. Application of Lyell Metals for site plan approval to erect a warehouse addition and additional front parking for 7 vehicles at 1515 Scottsville Road, Rochester, New York.

The application of Lyell Metals was denied at the December meeting. Mr. Bill LaDue is present to present new information to the Board and to ask them if they will consider rehearing the application. He explains to the Board that if and when the construction is permitted, the trailers will be moved. He said they still need the additional parking spaces, however. He said they are planning to reconstruct the berm and landscape the area in front of the proposed additional parking spaces. He said they have also added 9 Norway spruce trees to the site plan. He said they are already 8-10' tall and are rapid growing. He is requesting that the Board consider this application for preliminary site plan approval at the next Board meeting.

Harold Bobry, owner of Lyell Metals, is also present to represent the application. He explains to the Board that the trailers are a part of his business and he does not understand the Board's objections, since there are other trailers along Scottsville Road. He said the trailers are used for storage at present, but would be brought into the building if the warehouse were to be approved.

Mitch Rakus said it was time that some improvements be made along Scottsville Road. He said they had made all kinds of promises and now they had trailers in front of the screening. He said he felt that their problems were that they had outgrown their site.

John Nowicki asked Mr. Bobry if he was here when the original application was approved. He asked if he remembered the promises they had made. Mr. Bobry said he had been present and he did remember, but that the business had grown and now they needed the storage to conduct business. He said his scrap metal has to be stored somewhere until he ships it.

Don Faso said the piles there are considerably higher than the original allowed 12'.

John Nowicki said the area had become a real eyesore, and George Ford reminded them that they were in violation.

Don Faso read from the Town Code and told them that the original application had allowed front parking for private vehicles only, not for trucks or trailers.

Mr. LaDue said they were replacing the berm and landscaping. He said they would be willing to move the trailers if the Board would reconsider and hear the application again.

Bill Deans asked why they couldn't park the trailers in the back yard. Mr. Bobry said that there are 4 trailers out there, each 1200 square feet. He said the new addition is a 12,000 square foot addition, which will accommodate the trailers nicely. He explained that it takes a long time to get rid of the metal.

John Nowicki said he would prefer to hear an application for a variance to alter the height of the piles. Mr. LaDue said they were not here for a variance on that, but rather on an addition to the warehouse and parking.

George Ford told Mr. Bobry that he was the owner of the business and that it appeared that what he really had was a managerial problem. He said he could not understand how or why they felt they had the right to bring such a problem to the Board for resolution. He said he felt that they were accepting inventory that they could not process. Mr. Bobry reminded Mr. Ford that these cans came off the street, and Mr. Ford said he did not care where they came from. As far as he was concerned, it was still an allocation problem that he needed to solve.

John Nowicki reminded the applicants that they had gotten original approval on the application, and yet they had never abided by the Board's terms.

DECISION: Unanimous approval to reconsider the proposed addition.
Conditions:

1. Trailers in the front parking lot must be removed.
2. The berm must be restored to its original position.

OTHER ITEMS OF DISCUSSION:

1. Proposed rezoning of property located at 1775 Scottsville Road from RA-20 & FPO to RM & FPO. The Board agreed to consider the rezoning request if the applicant applied to the Planning Board for a public hearing to rezone the parcel.
2. Application for final site plan approval to erect a 240' x 60' addition to Monroe Tree Surgeons at property located at 225 Ballantyne Road. The Board voted unanimously to approve this application with the following conditions:
 1. the applicant must supply a detailed sheet of the oil separator and sand trap.
 2. the addition is subject to the approval of the Town Engineer.
3. Application of Douglas Smith for resubdivision of property located at 687 Westside Drive to rescind condition #3 of the Board's decision letter of November 19, 1985.

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Don Faso asked if there were any changes in the original application or letter of intent, and she said there was not. Don then asked if she was just renewing her option for another 5 years, and if the center would be operating the same hours with the same number of patients. She told him yes.

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Gates-NEWS-Chili

1635 BROOKS AVENUE, SUITE 2, WEST BLDG. ● ROCHESTER, NEW YORK 14624

Date... 1-8-86

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

GATES-CHILI NEWS

Issue Dated... 1-8-86

Geraldine C. Snyder

Notary

GERALDINE C. SNYDER

NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 1987

Patricia M. Smith

Patricia M. Smith
Publisher

*Reviewing Jan. 1986
Book -*

**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 14, 1986, at 7:30 p.m. to hear and consider the following applications:

1. Application of the Association for Retarded Citizens, 1000 Elmwood Avenue, Rochester, New York 14620, property owner: J. Maxion and H. Scharping; for renewal of conditional use permit to allow a day treatment center for mentally retarded adults at property located at 10 Ballantyne Road in RA-20 & FPO zone.

2. Application of Howarth Builders Inc., 169 Maplewood Avenue, Spencerport, NY 14559, property owner: Alexander Tulloch; for conditional use permit to convert dwelling into an office with an apartment on 2nd floor at property located at 3258 Union Street in GB zone.

3. Application of Howarth Builders, Inc., 169 Maplewood Avenue, Spencerport, NY

14559, property owner: Alexander Tulloch; for preliminary site plan approval to convert existing dwelling into an office with an apartment on 2nd floor at property located at 3258 Union Street in GB zone.

4. Application of Howarth Builders, Inc., 169 Maplewood Avenue, Spencerport, NY 14559, property owner: Anthony Semler; for final subdivision approval of 27 lots to be known as Westchester Village at property located at a portion of 3861 Chili Avenue in R-1-12 zone.

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

J. Donald Faso
Chairman
Chili Planning
Board

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Don Faso asked if there was to be only one entrance, and he was told that there was an emergency exit at the rear of the building. Mr. Howarth showed the entries and exits on the site plan.

John Cross asked if they would leave the existing garage where it is. He was told they were just going to remodel it, leaving it exactly where it is.

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DECISION ON APPLICATION 2: Unanimous approval by vote of 7.
No conditions.

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Board members read a letter from Ken Avery, Town Engineer, which cited certain lacking information concerning the application. Wayne Wegman said he would meet with Ken to discuss the additional information that he wanted.

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Dave Libertore - 58 Hutchins Road
He said he owns the land to the west and is concerned about the drainage. Wayne Wegman says that there is an existing 18" culvert just west of the site, which will carry 20 CFS. He said that they would be reducing the rate of run-off, so drainage in the area should be improved rather than worsened.

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DECISION: Unanimous approval by a vote of 7, pending approval by the Town Engineer.

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Mitch Rakus said it was time that some improvements be made along Scottsville Road. He said they had made all kinds of promises and now they had trailers in front of the screening. He said he felt that their problems were that they had outgrown their site.

John Nowicki asked Mr. Bobry if he was here when the original application was approved. He asked if he remembered the promises they had made. Mr. Bobry said he had been present and he did remember, but that the business had grown and now they needed the storage to conduct business. He said his scrap metal has to be stored somewhere until he ships it.

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Don Faso read from the Town Code and told them that the original application had allowed front parking for private vehicles only, not for trucks or trailers.

Mr. LaDue said they were replacing the berm and landscaping. He said they would be willing to move the trailers if the Board would reconsider

and hear the application again.

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John Nowicki reminded the applicants that they had gotten original approval on the application, and yeat they had never abided by the Board's terms.

DECISION: Unanimous approval to reconsider the proposed addition.

CONDITIONS: 1. Trailers in the front parking lot must be removed.
2. The berm must be restored to its original position.

OTHER ITEMS OF DISCUSSION:

1. Proposed rezoning of property located at 1775 Scottsville Road from RA-20 & FPO to RM & FPO. The Board agreed to consider the rezoning request if the applicant applied to the Planning Board for a public hearing to rezone the parcel.
2. Application for final site plan approval to erect a 240' x 60' addition to Monroe Tree Surgeons at property located at 225 Ballantyne Road. The Board voted unanimously to approve this application with the following conditions:
 1. The applicant must supply a detailed sheet of the oil separator and sand trap.
 2. The addition is subject to the appoval of the Town Engineer.
3. Application of Douglas Smith for resubdivision of property located at 687 Westside Drive to rescind condition #3 of the Board's decision letter of November 19, 1985.

CHILI PLANNING BOARD

February 11, 1986

The meeting of the Planning Board of the Town of Chili was held in the Chili Administrative Office, 3235 Chili Avenue, Rochester, New York 14624 on February 11, 1986 at 7:30 p.m. The meeting was called to order by Chairperson Don Faso.

PRESENT: Don Faso, Chairperson; Bill Deans, John Nowicki, John Cross, Mitchell Rakus and Ray Bleier.

ALSO PRESENT: Dan Miller, Deputy Town Attorney; Bob Connolly, Building Inspector; Rod Presser, Town Engineer; Larry Hoy, Conservation Committee; Dave Curtis, Drainage Committee; and Jerry Charipar, Monroe County Planning Department.

Mr. Faso declared this to be a legally constituted meeting of the Chili Planning Board. He further stated that notice of the meeting had been advertised in the Gates-Chili News, as well as posted on the Town Clerk's bulletin board.

APPLICATIONS BEFORE THIS BOARD WERE AS FOLLOWS:

1. Application of William Baird, owner and Otto Layer, developer, 110 Allens Creek Road, Rochester, New York 14618 for final subdivision approval of 27 lots to be known as Prides Crossing Section 5 at property located at 400 Paul Road in R-1-15 zone.
2. Application of William Baird, owner and Otto Layer, developer, 110 Allens Creek Road, Rochester, New York 14618 for final subdivision approval of 23 lots to be known as Prides Crossing Section 6 at property located at 400 Paul Road in R-1-15 zone.

These two applications were heard concurrently. Mr. Otto Layer was present to represent both applications. He explained that he was applying for the last two sections of Pride's Crossing. He submitted to the Board and posted on the bulletin board the original site plan map. He said that sections 1, 2, and 3 were completed; section 4 was under construction, and he is applying for approval of sections 5 and 6. He said that the number of proposed lots is the same as in the original plan. He explained that the original screen and access drives were being maintained. He also said that he would be coming in before the Town Board in the near future. He said he had received a list of items that needed further clarification, according to the Town Engineer. He said he would be happy to comply, and would agree to the proposed on-site inspection by the Town Engineer.

Jerry Charipar said his questions and comments had been addressed in the preliminary phase.

Rod Presser informed My Layer that the old specifications for an asphalt drive were for 3" of asphalt. New specifications require 4". Since the preliminary approval for this application was granted under the old specifications, Mr. Presser said that they would be able to use the 3" asphalt. Don Faso asked Bob Connolly if this was the only application that would be caught in the transition from 3 to 4". Bob Connolly said that there would probably be a couple of others.

Larry Hoy said that the Conservation Department saw no significant environmental impact. He said his concern, however, was that the wetland area there not be increased.

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Wayne Brule -

He said he lives to the left of the subdivision. He said a swale had been cut, almost diagonal, on his lot. He said the grading maps always looked great, but he wondered if a problem should develop whether it would be corrected. My Layer told him that normally when someone buys a lot, it is their responsibility to have the grading done.

Gates-NEWS-Chili

1635 BROOKS AVENUE, SUITE 2, WEST BLDG. ● ROCHESTER, NEW YORK 14624

Date... *2-5-86*

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

GATES-CHILI NEWS

Issue Dated... *2-5-86*

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y. Monroe Co.
My Commission Expires March 30, 19*87*

Patricia M. Smith
Patricia M. Smith
Publisher

Planning Book 2-86

LEGAL NOTICE

CHILI

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3. Application of Joseph Gomes, 15 Bright Oaks Drive, Rochester, New York 14624, property owner: M/M Reid Copeland; for conditional use permit to allow a Real Estate /Insurance Office with an apartment at property located at 2652 Chili Avenue in R-1-15 zone.

4. Application of Herman Klingenberg, Surveyor, 1350 Buffalo Road, Rochester, New York 14624, property owner: Dominic Stello, for preliminary site plan approval to erect a single family dwelling at property located at 47 Harold Avenue in RA-20 & FPO zone.

5. Application of Frank Kozlowsky, 18 Avocado Lane,

Rochester, New York 14606, property owner: Estate of John Kozlowsky; for preliminary subdivision approval of one lot to be 14.7 acres and to be known as Kozlowsky Subdivision at property located at 415 Stottle Road in RA-20 zone.

6. Application of Arnold Carmichael, P.E., 570 Driving Park Avenue, Rochester, New York 14613, property owner: Frank Martin, Jr.; for preliminary subdivision approval of one lot to be 5.05 acres and to be known as Sunrise Knoll at property located at 840 Chili Avenue Extension in R-1-20 zone.

7. Application of James Farnsworth, 194 S. Union Street, Spencerport, New York 14559, property owner: Gilbert Glidden; for rezoning of 4.2 acres from GB (General Business) to RM (Multiple Residence) at property located at 3283 Union Street.

8. Application of Joe Kellely, Densmore Road, Livonia, New York 14487, property owner: Robert Abels; for rezoning of six acres from RA-20 (Rural Agricultural) to GI (General Industrial) at property located at 2780 Scottsville Road.

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

J. Donald Faso,
Chairman
Chili Planning
Board

NOTE: There will be an informational meeting regarding the National Flood Insurance Program at 6:30PM. The public is invited.

Series of horizontal lines for signature or stamp.

6

DECISION ON APPLICATION 1:

Unanimously approved by vote of six, pending review and approval of Town Engineer.

DECISION ON APPLICATION 2:

Unanimous approval by vote of six, pending review and approval of Town Engineer.

3. Application of Joseph Gomes, 15 Bright Oaks Drive, Rochester, New York 14624, property owner: M/M Reid Copeland; for conditional use permit to allow a Real Estate/Insurance Office with an apartment at property located at 2652 Chili Avenue in R-1-15 zone.

Mr. Joe Gomes was present to represent the application. He submitted and posted a site plan map. He said he wanted to open a business at the proposed site. The hours of operation would be 9:00 a.m. to 9:00 p.m. from Monday through Saturday. He also said it would be a one man operation with just himself and a part-time secretary. He said the physical character of the place would remain the same. He said it was 200' from Westside Drive and Chili Ave.

Don Faso asked if he had been before the Zoning Board. He said he had not because he thought he had to come to the Planning Board first. Don then asked if he planned to occupy the apartment himself. He said that he planned to rent it to his parents at this time.

Mitch Rakus asked how much traffic would be coming and going. The applicant said he did not anticipate a lot of traffic daily.

John Nowicki asked what he planned to do to the exterior and how he would change the landscape. Mr. Gomes said the exterior would stay about the same. He said he might convert the garage into a little conference room. He said he would need parking spaces along the side, but would leave the trees just about the same as they were.

John Nowicki asked if he would be adding any landscaping, and the applicant said "no." John then asked if he would be asphaltting the new parking spaces, and Mr. Gomes said he would be doing the parking with asphalt.

Don Faso asked if the place would be handicapped accessible, and Mr. Gomes said there would be one space closest to the office converted into a handicapped space.

Jerry Chapipar said the application was approved in so far as airport considerations were concerned. He also said that the zoning had been designated a matter for local determination. He suggested that the Board might want to suggest or require a low buffer along Chili Avenue.

Rod Presser asked if anyone had looked into the storm water drainage to see if a connection could be made. He said he would like to see a dry well or something there.

Larry Hoy said the Conservation Committee could see no town environmental problem with the application.

Dave Curtis said his only comment was that it would be preferable to tie into the storm drainage, rather than to use a dry well.

Bob Connolly said the applicant would only have to go before the Zoning Board for approval of the front parking.

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Arthur Spuck - 2056 Chili Avenue

He asked where the six parking spaces would go. He wanted to know which direction the lights would face. He was told the lights of the vehicles would face to the west. Mr. Spuck said his concern was that if they lights shone to the east, they would shine in his bedroom window. He reminded the board that his home was situated next door and between two commercial properties.

Don Faso said the Board could require the applicant to put in a landscape screen. Mr. Spuck said he also prefers no additional fill in the back yard because he already has water problems.

DECISION: Unanimously tabled for one month for additional information.

- Information Needed:
1. Front elevation of the building
 2. Show additional landscaping to buffer adjoining properties
 3. Supply the Town Engineer with drainage calculations and look into the possibility of tying the catch basin into an existing storm sewer.

4. Application of Herman Klingenberger, Surveyor, 1350 Buffalo Road, Rochester, New York 14624, property owner: Dominic Stello, for preliminary site plan approval to erect a single family dwelling at property located at 47 Harold Avenue in RA-20 & FPO zone.

Mr. Klingenberger was present to represent the application. He said he was requesting preliminary site plan approval. He said he was proposing a connection to the existing water Main on Harold Avenue. He said he had gone before the Zoning Board.

Don Faso read a letter from the Zoning Board, in which the Zoning Board stated that they had approved the application subject to the approval of the Planning Board. Reasons for granting the application were cited by the Zoning Board.

Ray Bleier asked if there were two different zonings on the property, and Mr. Klingenberger said yes.

Mitch Rakus said the floor level ought to be brought up to 523' at least. Bob Connolly said the base flood elevation is 523', but that the terrain there is 519'. He said they would need 4' of fill to bring it up. He said further that this is one reason the variance was granted. He said it was granted at 520'.

Dan Miller said that the two houses next door are below that elevation and to build it up to that level would present a drainage problem for neighbors.

Jerry Charipar said the application had been approved by the Planning Department in so much as airport considerations. He said he had a question concerning whether the house would have a basement. He was told no, and that the lowest floor elevation would be 520'. He said another minor concern was the location of the driveway. He said he felt it would be wise to move the drive one way or another, since there would be a 2' encroachment with the drive bisecting the property line. He said his primary concern was in complying with the requirements of the National Flood insurance.

Rod Presser said the storm sewer was immediately to the north side of the property. Because there is so little slope to the land, he said the roof drainage would be required to flow to the storm sewer. Mr. Klingenberger said he could hook it into the storm sewer, but it was only 1' deep. Rod Presser said the drainage could be carried by a 5" pipe.

Larry Hoy said the Conservation Committee saw no apparent environmental problem, and that his question on insurance had already been answered.

Jerry Charipar asked if the applicant had been made aware of the increased cost because of the elevation there. He was told yes and that the owner had also been notified.

- DECISION: Unanimous approval by a vote of six with the following conditions:
1. Applicant must comply with Section 115-10 of the Chili Town Code (Floodplain Overlay District).
 2. Application was made pending an amended letter from the Zoning Board for a variance to allow the first floor elevation of 520', three feet below the base flood elevation.
 3. Roof drains must be connected to the storm sewer lateral.
 4. Letter of decision must be filed with the Monroe County Clerk's Office under Miscellaneous Documents and the applicant shall pay all filing fees.
 5. Application of Frank Kozlowsky, 18 Avocado Lane, Rochester, New York 14606, property owner: Estate of John Kozlowsky; for preliminary subdivision approval of one lot to be 14.7 acres and to be known as Kozlowsky Subdivision at property located at 415 Stottle Road in RA-20 zone.

Mr. Frank Kozlowsky was present to represent the application. He said he was requesting a subdivision of a lot size less than 20 acres. He said it had been approved by the Zoning Board, pending the approval of the Planning Board. He explained that his mother had resided at the farm, which was a total of 85 acres. The family had decided to sell the property, but would wait to sell the farm land until the market price was better. He said to avoid landlocking the back acres, they could only sell 15.23 acres at this

time. Don Faso asked if he had a zoning variance, and he was told that he did have such a variance to sell all the buildings and 15.23 acres.

Jerry Charipar said the County Planning had designated the matter one for local determination.

- Rod Presser had no comments.

Larry Hoy said he saw no environmental impact from the application.

Dave Curtis said he had no comments.

DECISION: Unanimous approval by a vote of six.

6. Application of Arnold Carmichael, P.E., 570 Driving Park Ave. Rochester, New York 14613, property owner: Frank Martin Jr.; for preliminary subdivision approval of one lot to be 5.05 acres and to be known as Sunrise Knoll at property located at 840 Chili Avenue Extension in R-1-20 zone.

Mr. Arnold Carmichael was present to represent the application. He said Mr. Martin had purchased the land as undeveloped land and now wanted to develop it. He said they had taken perks and knew the soil was too heavy for an in-ground sanitary system. He submitted a site plan to the board and indicated on the map how the drainage would flow.

Don Faso said he had some concern for the site distance there.

John Nowicki asked what would happen to the parcels of land behind this. Bob Connolly said that some of the acres had been sold at auction, but that none of the land was locked in the back.

Jerry Charipar said the matter had been designated for local determination. He also said that the tributary of Black Creek that is bordering on the property should be shown on the map.

Rod Presser said he wanted to see some calculations on the storm pipe drainage that is going under the drive. He said he wanted to see a 12" culvert there.

Larry Hoy said he had no comments. Dave Curtis said he also has no comments.

DECISION: Unanimous approval by vote of six with following conditions:

1. Pending implementation of the Monroe County Department of Planning comments of letter dated 2/6/86.
 2. Applicant must supply the Chili Town Engineer the driveway culvert pipe calculations.
 3. Application is pending Town Engineer approval.
7. Application of James Farnworth, 194 S. Union Street, Spencerport, New York 14559, property owner: Gilbert Glidden; for rezoning of 4.2 acres from GB (General Business) to RM (Multiple Residence) at property located at 3283 Union Street.

David Walderek, Engineer for Lozier Engineering Firm, is present to represent Mr. Farnworth's application. He says they are proposing an 18 unit town-house development and, therefore, asking for a zoning change. There will be, he said, 6 units per building, and the buildings will be constructed of low maintenance materials.

Mitch Rakus asked about the arm-like extension of the property and what use that would be put to. Mr. Farnworth said it would probably be offered for sale to the adjoining neighbors.

Jerry Charipar said the matter had been designated for local determination. He commented that at the previous review of the proposal, it had been suggested that the best use for the property would be a high density residential use. He said he supported the objective. He said the southern portion of the parcel was a wetland, which he did not feel would be suitable for development. He said he would be interested in reviewing the site when it is all developed.

Rod Presser said there was not enough detail at this point for him to make relevant comment.

Larry Hoy said that because of the detention pond, he would suggest a buffer zone. He said he would like to see the water slowly siphoned off to the creek with the use of shrubs and greenery so that the property to the west would not be affected.

Dave Curtis said his major concern was that the wetland not be increased and this could be best guaranteed by making sure the detention pond was effective and the turn around should be maintained as close to the drainage swale as possible.

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Dave Myer - 26 Pleasant View Drive

He said he was in favor of the proposal but had two concerns: one was that the creek might overflow because of it, and that the leg or extension should not be developed. He said he would like to have the opportunity to buy that piece of property.

David Johnson - 20 Pleasant View Drive

He said his only concern was that there would be so many apartments in a small area.

Jim Himstree - 21 Pleasant View Drive

He said his concern is a build up of water. His lot is low and he fears a water problem. He indicates on the map where his home is situated.

DECISION:

Unanimous approval for recommending rezoning of the property to the Town Board.

Applicant was advised to petition the Chili Town Board for a public hearing to rezone the parcel.

- 8. Application of Joe Kelledy, Densmore Road, Livonia, New York 14487, property owner: Robert Abels; for rezoning of 6 acres from RA-20 (Rural Agricultural) to GI (General Industrial) at property located at 2780 Scottsville Road.

Mr. Duncan Jackson from the MRB Engineering Group was present to represent the application. He said their intent is to build a Ford dealership, which would entail a 10,000 square foot building. He said leech fields would be determined by perk tests. He said that as the letter of intent from Mr. Kelledy indicated, the property would be for auto sales and service. There would be employee parking in the rear. He said the water service comes from the opposite side of the road. He said that although, the final design is not done, they are waiting on the rezoning. Mr. Jackson submitted to the board a site plan map.

Don Faso asked about the type of landscaping or the buffer they would use. Mr. Jackson indicates on the map the green area around the building.

John Nowicki said he would assume from the letter of intent that the Ford dealer is committed to the project. He is told yes. John then asks if Paxton Chevrolet is to the south, and he is told yes.

Mitch Rakus questioned the elevation line of 550-555'. He said that when Paxton built his place, he had maintained that elevation. He wondered if Mr. Kelledy would cut his elevations to be equal to Paxton's. Mr. Jackson told him that they had not yet done the topos in the field, and would not get into that until the final stages.

Jerry Charipar said they had reviewed a similar application to this one in the past year. He said the matter had been designated as one for local determination, and that there was no county wide concern with the project.

Rod Presser said that the preliminary was too early for him to say much. He said that since it was to be on a state highway, there would be a couple of necessary permits. He said they might also consider more than 1 or 2" water lines.

Larry Hoy said his committee saw no significant impact.

Dave Curtis said he had no comments.

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Andrew Bazar - 2087 Scottsville Road

He said he lives directly across from this site and he finds it not consistent with the neighborhood at all. He says it has been a rural agricultural area since 1934. He said he has only problems with this application. First, he would like to know how the triangular lot can satisfy the requirement for a 100' buffer that is required for a general industrial property that abutts a residential lot. Secondly, it is the problem of the glare of lights and noise. He said that although Tom Paxton has an acceptable operation, he

is sure he would not like to live across the street from it. He said that you can already hear the paging and phones on a summer night when windows are open. He said that with this proposal, he will be able to look right into the business from his living room. This is, he said, totally unacceptable. He said that furthermore the accessways onto Scottsville Road are a problem, since there are already too many accesses in a small area. He said he is also concerned with sediment control with the increased water run-off. He said that in general these operations are lax about how they dispose of oils, washing solvents, and whatever else they may need to get rid of. He said the area is not well drained and any pollutants would end up at Rodney Farms, which is directly adjacent to the flood plain area. He says he objects 100% to having this across from his property. He submits to the Board a petition of 18 people in the neighborhood, who object strenuously to this development of farm land into a commercial property.

Mary Bazar - 2087 Scottsville Road

She described the rural country side and says this is a blatant change from a rural agricultural neighborhood to a general industrial "eyesore." She said one of her main concerns is for the accident potential there, with at least six blind spots. She cited instances when school buses were endangered by gravel trucks. She said she herself had almost gotten hit there, and that there were two accidents there a year, with approximately 3 people already killed there. She said it is a very dangerous corner. She said that they had moved there for the peace and serenity. She works with cancer patients every day and needs some serenity at home. She said this is the third time they have had to fight a car dealer from developing that land, and she is tired of defending what has long been proposed for the site.

Judy Ferrari - 16 Wheatland Chili Road

She said she has to turn on that road every day. The traffic is intense, and allowing this to become an industrial property would increase the traffic load and further endanger those who travel on the road. She also objects to the noise and the lights.

Elizabeth Prothero - 9 Jarret Road

She objects to the proposal because of the noise, glare of lights, and the obstruction of her view of the sky. She says her hobby is astronomy. She is also concerned for the increased traffic and the jeopardy of those who live in the neighborhood.

Barbara Galbraith - of Rodney Farms

She said that they operate 2 farms in Chili. She said they board and raise horses where the polluted drainage will flow. She sees the environmental damage and the danger to the horses. She said that site distances and safety is also a concern.

John Nowicki asks Ms. Bazar how long she has lived there. He is told ten years. He asks if they have ever petitioned New York State to decrease the speed limit there, or install a traffic light. She said they rejected a stop light, but lowered the speed to 45 mph at her driveway. The average speed traveled, however, is 70 mph.

Mr. Jackson says that this is a state highway along the front of the proposed dealership. He said the problem is presently under review, and they may propose a traffic light there. He said that whatever resolution is proposed for safety in the area they will abide by.

DECISION: Recommendation for rezoning to the Town Board denied by a vote of 5:1. Vote in favor of rezoning recommendation cast by John Nowicki.

INFORMAL DISCUSSION:

1. Howarth Builders for final site plan approval to convert dwelling into an office with an apartment on second floor at property located at 3258 Union Street in GB (General Business) zone.

Mr. Dan Schum was present and submitted a final site plan map to the Board. He explained the spot elevations and said they were not proposing changing very much from the original application. He explained the drainage and elevations to the Board. He said they intend to install an asphalt curb along the parking area. There will be handicapped accessibility.

DECISION: Unanimous approval with vote of 6; no conditions imposed.

2. John Sharpe for preliminary site plan approval to erect an addition to a house at property located at 4 Milewood Drive in RA-20, FPO and FW Zone.

DECISION: Unanimous approval by vote of six with no conditions imposed.

Minutes from the December and January Planning Board meetings were approved.

CHILI PLANNING BOARD
March 11, 1986

The meeting of the Planning Board of the Town of Chili was held in the Chili Administrative Office, 3235 Chili Avenue, Rochester, New York 14624 on March 11, 1986 at 7:30 p.m. The meeting was called to order by Chairperson Don Faso.

PRESENT: Don Faso, Chairperson; George Ford, John Nowicki, Bill Deans, John Cross, Mitch Rakus and Ray Bleier.

ALSO PRESENT: Bob Connolly, Building Inspector; Dan Miller, Deputy Town Attorney; Dave Curtis, Drainage Committee; Larry Hoy, Conservation Committee; Rod Presser, Town Engineer.

Mr. Faso declared the meeting to be a legally constituted meeting of the Chili Planning Board. He stated that notice of the meeting had been advertised in the Gates-Chili News, as well as posted on the Town Clerk's bulletin board.

APPLICATIONS BEFORE THIS BOARD WERE AS FOLLOWS:

1. Application of Robert Gonyo, 17 Dakota Street, Rochester, N.Y. 14611, property owners: Robert Gonyo and Philip Palumbo; for preliminary subdivision at properties located at 903 & 925 Chili Scottsville Road in RA-20 zone.

Robert Gonyo was present to represent the application. He explained that he was applying for subdivision so he could build a house and barn. He said the property had not been legally subdivided when he bought it.

Don Faso asked what the excavation on-site was. Mr. Gonyo said that they had planned to put in a pond, but had now decided against it. Don then asked Mr. Gonyo if there was a culvert through the property, and Mr. Gonyo said there was a drainage swale, but no culvert. He said he has a drainage pipe for the driveway. Don said that it looked like a stream of water came down from the west at the point on the property where the driveway is. Mr. Gonyo said that there is a culvert across the street, about dead center from the wet area. Don told Mr. Gonyo that this should all appear on the map.

George Ford asked if the driveway going to the barn would also service the house, and he was told "yes, there will only be one road cut."

Don Faso read the County Comments, which stated that the application was a matter for local determination. It was noted, however that the applicant should show the culvert under Scottsville-Chili Road and the driveway relocation. He was informed that he must also show the wetland boundary to the rear of the property, the limits of the wet area along the road, and any water courses in and around the parcel. He was further informed that he and the owner of lot "B" should petition the Chili Town Board for formation of a drainage district to encompass this property.

Larry Hoy said that in addition to showing the wetland, he needed to show a 100' buffer on the map. He commented also that the culvert across the street might need to be cleaned out.

George Ford asked why it was being split into two lots. He was told that the whole thing has been an illegally split lot. Mr. Gonyo said that he is simply trying to make it a legal subdivision.

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Martha Yates - 891 Chili-Scottsville Road

She asked if the property had been sold. She said she wanted to make certain that he was not subdividing the property again. She asked Mr. Gonyo if he was going to use the same driveway as he is presently using to enter the property. She said that when he came to the Board previously, he was told that he would have to build a pole barn and she said she was concerned that the set backs be in line with the required setbacks. She said she had a further concern and that was with appearance, in

that it would have to be behind her house. Mr. Gonyo demonstrated on the map the location of both the barn and the house. Bob Connolly informed Ms. Yates that he had to comply with the required 100' setback.

Peter Widener - 4280 Union Street

He asked if the new owner of parcel "B" knew that he would have an illegal subdivision. Mr. Gonyo said "that is what I am taking care of now."

DECISION: Unanimous approval by a vote of seven. Conditions as follows:

1. Final plans must show the culvert under Scottsville-Chili Road and the driveway relocation.
2. Show the wetland boundary to the rear of the property, the limits of the wet area along the road, and any water courses in and around the parcel.
3. Advised to petition the Chili Town Board for the formation of a drainage district.

2. Application of Robert Messmer, owner, 157 Morgan Road, Scottsville, New York 14546 for conditional use permit to allow an in-law apartment in home at property located at above address in RA-20 zone.

Mr. Jim Durnberg is present to represent the application. He says the application is for slight renovation to the home in order to add an in-law apartment. He said they would be converting an upstairs bedroom into a kitchen and erecting a wall downstairs to create a separate entrance.

Dave Curtis asked Mr. Durnberg if he would be changing the existing drive. Mr. Durnberg said they would not be doing that.

DECISION: Unanimous approval by vote of seven with the following conditions:

1. Conditional use granted for use by in-laws only.
2. The apartment cannot be used as a rental unit.
3. A copy of this decision must be filed in the Monroe County Clerk's office under miscellaneous records and tied to the liber page of deed.
4. The Planning Board must be furnished with a photo copy of the deed along with the filing fee.

3. Application of Amateur Sports Program, owner, 53 Hay Market Road, Rochester, New York 14624 for renewal of conditional use permit for ballfields, ski trails, concession stand, and sale of beer, and requesting to add mini-golf at property located at 525 Ballantyne Road in RA-20 and FPO zone.

Don Aselin, President of Amateur Sports is present to represent the application. He begins by explaining the difference between a miniature and mini-golf course. He says that because this is in a flood zone, he is requesting a mini-course, which is a temporary, smaller and portable type of course. He said the weight alone secures it to the ground.

John Nowicki asked what the course was made of, and he was told that it is wood.

George Ford asked what the construction cost would be. He was told \$3200.

Don Faso asked what the operational time frame was for the mini-course. He was told it would operate from approximately May to October.

Mr. Aselin said he was told by the manufacturer that they did not need permission from the Board; however he wanted to be safe and was applying anyway. He said that if they felt that anchoring was necessary, he could use metal stakes along the side, perhaps a type that screws into the ground. He said the picnic tables that they already have there do not move, even in a flood.

Gates-NEWS-Chili

1635 BROOKS AVENUE, SUITE 2, WEST BLDG. ● ROCHESTER, NEW YORK 14624

Date... *3-5-86*

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

GATES-CHILI NEWS

Issue Dated... *3-5-86*

Geraldine C. Snyder
.....
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y., Monroe Co.
My Commission Expires March 30, 19...*87*

Patricia M. Smith
.....
Patricia M. Smith
Publisher

Planning Book March 86

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 March 11, 1986 at 7:30 P.M. to hear and consider the following applications:

1. Application of Robert Gonyo, 17 Dakota Street, Rochester, New York 14611, property owners: Robert Gonyo & Philip Palumbo; for preliminary subdivision approval of two lots to be known

as Gonyo Subdivision at properties located at 903 & 925 Chili Scottsville Road in RA-20 zone.

2. Application of Robert Messmer, owner, 157 Morgan Road, Scottsville, New York 14546 for conditional use permit to allow an in-law apartment in home at property located at above address in RA-20 zone.

3. Application of Amateur Sports Program, owner, 53 Hay Market Road, Rochester, New York 14624 for renewal of conditional use permit for ballfields, ski trails, concession stand, and sale of beer,

and requesting to add mini-golf at property located at 525 Ballantyne Road in RA-20 and FPO zone.

4. Application of Lyell Metals, owner, 1515 Scottsville Road, Rochester, New York 14624 for preliminary site plan approval to erect a 135' x 80' and 35' x 40' warehouse addition at property located at above address in GI zone.

5. Application of Perna Homes, owner, 849 Paul Road, Rochester, New York 14624 for preliminary site plan approval to convert existing dwelling into offices at property located at above address in GB zone.

6. Application of Forest Creek Equity Corp., owner, 80 W. Main Street, Rochester, New York 14614 for final site plan approval to erect 51 townhouse condominium units to be known as Pumpkin Hill Townhomes Section 3 at property located at 844 Paul Road in RM zone.

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

J. Donald Faso
Chairman
Chili
Planning Board

Dan Miller said that by the very nature of the addition (fitting the description of personal property), it did not seem that they would need to be anchored. Mr. Aselin said that he had in mind using the equipment indoors in the winter.

John Nowicki asked what extension of their parking would they need for this addition. Mr. Aselin said the course was primarily for the 80,000 people who already use the park, and he felt they would not need any additional parking. He said the park was far enough removed that he felt they would get no new traffic through the park.

John Cross asked what the admission would be for the game. He was told 75¢.

Ray Bleier said that with the location at Archer and Ballantyne Roads, he would guess that it would attract more people than generally use the park. Mr. Aselin said that it is completely obscured from Ballantyne Road by a hedge row of trees. Mr. Bleier said that he could foresee that cars might even park along the road. Mr. Aselin said that this area is right along the large security lit area and they would not permit such parking.

John Nowicki asked if they would advertise in the paper or anywhere else. He was told they would not, but that they would probably apply to put up interior signs (within the park proper).

Mr. Aselin brought up the subject of the "open container law," stating that he had been before the Town Board at some time. He was told that the police would not enforce the law on private business property. He also cited the parking problem there in the past. He said the town could not afford to enforce the "no parking" ordinance there.

John Nowicki asked if the town had any signs there. He was told that they did but that they were not effective.

Don Faso read a letter from John Hellaby, Jr., which stated that there was a parking problem in the area. He also cited the lack of good site distance in turning north from the parking lot. He was requesting that the Board make one of the conditions of this application that there should be no on-street parking. A petition of 15 names was attached to the letter, supporting Mr. Hellaby's request. The petition stated that the exit from the park parking lot should be corrected to eliminate the dangerous condition that exists there.

Mr. Aselin stated that the drive was actually 2½ cars wide. He said that it was really not that narrow. The problem he said was more the on-street parking that they tried to control.

Don Faso read the County Comments, which deemed the application a matter for local determination.

George Ford asked if they had a liquor license. Mr. Aselin said they did but only sold draft beer.

John Nowicki asked why they wanted to extend the hours. Mr. Aselin said they needed to extend the hours to justify their concessions. George Ford asked what the concessions were, and he was told "hot dogs, hamburgs, soda, beer and prepackaged snacks." John then asked if they had a problem with selling beer there. He was told no.

Mitch Rakus asked if they had lights for after-dark play. He was told yes.

Mr. Aselin asked the Board what the guidelines were for selling billboard space. Ray Bleier asked if they would all be interior signs, and Mr. Aselin said that they would be. Mr. Aselin was told to contact Mr. Miller (Deputy Town Attorney) for the guidelines for interior signage.

DECISION:

Unanimous approval by a vote of seven with the following conditions:

1. The concession stand must close at 11:00 p.m.
2. Approval is for 3 dusk to dawn lights for the mini-golf layout.
3. A stop sign must be added to all parking area exits.
4. The conditional use permit is granted for a 2 year period only.
5. All previous conditions on the property remain in effect.

- 4. Application of Lyell Metals, owner, 1515 Scottsville Road, Rochester, New York 14624 for preliminary site plan approval to erect a 135' x 80' and 35' x 40' warehouse addition at property located at above address in GI zone.

Mr. Bill LaDue is present to represent the application. He said he is seeking preliminary approval for an addition to Lyell Metal. He said the berm is to be restored and the trailers are to be moved permanently.

George Ford asked when this is going to happen. He was told that they are attempting to clean out the yard now and that it will all be accomplished prior to a certificate of occupancy.

Mr. Stewart Bobry, owner of Lyell Metals spoke and said that they had purchased adjacent property and that that is where they will park the trucks.

John Nowicki asked how much land they had purchased. He was told it was a plot 40' x 900'. John then asked if the easement there did not belong to the Pure Waters Department. He was told yes.

Bob Connolly asked if they planned to black top over the property. He was told that they would leave it as it is, gravel.

Mr. Bobry stated that the property has a fence, and he felt that they would arrange the trucks behind the fence so that they would not be seen.

Don Faso asked Rod Presser if that land would handle the concentrated weight of those trucks parked there. Rod said he would have to investigate the area before answering the question.

George Ford asked if they haul anything out of there other than metal. He was told no. He said he had been over there today and watched a fork-lift truck load several auto batteries onto it. He said he had been kind of surprised to see them handling batteries. He wanted to know how they handled the acid in the batteries. He was told that they were shipped whole to a place that processes them. Mr. Bobry stated that they are carried on trucks with hazardous signs posted on them. He emphasized that they conform to all the relevant laws with regard to handling batteries. Mr. Bobry told Mr. Ford that he really should announce his visit, rather than trespass without them knowing about it. He said he would be happy to give him a tour, but he felt it was only courtesy to stop and announce that he was observing the operation.

John Nowicki said he felt that it was not a bad idea for some Board members to take a tour of the site. Don Faso said he would arrange it.

George Ford asked Larry Hoy if he was aware that they were handling auto batteries. Larry said he was not. Mr. Ford said it was very muddy there today. Larry said that he wanted to see the elevations on the map and he had indicated in the past that he would like to see all metal there stored inside. He said he appreciated Mr. Ford's concern and shared it.

John Nowicki told Mr. LaDue and Mr. Bobry that he was just a little bit tired of all these promises. He said to the applicants that they had assured the Board that they would get the trucks out before this meeting and would prevent cars from parking where the berm had been removed. He asked the two men what assurance they could give the Board that any of these promises would be met. He was told that Monroe Roadways had been contracted to rebuild the berm. He was told further that some of the trailers had been moved and that the land was purchased as a means of further complying with the Board. Mr. Bobry said that the tractor trailers would be moved as soon as they can fence in the newly-purchased land. Mr. LaDue promised that prior to any occupancy of the building, they would have all of the trucks moved. John then asked why they couldn't move the trucks now. He was told that they had not yet closed on the purchase contract.

Mr. Bobry said that before they built the business six years ago, he had told the Board that if they did not adhere to the rules, the Board could close them down. He said he just does not understand what more the town wants from him. John Nowicki said they want these promises kept and, furthermore, he wants them all recorded in the town minutes as proof that such promises were again made to the Board.

DECISION: Unanimous approval, but with the following conditions:

- 1. All trailers in the front parking area must be removed within 30 days from receipt of applicant's letter of decision.
 - 2. The berm and landscaping along the front parking area must be restored to its original condition within 90 days from receipt of same letter.
5. Application of Perna Homes, owner, 849 Paul Road, Rochester, New York 14624 for preliminary site plan approval to convert existing dwelling into offices at property located at above address in GB zone.

Don Avery is present to represent the application. He said they are asking for front yard parking for three vehicles. He indicates to the Board via the map just where this parking is needed. He said there will be a ramp for the handicapped, but that they will be seeking relief from the required handicapped restroom facility on the inside of the building. (This is because of the predicted relocation of Paul Road in the future.)

Don Faso said that he had been told relocation of Paul Road was now scheduled for late 1988. He asked Mr. Avery if the outside ramps for the handicapped would be wood. He was told yes, but that they would be a non-slip texture as well.

John Cross asked Mr. Avery if they would reconsider their request for relief from the inside bathroom facility if, in fact, 1988 was an accurate time for relocation of Paul Road. Mr. Avery answered yes. He said they just wouldn't want the money invested if they were to lose the building sooner than 1988.

John Nowicki said he would suggest that, as builders, they should contact the town and put the pressure on for a decision on when the road change is to be settled.

DECISION: Unanimous approval with no conditions.

- 6. Application of Forest Creek Equity Corp., owner, 80 W. Main Street, Rochester, New York 14614 for final site plan approval to erect 51 townhouse condominium units to be known as Pumpkin Hill Townhouses Section 3 at property located at 844 Paul Road in RM zone.

Wayne Wegman from Passero Associates is present to represent the application. He said they are seeking final approval for Phase III, and this includes completing the 51 units. He said that the sanitary sewers are to be picked up from Section II. Mr. Wegman shows on the map the existing swale, the 24" culvert pipe under the construction road, and where the full storm system is to be discharged into the pond. He said the state is to take 3-4' off the hill along Coldwater Road. He said they plan to place their water main under Coldwater Road and leave it blocked until the state connects it.

John Nowicki said he felt that they needed two water sources in a development that size.

Dave Curtis questions the elevations. He says that he would like to see the following:

- 1. A 20' easement along the northern line.
- 2. The downspouts dumping into the sewers.
- 3. The minimum architectural opening of any building to be above 572'.

Don Faso asked if a drainage district had been formed for the whole project. He was told yes.

Rod Presser said that all of the construction would have to meet the new town standards. He said he felt that they should loop the water main at Coldwater Road at this time. He said he would like to see the blow-off of the map converted to a full-fledged hydrant. He said where the storm sewer is shown going through the two storm inlets, they should provide a storm water manhole there.

Don Faso asked Mr. Wegman who the town would call if there is a problem there now.

Mr. Wegman informs Mr. Faso that the Homeowners Association will elect officers when they reach 80 in number. Once they are elected, he said the officers of Forest Creek will be registered with the Town of Chili. Prior to this, should the town need to contact someone there, they should call Forest Creek.

DECISION: Unanimous approval by a vote of seven, with the following conditions:

1. The project must meet with the approval of the Town Engineer.
2. The Planning Board must be furnished with documentation of the "hold harmless" agreement with the Churchville-Chili School District.

INFORMAL DISCUSSION:

1. Application of Perna Homes, 849 Paul Road, Rochester, New York 14624 for sketch plan approval for a 10 lot subdivision to be known as Country View Subdivision at property located at 482 Chestnut Ridge Road and a portion of 1055 Paul Road in R-1-20 zone.

DECISION: Unanimous approval with the following comment:

1. Should investigate the possibility of relocating the 60 foot reservation of land for highway purposes to align with Andony Lane.

2. Application of Thomas Frazier, P.E., 775 Washington St., Spencerport, New York 14559 for sketch plan approval for a 102 lot subdivision to be known as Whispering Winds Subdivision at property located at 3930 Chili Avenue in R-1-20 zone.

DECISION: Unanimous approval with the following comments:

1. Provide an access road parallel to Chili Avenue to minimize curb cuts.
2. Meet with the Chili Recreation Commission to discuss placement of any playgrounds or open space.
3. Provide a stub street to the east of the project to provide for future development.
4. Comply fully with the Chili Town Code, Chapter 96.

OLD BUSINESS:

1. Application of Joseph Gomes, 15 Bright Oaks Drive, Rochester, New York 14624 for conditional use permit to allow a real estate/insurance office with an apartment at property located at 2652 Chili Avenue in R-1-15 zone.

DECISION: Unanimous approval with no conditions.

FOR DISCUSSION:

1. Alfred Valvano - proposed rezoning of property located at 1735 & 1749 Scottsville Road from RA-20 to GB & FPO.

DECISION: Chili Planning Board agreed to consider applicant's application to rezone. Applicant must request a public hearing from the Planning Board to rezone the parcels.

2. Bernard Iacovangelo - proposed 30 lot subdivision at 3505 Chili Avenue.

DECISION: Requirements for sketch plan approval have been met. Applicant should proceed with preliminary plans.

CHILI PLANNING BOARD
April 8, 1986

The meeting of the Planning Board of the Town of Chili was held in the Chili Administrative Office, 3235 Chili Avenue, Rochester, New York 14624 on April 8, 1986 at 7:30 p.m. The meeting was called to order by Chairperson Don Faso.

PRESENT: Bill Deans, John Nowicki, Don Faso, John Cross, Mitch Rakus, Ray Bleier

ALSO PRESENT: Bob Connolly, Building Inspector; Rod Presser, Town Engineer; Larry Hoy, Conservation Committee; Dan Miller, Deputy Town Attorney

Chairperson Don Faso declared this to be a legally constituted meeting of the Chili Planning Board. He further stated that notice of the meeting had been advertised in the Gates-Chili News, as well as posted on the Town Clerk's bulletin board.

APPLICATIONS BEFORE THIS BOARD WERE AS FOLLOWS:

1. Application of Menis Vamvakitis, owner, c/o Ronzo & Mulliger, 1350 Buffalo Road, Rochester, New York 14624 for preliminary site plan approval to erect a 50' x 12' addition to restaurant at property located at 1132 Scottsville Road in GB zone.

Mr. Louis Chiles, Architect for the project, is present to represent the application. Mr. Phil Ronzo and Mr. Menis Vamvakitis are also present. Mr. Chiles explains that there is an existing restaurant on the site and that they wish to extend it 10-12 feet from the existing face of the building. He said they will continue the same look in the front: glass with an entrance vestibule. They will attempt to match the brick as closely as possible. He said there will be a little more roof, and they will move the sidewalk out a little bit, which will mean that they will have to replace the shrubs. The parking will remain as it is at present. They will also plan to refurbish the existing signs. He said the reason for the application is to allow the owner to have a larger, gracious area for serving dinners. Presently he is able to serve only breakfasts and lunches.

Don Faso asked how they might be extending their hours. Mr. Chiles responded that they would be open from 5:00 a.m. until 8:00 p.m. at night.

Mitch Rakus asked if he would be serving liquor, and he said that he already has a license, but will probably only serve wine and beer.

John Cross asked what the landscape plans were. Mr. Chiles said that there is a row of hedges that will be removed and moved forward. He said there are no trees on the site right now. John said it could be improved by adding some trees or shrubs.

Don Faso asked if they would re-roof the whole building. Mr. Chiles answered that they would only roof the front and would use a more natural looking shingle.

Don Faso read the County Comments, which deemed the matter one for local determination.

Larry Hoy said that a little more landscaping would improve the exterior. Mr. Vamvakitis said they would add bushes, flowers and make it look nice.

DECISION: Unanimous approval by a vote of six with the condition that additional landscaping be added to the site.

2. Application of Patrick Evans, owner, 116 James Road, Rochester New York 14612 for preliminary site plan approval to erect a garage and office addition at property located at 1288 Scottsville Road in GB zone.

Herman Klingenberg is present to represent the application. He submitted to the Board the site plans for the proposed building expansion. Using the drawing, he showed the parking, black-topped areas and drainage plan. He said the existing space is 1,458 square feet and with the proposed expansion, it would be 2,391 sq. ft.

Mr. Patrick Evans submitted to the Board a picture of the building prior to his occupancy. He said he had received approval from the Board on the original application, as well as front parking variance from the Zoning Board for 27 cars.

John Nowicki asked if he would be keeping the appearance uniform all around the building, and Mr. Evans said "yes." John then asked what type of building materials would be used. He was told that they would use concrete block with a cedar front and glass panels.

Mitch Rakus asked if there was similar siding on the East side. He was told yes. He asked if there weren't a couple of residents there, and Mr. Evans said there were.

Ray Bleier asked if they serviced cars now, and he was told that they do, but that there is only room for one car. Mr. Bleier then asked if they would be expanding the servicing of cars. Mr. Klingenberger said they would be doing so, but that it would be mostly the customers who had bought cars from them. He said it would not be a major repair service.

Mitch Rakus asked if they would be expanding the office space. He was told that they would be changing from none to some. Mitch then asked if they would be using the office space for only the one business, or if they would be developing another business. Mr. Klingenberger said there would not be another business, but that they already lease cars and limousines. Mitch Rakus asked if they would be getting into recreational vehicles. He was told no.

Don Faso asked what the estimated cost of the addition would be. He was told it would be less than \$25,000. Don then asked if there were to be any windows or openings on the walls that abutt the property. He was told that there were some, but that they were to be high.

Don Faso read the County Comments, which designated this to be a matter for local determination.

Larry Hoy said that he would like to see the landscaping on the map. He said he had not received an updated map, which showed the landscaping.

John Cross asked the normal hours of operation. He was told the hours are 9:00 a.m. to 9:00 p.m. on Monday, Tuesday and Thursday and until 6:00 p.m. on Monday, Wednesday and Friday.

Rod Presser questioned the proposed drainage, stating that it appeared the rear would drain differently than described. He said his question was whether the water would drain to Scottsville Road or go to the rear of the property and pool. He said he would like to see more details on the drainage.

Bob Connolly said his concern was for maintenance of the building. He said that although the Zoning Ordinance and the state both say that you can build to the lot line, he questions how you can take care of either side of the building under such circumstances. He also said that it had to be a certain kind of material before he would issue a building permit.

- DECISION: Unanimous approval by a vote of six with the following conditions:
1. Roof drains must discharge at the front of the building towards Scottsville Road.
 2. There must be additional landscaping.
 3. Final elevations and plans must be signed and sealed by a registered architect.
 4. Project must be approved by the Town Engineer.
 5. Project must be approved by the Town Building Inspector
3. Application of Perna Homes, owner, 849 Paul Road, Rochester New York 14624 for final subdivision approval of 28 lots to be known as Pines at Wildwood Section 4 at property located at 850 Marshall Road in R-1-15 Zone.

Don Avery is present to represent the application. He said they are seeking final subdivision approval on the last section of the Pines at Wildwood. He submitted to the Board a preliminary site plan map. He said that the one extra lot around the cul-de-sac is the only change. Via the map, Mr. Avery showed the configuration of the cul-de-sacs, roads, sanitary and storm sewers. He said they did not yet have figures on the water pressure.

- DECISION: Unanimous approval by a vote of six with the condition that the project must meet the approval of the Town Engineer.

Gates-NEWS-Chili

1635 BROOKS AVENUE, SUITE 2, WEST BLDG. ● ROCHESTER, NEW YORK 14624

Date..... *4-2-86*

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

GATES-CHILI NEWS

Issue Dated..... *4-2-86*

Geraldine C. Snyder
Notary

Patricia M. Smith
Patricia M. Smith
Publisher

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 31, 1987

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 8, 1986 at 7:30 p.m. to hear and consider the following applications:

1. Application of Menis Vamvakitis, owner, c/o Ronzo & Mulliger, 1350 Buffalo Road, Rochester, New York 14624 for preliminary site plan approval to erect a 50' x 12' addition to restaurant at property located at 1132 Scottsville Road in GB zone.

2. Application of Patrick Evans, owner, 116 Janes Road, Rochester, New York 14612 for preliminary site plan approval to erect a garage and office addition at property located at 1238 Scottsville Road in GB zone.

3. Application of Perna Homes, owner, 849 Paul Road, Rochester, New York 14624 for final subdivision approval of 28 lots to be known as Pines at Wildwood Section 4 at property located at 850 Marshall Road in R-1-15 zone.

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

J. Donald Faso,
Chairman
Chili Planning Board.

*Planning
Book
April 86*

Informal Discussion:

1. Application of CME Construction, 619 Lake Avenue, Rochester, New York 14613 for sketch plan approval for a 13 lot subdivision to be known as Avion Industrial Park at property located at 241 & 243 Paul Road in Li & FPO zone.

Tom Merrill from Sear-Brown Associates is present to represent the application. Gary Merrill of the same firm is also present. Tom Merrill explained that the area is 31.9 acres and is in a limited industrial zone. He said that the minimum lot size will be 1.4 acres with a front setback of 60', a side setback of 40', and a rear setback of 40'. He showed on the map the buildable area, the roads, the divisions within the subdivision and the area that is in the flood plain. He said he wants to get the Town Boards' feelings before he proceeds with the project.

Don Faso asked if he could meet the 2' above the base flood elevation requirement. Mr. Merrill said he believed that they could.

John Nowicki asked what type of business they could bring in. He was told that they would be small time manufacturing firms.

John Cross asked if they had any firm commitments to date. He was told that none were firm at this time, only speculative.

John Nowicki said he had some concerns about the length of the cul-de-sac from a safety viewpoint.

Larry Hoy said that the wetlands there had been recently walked, and he believes they have decreased in size.

Rod Presser said he had some concerns about the buildability of the area. He asked Mr. Merrill if he would sell the property and buildings or if he would subdivide and sell only the lots. Mr. Merrill said it could go either way, but that they would probably sell the lot and building.

DECISION:

Unanimous approval with the following comments:

1. The Planning Board is concerned about the fill material used on the site. Plans must indicate what protective measures are being taken to insure proper construction.
2. The Planning Board is concerning that all construction must meet the requirement of being built two feet above base flood elevation.

2. Lyell Metals revision of final site plan to add 1,080 sq. ft. to warehouse addition.

Mr. Bill LaDue is present to represent the application. He said they are asking to modify the approve site plan for a 1,080 addition. He said this is needed for a loading area.

John Nowicki commented that it was nice to see the berm being replaced and that the property was looking better with the trailers being moved. (Only two remain on the property that is visible from the road.)

DECISION:

Unanimous approval by a vote of six with all previous conditions in effect.

Minutes from the March meeting were approved and the meeting was adjourned at 9:00 p.m.

CHILI PLANNING BOARD
May 13, 1986

The meeting of the Planning Board of the Town of Chili was held in the Chili Administrative Office, 3235 Chili Avenue, Rochester, New York 14624 on May 13, 1986 at 7:30 p.m. The meeting was called to order by Chairperson Don Faso.

PRESENT: William Deans, George Ford, John Nowicki, John Cross, Mitch Rakus, Ray Bleier and Chairperson Don Faso.

ALSO PRESENT: Bob Connolly, Building Inspector; Dan Miller, Deputy Town Attorney; Rod Presser, Town Engineer; Larry Hoy, Conservation Committee; Dave Curtis, Drainage Committee.

Chairperson Don Faso declared this to be a legally constituted meeting of the Chili Planning Board. He further stated that notice of the meeting had been advertised in the Gates-Chili News, as well as posted on the Town Clerk's bulletin board.

APPLICATIONS BEFORE THIS BOARD WERE AS FOLLOWS:

1. Application of John Lindner, owner, 3490 Chili Avenue, Rochester, New York 14624 for preliminary subdivision approval of 2 lots to be known as Lindner Subdivision at property located at above address in R-1-20 zone.

Don Avery from Avery Engineering is present to represent the application. He submits to the Board a site map and shows the actual location of the two lots. He also shows on the map the sewer system and drainage. He said it will drain from the back to the swale on Chestnut Road. He said the applicant will be moving the greenhouse to the back of the property. He said that they were seeking both preliminary and final tonight.

John Nowicki asked why they were not setting it back further, and Mr. Avery said that they were going by the average setback of the Chili Zoning Board. John then said that they would need a 75' setback to get away from the noise and the busy street. Mr. Avery said they could go back a little further, but that it would put this lot back further than the neighboring houses.

Mitch Rakus asked if they could live with the 75' setback. Mr. Avery said he thought it would look strange because of the neighboring houses. He said that it would also mean more grading of the property.

John Nowicki said he lives in the same area and would have preferred a more distant setback for his own house.

Dan Miller stated that one problem with the greater setback was that this placed one house into the yard of another, at least in terms of view.

Mr. Avery said he would have to consider whether the lateral would still sewer the property with the greater setback. He said he needs 2%, but it may still be alright at that.

Don Faso asked if they had any plans to combine lot #3 with the lot to the east. Mr. Avery said it would be combined by deed only.

Don Faso said, "then you are creating an illegal lot?"

Dan Miller asked why they couldn't just modify their application and make it contingent on the deed being supplied to the town.

Don Faso read the County Comments, which recommended that the final plans show the triangular lot that is to be combined with the other lot. County Comments also stated that the applicant would need a highway permit from the New York Department of Transportation.

Bill Deans asked if the pipe under Chili Avenue was clean and working o.k. He was told yes.

John Nowicki asked what the applicant's intent was, whether he had a buyer. Don Avery said he did not know, but thought that he might be building himself. He said he thought it was not just for speculation on the lot.

Larry Hoy said the Conservation Committee saw no significant environmental impact from the application.

Gates-NEWS-Chili

1635 BROOKS AVENUE, SUITE 2, WEST BLDG. ● ROCHESTER, NEW YORK 14624

Date. *4-30-86*

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

GATES-CHILI NEWS

Issue Dated. *4-30-86*

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 19*87*

Patricia M. Smith
Patricia M. Smith
Publisher

*Planning Book
May 13 - 1986*

**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 13, 1986, at 7:30 P.M. to hear and consider the following applications:

1. Application of John Lindner, owner, 3490 Chili Avenue, Rochester, New York 14624 for preliminary subdivision approval of two lots to be known as Lindner Subdivision at property located at above address in R-1-20 zone.

Application of Harold Dondoerfer, owner, 185 Murray Street, Rochester, New York 14606 for preliminary site plan approval for a change of use to allow a tool & die shop in existing

building at property located at 3535 Union Street in GI zone.

3. Application of Alexander Tulloch, owner, 48 Jenkins Road, Churchville, New York 14420 for preliminary site plan approval to erect a 60' x 45' storage barn at property located at 4362 Buffalo Road in GB zone.

4. Application of Four Point Rod & Gun Club, c/o John Mancuso, 14 Hinkley Lane, Rochester, New York 14624, property owner: M/M William Marshall & Janet Miller; for preliminary subdivision approval of one lot to be approximately 50 acres and to be known as Four Point Rod & Gun Club Subdivision at property located at 4400 Union Street in RA-20 zone.

5. Application of Four Point Rod & Gun Club, c/o John Mancuso, 14 Hinkley Lane,

Rochester, New York 14624, property owner: M/M William Marshall & Janet Miller; for preliminary site plan approval to erect a 36' x 200' clubhouse, two 8' x 12' skeet houses, and one 8' x 8' skeet house at property located at 4400 Union Street in RA-20 zone.

6. Application of Alfred Valvano, owner, 1140 Howard Road, Rochester, New York 14624 for rezoning of 1.37 acres from RA-20 (rural agricultural) and FPO to GB (General Business) and FPO at property located at 1735 and 1749 Scottsville Road.

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

J. Donald Faso,
Chairman
Chili
Planning Board

Dave Curtis asked when they intended to build. He said his Committee's concern was that the Town Engineer or Building Inspector assure that the contours on the print be maintained and that the correct erosion measures be maintained.

Rod Presser said that he had no comments at this time.

No one spoke in favor or opposed to the application.

- DECISION: Unanimous approval by a vote of seven with the following conditions:
1. Must furnish the Board a copy of the deed showing the transfer of the triangular shaped parcel to the adjacent east property. Must resubdivide the property to eliminate the illegal lot.
 2. Must add a general note regarding soil erosion (straw bales, etc).
2. Application of Harold Dondoefer, owner, 185 Murray Street, Rochester, New York 14606 for preliminary site plan approval for a change of use to allow a tool and die shop in existing building at property located at 3535 Union Street in GI zone.

Mr. Ron Ficarro, contractor, is present to represent the application. Mr. Dondoefer is also present. He said they want to convert the business to a machine shop, but will leave everything as it was in the previous application. He said the building would be cedar sided and would have three windows. They will be adding three offices to the front of the building. There will be no exterior change except a nice facade to the front.

Don Faso asked what it would cost to improve the parcel. The question was not answered. The applicant said he was not sure and that they had a lot of things to do that would not be expensive, such as get rid of 15-20 barrels of pitch that had been used for repairing roads. He said they would bury it since there was already a landfill there.

Don Faso advised them to contact the DEC before doing such a thing.

Mr. Ficarro said that they could just leave the barrels there if they are a problem to bury.

Don Faso asked what they intended to do with the parking area. Mr. Ficarro said it would be the same as it is now, except they would have to clear the overgrown weeds and grass. They would also have to move the metal junk to the back of the property.

John Nowicki asked how many employees they had and he was told they have seven.

Don Faso read the County Comments and although the County deemed it a matter for local determination, they did make recommendations to the Planning Board. They suggested that the map should only contain the existing buildings and the proposed site plan location.

DRC comments were that the applicants should inform the water authority of the planned use for the property. The site plan they said should also show the septic system.

Mr. Ficarro said that the hours of operation would be from 7:30 to 5:00 or 5:30 p.m.. He said there would be seven full-time and one part-time employee. Water consumption would amount to 175 gallons a day.

John Nowicki asked how they had determined the capacity of the septic system and he was told that the previous owner had been an engineer.

Mr. Ficarro said they did not want the application held up by these barrels of pitch. He said they would do whatever the Board recommended for the barrel disposal. He said he would also like to make this preliminary a final approval.

Don Faso asked if they planned to replace any of the railroad ties. He was told they would replace any that were old and in bad condition. Don then asked if they were going to replace any of the driveway stone. He was told that there were piles in the back, which would be used for the drive

Mitch Rakus asked what kind of tool and die shop it would be. He was told that they would make molds for plastic ejection mold machines. Mitch asked what they would do with the lubricants that are used in the machines. He was told that they just use regular oil and little of it. They said they would be using drills, milling machines and grinders. They told the Board that they had already sent a list to the health department.

John Nowicki asked how they would drain the floor in the shop. He was told that the floor would be concrete; that they would not have any floor drains; and that they would not be squirting the floors.

John Nowicki asked about outside storage and was told that there would be none and that the work was very precise and there would be little waste. The only refuse, he said, would be metal chips that would be dumped into the dumpster behind the building.

George Ford asked if they would have a place like Lyell Metal pick up the refuse and he was told yes.

John Nowicki asked about the receiving and shipping end of the business. He was told that in the back there would be one small door to ship and receive.

Don Faso again asked the estimated cost of the renovations. He was told they would be replacing the whole roof for \$30,000. The applicant said that a lot of the work would be repairs. He said the complete package would be around \$89,000. He said they would also be adding a fire wall in the front, one laboratory and two doors.

John Nowicki asked if they would be meeting all of the New York fire codes, including the handicapped. He was told yes.

Larry Hoy said the Board had not received an assessment form and therefore had too little information to make a determination. He did say, however, that he was concerned about the barrels and knew the DEC would not want them buried if there was a stream anywhere nearby.

Dave Curtis asked if the areas on the site plan that were marked "not to be filled" would in fact not be filled. He was told yes.

Rod Presser was given a more updated site plan. He asked the applicant if he would have the DEC take a look at the site. The applicant said "yes."

Ray Bleier said he would like to see as much of the junk as possible removed entirely from the property.

No one spoke in favor or opposed to the application.

DECISION: Unanimously tabled without prejudice for one month for the following action:

1. Update of the map for the new usage.
2. Provide proper landscape plans.
3. Complete the Environmental Assessment Form.
4. Supply a copy of the letter to the Health Department
5. Supply a copy of a letter from the Department of Environmental Conservation regarding barrel removal or disposal.

3. Application of Alexander Tulloch, owner, 48 Jenkins Road, Churchville, New York 14428 for preliminary site plan approval to erect a 60' x 45' storage barn at property located at 4362 Buffalo Road in GB zone.

Mr. Alexander Tulloch was present to represent the application. He said he has had a plumbing and heating business on Buffalo Road, which he has now outgrown. He said it is at 4362 Buffalo Road, and that there is rear storage in a building that he stores his products in.

Don Faso read the County Comments, which deemed this a matter for local determination. They did, however, recommend that that access to the place of business be off Union Street and that the four parcels in question be combined and subdivided accordingly. DRC had reviewed the application and recommended that the applicant contact the New York Department of Transportation if there was any road work or change to take place. They also recommended that the proper back flow preventions be taken.

William Deans asked the applicant what the long-range plans for the area were. Mr. Tulloch said that he had converted an old warehouse and that he was now trying to move into a "neighborhood plumbing business." He said that nine men are employed there and with the amount of traffic and the volume of work, he just had no place to store his equipment. He said that the buildings are close to the road and have a 100' set back from

Buffalo Road and Union Street. He said he has four lots, which he bought separately.

Don Faso asked if the two houses on Buffalo Road were rented out and he was told yes.

George Ford asked if there was another building there that was not shown on the map. Mr. Tulloch said there was one on Union Street.

Mr. Tulloch said he has an access from Buffalo Road, but uses the Union Street entrance.

Mitch Rakus asked what kind of construction he would use, a footing or pole barn type. Mr. Tulloch said that he needed the footing and foundation fire wall for the fire code regulation. Mitch then asked if there would be bathroom facilities in the building and Mr. Tulloch said no.

Bob Connolly said that he could build to and on the lot line, but if he did not do either, he had to stay 5' away. He also advised the applicant that if he built on the lot line, he would have to have special construction.

Dan Miller asked if he was going to combine the lots on one tax number or account as was earlier suggested. Mr. Tulloch said that he has three mortgages and that that would be difficult.

John Nowicki asked if the properties would be held corporately and he was told that they are held individually.

Dan Miller said he thought they had to reduce the properties to one account if they are in the Pure Waters District. Bob Connolly then said that they had gotten a variance from the Zoning Board and that this was a pre-existing nonconforming use.

John Nowicki said that the parking was not shown on the site plan and that he felt there were too many unanswered questions to render a decision on this application.

George Ford said that he lives in the area and knows from experience that Mr. Tulloch runs a fine business and a neat shop. He said that he feels the conversion is a good idea and that Mr. Tulloch would comply with any reasonable request the Board would make.

Larry Hoy said the Conservation Board had seen no significant impact as a result of the application, but that he would like to see the swales East of the building and South of Buffalo Road to be more effective.

Rod Presser had no comments on the application.

No one spoke in favor or opposed to the application.

DECISION: Unsnimous approval by a vote of seven.
Conditions: The project must meet the approval of both the Building Inspector and the Town Engineer.

4. Application of Four Point Rod & Gun Club, c/o John Mancuso, 14 Hinkley Lane, Rochester, New York 14624, property owner: M/M William Marshall & Janet Miller; for preliminary subdivision approval of 1 lot to be approximately 50 acres and to be known as Four Point Rod & Gun Club Subdivision at property located at 4400 Union Street in RA-20 zone.
5. Application of Four Point Rod & Gun Club, c/o John Mancuso, 14 Hinkley Lane, Rochester, New York 14624, property owner: M/M William Marshall and Janet Miller; for preliminary site plan approval to erect a 36' x 200' clubhouse, two 8' x 12' skeet houses, and one 8' x 8' skeet house at property located at 4400 Union Street in RA-20 zone.

Mr. Lowell Dewey from Philip Clark Associates is present to represent the application. He submits a site plan to the Board and explains that he worked with the surveyor who did the overall boundary survey. He says that this is a 50 acre parcel. He says that the septic system plans are present before the County Health Department.

Don Faso explained that the applicants' plans were reviewed with Rod Presser and the plans did not satisfy the Town Engineer, who drafted a letter to Mr. Dewey, explaining the shortcomings of the proposal. In response to the objections of Mr. Presser, Mr. Dewey said the driveway was to be all crushed stone. He then showed on the site plan where the curb cut would be and said that the gravel drive would be 18' - 20' wide with a 4-5% slope. He said the finished contours have now been added to the map. He showed the various elevations on the map. He also said that they had decided to bring the pond closer to the actual shooting area and to widen the berm to accommodate the material that was taken out. He said the clubhouse would not have a basement. He said he would provide a road profile to Mr. Presser to satisfy his questions regarding sight distance.

Mr. Dewey said that with regard to the signs and lighting, the sign would be a freestanding one, sized in compliance with the code. He said there will be five well mounted lights around the building. He also explained the landscaping plan with the use of the map and said that there would be numerous plantings around the entire building. He said the correct size of the building was 36' by 200.' He further stated that he would be including the existing zoning on the map, as well as the areas to be graded.

Larry Hoy said that the principals in this application had come into the Conservation Office to discuss their application and that he appreciated that. Larry then explained to the Board how the lead shot can be transmitted from one animal to another and precautions that can be taken to minimize damage to the animals in the area. He said that normally ducks do not go deeper in a pond than 3'. He said that as long as the applicants could maintain the pond depth at 5-6', he felt the chances would be slim of a duck picking up the lead in the pond. He then asked Rod Presser how much water would be maintained in the proposed pond. Mr. Presser said he felt that there would be 6' of water in the pond. Mr. Hoy said that the Conservation Board had asked the applicants to bring the pond 100' closer to the shooting area. He said that basically what has happened is that they have reduced the wetland and built a pong.

Larry Hoy said that the other concern of the Board was the noise pollution in the area. He said that no landscape plans had been submitted. What the Conservation Board recommended, he said was Austrian pines or other pines planted 8 -10' apart and spaced from the west boundary heading north and curving upward. He showed on the map how this would work as a buffer zone. He said there were a couple of homes to the west that would definitely need some sound protection.

John Nowicki said that the Cooperative Extension offers seedlings, and Larry Hoy said these would be fine as supplementary plantings. The Board he said would not want these as the primary plantings.

Larry Hoy said his final concern was the possibility of wells in the north area of the proposed site. His concern, he said, was whether the town would be liable if a stream that runs north would carry this lead out of the area.

John Nowicki asked Dan Miller if there was a possibility that they could get a release from the town's liability. Dan said that they could get a "Hold Harmless" but that it would not keep someone from suing the town.

Larry said that there is a small stream that runs from southwest to northeast and this has created the wetland.

Dan Miller said that they would probably have to shoot for 50-100 years in order to have the lead present a problem.

John Mancuso, who was also in the audience and who is the applicant, said that they could get a letter from the DEC regarding this, and Larry said that it would be a good idea.

John Nowicki asked what the total cost of the project was. He was told that it was \$65-75,000. Mr. Dewey said that the actual starting time would coincide with final approval by the Board.

Mr. Don Harden and John Mancuso made the presentation on the actual clubhouse structure. Mr. Harden is an architect with Sylvester, Keiffler and Smith. He said the club would have wood frame walls, with 2' x 6' walls and would be insulated. He submitted a site plan drawing. He said the roof would be asphalt shingles; there would be firewalls; and that the walls in the pistol range would be made of concrete block filled with the idea of trapping the ammunition.

Don Faso asked what federal of state regulations applied to the construction. Mr. Harden said the restrictions apply to the kind of ammunition and the supervision on site. He said that they must use soft lead, with no jacket shells, and that a range master must be present at all times the range is in use.

John Nowicki asked how they handle the alcohol and shooting at the same time. He was assured that alcohol is not permitted on the range, and that first the members shoot and then have a drink if they desire. He also said that skeet shooters have the best safety record in the state.

John Nowicki asked who there insurance carrier was, and he was told that they are insured by the NRA. Mr. Mancuso said that he has been in business for many years, and this Gun club has not had an accident in 54 years.

John Cross asked if in addition to pistols, the range would be used for rifles. He was told yes. Mr. Mancuso said that they would be sponsoring a shooting program for youths, and this would be in association with the U.S. Army, the V.F.W. and 4-H clubs. He said that the police Department

had also expressed an interest in using the range.

John Cross asked if a 22 caliber rifle could be used here. He was told yes. He was told that up to a 44 magnum could be used in the security rifle area.

The Board continued to discuss the safety factors involved in the proposal. George Ford said he could not imagine that other facilities allowed a bar in an area where 44 magnums are being fired. He questioned the feasibility of a single rangemaster watching the area and enforcing the rule against liquor in the shooting area.

John Nowicki asked how the lighting would be handled, on a timer or dusk to dawn. He was told it could be either. John then asked how the signage would work. He was told that they would have warning signs every 75-100.'

William Deans asked how many other clubs throughout the country sell alcohol. Mr. Mancuso said that they all do, or at least 90%.

George Ford asked how many members the club has. He was told that the average number is 125; however, that number is down now - to perhaps 65.

Mitch Rakus said that he shoots skeet, pistol and rifle, and that he has shot all over. He said that they all serve beer at least. He said he sees no problem with that location, and he is familiar with the lead shot problem.

Don Faso says that the site plan appears to have changed from the conceptual plan to the preliminary plan in that the fields seem to have moved to the east. The applicant said that it has, but that that increases the buffer zone from the Thruway. Don Faso asked what the average travel distance was on the shot they were using. He was told that 7.5 shot travels 740' and 9 shot travels 670'. He said that by the National Rifle Association regulations, 900' maximum must be maintained.

John Nowicki asked if they had a beer license only. Mr. Mancuso said that they also have a liquor license.

Larry Lazenbee, Chairperson of the Conservation Board spoke and detailed the concerns of the Conservation Board. He expressed the following concerns:

1. the frequency of inspection of the septic system on site;
2. a buffer zone along the west side of Union Street and on the Thruway side of the proposed site;
3. the depth of the pond to be maintained at at least 10' below the level of the land; and
4. on-site hunting, which he explained had never been mentioned to the Conservation Board.

In answer to these concerns, Mr. Mancuso said the pond would stay at 10'. If hunting is a problem, he said they would post it and allow no hunting. He said that they had gone along with the Conservation Board on moving the pond.

Mitch Rakus said that he was familiar with this property and had never seen a duck in there. He said that as long as the law gives people permission to hunt on their property, they can do it. He said that although he appreciates the concerns of the Conservation Board, he thinks they are powerless to change something that is permitted by law. What they need to change is the Federal regulations, he said.

Dave Curtis said the problem with the well seems to have cleared up. He said the first application would need to show splash blocks to the north. The applicant agreed.

Rod Presser said he would need more time to see the revised plan, and that he would reserve his comments until then.

No one spoke in favor or opposed to the application.

DECISION ON APPLICATION 4: Preliminary subdivision approval of one lot to be 50 acres

Unanimous approval by vote of seven with no conditions.

DECISION ON APPLICATION 5: Preliminary site plan approval to erect a 36' x 200' clubhouse.

Approval by a vote of 4:2 with one member abstain
Negative votes cast by John Nowicki, and William Deans; George Ford abstained from voting.

6. Application of Alfred Valvano, owner, 1140 Howard Road, Rochester, New York 14624 for rezoning of 1.37 acres from RA-20 (rural-agricultural) and FPO to GB (General Business) and FPO at property located at 1735 & 1749 Scottsville Road.

Don Avery and Mr. Alfred Valvano are present to represent the application. Mr. Avery presents the Board with a site plan map and informs them that there are two pieces of property included in the application. He says the applicant has owned the property for about one year. The property, he says, lies between Harold and Alfred Avenue and is in a flood plain overlay area. Mr. Avery emphasizes that this is only a conceptual plan, but if the applicant is permitted to rezone the property, he will seek to add on to an existing building and add another to the property.

Don Faso read the County Comments, which deemed the application one for local determination. Recommendations from the County, however, were that the applicant should provide a 100 year flood plan on both Black Creek and the Genesee River, and that all structures should be built 2' above the flood plan elevation (523').

John Nowicki asked why he was seeking GB rezoning, rather than NB type. Mr. Valvano said he had no fixed use in mind and was merely testing the market.

John Nowicki said, "you are asking the Board for rezoning permission; why is that?" Don Faso asked if he had any potential plans. Mr. Valvano answered both Board members by saying that at the moment he had no plans. He said it might be a nursery, office facilities or a beauty parlor. John Nowicki asked if he had talked to any of the neighbors, and he said he had not.

Mitch Rakus said he lives in the area. He said that similar plans had been presented earlier for a 2 story building with apartments above. He said it had been rumored throughout the neighborhood that the apartments would be for R.I.T. students. Mr. Rakus said he had gone to several neighbors to get their reaction to such a zoning change and discovered that for the most part they preferred that the area stay residential. He said he could not vote to change the zoning when he does not have any idea what is going in there. He said that furthermore the area has a flood water situation with a drainage ditch under Harold Avenue. He said he felt that if they built up that area, Mrs. Adams would have a serious water problem. The same thing is true for the Harold Avenue area, Mr. Rakus said.

Mr. Valvano said that he had never had any plan for providing apartments for R.I.T. students. He said that he is merely seeking direction from the Board at this time. He said he never submitted any final proposal for the property and considered apartments only because he might need an apartment. He said that if the Board felt it was best to rezone to neighborhood business, he would have no objections. He said he was not a big time developer, had no grand scheme, and had only dabbled with real estate 2 or 3 times previously.

Don Faso asked Mitch Rakus if there had been any discussion of rezoning further south on Scottsville Road. Mr. Rakus said that the people are all concerned, and that there is already one house renting to students in the area.

George Ford quoted the regulations for NB and GB zoning from the Town of Chili Code. He stated that this property seems clearly to be a residential one.

Mr. Avery said that if it were to remain residential and if homes were built here, they would have to be 2' above the flood plain and would necessarily be very high.

John Nowicki said he felt Mr. Valvano should have spoken to his neighbors. John Cross reminded the Board that in earlier discussion, he had said he was going to do that. George Ford said he also did not like the road cut off Harold Avenue.

Larry Hoy said the Conservation Board had not received an environmental assessment form. Based on a lack of information, he said he and other members of the Board had not felt there would be any significant environmental impact.

Dave Curtis had no comment on the basis of a lack of contours on the site.

Rod Presser had no comments at this particular time.

QUESTIONS AND COMMENTS FROM THE AUDIENCE:

Keith Lape - 19 Alfred Avenue

He said that many of the neighbors are upset because Mr. Rakus told them that there was to be a business downstairs and apartments for R.I.T. students upstairs. He said that Mr. Rakus has prejudiced the whole neighborhood because he himself is so dead set against the plan.

Mitch Rakus said he had never prejudiced anyone. He said he talked to neighbors about the basic concept only. He said he was glad to see someone get upset about the buildings in the neighborhood though.

Mr. Laipe said he has lived on Scottsville Road for 14½ years and is tired of looking at this horrible eyesore on the property. He said he would welcome a change to GB zoning for the particular property.

Gail Elder - 2 Belmar Drive

Expressed the feeling that the area could appropriately be used for a store or professional offices. He said that up and down Scottsville Road there were many businesses, and that the area is not really strict residential. He said that he appreciated the work that Mr. Valvano had done there.

Mark Ranieri - 12 Harold Ave.

He said that he lives only 200' from it and sees it from his front door. He said he would hate to see it go commercial because his children play in the front yard.

Steve Nelson - 8 Alfred Drive

He said he has the adjacent property on Alfred Avenue. He has lived there 28 years and over the past 15 years, the property has been poorly maintained. He said the parking lot is 8' off his own property line. He questions whether this is the right spot for development of this nature. He said he has watched the trees being taken down and has called the Town of Chili to pick up the brush. He said the driveway is presently blocked by a 12' pile of brush and this very directly impacts on him. He said that although he is not adamant about the building, he knows there are drainage problems there because there is always water lying there. He said that there are lots being filled there without a permit.

Mr. Lape - 19 Alfred Avenue

He said the trees are piled high. He said he had talked to Bob Connolly to find out whose responsibility it is to remove them. He also said that the Red Carpet Deli is closing, so there will be no area business there. He said having the deli was a great asset to the neighborhood.

Steve Nelson - 8 Alfred Drive

He submits a letter from the real estate agency. He questions what can be done about the piles there, and says that he wants to see it graded and the stumps cleared away.

Ann Ranieri - 12 Harold Avenue

She said that the children play in the rubbish in the area and that this is dangerous.

Bob Connolly said that Mr. Laipe did come in with a complaint. He said he had personally called the Highway Department, who assured him they would come out. He also informed Mr. Valvano that if filling is going on there, he had better come in for a permit.

Mr. Roblin - 10 Alfred Drive

He said that Mr. Rakus did come to see him, but did not suggest anything such as Mr. Laipe alleged. He said Mitch Rakus had only asked him what he thought of the concept. He said he had told him that he would prefer to see it stay as it is.

DECISION: Unanimously denied by a vote of seven

- Reasons for Denial:
1. A straw poll indicated that the Board would consider rezoning to Neighborhood Business.
 2. Architectural control would have to be given to the Chili Planning Board.
 3. Buffer screening would have to be provided for adjacent properties.

7. Application of Patrick Evans for preliminary site plan approval to erect a garage and office addition at the property located at 1288 Scottsville Road in a GB zone.

John Low, architect, is present to represent the application and to answer the Planning Board's letter of April 15, 1986. With regard to the concerns expressed in that letter, Mr. Low made the following statements:

1. The entire building will be guttered to answer the Board's concern for the direction of storm water from the roof line. He showed on the site plan how this would work. He said they plan to expand the building in the same character of the existing building, with cedar siding and maintaining of the roofs and overhangs. He said the sales area will be facing Scottsville Road.
2. The landscaping will be as shown earlier and will be designed by a professional landscaper. He said the building will be brought right to the property line. He said slightly over 30% of the area will be to the building, and that they will decrease the size of the sales area if this is necessary to comply with the regulations of the Board. He said any addition would be of concrete masonry walls with a wood shingle roof.

John Nowicki thanked Mr. Low for submitting good plans. William Deans said he felt that now that it is on paper, the Board could leave it up to Rod Presser to approve the final plan. Rod said he would review it more closely now that better plans were available.

Mr. Low said that the roofs would be hipped, gutters would carry the water around the building, and that the roof drainage would be carried around to the front of the building. Mr. Low asked if the drawings needed to be redone, and Don Faso told him that he would simply have to satisfy the Town Engineer and Building Inspector at this point.

INFORMAL DISCUSSION -

1. Roberts Wesleyan College - Revised site plan for Life Fitness Center at Roberts Wesleyan College.

George Ford was present to represent the revised site plan for the Life Fitness Center of Robert Wesleyan College. Using a site plan map, he showed Board members the site plan drainage, swales, placement of the pond, ditches, athletic fields, and etc. He said they have 86 acres of land on which to retain the water. He said the Town Engineer had recommended moving the pond further back for the following reasons:

1. Aesthetics
2. Less liability
3. There is more fall on the back of the property.

Ray Bleier asked Rod Presser how the water would move once it came across Buffalo Road. Rod answered that it would move via the swales.

William Deans said he would like to see diagrams on this.

George Ford said that he and Rod Presser would do topos on it by mid-June.

The Board thought this could be handled as a minor change and that the project could be made subject to the approval of the Town Engineer.

DECISION: Approved by a vote of five. Negative vote cast by William Deans and George Ford abstaining.

The meeting was adjourned at 12:30 a.m.



CHILI PLANNING BOARD
May 20, 1986

The meeting of the Planning Board of the Town of Chili was held in the Chili Administrative Office, 3235 Chili Avenue, Rochester, New York 14624 on May 20, 1986 at 7:30 P.M. The meeting was called to order by Chairperson Don Faso.

PRESENT: George Ford, Mitch Rakus, John Nowicki, Ray Bleier, William Deans and Chairperson Don Faso.

ALSO PRESENT: Bob Connolly, Building Inspector; Rod Presser, Town Engineer; Larry Hoy, Conservation Board; Dario Marcioni, Drainage Committee; and Dan Miller; Deputy Town Attorney.

Chairperson Don Faso declared this to be a legally constituted meeting of the Chili Planning Board. He further stated that notice of the meeting had been advertised in the Gates- Chili News, as well as posted on the Town Clerk's bulletin board.

APPLICATIONS BEFORE THIS BOARD WERE AS FOLLOWS:

1. Application of Norcross Construction, 1260 Scottsville Road, Rochester, New York 14624, property owner: Ronald DiChario, for preliminary site plan approval to erect a 400' x 140' professional office building at property located at 1200 Scottsville Road in a GB zone.

Ronald DiChario, owner, operator and developer of the proposed land and project, is present to represent the application. He submits a plan to the Board members and explains that he wants to construct a 56,000 sq. ft. building of steel and brick block on the vacant lot at the property at 1220 Scottsville Road. He says the building is to accomodate office space for sales and storage. The shrubs and landscaping that is proposed is, he says, as shown on the plan. He said the building will have a 100' setback from the property line, with a 5' sidewalk straight out to tie into the front sidewalk. There will be plantings all along the front of the building and the ingress and egress will be on the far eastern portion of the property. There will be a buffer in front of shrubs and other plantings. He submitted to the Board pictures of the building that was completed 2 years ago and the one completed 8 years ago. He also submitted pictures of the site for the new building. He said he would like to continue the parking along the front as it is at present, but would like a row of cars parked against the buffer and then one center row behind that. The new building is to be 400' long and 180' deep. Services and a water supply are already in the front of the site, and he has already identified how the services will come into the building.

There will be a retention pond on the property, which was enlarged when he completed the last building. This will be for storm water. He said the water from the front of the building will be carried to the back via laterals and splash blocks. It will then find its way into the detention pond. He said he is requesting that surface drainage be allowed to go into the storm sewers. He said the development and planned drainage system will reduce the water flow in the area by 85-90%. The front of the property is to be blacktopped and the building, he says, will be for lease. He said because this is a state route, the shrubs need to be replaced often.

Don Faso read the County Comments, which deemed this application a matter for local determination. The following recommendations, however, were made by the County:

1. The parking should be redesigned so that there is no parking along Scottsville Road.
2. The landscaping should be increased along the same road.
3. There should be handicapped access to the building.

John Nowicki asked what effect the new construction would have on the helicopter port behind the building. The applicant said it would remain operable. John then asked if there were any FAA regulations he would have to comply with because of this building. The applicant said no.

Ray Bleier questioned the development in the future and was told that the road proposed next to the property was for future developing. Ray then asked if the proposed tenants of the new building would be much the same as the present tenants. Mr. DiChario said many of the old tenants would be moving into the new building, since they had outgrown their space.

Gates-NEWS-Chili

1635 BROOKS AVENUE, SUITE 2, WEST BLDG. ● ROCHESTER, NEW YORK 14624

Date *5-14-86*

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

GATES-CHILI NEWS

Issue Dated *5-14-86*

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires *March 30, 1987*

Patricia M. Smith
Patricia M. Smith
Publisher

Planning Board - 5/20/86

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 20, 1986 at 7:30 p.m. to hear and consider the following applications:

1. Application of Norcross Construction, 1260 Scottsville Road, Rochester, New York 14624, property owner: Ronald DiChario, for preliminary site plan approval to erect a 400' x 140' professional office building at property located at 1200 Scottsville Road in GB zone.

2. Application of Crystal Construction, 2005 Lyell Avenue, Rochester, New York 14606, property owner: Loretta Hart Estate, for preliminary

site plan approval to erect 180 townhouse units to be known as the Hart Estate at property located at 4201 Buffalo Road in RM zone.

3. Application of Crystal Construction, 2005 Lyell Avenue, Rochester, New York 14606, property owner: Loretta Hart Estate, for preliminary site plan approval to erect 3 office buildings totaling 25,000 sq. ft. at property located at 4201 Buffalo Road in NB zone.

4. Application of Crystal Construction, 2005 Lyell Avenue, Rochester, New York 14606, property owner: Loretta Hart Estate; for preliminary subdivision approval of two lots to be known as the Hart Estate Subdivision at property located at 4201 Buffalo Road in RM & NB zone.

5. Application of Perna Homes Inc., 849 Paul Road,

Rochester, New York 14624, property owner: Giacomo Perna; for preliminary subdivision approval of 10 lots to be known as Country View Subdivision at property located at 482 Chestnut Ridge Road and a portion of 1055 Paul Road in R-1-20 zone.

6. Application of Perna Homes Inc., 849 Paul Road, Rochester, New York 14624, property owner: Giacomo Perna; for conditional use permit to erect 10 duplexes at property located at 482 Chestnut Ridge Road and a portion of 1055 Paul Road in R-1-20 zone.

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

J. Donald Faso, Chairman
Chili Planning Board

Mitch Rakus asked Bob Connolly and Rod Presser if they were satisfied with the 30' ingress and egress. Bob Connolly said it will depend upon what the Department of Transportation says about it.

Mitch Rakus then asked what kind of foundation would be used and what kind of storage would be utilized. Mr. DiChario said it would be built on a large slab of concrete with 4-5 inch reinforcement. He said any storage would be of a type that is not dangerous. He said that insurance rates are based on the type of occupants the building has, so his incentive is great to keep the same kind of tenancy as he has had in the past.

Larry Hoy said the Conservation Board saw no significant environmental impact to the proposed project.

Mario Marcioni said his Committee would need calculations on the drainage and retention pond.

Rod Presser said he would need the same.

Mr. DiChario said he would get those. He said he was 4-5' above the retention pond, even in a flood state.

Rod Presser said he would also like to see the information from the fire marshall.

John Nowicki asked if there were any buried tanks on the site and Bob Connolly answered no.

No one spoke in favor or opposed to the application.

- DECISION: Unanimous approval by a vote of six with the following conditions:
1. Applicant must supply the town engineer with the drainage calculations.
 2. Applicant must supply the results of the hydrant flow tests.
 3. Applicant must submit the building elevations.
 4. Applicant must make the project subject to the town engineer's approval.
2. Application of Crystal Construction, 2005 Lyell Avenue, Rochester, New York 14606, property owner: Loretta Hart Estate, for preliminary site plan approval to erect 180 townhouse units to be known as the Hart Estate at property located at 4201 Buffalo Road in RM zone.
 3. Application of Crystal Construction, 2005 Lyell Avenue, Rochester, New York 14606, property owner: Loretta Hart Estate, for preliminary site plan approval to erect 3 office buildings totaling 25,000 sq. fit. at property located at 4201 Buffalo Road in NB zone.

The applications of Crystal Construction were heard concurrently.

Mr. Doug Elder of Sear Brown Associates was present to represent the application. He said the project is to be south of Buffalo Road and west of Brian Drive. It is a 68 acre site, which has been rezoned to Neighborhood Business near the intersection of Buffalo Road and Westside Drive. Aside from the 3.7 acres that is NB, the rest is zoned RM. He said the office building will be 25,000 sq. fit. The 180 townhouses will be fee-simple with three sections in the RM zone. He said there will be three phases of construction with the first phase including 72 units; the second phase 44 units; and the third phase will be 64 units. He said usage will be limited to professional office use. He said the land was rezoned on March 5th and full environmental procedures were considered at that time. He said the entrance to both the offices and townhouses will be via Buffalo Road. He said he has been required to install heavy duty shoulders on both sides of Buffalo Road. He said the site is meadow land, very flat. He said there will be slight drainage to the south and the upper drainage will flow toward Brian Drive. He said toward the south there are protected wetlands, which will connect to the sanitary sewer there. The drainage will flow toward Brian Drive and some to the south. He said the storm water management plan is to restrict all site flow to one of 3 ponds, which are retention/detention ponds. The water will be maintained at a constant ground level and equalization pipes will be installed so that all 3 ponds will rise and fall simultaneously. He said he thinks this will help all of the people along Brian Drive. He said he will use the excavated fill from the ponds to raise the site where the apartments will be.

said he is asking for variances for the building to be 25' from the edge of the pavement and 25' between the buildings.

Don Faso commented that a lot had transpired between the conceptual stage and the present time. He asked what the 200 year storm design plan would be. He was told that there would be an over flow plan within the ponds and that the water would discharge to the wetlands in a major storm. He said the outflow would be so restrictive that this should be the safest plan. Don Faso asked what the minimum and maximum depths of the pond would be. He was told that 5' as a minimum and 7' as the maximum.

George Ford questioned the contour lines that were missing from the map. He asked about an emergency spillway and said it was a little difficult to imagine what might happen there without contours to study. Mr. Elder used the site plan map to show how the drainage would flow. He said that regarding the spillway, the equalization pipes would allow the ponds to rise and fall together or flow from one to the other.

Don Faso questioned the height of the berm on Brian Drive and asked again if there would be any surface water to the rear of the property. The applicant said there would not be. He reiterated that he would be decreasing the CFS from 33 to 1. Don asked what the maximum CFS would be at the outflow and was told at spillway elevation, it would be 1.2 CFS, with the spillway overflowing at 1.4 CFS. He said that 8" pipes control the outflows.

George Ford then said, "At no time during a 100 year storm would the surface water flow to the south of your property?" The applicant confirmed that, saying that the spillwater had been for a 100 year design. George asked about north of pond 2, whether the drainage would go the swale. He was told yes, that all would go to the ponds.

George Ford questioned placement of the berms and asked, "Are you sure there will not be drainage water on the people on Pleasant Drive?" Mr. Elder assured him that would not be the case because Pleasant Drive is higher.

Don Faso told Mr. Elder that originally he has assured the board in the conceptual stage that there would be a 200' buffer and that the ponds were smaller at that time. Mr. Elder told him that the ponds got enlarged relative to the amount of land space.

George Ford asked how much water would be in the ponds in mid to late August. He was told there would be a minimum of 4'.

John Nowicki said that in a drought, the ponds could be empty.

Don Faso asked about the phasing of the ponds and was told that the ponds would correspond with the stages: pond 1 in phase 1, etc.

Don Faso read the County Comments, which recommended approval of the subdivision and preliminary site plan because the proposal was consistent with both the Housing Element of the Monroe County Comprehensive Development Plan and the Town of Chili Comprehensive Plan. The following recommendations were made by the County of Monroe:

1. A hydrant flow test should be conducted.
2. Subdivision plans must be approved by the Monroe County Department of Health.
3. A trench cross section of the sanitary sewer pipe installation must be shown on the plans, with water main sampling taps also shown on the plans, along with a sampling tap detail.
4. Floor drains must not be connected to the sanitary sewer.

John Nowicki questioned the entrance to the development from an emergency vehicle safety standpoint. He was told that they originally wanted two access points, but that the Town Board review had eliminated one and widened the other to 24'.

Don Faso asked if the roads would be private non-dedicated roads and was told yes. John Nowicki asked if they expected the school buses to enter. He was told no.

Don Faso said they could enter a "Hold Harmless" agreement as had been done with Pumpkin Nill.

John Nowicki expressed some concern about the structure of the road, stating that it should meet the requirements for thickness, etc., since there would be heavy duty trucks entering and leaving in the construction stages anyway.

George Ford asked Mr. Elder if in his conversations with the DOT, there had been any talk of decreasing the speed limit from 55 to 35mph in the area. Mr. Elder said no, but that that would be a good idea. Mr. Elder submitted

to the Board the last communication he had received from the NYDOT, which stated that a 10' heavy duty shoulder would be required on both sides of Buffalo Road.

Mitch Rakus questioned if 10' would be sufficient since that is a bad corner.

Ray Bleier said that it would be appropriate to have the town petition for reduced speed limits along there. Ray also asked the minimum and maximum cost of the townhouses. He was told \$70-80,000. He was also told that they would vary from 1,000 - 1,400 sq. ft. and would be of a wood tone exterior of vinyl construction. Mr. Al Spaziano discussed the cost and construction of the townhouses.

Don Faso said he would like to see 50' represented by 1" on the site plan.

George Ford asked how many tenants would be in each condo office building. He also asked how many square feet per condo. He was told there would be about six tenants per building and the space would range from 1500 sq. ft. to 3000 sq. ft. Mr. Elder said they had done a similar project on Beahan Road and that there were only two unoccupied. He said it had been very successful and the configuration of these buildings would be very similar.

Bob Connolly asked if it would be a single story building and was told yes.

Larry Hoy said he felt that at the rezoning hearing the town engineer would have had to approve the detention ponds.

Dario Marcioni asked if the townhouses would have full basements. He was told yes. Dario also asked if the sump pumps would go to the ponds. He was again told yes. Mr. Elder told Mr. Marcioni that the basements would be at a 3' minimum above the standing level in the ponds. Mario then asked the Board if there was any preventive measures that could be taken to prevent sump pumps from being hooked up to sanitary sewers. Mr. Elder said they would be providing storm laterals for all units and that inspections would assure that.

Rod Presser said he would like to see calculations on how long the ponds would take to empty in a 100 year storm at 1 CFS. He was told that the maximum depth in the ponds would be 9' and that the side slopes were 4:1 at the steepest point and 7:1 under the water at the very minimum.

Rod Presser said he was concerned that the natural stream in the area be maintained. He also said that the fire marshal and fire chief would need to o.k. the project. He also told Mr. Elder that he would like to sit down with him in the future and discuss aspects of the project.

QUESTIONS FROM THE AUDIENCE:

1. Rock Albanse - 29 Westside Drive

He asked if the drainage and sewer tie in on the main could back up and cause Brian Drive residents a problem. Mr. Elder said they were going to be adding to the interceptor, but not the Brian Drive interceptor. He said he did not see how this could happen.

Don Faso replied that one problem is that vandals pull the manhole covers off. He said development in the area could improve the situation. He also said they were going to fence in the ponds. He also told the audience that a full traffic study had been conducted and that anyone who was interested could stop and inspect it.

2. Don Avery - 7 Brewster Lane

He asked if there were to be 3 units per building and was told yes. He asked what the square footage per building would be and was told 8,300 or less per building.

3. Mary Kay Bolam - 4215 Buffalo Road

She asked what the time frames on the phases would be. She was told that the first phase would take place this year and would include 72 units. She was also told that the other phases would be dependent upon sales. She asked if each phase needed approval and was told yes. She said she was concerned about standing water in the ponds. She asked if it wouldn't breed mosquitoes.

Don Faso answered that the required depth was a cleansing depth and said that shallow water breeds mosquitoes. Ms. Bolam said she was also concerned about the road right next to her property. She said it is already busy with traffic very heavy and backed up in the mornings.

John Nowicki suggested that they should petition to the state for a reduction in the speed limit. Ms. Bolam said she was also concerned about the car pollution through her open windows in the summer.

4. Kathryn Lewis - 15 Pleasant Drive

She said she is concerned about the retention pond. She said it will be near her house. She said she is also concerned about the traffic and trucks along Buffalo Road. Mr. Elder assured her that the Homeowners Association would maintain the ponds. He said there would be 130' between the pond and her land.

John Nowicki said they may have to buffer it with landscaping.

Mario Marcioni asked if they would form a drainage district. He said he wanted to see it combined with district CH 717 Westside Acres. Mr. Elder said he'd hate to be in a large water district because of taxes. Don Faso said that he would have to petition the Town Board to form a drainage district if he did not want to be in a larger district.

DECISION: Unanimous approval of both applications with the following condition: The area must be buffered with screen plantings.

5. Application of Perna Homes Inc., 849 Paul Road, Rochester, New York 14624, property owner: Giacomo Perna; for preliminary subdivision approval of 10 lots to be known as Country View Subdivision at property located at 482 Chestnut Ridge Road and a portion of 1055 Paul Road in R-1-20 zone.
6. Application of Perna Homes Inc., 849 Paul Road, Rochester, New York 14624, property owner: Giacomo Perna; for conditional use permit to erect 10 duplexes at property located at 482 Chestnut Ridge Road and a portion of 1055 Paul Road in R-1-20 zone.

Applications were held concurrently.

Don Avery from Avery Engineering was present to represent the application. He submitted to the Board site plans and explained that this development is to be along Chestnut Ridge Road. He said it is an R-1-20 zone and he is requesting that the lots be 90' in width with the end lot 185'. He said there is a 60' easement. He said Perna Homes had purchased the land 18 months ago. There is, he said, a new sewer along Chestnut Ridge Road and there is no site distance problem. Mr. Avery showed on the map the access drives. He said they intended to do a swale and a detention pond. He said the drainage report had been given to the Town Engineer. Via the map he showed the drainage pipes in the area, the detention pond the general flow of the water.

Jamie Wegman presented the discussion on the actual houses. He said they were 2 family homes of a high quality, and that Perna's prime objective was to enhance the property values in the area. He said that Perna will own all ten of the homes and that he is looking for a long-term arrangement. Example sketches of the architecture were shown to the Board. He said that no two buildings will look alike and that there will be a pleasant mix of traditional and modern or contemporary structures. He said that since the sketch plan presentation, they have added end-load garages with common drives. He said they were willing to give the Board architectural approval because they knew the exterior facade of the buildings would be of concern to the Board.

Ray Bleier asked what the approximate cost of the construction, as well as what the rent would be. He was told that the market value of each would be \$150,000 and that they would rent for \$500/month. The square footage, he said, would be from 1100-1200 square foot. Most would have two bedroom, but some would have three.

Don Faso asked Don Avery what the pond size would be and how deep it would be in a 10 year storm. He was told it would be 5' and that the side slopes would be 3:1. He was also told that it would not be a permanent pond because they were not digging the pond with an outlet.

Mr. Avery showed via the map how the water would come across the north east corner to the outlet and how the water would get from under Paul Road.

Don Faso read the County Comments, which offered the following comments:

1. The proposal is consistent with the Housing Element of the Monroe County Comprehensive Development Plan.
2. A highway frontage design should be required to eliminate the need for 15 separate curb cuts.

DRC recommendations were as follows:

1. Applicant should show on the plans the proposed method of temporary erosion/siltation control to be used during construction until ground cover is re-established.
2. Project requires the approval of subdivision plans by the Monroe County Department of Health.
3. Sanitary sewer lateral should be shown for Lot #1.
4. The Monroe County Engineer recommends that a highway frontage be required for the project.

Bernard Iacovangelo, attorney for Perna Homes, Inc. addressed the problem of one highway cut versus separate drives. He said that recent state legislation has mandated that a Homeowners Association be formed for homes in which a common drive feeds several individual drives. He said the cost would be prohibitive for this size development.

John Nowicki said the reputation of the clients is well known, but that what bothers him is the ownership of the project. He said that a frontal road might assure the property would stay with the developer. Mr. Iacovangelo said his clients intent is to maintain ownership for the tax benefits derived.

Don Faso asked what a homeowners association would cost. He was told it would be \$15 - 17,000, plus the cost of the road.

Larry Hoy said the Conservation Board had not received the assessment form. He said they had not considered a retention pond, rather than detention. They were, he said, unable to review the entire assessment.

Mario Marcioni said he would like to see this added to the Chestnut Ridge Manor District, instead of creating a new one.

Rod Presser asked if each drive would have a turn-around. He was told yes. Rod said he had no other comments at this time.

Don Faso read a petition with 10 signatures of neighbors to this project, who said they felt 2 family homes here would drastically change the character of the neighborhood. They said they were opposed to the project.

Dan Miller said the zoning allows some 2 family residences. He said he would prefer to see one of these removed, leaving only nine at this site.

QUESTIONS FROM THE AUDIENCE:

Jean Turcek - 493 Chestnut Ridge Road

She is opposed because this type of development would devalue other properties. She said renters do not maintain the property as homeowners do. She also said she wanted assurance that Mr. Perna would hold it for 5-10 years. Mr. Iacovangelo said this is not legal to require such a promise.

Mr. Baumeister - 1091 Paul Road

He said he is opposed and does not understand why the County wants different kinds of houses there. He said 20 new families would generate a lot of traffic.

Ken Morwith - 18 Chestnut Ridge

He is opposed to rental property at that location. He said with so many driveways, winter time would produce very high banks which would reduce site distance. He said drainage is already a problem in the area.

Loralee Castaldo - 1075 Paul Road

She said the area was R-1-20 when she bought the property. Rental property is rental property she said, no matter who develops it. She feels the area is versatile enough.

Elaine Warner - 547 Chestnut Ridge Road

She said that Hillary Drive has a problem with drainage now. She said she feels that Hillary will get all of the water from this project. She said several areas there now have detention ponds. She said the project is not aesthetically pleasing. She asked how much more filling they would be doing. She was told that they would fill it all the way up until it is level with the street. She asked what the setback would be and was told 70'. She said she does not feel they need another type of housing there.

Robert Gates -

He said he lives next door and traffic is his big concern. He said the proposal includes too many drives. He agrees that there are drainage problems there now. His sump pump runs continuously.

Mrs. Proctor - 8 Antony Lane

She said she objects to the idea of rental properties in the area.

DECISION: Application 1: Approved by vote of five; 1 abstention (Mitch Rakus).

Conditions as follows:

1. The drainage detention area must be included in the subdivision.
2. The swale on Paul Road must be cleaned.
3. The Board recommended that the project be added to Drainage District # 13.
4. Applicants must submit to the board the type and style of each unit when final subdivision approval is sought.

DECISION: Application 2: Approval by vote of 4:1; one abstention (Mitch Rakus).

OLD BUSINESS:

1. Application of Harold Dondoefer for preliminary site plan approval for a change of use to allow a tool & Die shop in existing building at property located at 3535 Union Street in GI zone.

This application was tabled last month. The applicant, Mr. Dondoefer, submitted to the Board a new site plan. He said the barrels had been removed from the property. He said he was certain now that there is not a stream on the property. He said he had also contacted a company that would come and remove all of the junk behind the lot.

The Board commended Mr. Dondoefer for a superb job in answering all of their questions and the thoroughness with which he handled this presentation.

INFORMAL DISCUSSION:

1. Application of Thomas Frazier for re-sketch plan approval for a 102 lot subdivision to be known as Whispering Winds at property located at 3930 Chili Avenue in R-1-20 zone.

Mr. Frazier submitted to the Board a new site plan map. He said he had addressed the Board's concerns. He indicated via the map the access road parallel to Chili Avenue. He said all the frontal lots had been eliminated. He said he was to meet with the Chili Recreation Department to plan and develop 3 acres into a playground.

John Nowicki expressed concern over who would maintain such a recreational area.

William Deans said he had no problem with it because it was outside the village and kids need a place to play.

Larry Hoy said the Conservation Board had voted to have the 3 acres developed into a recreational area, rather than taking the money for it. He said it could be sold in the future if it is not cared for.

The Board recommended that Mr. Frazier check with the state department of transportation for their opinion on the curb cut on Chili Avenue because it is so close to the Chili Avenue Extension.

2. Wallco Construction for revised approval for Golden Road Subdivision.

The Board voted to approve the revised subdivision plan with regard to the addition of a small storm water detention pond at the end of the private drive. Planning Board approval, however, is contingent upon the Town Engineer's approval.

The meeting was adjourned at 12:30 A.M.

CHILI PLANNING BOARD

June 10, 1986

PRESENT: John Nowicki, Don Faso, John Cross, Mitch Rakus, Ray Bleier

ALSO PRESENT: Bob Connolly, Building Inspector; Rod Presser, Town Engineer; Dave Curtis, Drainage Committee, Dan Miller, Deputy Town Attorney and Cherie , Drainage Committee.

The meeting of the Planning Board of the Town of Chili was held in the Chili Administrative Office, 3235 Chili Avenue, Rochester, New York 14624 on June 10, 1986 at 7:30 p.m. The meeting was called to order by Chairperson Don Faso.

Mr. Faso declared this to be a legally constituted meeting of the Chili Planning Board. He further stated that notice of the meeting had been advertised in the Gates-Chili News, as well as posted on the Town Clerk's bulletin board.

APPLICATIONS BEFORE THIS BOARD WERE AS FOLLOWS:

1. Application of Anthony Perrotta, 1350 Buffalo Road, Rochester, New York 14624, property owner: Style-Rite Homes; for preliminary subdivision approval of 3 lots to be known as Chapel Woods Subdivision at property located at 1083 Westside Drive in R-1-12 zone.

Mr. Herman Klingenberger is present to represent the application. He says this is a three lot subdivision with the south side on Westside Drive and abutting I-490. He said the three house lots are serviced by a 60' wide private drive, which is to be gravel. The sanitary sewer, he said, is to be constructed from Westside Drive. He indicates on the site plan map, which he provided for the Board. He said there will be 8" laterals to the three homes. He said the hook up will be to the 8" water main on the south side of Westside Drive. Using the map, Mr. Klingenberger showed the 15" stormwater sewer and showed where the water drainage would be carried for this project. He also indicated where there would be a catch basin. He said that basically all the drainage would be picked up and taken to the existing storm sewer.

Don Faso asked if he was creating 3 flat lots. He was told yes. He said #1085 and #1081's drives would cross private property. He said they cross private property now, across a gravel drive. Don then asked is there was an access easement to both houses. Mr. Klingenberger said there was.

John Nowicki asked how they planned to handle the private drive maintenance. Mr. Klingenberger said it would be a joint venture by owners of the three parcels of land. John then asked if he was expecting the existing two properties there now to contribute to the maintenance. Mr. Klingenberger said it would probably be the three new owners, and that if this were the case, it would be written into their deeds.

John Nowicki asked Bob Connolly if the fire marshal had reviewed this. Bob told him that they had approved the ingress and egress and had made no other comments.

Mitch Rakus asked if they would remove the trees there for the project. He said they would be removing the sound barrier. He then asked if they would be building a sound barrier along I-490 to protect both the old and new homes from the noise. He pointed out that both Henrietta and Brighton had made arrangements with the DOT for a sound barrier along the expressway.

John Nowicki asked the size and prices of the three homes. Mr. Klingenberger said they would be sized in accordance with the zoning regulations. He said he did not know the price of the homes.

John Cross asked about the contours of the land. He wanted to know if the water run-off would be effective, or if it would run onto to the existing properties there. Mr. Klingenberger showed on the map how the water would drain and indicated the swales in the area.

Don Faso read the County Comments, which made no recommendations regarding this application.

Review of the application by the DRC identified several points that required action by the applicant prior to final submission of plan for approval by the member DRC agencies.

Cherie Bevona said she would like to see selective harvesting of the trees there and the construction of a buffer between the homes and I-490.

Dave Curtis said that all drainage must be piped to the proposed catch basin and carried via the proposed 15" RCP to the catch basin in the front of lot 1085. He said this would require piping the runoff to the eastern most lot under the driveways to the proposed catch basin.

Rod Presser said he had no additional comments at this time.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

William Beikerch - 1089 Westside Drive

He said he is concerned about the maintenance of the driveway, particularly in the winter when snow removal becomes a problem. He is also concerned about the drainage of the property. He suggests that a dedicated road would serve everyone's needs moreso. Don Faso informed Mr. Beikerch that this would require a dead-end road. He said they already have water problems there.

Kathy Plateau - 1085 Westside Drive

She asks how many square feet the houses will be. Bob Connolly tells her that this is contingent on the number of bedrooms the house has. She says she has owned her house for 10 years and has had a water problem the entire time. She thinks there is already inadequate drainage there. She also does not want a private road, but rather a town road. She says she is not convinced that the owners will maintain the drive. She also questions whether there will be a sign for the subdivision. Although she is not opposed to houses being there, she says she does want quality homes. She says she is also concerned about the traffic and the noise. She says she will now have traffic on three sides of her home.

Don Faso asks her if she has legal access to that strip of land in her deed. He tells her that the fact that the garage was built to the easement side of the house indicated that someday a road would be going in there.

Pat Schulteis

She said that her sump pump in her basement runs constantly. She is afraid that this proposal will worsen the water problem. She said she has standing water on her property now. She says she is also apprehensive about the trees being removed and the resulting noise. She said she feels as though she is living in the middle of I-490. She said she has the existing easement in her deed. She said the road needs to be dedicated. She said she does not want her property devalued by a project that builds low grade homes or causes further water problems. She said she wants to see something in writing that says there will not be a sign there. Don Faso tells her that he is not sure the town can prohibit a developer from putting up a sign.

Don Faso asks the audience if a Homeowner's Association is formed, if they would be willing to join. Mrs. Schulteis says she would not like the expense.

Kathy Plateau asks when construction is to begin. Don Faso tells her that it has not even been approved yet. She asks Don if they would have protection from the dirt, noise and construction mess. Don tells her that the Board would regulate the hours of operation.

David Reedman - 1125 Westside Drive

He asked Mr. Klingenberger for clarification on the drainage behind Mr. Beikerch and Mr. Smith's homes. Mr. Reedman says there is a natural low spot there and the existing swale does not drain. He says he does not think the drainage system is adequate for the proposed project. He asks if an engineer has done any drainage calculations. He is told that this would be a requirement prior to approval.

Mrs. Schulteis says that is approved, she wants to see a barrier between the existing homes and the new ones.

Kathy Plateau said she had to call the town twice because the area adjacent to her caved in last year. She said the drainage pipes should be cleaned out there.

William Beikerch said the sewer needs cleaning out.

Don Faso tells them that this would be put into a drainage district, that the town would then assess a tax and put it in an account for maintenance of that particular water district.

William Beickerch asks about the front footage. Don Paso tells him that the applicant is asking for a variance tonight. He said that the Board can grant that kind of variance. Mr. Beickerch says he is opposed to granting such a variance.

Eleven members of the audience went on record as opposed to the application. No one spoke in favor of the application.

DECISION: Application tabled for one month without prejudice, with the following recommendations upon resubmission:

1. The private drive be eliminated in favor of a dedicated road built to town specifications with a hammer head turn around at the end.
2. Complete drainage calculations should be supplied to the Town Engineer.
3. A small berm with screen plantings should be placed along I-490 as a noise buffer.
4. Screen plantings should be used to buffer the rear of 1081 and 1085 Westside Drive.
5. The Board should be given information regarding the cost, type and style of the homes to be built.

2. Application of Robert Fallone, owner: 237 Fisher Road, Rochester, New York 14624 for final subdivision approval of 19 lots to be known as West Forest Estates Subdivision Section 6 at property located at 109 West Forest Drive in R-1-15 zone.

Mr. Lee Sinsebox is present to represent the application. He said that preliminary approval was granted in January of 1984. He is now seeking final approval on Section 6, which is 19 lots and the second to the last section to be built here. He shows on the site plan map the sewer and water that is already there. He said they went through SEQR review and the districts had all been formed. He said Section 4 was almost all sold out and they are selling in Section 5.

Cherie Bevona said her committee sees no significant environmental impact. She said she did have a question, however, and that was whether DEC had required that certain plantings be placed around the pond. She was told yes. She then asked if there were any ducks back there. She was again told yes.

Dave Curtis said he had the following recommendations:

1. Lots num bering 1612 - 1619 must have a concrete swale placed at their southern border leading to the 15" RCP. He said this was to be sized by the Town Engineer.
2. The project must pipe drainage discharge to the pond from the north side or use the town approved erosion methods approved by the Town Engineer. This must be located between lots 1607 and 1608 at northern boundary.
3. Staked straw bales should be used for erosion and siltation protection of the pond to the north, just north of the drainage discharge pipe during construction and until the area seeding takes hold.
4. All downspouts should be discharged into the storm sewer system per the Town Code.

Don Paso informed Dave that the preliminary had been granted under the old code and that number 4 on his list of recommendations was not applicable. He said approval had been granted for drainage to go to splash blocks.

Rod Presser said he would like to see the inconsistencies on the site plan cleared up. He said the necessary specifications should be shown on the final plan.

No one spoke in favor or opposed to the application.

DECISION: Unanimous approval, subject to the approval of the Town Engineer, by a vote of five.

3. Application of Perna Homes Inc., owner: 849 Paul Road, Rochester, New York 14624 for preliminary subdivision approval of one lot to be known as lot 4 of the Perna-Paul Subdivision

at property located at a portion of 1055 Paul Road in an R-1-20 zone.

Don Avery from Avery Engineering is present to represent the application. He says this lot is on Paul Road. He submits a site plan and shows the septic system. The house is to be 20,000 sq. ft and has frontage of 92' instead of 100'. He shows via the map the drainage and water connections.

Don Faso read the County Comments, which deemed this a matter for local determination.

Ray Bleier asked how far the house was from the sewer line. Mr. Avery told him the closest was at the corner of Chestnut Ridge Road.

Mitch Rakus asked what the minimum size lot for a septic system was. Bob Connolly said that there are new design specifications that say one acre for a septic system. Mitch then asked if there was a possibility that the size of the lot could be increased. Mr. Avery said he did not know, but didn't see why not.

John Nowicki asked if there were houses on each side that were on septic systems. He was told yes. He was also told that one lot was 5 acres and the others were about 20,000 sq. ft. John asked if their septic systems were in the front, and Mr. Avery said that two were and one was in the rear.

Don Faso asked Dan Miller if the Board could grant a variance on the one acre requirement for a septic system. Mr. Miller said yes.

Cherie Bevona said her committee saw no significant environmental impact.

Dave Curtis said there must be more of a positive swale provided between this lot and lot 1091. He said that no drainage should be allowed to flow onto that lot (1091) due to the grading of the new property.

COMMENTS OR QUESTIONS FROM THE AUDIENCES

Hans Baumeister

He says he is concerned about the drainage and considerably more drainage has come as a result of the new houses. He also says that Perna's land is 88' wide instead of 94'. He thinks he should remeasure it. He thinks the 100' minimum should be adhered to, since the other lots are all wider. Via the map, Don Avery showed Mr. Baumeister where the drainage would go. Jim Perna volunteered to work with Mr. Baumeister and construct the swale where he feels it should go.

DECISION: Unanimously approved by a vote of five, with the construction subject to the approval of the Town Engineer. The following variances have been granted:

1. Lot width of 89.5' (100' required)
2. Front setback of 70' (75' required)
3. Lot area of 20,000 sq. ft. (1 acre required for septic system)

INFORMAL DISCUSSION:

1. Norcross Construction for final site plan approval to erect a 400' x 140' professional office building at property located at 1220 Scottsville Road in GB zone.

Mr. DiChario is present to represent the application. He explains to the Board that he has responded to all previous authorities. He submits a new site plan, which he uses to show access, landscaping, cul-de-sac toward the back of the property, redesigned driveway, water service. He said with regards to the Police Training Academy and waste disposal site, he understands the the DEC is now investigating it. He is not putting any basements in and will not be subject to any surface contaminants. He said if the waste disposal goes anywhere, it will go to the Genesee River and not his way. When asked if he had gone to the Zoning Board yet, Mr. DiChario said no.

DECISION: Unanimously approved by a vote of five.
No conditions

Minutes of the May 13, 1986 meeting of this Board were approved.

The meeting was adjourned at 10:30 P.M.



CHILI PLANNING BOARD

July 8, 1986

The meeting of the Planning Board of the Town of Chili was held in the Chili Administrative Office, 3235 Chili Avenue, Rochester, New York 14624 on July 8, 1986 at 7:30 p.m. The meeting was called to order by Chairperson Don Faso.

PRESENT: George Ford, John Cross, Mitch Rakus, Ray Bleier, William Deans and Chairperson Don Faso

ALSO PRESENT: Bob Connolly, Building Inspector; Rod Presser, Town Engineer; Cherie Bevona, Conservation Board; Dan Miller, Deputy Town Attorney.

Chairperson Don Faso declared this to be a legally constituted meeting of the Chili Planning Board. He further stated that notice of the meeting had been advertised in the Gates-Chili News, as well as posted on the Town Clerk's bulletin board.

APPLICATIONS BEFORE THIS BOARD WERE AS FOLLOWS:

1. Application of Joseph Hellaby, 3582 Iroquois Road, Caledonia, New York 14423, property owner: John Hellaby; for preliminary subdivision approval of 1 lot to be 33 acres and to be known as J.D. Hellaby Subdivision at property located at 816 Ballantyne Road in RA-20, FPO & FW zone.

Mr. Jack Hellaby is present to represent the application and submits a drawing of the proposed application to the Board. The drawing shows the septic system, inverts, grade contours and erosion control of the project. Mr. Hellaby said he was representing his brother in the application and the parcel in the application was a part of his father's existing 140 acre farm. He said his brother planned to construct a home for his and his own family's use. He said the house would be raised 2' to allow for corrected inverts, and that this was a change in the map before the Board.

Don Faso read the County Comments, which deemed the proposed project to be matter for local determination.

Cherie Bovona questioned the location of the house from the wetland. She was told that it was about 1800' from the house and 1700' from the septic system.

DECISION: Unanimous approval by a vote of six.
Final subdivision approval waived and the Board declared itself lead agency under the SEQOR Act.

2. Application of Alan Chisek, owner, 614 Chestnut Ridge Road, Rochester, New York 14624 for preliminary subdivision approval of 2 lots to be known as Chisek Subdivision at property located at above address in R-1-15 zone.

Herman Klingenberger is present to represent the application. He submits a map to the Board and explains that this is a 2.89' parcel situated on the southern portion of the land. He said it was to be subdivided into two lots, one to be 2 acres and the other to be 0.89 acre. The house is to be serviced by the existing sanitary sewer and water main in the front of the parcel.

Don Faso asked about the setback on the North side of the property. Mr. Klingenberger said he did not know. Bob Connolly said it was 10'.

Mr. Klingenberger said that the elevations were as follows: 492' at the front of the house; 497' at the edge of the pavement. He showed the swale in the front yard and the drainage pattern on the map.

George Ford asked how many square feet the house would be. Mr. Klingenberger said it would be according to the zoning regulations, approximately 24 x 70', including the garage.

Cherie Bovona questioned the distance between the house and the wetlands. Mr. Klingenberger said he did not know but could look it up.

Don Faso read the County Comments, which deemed the matter one for local determination.

DECISION:

Unanimously approved by a vote of six with no conditions. Final subdivision approval waived and the Board declared itself lead agency under the SEQRA Act. The application was deemed an Unlisted Action with no significant environmental impact.

3. Application of James Farnsworth, 194 S. Union Street, Spencerport, New York 14624, property owner: Gilbert Glidden; for preliminary subdivision approval of 1 lot to be known as Shelter Creek at property located at 3283 Union Street in RM zone.

Richard Washburn from Lozier Architectural Engineering Firm is present to represent the application. He submits to the Board a site plan. He said the parcel is owned by Gilbert Glidden. There are to be, he said, three buildings, each with 6 units. He said the 4½ acres fronts on Union Street and is behind Fairview Subdivision. He said there would be a private drive on Union Street, and the project would use the sanitary sewer on Union St. and the existing water main under the same street. There will be no retention on the site and water will drain to the classified wetland in the back of the property. Landscape screening will be provided to assure privacy for the existing homes in the area. The buildings will be townhouses and the drives and grounds will be maintained by a homeowners association.

Don Faso asked if the road would be built to town specifications and if it would be dedicated. He was told yes.

Don Faso read the County Comments, which deemed the application a matter for local determination. The County Department of Planning did, however, offer the following comments:

1. The proposed project is consistent with the housing policies in the Monroe County Comprehensive Development Plan.
2. Developer should state in the site plan (final) what the intentions are for the southern portion of the parcel, since it lies adjacent to a State designated wetland. They do not approve development of that land.
3. The home owners association must be responsible for keeping the southern area of the parcel open and natural.

The Monroe County Development Review Committee reviewed the application and made the following comments:

1. Since the proposed development is located adjacent to a waste disposal site, the developer must conduct an investigation to determine what impact the waste disposal site will have on the proposed development. Results of the investigation must be submitted to the Landfill Review Committee.
2. The plans have been submitted to the New York State Department of Transportation for access to Route 259.

Ray Bleier asked what their intentions were for maintaining the wetland. Mr. Washburn said that there would be no development by Farnsworth or Glidden of the area near the wetland. He would like to see the area conveyed to other property owners and felt that this is what might be done. He showed on the map where the wetland is and where adjacent neighboring properties are. Mr. Bleier asked if a traffic study had been conducted on Union Street. Mr. Washburn said they had not planned to do one, since 18 townhouses will probably not severely impact there. He said they could do one, if required to do so. Mr. Bleier also said that the roadway entering the project was only 9' from the nearest neighbor's property. He asked if they planned to provide screening for that neighbor, and Mr. Washburn said they could do that. Mr. Bleier also asked about the limited pavement due to the absence of a turn-around. Mr. Washburn said that had been intentional because they were trying to limit the amount of water run-off. Mr. Bleier expressed his concern about what would happen when the road becomes dedicated to the town.

Cherie Bovona said the application had been reviewed in February at the rezoning meeting. She questioned why there was no detention pond on the property, as was shown earlier. Mr. Washburn said they had decided that the run-off would be minimal and would not require a detention pond. She said that she would like to see the location of the wetlands in relation to the project on final plans.

Rod Presser said he had seen the letter from Jack Cooper of the DEC, which stated that a detention pond was not necessary. He said that wide swales would be more effective. Mr. Presser said he would like the fire marshall to review the proposal and sign off on it.

Don Faso reminded him that the fire marshall only provides comments if there are negative features of the application.

Bob Connolly asked Dan Miller to prepare a similar document as what he provided for Pumpkin Hill. He said it would not be necessary for each subdivision map to come before the Board.

DECISION: Unanimously approved by a vote of six with no conditions. Final subdivision approval was waived and the Board declared itself lead agency under the SEQR Act, with no significant environmental impact from the proposed project.

5. Application of Crystal Construction, 2005 Lyell Avenue, Rochester, New York 14606, property owner: Harts Meadow Development for final site plan approval to erect 72 townhouse units to be known as the Hart Estate Phase I at property located at 4201 Buffalo Road in RM zone.

This application was subsequently amended to rename the project the Mayflower Village.

Mr. Doug Eldred, Sear Brown Associates, is present to represent the applicaton. In addition, Mr. Al Spaziano, developer of the project, is present. They explain that they are here for final approval of Section I. The parcel is a 25.26 acre parcel south of Buffalo Road. Mr. Elder showed on the map, which he had submitted to the Board, where Section I, the entrance to the project and the drainage flow. He said they would be required to widen Buffalo Road. He said they had applied to the DEC since there would be a slight infringement on the wetlands on the parcel. He said the State DOT had not completed the reviews. It was his understanding, however, that 10' shoulders would be required on Buffalo Road. He said plans of the proposed townhouses were not available at this time. They will be brick, vinyl and with a cedar exterior. There will be 3 types of office buildings with a similar facade as the townhouses. The offices will be about 8300 sq. ft. each and each will be divided into 4 units, for a total square footage of 20,000. They will be single story. The townhouses will be between 1100 and 1400 square feet and there will be a maximum of 6 in a cluster. They will range between \$75-85,000. They will be of all dry wall construction with steel studs in the wall system. This construction, he said, is state approved.

George Ford asked when in the phase they planned to build the office condos. Mr. Elder said as soon as the plans are done they will come in for preliminary and final for the commercial development.

Don Faso asked what the largest commercial space available was. He was told there would be 8,300 sq. ft. per building.

George Ford asked if they were being sold as condos. He was told yes, or that they could be leased.

Rod Presser questioned the inverted crown construction and said that this must be detailed on the site plan map.

Don Faso said that the roads would have to be built to the town specifications, only if application was made prior to the new standards being adopted. He said the Board could grant a variance. He also said the fire marshall should look at this closely as far as access goes, etc.

Mr. Eldred said that other variances were requested at preliminary. They included: a 25' minimum setback to the right of way; a 25' setback between buildings.

Bob Connolly said the fire marshall had wanted 2-3 fire hydrants moved and one additional one put in. He suggested that Mr. Eldred call him for details.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Mr. Leo Lamphron - 31 Brian Drive
He asked the results of water tables. He said that 5-6 years ago in a heavy rain, they had 4' of water in the front of the street. He was advised to check the Environmental Impact statement on file in the town clerk's office.

Mr. Lamphron asked what the elevations on the buildings were and he was told they were 4-5' maximum. He asked if the sole drainage would be run-off. He was told yes. He was shown the direction of the flow on the map. He was told that drainage on Brian Drive went into a 12" pipe. His other concerns were the homeowners association and whether they would maintain the ponds along with the roads and grounds. He asked if there would be barriers around the ponds and was told no. He asked who they could turn to if the association failed to maintain the property. He also asked what kind of businesses would be taking the office space. He was told it would be professional office space.

Rosemary Mattern - Hubbard Drive

She said she is representing her daughter, who lives near the pond on Pleasant Drive. She is concerned about the close proximity to the pond on Pleasant Street. She said she is concerned about the pond to the west because it is close to the lot line. She was told they would maintain a 125' buffer. She said she was concerned about the lack of protection around the pond. She was told there would be a 7:1 slope for the first 35'. She was also told that there was \$4 million dollars liability in the master plan and that each owner would have his own liability insurance. She said she was also representing the Garden Club, which was interested in the wetlands. She also questioned the sewage disposal for 180 additional homes in the area. She was told that Phil Steinfeldt had been contacted and he said there would be no problem with the capacity. She asked when the other phases would be started and was told there was to be 1½-2 years between the phases. She was told that the ponds would be put in with each of the phases.

Theresa Lamphron asked if there would be a sign there. She was told that a temporary sign might be used.

Charles Gardner - 4218 Buffalo Road

He asked where the entrance on Buffalo Road was and he was shown on the map. He asked if there would be a light there and was told no. He also asked about the maintenance feature to the ponds. He was told they would be kept at 4' to avoid cattails, etc. He also questioned the traffic in the area. He questioned the entrance that was rumored to be off Westside Drive. He was told the DOT had recommended that Buffalo Road be widened for the project. Mr. Gardner also questioned retention on the property.

John DeNiome - Miller Avenue

He questions the drainage and a traffic study of the area. Don Faso tells him that a traffic study has been done and approved by the state and the county. He further states that an access to Westside Drive was denied. Mr. DeNiome explains that he is fire chief and would like to have these plans sent to the fire department for review. He said he has some concerns with projects such as this. He is advised that the Fire Marshal is to be the liaison between the fire department and the town.

Martin Michaels - 19 Pleasant Drive

He questions whether the fire department could approve this with limited ingress and egress and if they were capable of keeping up with such growth.

John DeNiome

He said the Fire Department had planned for town growth, but the real problems come in when they have trouble getting in and out of a development. This is his primary concern is seeing the plans, he said.

DECISION: Unanimously approved by a vote of six with the following conditions:

1. All private drives must be built to town specs, including crown and gutter.
2. The project is pending the approval of the town fire marshal.

Variations granted are as follows:

1. Minimum setback to private street edge shall be 25'.
2. Minimum distance between buildings shall be 25'.
3. Minimum side setback shall be 25'.

6. Application of Forest Creek Equity Corp., 80 W. Main Street, Rochester, New York 14614, property owner: Frank & Bernard Iacovangelo; for preliminary subdivision approval of 28 lots to be known as Autumn Woods at property located at 3505 Chili Avenue in R-1-20, FPO & FW zone.

Frank Iacovangelo is present to represent the application. He said it is a 28 lot subdivision on Chili Avenue, west of Chili Center. He said the property extends back to Black Creek, with lots being 3/4 of an acre to 5.5 acres. He shows on the site plan map where the proposed houses are to be located. He said the lots will be well landscaped and that there will be a pond on the southern portion. The homes will be in the \$200,000 price range and will have 22-2400 square feet.

Don Faso read the County Comments, which deemed the matter one for local determination. The proposal was also reviewed by the Development Review Committee, which made the following comments:

1. Plans should be submitted to the NYDOT for access review to Route 33A.
2. Temporary erosion/siltation controls should be shown on the plans.
3. Hydrant flow tests must be shown on the plans.
4. Subdivision plans must be submitted to the Department of Health.
5. A trench cross section of the sanitary sewer pipe installation must be shown on the plans.
6. The proposed sanitary sewer must be shown on the plans.
7. Location of the water main sampling taps must be shown on the plans.

Ray Bleier asked where the private drives would be located. He was told there would be only one.

John Cross asked if it would be built to town specs. He was told yes, but that it would not be dedicated.

Cherie Bevona said she was concerned what effect the large pond would have being so near to Black Creek. She said she was afraid the overflow would erode the land between the creek and the pond. She said she would like to see DEIS required for this application.

George Ford asked why they were using a pond instead of letting the drainage run into Black Creek. He was told that they were trying, with this price home, to add grace to the subdivision.

Mr. Bernard Iacovangelo said the lake was to be an additional feature of the subdivision. He said they had done numerous tests and had moved the pond to its present location to get into better soil conditions. He indicated on the map the area that would not be disturbed at all. He said he felt that the pond would act as detainment and would help wildlife in the area.

John Cross asked how large the pond would be. He was told it had not been determined; it would depend upon how much soil was needed for 28 houses. He told Mr. Cross that it would probably be an elongated pond over about 3 1/2 lots. The depth would be about 1-3'.

George Ford asked if it might be dry in August. He was told no and that it would be like Pumpkin Hill, but perhaps a little deeper.

John Cross asked about the schedule for development. He was told that they would begin development within the next month and hoped the dirt moving would be started before fall. Mr. Iacovangelo said that if they could not start by their deadline now, they would have to wait until next summer. He said they would like preliminary and final contingent upon Engineering approval.

Rod Presser said he had no comments on this preliminary stage. He said he wants to see final site plan before giving permission on final.

Don Faso asked if they had any preliminary grading plans, and he was told that they did not at this time, but could work up something for the Board.

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Joyce Krenzer - 745 Ballantyne Road
She said her own land has become a holding area for drainage from Black Creek. It is the run-off that concerns her, she says. She said if the pond also runs over, this is not acceptable.

Steven Wendelgass- 3563 Chili Avenue

He said he has no objections but wants to know where preliminary sewers are to be. He says his and his brother's house are the only ones in the neighborhood on septic systems. He said the problem is that he will be surrounded by houses on sewers. He said he does not want to replace his septic system, which has had to be pumped out every year, and then get sewers the following year.

Don Faso asked if he had asked the County to extend the sewer lines to include him. He was told that every year they try and the county comes up with a stalemate. He said the neighbors had been fighting this for 23 years.

Martin Wbele

He wants to know what will happen to the drainage along the corner, where his daughter lives. He was told this drainage would be diverted back to the pond.

Lydia Weber - 3274 Chili Avenue

She says her home is directly across from the project. She has many questions, including arrangement of the houses, where the entrance will be. Her questions are answered with the aid of the map. She says she would just hate to see the property ruined because it is so beautiful. She is told that they are trying to establish an identity in the community of expensive homes there that will enhance the land there.

DECISION: Unanimously approved by a vote of six with the following conditions:

1. Final plans must comply with the Code of the Town.
2. Copies of any correspondence with D.E.C. must be furnished to the Board.

OLD BUSINESS

1. Application of Anthony Perrotta for preliminary subdivision approval of 3 lots to be known as Chapel Woods at property located at 1083 Westside Drive.

Application tabled for one month.

2. Application of Gilbert Glidden for Glidden Estates for consideration of rehearing.

A Resolution was passed by the Town Board to expend the funds to improve the drainage district of which Mr. Glidden's parcel of land is a part. The question before the Board was whether this was sufficient change to warrant rehearing the application.

DECISION: Rehearing this application approved by a vote of four to two. Negative votes cast by George Ford and William Deans.

CHILI PLANNING BOARD

August 12, 1986

The meeting of the Planning Board of the Town of Chili was held in the Chili Administrative Office, 3235 Chili Avenue, Rochester, New York 14624 on August 12, 1986 at 7:30 p.m. The meeting was called to order by Chairperson Don Faso.

PRESENT: William Deans, John Nowicki, John Cross, Mitch Rakus, Ray Bleier, and Don Faso, Chairperson.

ALSO PRESENT: Bob Connolly, Building Inspector; Dan Miller, Deputy Town Attorney; Cherie Bevona, Conservation Board; Tom Guerin, Town Engineer.

Chairperson Don Faso declared this to be a legally constituted meeting of the Chili Planning Board. He further stated that notice of the meeting had been advertised in the Gates-Chili News, as well as posted on the Town Clerk's bulletin board.

APPLICATIONS BEFORE THIS BOARD WERE AS FOLLOWS:

1. Application of Arnold Carmichael, P.E., 570 Driving Park Avenue, Rochester, New York 14613, property owner: John Cunningham; for preliminary subdivision approval of two lots to be known as Little Fort Hill at property located at 1504 Davis Road in R-1-15 zone.

Mr. Carmichael was present to represent the application. He said he wanted to subdivide two lots from the existing parcel. He said this backs up to the railroad, is bounded on the east side by a subdivision, and on the west there is farm land. He said the two lots would be serviced by Monroe County water. He said there would be a 100' road cut on to Davis Road, which will service both lots.

Don Faso asked if he was proposing an easement, and he told him that he was not and had chosen to develop it according to Monroe County standards.

Don Faso then read County Comments, which indicated no specific recommendations. Comments, however, included a suggestion that provisions be made for joint maintenance of the shared access drive. It was also pointed out to the Board that there was an easement held by the gas and electric company south of the Conrail railroad.

Don Faso asked Mr. Carmichael if the culvert crossing Davis Road was actually flowing to the north. He said the inverts indicated that it should be flowing to the north. Mr. Carmichael said it is not functioning well and that water is standing there. Don then asked what provisions would be made to prevent the property to the east from getting run-off. Mr. Carmichael said that property is higher and there is also a ditch there. Mr. Carmichael showed on the map where the existing ditch is and how water flows on the property. He also said that the private drive was to be 25' from the ditch. Don Faso then asked how Mr. Allotti gained access to the back property. Mr. Carmichael said he has a 60' lot between the two lots for the future road. He said he is not land-locked at all.

Mitch Rakus said he was somewhat bothered by the topography. He questioned the invert and how the drainage could go to the north. He also questioned the roadway entrance and if a water build-up there would damage Mr. Lenten's property. Mr. Carmichael said that every house there was on a septic system and a substandard lot. He showed Mitch where the water comes down via the map. He also said there would be no impediment to the ditch on Davis Road. Mitch said he was also concerned about the water flowing to the south along the culvert. Mr. Carmichael again said it flows north. He said he could take more topography studies of the south if it would ease the Board's mind.

John Nowicki advised Mr. Carmichael to be aware of the common drive problems, referring to maintenance and access rights. Mr. Carmichael said that his client, Mr. Cunningham would live on one of the lots.

Sherie Bevona said that the Conservation Board saw no apparent significant environmental impacts.

Tom Guerin read Rod Prosser's engineering comments, which included the

Gates-NEWS-Chili

1635 BROOKS AVENUE, SUITE 2, WEST BLDG. ● ROCHESTER, NEW YORK 14624

Date... *8/6/86*

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

GATES-CHILI NEWS

Issue Dated... *8/6/86*

Geraldine C. Snyder
.....
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 19*87*

Patricia M. Smith
.....
Patricia M. Smith
Publisher

Planning Board Book - 8-12-86

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 August 12, 1986 at 7:30 p.m. to hear and consider the following applications:

1. Application of Arnold Carmichael, P.E., 570 Driving Park Avenue, Rochester, New York 14613, property owner: John Cunningham; for preliminary subdivision approval of two lots to be known as Little Fort Hill at property located at 1504 Davis Road in R-1-15 zone.

2. Application of Thomas Herbert, 263 Mallock Road, Churchville, New York 14428, property owner: Florine Sand;

for preliminary subdivision approval of one lot to be 4.84 acres, to be known as Herbert Subdivision at property located at 3948 Union Street (parcel to front on Stottle Road) in PRD zone.

3. Application of Joseph Battisti, 6 Chi Mar Drive, Rochester, New York 14624, property owner: Charles Cutala; for preliminary site plan approval for a change of use to convert existing building to a barber/beauty shop at property located at 2575 Chili Avenue in NB zone.

4. Application of J. Kozel & Son Inc., owner; 1150 Scottsville Road Rochester, New York 14624 for preliminary site plan approval to erect a 10,460 sq. ft. warehouse addition at property located at above address in GB zone.

5. Application of Forest Creek Equity Corp., 80 W. Main Street, Rochester, New York 14614, property owner: Frank & Bernard Iacovangelo, for final subdivision approval of 28 lots to be known as Autumn Woods at property located at 3505 Chili Avenue in R-1-20, FPO & FW zone.

6. Application of Forest Creek Equity Corp., 80 W. Main Street, Rochester, New York 14614; for rezoning of 115.75 acres from R-1-15 (residential) to PRD (Planned Residential Development) at property located at 845 Marshall Road.

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

J. Donald Faso,
Chairman
Chili Planning Board

the following:

1. There is no indication on the plans as to how water service will be provided to the two lots.
2. The town engineer questions the grading in the area where the driveways join the Davis Road curb cut. The matter was to be discussed with Mr. Carmichael at a later date.

Don Faso asked for audience comments. There were none.

DECISION: Tabled without prejudice for one month by unanimous vote of 6. Applicant must do the following at the time of resubmission:

1. Furnish site drainage calculations including the rail road culvert.
 2. Site plan must show a permanent access easement for the driveway.
 3. Plans must comply with Chapter 96 of the Chili Town Code.
2. Application of Thomas Herbert, 263 Mallock Road, Churchville, New York 14428, property owner: Florine Sand; for preliminary subdivision approval of one lot to be 4.84 acres, to be known as Herbert subdivision at property located at 3948 Union Street (parcel to front on Stottle Road) in PRD zone.

Mr. Herbert is present to represent the application. He said this is to be a single family, 2000 square foot colonial home with 2½ baths.

Don Faso read the County Comments, which indicated no specific recommendations. Review by the Monroe County Development Review Committee, however, recommended the following action by the applicant:

1. On final plan, submit the location of wells and the septic systems in property adjoining the proposed development.

John Nowicki asked if he would have to drill a well. Mr. Herbert said he would. John asked if he had checked with the County on the quality of water in the area and if he had gone to the County Health Department for the septic system. Mr. Herbert said he had not done either yet, but would in the near future.

Don Faso asked if he would be cutting the hedgerow back from the drive for better site distance. Mr. Herbert said he thought it would be a good idea.

Sherie Bevona said the Conservation Board recommends that they maintain a 100' buffer between the development and the wetland.

Tom Guerin read Rod Prosser's comments. Rod's observation was that the septic system shown on the map might not be the best plan for the leach-field layout that was proposed. He also recommended a cross section of construction through the leachfield area and/or information on the proposed fill in the area.

DECISION: Unanimous approval by a vote of six.

Conditions:

1. The hedgerow must be cut back further than the plans indicate to provide greater site distance for the driveway.
2. Construction will be pending approval of the town engineer.

3. Application of Joseph Battisti, 6 Chi Mar Drive, Rochester, New York 14624, property owner: Charles Cutai; for preliminary site plan approval for a change of use to convert existing building to a barber/beauty shop at property located at 2575 Chili Avenue in NB zone.

Frank Iacovangelo and Mr. Battisti are present to represent the application. Mr. Iacovangelo said Mr. Battisti is applying for site plan approval for a barber and beauty shop where the Townline Deli was, across from the exit of 390 and near Chili Avenue. He said the Deli has been closed for 3½ months and Mr. Battisti is present under contract to purchase it. He said his client has a barber shop on Brooks Avenue, but is interested in relocating. He said there would be no exterior change, but that he would need to reconfigure the interior to accommodate the business.

Don Faso asked what the cost estimate for renovating would be. He was told it would be about \$35,000.

Don asked if the propane tank that is just off the property has been removed. Mr. Cutai said that it belongs to Suburban Propane, but that he planned to have it removed. Don then asked if the driveway would be on the Niagara Mohawk Power easement. Mr. Iacovangelo said it was not a permanent easement, but renewable.

John Nowicki asked about signage on the property. He was told that they would want an 8 x 8 lit sign on the building and a small sign in front with the house number on it.

John Nowicki asked if the septic system would be sufficient. He was told yes.

Don Faso read County Comments, which designated the application to be one for local determination.

Ray Bleier asked about the letter accompanying the application, which indicated that Mr. Battisti also sells jewelry in the shop. Mr. Iacovangelo clarified by saying that he sells incidental items in the shop, i.e., earrings, necklaces, a few hair items and some leather goods. He said they are all contained in one case and sold only to customers. He said Mr. Battisti does not advertise them.

John Cross asked if a tanning salon would be added. Mr. Iacovangelo said he has two tanning booths in his present shop, and that this is common practice in shops today.

Williams Deans asked what the roof line would look like. Mr. Iacovangelo said it would be in hip design, so that water would run off. He said it needs to be worked on anyway, since it presently leaks.

Sherie Bevona said the Conservation Board had reviewed the application and did not feel it would be of environmental impact. She did recommend, however, that there be some landscape changes that would include planting shrubbery and flowers.

Tom Guerin read the comments of Rod Prosser, which included the following:

1. He would like to see additional detail on the blacktop parking area drainage on the final plan. This includes elevations, ditches and pipes.
2. He questioned whether the entrance drive through Niagara, Lockport and Ontario Company property was acceptable to them. He asked if an easement is granted for the driveway and parking area infringement.
3. He also questioned the drainage across the driveway at Chili Avenue, since no culvert was shown on the plan.

Bob Connolly informed the applicant that he needed the plans drawn up by a profession licensed architect. He also said that any signage would have to be arranged through his office.

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Jerry Brixner - 14 Hartem Road

He said he approved this development, since the site was suitable for that type of business.

DECISION: Unanimously approved by a vote of six.

- Conditions:
1. The town must have a copy of the access easement with the power company.
 2. The Suburban Propane tank must be removed.
 3. The site plan must be updated and signed and sealed according to Section 115-30 (D-14) of the Chili Town Code.
 4. Application of J. Kozel & Son, Inc., owner; 1150 Scottsville Road, Rochester, New York 14624 for preliminary site plan approval to erect a 10,460 sq. ft. warehouse addition at property located at above address in GB zone.

Mr. Bert Kozel is present to represent the application. He said the company wants to increase its indoor storage and enhance its outdoor storage. He said the addition is to be on the south end of the building. The outside storage will be enhanced by two overhead cranes. He cited the historic evolution of the building, stating that overhead crane footings were added in 1988.

Don Faso read the County Comments, which indicated no specific recommendations. Review by the DRC, however, resulted in the following recommendations:

1. The Monroe County Water Authority should be informed of the intended use of water and of any backflow protection that will be used.
2. The floor drains are not to be connected to the ground water drainage.
3. Applicant was advised on the waste disposal site adjacent to the proposed site and that it was currently under investigation by the DEC.

Don Faso asked if he had contacted any other agencies. Mr. Kozel said he had talked with Tom Stein from the water authority and was told that he would need no backflow contamination protection. He said he had also talked to Jan Rizzo from the Monroe County Health Department, who also saw no problem with the application. He said he had addressed everything from the Department of Planning at this time.

Ray Bieier suggested that additional landscaping be added to the plan to improve the Scottsville Road area. Mr. Kozel said that would be counter-productive since they spray vegetation there each year just to kill it. He said they need the storage area they have and cannot justify using it to grow greenery. He also said that the Water Authority has an easement there and that it is the state that needs to come in and kill weeds. He said he feels his place is one of the nicest there and has a 100' setback. He asks the Board why he should screen it.

Mitch Rakus explained that they were just trying to improve appearances all along Scottsville Road.

Don Faso said that considering the nature of the business, it was rather well maintained.

William Deans asked the cost of the addition and was told \$200,000.

John Cross said he agrees that the building is attractive. He said he visited the site at the time of a torrential downpour. He said the front of the parking lot was full of potholes. He asked if they would be filling those in with crushed stone. Mr. Kozel said his contractor was about 3 months behind in his promise to take care of it. He said he would be there to fill in soon.

Sherie Bevona said that the Conservation Board saw no significant environmental impact, but would like to see shrubs planted between the building and the sidewalk.

Tom Guerin read the comments of Rod Prosser regarding this application. Rod's comments were in the form of questions and were as follows:

1. Will there be any additional pavement or curb cuts? If so, how will drainage from them be handled?
2. How is the new building area to be drained? He said it would be best to connect or drain to the catch basins shown in the plan.
3. Do the catch basins drain to a storm water sewer or are they proposed as dry wells? He said additional information is needed.

There were no questions or comments from the audience.

DECISION: Unanimously approved by a vote of six.

Conditions: 1. Landscaping will be required around the office building.
2. A letter of credit must be furnished to the Town in the amount of \$2000 to cover the cost of the landscaping.

5. Application of Forest Creek Equity Corp., 80 W. Main Street, Rochester, New York 14614, property owner: Frank and Bernard Iacovangelo, for final subdivision approval of 28 lots to be known as Autumn Woods at property located at 3505 Chili Avenue in R-1-20, FPO & FW zone.

Mr. Don Avery, Jim Perna and Frank Iacovangelo are present to represent the application. Frank Iacovangelo explains that he is a partner in Forest Creek. He said they are seeking preliminary subdivision approval for 28 lots, which have been configured to show the houses on each lot. He said the final site plans would comply with the Town Code. He said they have received a letter from the New York State Department of Environmental Control and have learned that they will need approval from DEC.

Don Faso asked if grading plans had been approved. Mr. Iacovangelo said they had been on July 23rd. He said there was no change in the grading plan.

He said the plans are now in the proper agencies' hands for review.

John Nowicki asked if they had plans for landscaping and berming. Mr. Iacovangelo said that it would be at a 5' height from the level of the ground and would be a 3 on one slope. John then asked if there would be ground cover on the berms and was told it would be seeded with shrubs or trees. He said it would be maintained by a Homeowner's Association.

Don Faso read County Comments, which stipulated that the applicant do the following:

1. Submit the application plan to the NYDOT for more extensive review
2. Show temporary soil erosion control on the site plan
3. Do hydrant flow tests and turn into the Monroe County Water Authority
4. Submit the plan to the Department of Health
5. Show a trench cross section of the sanitary sewer plan on the site plan map.

Don Faso asked if they had gotten approval for a fill permit. Mr. Iacovangelo said it had been approved by the Town Engineer and the Building Inspector, but that he would be submitting more updated plans to them.

Ray Bleier asked how far the southern edge of the pond would be from the banks of Black Creek. He was told 200'.

Don Avery said they were able to cut the size down somewhat and that the ground cover would be suitable for area deer.

Tom Guerin read Rod Prosser's comments to the Board. Rod said he would like to see the following:

1. Details of the roadway and a stormwater sewer construction in the plans.
2. Details of the proposed pond construction, including side slopes, inlet and outlet details, etc.
3. Where culverts discharge to swales and just how the discharge will be handled.
4. He asked whether storm manholes D-2 and D-3 would be of the inlet type to pick up private drive drainage.
5. He said that the centerline curve radius of 125' is 25' less than the minimum standard.
6. He said drainage easements should extend between lots 6,7,8,9,10, 12 and 13 to the point of discharge, either the pond or Black Creek.
7. The private drive pavement does not fully extend to Autumn Woods Drive on the plans.

Don Avery said he thinks there will be an easement for the entire project in the back.

Frank Iacovangelo said there is a conservation easement through the whole back area.

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Marsha Zavacki -

She asked if there would be any office buildings in the tract. She was told no.

Jack Curtin - 49 Redbud Road

He asked the lot size, frontage and depth. He was told the average is 1/2 to 1 acre and the selling prices are \$200,000 or more.

DECISION: Unanimously approved by a vote of six.

Conditions: Pending approval of the Town Engineer.

6. Application of Forest Creek Equity Corp., 80 W. Main Street, Rochester, New York 14614; for rezoning of 115.75 acres from R-1-15 (residential) to PRD (Planned Residential Development) at property located at 845 Marshall Road.

Present to represent the application were Frank Iacovangelo, James Perna, Jamie Valerio and Steve Buechner.

Don Faso began by reading the PRD zoning classification.

Mr. Iacovangelo explained that he and his brothers were partners with Mr. Perna and Mr. Valerio. He said they had formed a company in 1983. He said that Perna and Valerio had constructed over 500 homes in Chili.

Mr. Iacovangelo said the proposal included 149 single family units (9,000 - 20,000 sq. ft. lots), 200 garden apartments and a 20,000 sq. ft. office village.

Mr. Buechner said they began this project 6 months ago. He said he had called a neighborhood meeting and met one week ago with 30 neighbors. He emphasized that this is just a preliminary concept plan, but has included a site analysis of trees, open fields, and market demand. He said they planned a commercial area to buffer Paul Road from Bausch and Lomb facilities. Via the map, he showed the site of a retention pond and the multi-housing units. He said the whole theme of the project is to create a residential feeling. He said the architect, John Bloodgood, is very talented. He then explained the flexibility that PRD zoning permits. He said there are to be 3 entrances, one of Paul Road, Marshall Road and Tony Terrace. He said the road will have nice spiral curves, cul-de-sacs, etc. The larger lots will be near Tony Terrace because of the large trees there. He said there will be 58 lots sized at 13-14,000 sq. ft. and 76 sized at 9-12,999 sq. ft. He said the concept includes a walkway system through open space, as well as a play area.

He said there will be many 2 bedroom homes and there will be various setbacks to enhance interest to the development. He said they have paired like lots together. The two story garden apartments have been designed by Mr. Bloodgood and they look like one large home. He showed on the map how the parking would be arranged and where the walk system would be. He said the 212 garden apartments would be divided between 1 and 2 bedroom apartments, which would be luxury apartments renting for around \$600 and up.

He discussed the retention and detention plans for the site, indicating on the map where they would be.

John Nowicki asked how they had arrived at the marketing statistics and what price homes would be included in the development. He was told that no home would be under \$100,000, that the medium size home would sell for \$125,000-\$135,000, and that the larger homes would be somewhere around \$200,000. He said it would take 14-18 months to complete the project, and that the value of the entire project would be \$30 million.

John Nowicki asked what the original purchase agreement was predicated on and how the school had advertised it. Mr. Iacovangelo said it was R-1-15 when they bought it and that the school had advertised it on the basis of how many single houses could be built on it.

William Deans asked if a traffic study had been done. He was told that one would have to be done, but that the developers felt there would be less traffic with this project than one of another kind. Mr. Deans asked how the Board could be sure that this kind of development along Paul Road wouldn't turn into a massive commercial development. Mr. Iacovangelo said they would be glad to give the Board architectural control over the project.

Ray Bleier said that the Town Code specifies that no lot should be under 10,000 sq ft so as to require a variance. He is told that the average is well above 10,000 sq. ft. Mr. Iacovangelo said that perhaps there were 35 or 36 that are under 10,000 sq. ft.

Ray Bleier said that a conditional use permit would be needed to allow commercial business in that zone. He said he questioned whether the usual allowed businesses in that zone could pay the kind of rent they would be charging. Mr. Bleier then asked what the development phasing looked like. He was told that the single family homes would be first and probably the apartments would be built at the same time. The commercial buildings, he said, would be built last.

Mitch Rakus said he wants to see a traffic study done, as well as some kind of landscape plan and details on the floodplain and waterway in the area.

John Cross commented that he had personally received calls regarding the added traffic that the development would create. Mr. Iacovangelo said there is no question that traffic will be a problem, but that they will look at it more closely.

Don Faso said he had tried to get statistics from Bausch and Lomb on the number exiting the facility or entering for the various shifts. He said he had been referred to many people but had never gotten answers to his questions.

Don Faso read County Comments, which recommended approval of the application because it was consistent with the surrounding residential character of the area, with the Comprehensive Development plan of Monroe County and with the Land Use Policies in the Comprehensive Development Plan.

Cherie said the Conservation Board saw no significant environmental impact from the proposal.

Tom Guerin read a statement by Rod Prosser, which indicated that the project would require stringent drainage design standards, since it involved over 64 acres. It would need to include a 50 year storm design for the storm-water detention system.

Don Faso expalined to the audience that even if the Planning Board did not recommend rezoning to the Town Board, the applicants could petition the Town Board to hold a Public Hearing on rezoning of the parcel.

QUESTIONS AND COMMENTS FROM THE AUDIENCE:

Mr. John Altavena - 18 Adella Circle

He said when he bought his home, he was told there would be no construction there because of sewage problems. He questioned whether they wanted to see commercial development there and the wisdom of building two bedroom homes in the price range that they were planning.

Mr. Don Schuler - 888 Marshall Road

He submitted to the Board a petition with 52 signatures of people opposed to rezoning this land. He said they could accept the expensive homes, but not the mixed development that is permitted under PRD zoning. He also said he has the notice from the Town Board. He said they were calling it PRD when the school district advertised the sale of it.

Paul Codprite - 31 Adella

He submits to the Board a petition of 52 signatures of people opposed to rezoning.

Marsha Zavacki

She submits a petition of 60 names opposed to the rezoning.

Tracy Loges - 86 Redbud

She submits a petition of 86 names opposed to the rezoning.

Doug Oehlbeck - 14 Pinewood

He submits a petition of 26 names opposed to the rezoning. He said he spoke to Bob Marshall from the Gates-Chili School District. He said the sale had been contingent upon local and state approval for a PRD development. He said he questions the validity of their marketing studies and feels that \$600 is too much rent for an apartment in the area.

Steve O'Neil - 6 Woodruff Lane

He submits a petition with 117 signatures of people opposed to the rezoning. He submits a second petition with 27 names for a total of the two petitions at 144 signatures.

Marsha Westby - 862 Marshall Road

She submits to the Board a letter from her aunt, Janice Thon, in opposition to this rezoning.

Ann Lipp - 528 Paul Road

She submits a petition of 18 names opposed to this rezoning.

Michael Eagan - 15 Algier Drive

He submits a petition of 39 names opposed to rezoning this parcel.

Jim Blonsky - 39 Paul Road

He submits a petition of 59 names opposed to rezoning. He states that the lots are too small and that they want to preserve the area.

Dennis Watson - 540 Paul Road

He said he is an employee of Baush and Lomb and there is a traffic problem there already. He submits a petition of 50 names opposed to rezoning.

Don McDonald - 43 Sunderland Trail

He questions drainage for the project and asks if all of the project is to drain from Paul Road. He is told that no drainage study has been conducted at this time.

Alice Jacobos - 21 Marshall Lane

She said that Tony Terrace is a dead-end street. She questions where the traffic can go. She is told that the road would be opened up.

Tom Paris - 9 Phyllis Lane

He said drainage is a problem and the land looks like a horseshoe.

Mary Spillane - 7 Phyllis Lane

She questions where the retention ponds will be and asks if they are planned for the high land now.

Mrs. Costanza - 650 Paul Road

She doubts that owners of \$200,000 homes want apartments or commercial property next to them.

Jean Cumming - 11 Tony Terrace

She questions ingress and egress to such a project and whether Tony Terrace could handle the additional traffic.

Jack Curtin - 49 Redbud Road

He quotes figures on the tax income to the town. He says that he knows Perna has built some quality homes in Chili, but thinks this land would be better used if it is developed as it is now zoned.

Marsha Zavacki -

She said she attended the meeting last week. She said Mr. Iacovangelo told them he was selling his home and moving to Autumn Woods. She wondered why he would not be moving to the PRD development.

Raymond Arbor - 46 Redbud

He said he is opposed and feels the land should remain zoned residential. He said the involvement of so many agencies dilutes the integrity of the whole process. He thinks they need a different concept, but need to keep it residential.

Charley Fort - 36 Bonny Knoll

He is concerned about the busing of children and the school growth problem. He said growth of the Gates-Chili school district is based on 250 homes and not more.

David Glogowski - 27

He said his concern is the additional traffic that the project will entail.

Jerry Brixner - 14 Harden Road

He said he is opposed to rezoning.

Beverly Richard - 24 Tony Terrace

She questions who will take care of the open areas and how they will handle vandalism.

John White - 16 Tony Terrace

He asks if there are government funds involved. He is told, "absolutely not."

Helen MacLaughlan - 22 Pinewood Knoll

She said that before people are allowed to spend \$150,000 on a home, they would like to know where PRD zones are.

Laurie McDonald - 58 Loyalist Drive

She is opposed to retention ponds in the area because of the hazard to small children.

Don Schuller - 88 Marshall Road

He asks if everyone in the area could be notified if there is another hearing on this. He is told that this would be an astronomical task, but that such a hearing is advertised in the Gates-Chili Newspaper and posted on the Town Clerk's Bulletin Board.

Jerry Mascia - 11 Pinewood Knolls

He asks why they don't just build 250 residential homes.

Jack McEntee

He questions the number of parking spaces the development will have. He said it seems to him that they will have more parking than they have cars.

Charles Lowell - 15 Redbud Road

He questions the ownership of the apartments and the demand for small commercial spaces in the Town of Chili. Mr. Iacovangelo explains that a PRD zoning actually affords more control of how the land is developed.

Celia Dachmann - Adella Circle

She questions how they chose the neighbors to notify of last week's meeting. She said the nearest neighbors were not even notified.

Tracy Lobel - 39 Redbud Drive
She suggests that the green areas in the development will pose maintenance problems.

Bob Stein - 5 Minute Man Trail
He is concerned about the traffic problems and the influx of children into the school system. He said that apartments do not support the tax base.

Cindy Williamson - 27 Clay Hill Road
She questions whether the homes will be built without basements. She is told they will not be.

Jerry Mascia - 11 Pinewood Knoll
He said it is a non-grid pattern development. He asks if zoning permits this. He is told they can do anything they want with the Board's approval.

Raymond Arbor
He questions the control that will be lost if it is zoned :RD.

Bob Frisber - Algier Drive
He asked if petitions could be turned in after tonight. He was told that they could be submitted to the Town Board.

Raymond Arbor
He informed the audience that the Town Clerk's office is at their disposal. He said they should feel free to call the Town Clerk, or even the Board Members at home.

Doug Oehlbeck - 14 Pinewood Knoll
He says he understands that if 20% of adjacent home owners to a project such as this petition against rezoning, it would take a majority plus one vote to rezone the parcel.

Gary Fowler
He questions why the developers need the flexibility that they say PRD affords them.

Frank Iacovangelo said it allows them to configure houses on varying lots, whereas an R-1-15 zoning puts them into heavy grid patterns.

William and Suzanne Wood - 6 Toni Terrace
A letter has been submitted on their behalf in opposition to the rezoning. They want single homes in the area. Additionally, they do not want the additional traffic on Toni Terrace.

Don Faso read the resolution of the Gates-Chili School District at the time of the sale. The sale was contingent upon county, local, and state approval of this zoning variance.

Jerry Mascia
He shows the audience a copy of the Gates-Chili News, where PRD zoning is mentioned, but the intent stated is for 250 private homes to be built.

Doug Oehlbeck
He said it is clear there was some deception. He questions how Bob Markham would not have known what PRD development meant.

Bob Markham
He said the sale was discussed on the basis of PRD zoning, but an attempt was made to inform the public that the sale might not go through.

Charley Fort
He asks if the zoning is changed, whether it will revert back at some time. He also asks if they delayed the rezoning and came back with another proposal, if they would have the opportunity to see that.

Don Faso asked for a show of hands for those in favor of the rezoning. He asked for a show of hands of those opposed; the show was overwhelmingly opposed to the rezoning.

DECISION: Unanimous denial of recommendation to the Town Board to hear this rezoning proposal.

OLD BUSINESS

1. Application of Anthony Perrotta, 1350 Buffalo Road, Rochester, New York 14624 for preliminary subdivision approval of 3 lots to be known as Chapel Woods at property located at 1083 West side Drive in R-1-12 zone.

Herman Klingenberger is present to represent the application. He explains that this proposal was tabled last month in order to resolve some of the Board's concerns. He says he has eliminated the private drive and revised the plan to include a hammer-head turn around. He has submitted drainage calculations to the town engineer as of July 23rd and has shown screen plantings along the areas recommended by the Board. He has determined that the project will include 2 story colonial homes in the price range of \$100,000. His client is asking relief from the buffer along 490, since creation of a berm would mean that he would have to destroy trees. Mr. Klingenberger said his client had contacted the NYDOT who will be doing a study on buffering the area.

Don Faso said his concerns were for drainage in the area. He said Rod Prosser had reviewed the application and it was not clear that a 12' pipe under Westside Drive would handle the storm water. Mr. Koingenberger said he was not sure that a 12" pipe would handle it.

Mitch Rakus suggested that in depth research by the Town Engineer was necessary before any decision could be made.

Tom Guerin asked if Monroe County Water Authority had approved the service. He said there should be a note on the plan stating that all construction will be in compliance with town codes.

Don Faso read the County Comments, which made no specific recommendations.

Don Faso questioned the invert of the existing catch basin at the back of the property. He was told it was at 556.32'.

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Cathy Plateau - 1085 Westside Drive

She questions the placement of houses on the site. She also wondered how the electric power would be provided and what plantings would be used in the development. She questioned whether they would develop all three lots or sell off the right to develop. She was told they would develop them. She asked if they needed variances and they told her no.

Bud Knapp - 1082 Westside Drive

He said he is a registered architect and lives across the street from the proposed project. He said he would be the main recipient of the water. He said finished floor elevations were missing from the plan, and setbacks have not been noted either. He said the contour lines are difficult to read and that drainage patterns could be more clearly defined. He said there is no floodplain overlay and the existing woods are not shown. He asked if an Assessment Form had been performed and was told yes. He said he was sure that additional drainage would flow onto his property.

Don Faso read a letter from Stylerite Homes to Mr. Perrotta, signed by Thomas Willet, President. The letter expressed the view that the length of the personal driveway would be a problem.

Mr. Drum - 1079 Westside Drive

He asked how far the development would be from his house. He was told that it would be 10' off the property line.

Linda Knapp - 1082 Westside Drive

She said that drainage is already a problem and that the drainage swale is not really a swale. She said it is a basin with trees in it.

Linda Pero - 1085 Westside Drive

She questions the fill in the area. She is shown on the map where filling will occur.

Cherie Bevona said the Conservation Board would like to see Austrian Pines planted instead of Scotch pines.

Raymond Richard - 1005 Westside Drive

He challenges the Conservation Board's request for Austrian Pines.

Cathy Plateau submits to the Board a letter from Pat Schultheis concerning this development. She questions the drainage problems in the area, the access road and recommends dedication to the Town of Chili, a noise barrier, and size and quality standards. She further recommends that the Board disallow a sign in front of her property and require a 6' fence to be placed at the edge of her property.

DECISION: Unanimously denied by a vote of six.

The meeting was adjourned at 1:30 a.m.

CHILI PLANNING BOARD

August 19, 1986

The meeting of the Planning Board of the Town of Chili was held in the Chili Administrative Office, 3235 Chili Avenue, Rochester, New York 14624 on August 19, 1986 at 7:30 p.m. The meeting was called to order by chairperson Don Faso.

PRESENT: Bill Deans, John Nowicki, John Cross, Mitch Rakus, Ray Bleier and Chairperson Don Faso.

ALSO PRESENT: Bob Connolly, Building Inspector; Cherie Bavona, Conservation Board; Rod Pressor, Town Engineer; and Dan Miller, Deputy Town Attorney.

Chairperson Don Faso declared this to be a legally constituted meeting of the Chili Planning Board. He further stated that notice of the meeting had been advertised in the Gates-Chili News, as well as posted on the Town Clerk's bulletin board.

APPLICATIONS BEFORE THIS BOARD WERE AS FOLLOWS:

1. Application of Gary Sextone, owner; 100 Johnson Road, Churchville, New York 14428 for final subdivision approval of 4 lots to be known as Kes-Mar Estates at property located at 300 Chestnut Ridge Road in R-1-20 zone.

Mr. Anthony LeFay, attorney, is present to represent the application. Mr. Sextone is also present. Mr. LeFay explained that they had taken extensive measures to have this application reviewed by the neighbors and by the Town Attorney. He said they had concerns about the neighbor to the west because of potential run-off. He said for this reason they had planned drainage, which would include detention, in the Northwest corner. He said it would control the water flow in a 100 year storm. The drainage would be, he said, no greater than at present and very possibly less. He said that based on the configuration of the drainage plans, he felt that they had resolved the water problem for the neighbor to the west. Via the site plan map, he showed the drainage flow.

John Nowicki asked if they would be using dry wells. Mr. Sextone said that they were going to use dry wells into the individual storm sewer. He said basement and roof water would run into that. The trenches would be filled with crushed stone.

John Nowicki asked how many downspouts would be coming off the house. He was told there would be 2 to the rear; that the soil was coarse there; and that the percolation rates were good.

Mitch Rakus asked if they would empty directly from the basement to the dry wells. He was told they would use sump pumps.

Bill Deans asked if they had said the drainage would be o.k. for a 100 year storm. He was told that there are concrete gutters along one half of the pavement on Golden Road, which go to the receiving basin. All surface land water will run into the swale to the back. In a 100 year storm, the maximum surface will sift in 15 minutes to one half hour. Mr. LeFay said there would be 2' of water in the pond in a 100 year storm and that it would dissipate in 1/2 hour.

Mitch Rakus asked for an explanation of why the house was at this particular elevation. He was told that it had been designed to be 2' above ground. Mitch then asked if they would be taking all the dirt out of the detention pond area and using it at the front of the house. He was told yes, but that more dirt would be brought in.

Bill Deans asked how long the water would run out of the 6" pipe in a 100 year storm. He was told 15-20 minutes and that the maximum water in the pond would be 2'. Mr. Sextone said the size of the pipe is controlled by a 10 year storm.

Ray Bleier asked what the estimated condition of the swale to the North of the last lot was. Mr. Sextone said it was an established swale.

Mitch Rakus asked if they sincerely believed that they could improve the overall situation in the area with the detention pond. Mr. Sextone answered that they would be controlling more water than now flows off the land.

Don Faso asked Mr. LeFay if his client was the only developer of these lots. Mr. LeFay said his client had not made that decision yet. He said he felt that he would probably do it with someone who was experienced. Gary Sextone then said that "it will not be piece-mealed out."

Gates-NEWS-Chili

1635 BROOKS AVENUE, SUITE 2, WEST BLDG. ● ROCHESTER, NEW YORK 14624

Date... *8/13/86*

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

GATES-CHILI NEWS

Issue Dated... *8/13/86*

Geraldine C. Snyder
.....
Notary

Patricia M. Smith
.....
Patricia M. Smith
Publisher

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 19*87*

Planning Board - 8-19-86

Legal Notices

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 August 19, 1986 at 7:30 p.m. to hear and consider the following applications:

1. Application of Gary Sextone, owner; 100 Johnson Road, Churchville, New York 14428 for final subdivision approval of 4 lots to be known as Kes-Mar Estates at property located at 300

Chestnut Ridge Road in R-1-20 zone.

2. Application of Mark IV Construction, 301 Exchange Blvd., Rochester, New York 14608, property owner: M/M Jacob Seidowitz, Mark Seidowitz; for rezoning of 33.7 acres from RA-20 (rural agricultural) & FPO to RM (Multiple Residence) & FPO at property located at a portion of 2021 Scottsville Road.

3. Application of Gilbert Glidden, 3216 Union Street, North Chili, New York 14514, property owners: N. Maier, D.

Maine, R. Glidden; for preliminary subdivision approval of 81 lots to be known as Glidden Estates at property located on King Road in R-1-15 zone.

4. Application of Perna Homes Inc., 849 Paul Road, Rochester, New York 14624, property owners: The Pikuets; for preliminary subdivision approval of 37 lots to be known as Phase I of the Paul/Chestnut Subdivision at property located at 1034 Paul Road in PRD-zone.

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

J. Donald Faso

Chairman

Chili Planning Board

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Martin Wehle

He said he lives next door and he objects to the proposal because the land is not suitable for a good building because of the water problems. He said he feels he has lost ground on the far end and as an example, he cites Sunset Development where there is presently 18" of water sitting on the ground there. He says now he will have a 6" pipe that will cut another pasture right in haof. He said water is lying where the detention pond is right now. He said he prefers the water to run in sheet form, but he strongly opposes the pipe being used to channel it. He said he wanted no retention/detention pond.

Mr. Sextone and Mr. Wehle discussed this in the presence of the Board and concluded that the proposed development would be best if permitted to drain in sheet fashion.

Jean Troth - 104 Golden Road

She said she agrees that the land is not suitable for developing. She objects to its development and says she thinks the only good idea there is the dry well.

DECISION:

Unanimous approval by a vote of six with the following conditions:

1. The development must meet mutual consent by all involved parties, i.e., the berm shall be eliminated in favor of sheet runoff. Drywells shall remain as indicated on the final plan.
 2. The proposal must meet the approval of the Town Engineer.
2. Application of Mark IV Construction, 301 Exchange Blvd., Rochester New York 14608, property owner: M/M Jacob Seldowitz, Mark Seldowitz; for rezoning of 33.7 acres from RA-20 (rural agricultural) & FPO to RM (Multiple Residence) & FPO at property located at a portion of 2021 Scottsville Road.

Present to represent the application are the following individuals: Richard Rosen, Architect; Wayne Wegman from Passero Associates; and Anthony DeMarzo, President of Mark IV Construction.

Mr. Rosen explains that the proposed site is north of the Convalescent Hospital. He said the land needs to be subdivided from a farm. He said after subdivision, it will be 33.7 acres and is 10 acres in a flood plain. He said they are seeking rezoning, but that it would not be a multiple family development. He said the development would be an unintensified development and that 26 acres of the land would not be improved. He showed via the site plan how the development would take place and where the multi-family home for the elderly would be located. He said he is experienced as a town-house developer. He said the market they hoped to serve was two-fold: the younger family who is purchasing a first house and older people who no longer have children at home. He said a Home Association would maintain the exterior and grounds. He said they are restricting themselves to 50% of the homes as two bedroom dwellings. He said the total project would take 3-5 years to complete and it would be developed in 2 stages. He said all streets would be built to town specs and would be dedicated. There will be street lighting and a small recreational facility on the site with a 75' pool. He said the project entry was selected for topographic reasons. The development would be 2' above the flood plain level. The view driving past the development would be of the fronts of houses. He said the state requires a traffic study, which they intend to do.

He said the housing for the elderly will be separate from other dwellings. He said all utilities are presently available: an existing sanitary sewer along Scottsville Road, which is gravity fed to 5 pump stations. He said four of the pump stations have been upgraded and one is to be done soon. He said he had spoken to the Pure Waters people and they saw no problems with it. He said there is a water main along Scottsville Road and he will hook into this.

He showed via the map where the drainage would flow, in a southward direction. He said it would discharge under a 2 x 2 box culvert to the river. He said there would be catch basins and storm sewers along the road. He said they would stay out of the flood plain with most of the development of townhouses. He said there was no proposal for detention on the site.

He said there would be 162 units on 4,000' of road. He said that in the future they would be asking for permission to put in cul-de-sacs.

Don Faso asked if they had gotten any comments from the fire marshal. Don

was told that the road to the west would be looped with an emergency access road in 3 places, and that a 10" water main would feed 10" throughout the project and back into a 10" pipe throughout the project.

Don Faso read County Comments, which recommended that the application be approved for the following reasons:

1. It is consistent with the Town of Chili Comprehensive Plan.
2. It is consistent with the housing policies in the Monroe County Comprehensive Development Plan.
3. It is consistent with the Land Use Policies in the Monroe County Comprehensive Development Plan.

Additionally, the Department of Planning made the following comments on the proposed plan:

1. Noise reduction techniques be employed.
2. The Department of Planning would like to review the proposal at the preliminary site plan stage.

Don Faso asked Mr. Rosen if he would elaborate somewhat on the proprietary home that is proposed. Mr. Rosen said an elaborate study had been conducted on the need for this type of housing. He said they had determined a need. He said they would actually be rooming units with food served and some nursing care available. He said the alternative to this would be apartments for the elderly. He said the site would be suitable for two different kinds of operation and they would like the flexibility to go either way. He said they wanted to build a facility for elderly folks who could still take care of themselves, so the facility would be one of the lowest level of care for the elderly.

Mitch Rakus asked if a traffic study had been done. Mr. Rosen said one was required by the state and would be done by a qualified traffic engineer.

John Cross asked if there were any other proprietary homes in the southwest part of the county. Tony DeMarzo said he has one in Penfield and one in Greece. He said they are like a stepping stone prior to institutionalization of the elderly. John then asked what their schedule was for construction of the home. He was told it could be constructed simultaneously with the townhomes, but that Social Services approval would dictate its true beginning. John then asked the cost of the townhomes and was told they would be in the range of \$75-85,000.

Bill Deans asked if the property next door was limited industrial. He was told yes they thought so. Bob Connolly said there was a parcel near it that may be light industrial.

Mr. DeMarzo said the townhomes would be for sale and would be fully landscaped and maintained by the Homeowner's Association. He said he presently manages 400 units and that it is a very controlled atmosphere with some under the complete control of the buyers.

Ray Bleier asked what if economic study showed that the lower portion was not feasible to develop. Mr. DeMarzo said there was no question of need for this kind of housing. He said they did have to prove it to the Social Services Department. He said they could do congregate housing with a kitchenette in each suite, but would still do housing for the same age group.

John Nowicki said they would be the same except for the room for the kitchen then, right? He was told yes. They would be, Mr. DeMarzo said, leased under the same terms and conditions.

Ray Bleier questioned both the parking and the landscaping. He was told that the two homes that Mr. DeMarzo now has have adequate parking and are well landscaped. He said a full landscape plan would be presented at a later date.

Mitch Rakus asked how the residents would shop, those who had no cars. He was told that there would be a van to take residents to the store and on special outings. He said it worked well to keep them active. Within the facility, there would be a social director, he further explained.

Mitch Rakus asked if Social Service approval meant the housing would be low cost. He was told it would be around \$30 a day.

Bob Connolly asked what the occupancy in any one of the buildings would be. He was told there would 100 units total.

Cherie Bevona asked if the grounds would be owned by the townhouse owners, or if each would have a small yard to maintain. She was told that they would each have a small area, i.e., patio, that they could use to plant. She was told the drives would be owned by the association and maintained by them. She asked Mr. Rosen what type of landscaping would be used for the open area. She was told it would be completed by a professional

landscape architect. Cherie asked if there would be picnic benches and was told no; it would basically be a residential area. Cherie then said that the Conservation Board saw no significant environmental impact to the area being rezoned.

Don Faso read the Environmental Assessment Form, which stated that the environmental impact would not be significant. The Highway Department was quoted as saying that they could handle the traffic increase.

Rod Prosser asked if they had had any contact with the State Conservation Board in Elmira. He was told that it is not a wetlands or flood plain. They had felt no need to make contact because of this.

Mitch Rakus said he lives on Scottsville Road and knows there has not been a significant flood since 1950. He said he wondered though if they couldn't change the elevation to 530' just in case. Mr. Rosen said they planned to stay 2' over the established 100 year flood plain or the actual flood level experienced in the past. He said he would like to leave it up to the Engineer. Mitch then said that in that flood he had to wear hip boots and park his car and walk. He said he would just like to see a safety factor built in.

John Nowicki said that since the damn had been built, there had been no floods. He said he felt that the HUD regulations had been met.

Rod Prosser questioned the storm water and flood water displacement area. He was shown on the site plan.

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Jack Curtin - 49 Redbud Road

He asked what impact the proposal would have on the Gates-Chili Sewer facility. He was told that Don Faso had addressed this earlier and that there would be no problems. Mr. Curtin then quoted some figures that he had put together on the estimated assessed value to the tax rolls. Mr. Curtin requested a definition of RM zoning. Don Faso read the definition from the Town Code.

Don Faso said he had spoken to Henry Paris from Wheatland-Chili about the declining enrollment. He said he had learned that there would be no problem with the school district accepting additional children.

Martin Wehle

He said he thinks it improves the area and he thinks it is great for this side of the city.

Mitch Rakus said he would like to see further review on the elevation of the area. Don Faso said that both Rod and Tom, Town Engineers, would be taking this into consideration. Don said he had received a letter from Mr. Seldowitz in favor of rezoning the land.

DECISION:

Unanimously in favor of recommending rezoning to the Town Board.

Applicants advised to petition the Town Board for a public hearing to rezone the parcel.

3. Application of Gilbert Glidden, 3216 Union Street, North Chili, New York 14514, property owners: N. Maier, D. Maine, R. Glidden; for preliminary subdivision approval of 81 lots to be known as Glidden Estates at property located on King Road in R-1-15 zone.

Present to represent the application were Don Avery, Engineer, and Gilbert Glidden.

Don Faso explained to the Board and audience that Mr. Glidden had returned because he felt he had significant new support for his application. The application had been denied at an earlier meeting because of drainage problems. Don Faso read a letter from Supervisor Anderson stating that \$3,000 would be spent in Mr. Glidden's drainage district to improve the drainage.

Don Avery said he had appeared before the Board in December, and since that time, he said, there have been no changes to the plan. He resubmitted to the Board plans of the proposed development.

Mr. Glidden said he would be the contractor to clean out the ditch along the North side of King Road. He showed on the map where the ditch to be

cleaned out was. He said he would clean all ditches and also put in a swale. He said he felt that cleaning out the ditches would resolve the drainage problems there.

Ray Bleier asked how many houses would drain down toward King Road. Don Avery showed him on the map and said it would be approximately 55 houses.

Bill Deans said the developer should provide a better idea of what the house floor levels are, as well as the back yards. He said the map does not give him enough information to figure that out. He said he is very concerned about the water problem there. Don Avery told him that he has a topo map, a grading plan and a profile. Bill said he is talking about drainage along the north to King Road. He says he wonders how drainage is going to be handled coming down off the hill. He said it looks like the homes are 2-3' below the height of the meadow. Don Avery shows on the map. Mr. Glidden says that cleaning out the ditches will prevent any more of their water from flooding the neighbors.

Bill Deans asked if this would be done at the end of the project, and Mr. Glidden said no, it would be added immediately if any water flows the way of the neighbors. Bill Deans said that he was apprehensive that in time the wooded area there would become a swamp because the water going into the wooded area would eventually cut off the oxygen to the trees.

Don Avery said they would be putting in a permanent pond and would also be eliminating some trees.

Bill Deans asked what the value of the homes in Section A and B would be. He was told they would be in the \$90-120,000 price range, and would be 1800-2,000 square foot colonials.

John Cross asked Mr. Avery if he had met with the Town Engineer about cleaning the ditches, etc. Mr. Glidden said he had the word of the Supervisor and Engineer that the silt and cattails would be removed. John asked what would happen in 10-15 years when the silt builds up again. Mr. Avery said there was a drainage district there with easements. John said he wondered why it had not been taken care of before. John said he had visited the site last week after a 20 minute downpour and was surprised at the amount of water running. He asked Rod Pressor if there was any way he could help these people. Rod said the whole area is wet because there is no maintenance in the area. He said that Mr. Glidden has gone out of his way to comply with all the regulations, and he felt that once the ditches were cleaned up, the owners would have the responsibility to get their own water to the ditches.

John Nowicki asked for clarification on the amount needed to clean the ditches. He was told that the total cost would be \$4200 and that the Town would be contributing \$3,000 of that. Mr. Glidden would pay the remaining \$1200 to clean it up. Mr. Glidden himself would be doing the work and would be working well below the going rate per foot for the clean-out. John then asked if this proposal was not approved, if the \$3,000 would be spent to clean the ditches. He was told that it would not because the exceptionally good price offered by Mr. Glidden is the incentive for the job to get done. It is a matter of economics, according to Mr. Avery.

Cherie Bevona said her Board had reviewed the application last October. She said that although she was concerned about the drainage, the Conservation Board saw no significant impact from the project. She said she would like to see a buffer between the new and the existing homes.

Bill Deans asked Cherie Bevona if she was aware that they would be cutting down a lot of trees. Cherie asked Mr. Avery how large an area was involved with the removal of trees. She was told about 1/2 acre. Mr. Glidden said it was mostly scrub growth. Mr. Avery said he would work with the Conservation Board on the tree removal.

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Tom Glende - 158 King Road

He said the town is pending his tax dollars to Mr. Glidden's advantage. He said there is a problem on the other side of the railroad tracks. He said there is more of a problem with water since the Springbrook development. Basements are getting damper all the time and it is affecting the value on homes in the area.

Jim Nothnagle - King Road

He said he has lived there for 26 years. He said every year it is the same as before; there has been no change since the original proposal as far as he can tell. He said people on King Road since the sound of ditches and they have not been cleaned in 26 years. He said nothing has been done to help the neighborhood. He said he is hardly in favor of the land developer

serving as the one to clean the ditches. He said it is a little like asking the fox to guard the hen house. As far as he can see, he said, the plan presented tonight is the same as before.

Paul Lucas - 11 Gilead Hill Road

He submits a petition of 33 residents of Gilead Hill Road opposing the development of this land. He cites the following objections: increased traffic and hazards to small children, inadequate access to King Road, additional traffic on Gilead Hill Road, and disturbance of the peaceful atmosphere.

Ralph Barbero - 180 Hillary Drive

He said he has previously served as Chairman of the Zoning Board, as well as the Drainage Committee. He explains why there has not been maintenance of the water district. He said that money accumulated in the drainage district can only be spent for a private contractor. He said the best resolution is to work with the developer through the town engineering firm because the town really does not have the means to solve the problems.

Jim Nothnagle

He says that Mr. Glidden has property that is not feasible to develop. He said he sees the town cannot take care of the drainage districts it has now and yet is creating more.

Don Faso says that the property is zoned as residential, which means that the owner has the right to develop it in a residential manner as long as the minimal standards of the town are met. He said the Board cannot deny him that right, but they are trying to make the development proceed in a manner consistent with the town's standards.

Jim Nothnagle

He said Mr. Glidden is fighting a losing battle, and that there is no way he can develop the land without hurting area homeowners.

John Gilluly - King Road

He submits pictures to the Town Planning Board.

Cliff Chapman - 160 King Road

He asks where the Springbrook Development is. He is shown on the map. He reads the drainage easement from his abstract title and then declares that the town does not have a valid easement for that retention pond.

Dan Miller said the town does have an easement across Mr. Chapman's property.

Claude Blackwell - 124 King Road

He said he has no problem with the plan itself, but wants to make sure that he gets no more water.

Mr. Seltino - 141 King Road

He questions the drainage flow under the railroad track and asks if DEC allows additional water into the wetland.

Betty Glende - 158 King Road

She questions the storm water direction. She asks where all the storm sewers are emptying into. She is told into the pond. Don Avery shows on the map and explains that there are no sewers, but will be a pump station. Don Faso said it is to be sewerred in 3-5 years.

Mr. Nothnagle

He said this is the first time a pumping station has been mentioned. He asks how this will work. Mr. Avery said that the Pure Waters has to review the proposal. He said that anyone can talk to Phil Steinfeldt.

Jim Gannon - 4 Gilead Hill Road

He said he disagrees that they need to work with the developer to solve the problems. He said his own developer does things his own way. Consequently, they have no swales, wet basements, floods in the street when it rains, and sewers that back up. He said that although the developer can be fined or restrained by a stop order, it does absolutely no good. He said his street is still not dedicated, and that the town has done nothing to help. He asked if the Town was holding back dollars on Mr. Darpeno.

Town Engineer, Tom Guerin, said he has been out and walked the road. He said he will meet with Mr. Darpeno in the next few days, or the funds and letter of credit will not be released.

Jim Gannon

He asked if anyone has walked behind the houses to see the drainage problem.

Jim Stock - 31 Mapleton Drive

He said there is 2' of water behind his house. He is concerned about the size

of the pond in the woods and whether it will become a swamp.

Jim Gannon

He said he is not impressed with the map because it does not show the areas that will directly be affected. He says as far as he can tell, the plan has not changed much since it was last defeated. Don Avery said more details would be provided on the final plans. Don Faso said that the requirements for preliminary subdivision had been met.

John Cross asks Rod Pressor if he is satisfied that the plan Mr. Glidden has presented will work. Rod said that he felt the ground water for the area would be improved, and that the ditches have the capacity for a 10 year storm. He said the drainage has to be improved from what it is now.

Mitch Rakus said he needs to know if all is properly drained to the railroad track, if it will take care of everyone else's problem.

DECISION: Application denied by vote of 5:1; Don Faso cast affirmative vote.
Board discussion was that if the necessary improvements were made and actually alleviate some of the flooding problems, they would be willing to rehear the application.

4. Application of Perna Homes Inc., 849 Paul Road, Rochester, New York 14624, property owners: The Pikuets; for preliminary subdivision approval of 37 lots to be known as Phase I of the Paul/Chestnut Subdivision at property located at 1034 Paul Road in PRD zone.

Present to represent the application are Jamie Valerio, Jim Perna, Court Reed and Don Avery.

Don Avery said that in May of 1985 they had appeared before the Board to rezone from an R-1-20 to PRD. He said that DEIS approval was granted in March of 1986. He submits to the Board a site plan. He said they want to begin Phase 1 as soon as they get the necessary approvals. He said they would like to have final waived pending the approval of the Town Engineer and the necessary county agencies.

He said the site is 137.5 acres and is bound on the north by I-490, on the south by Paul Road and on the east by Chestnut Ridge. He said it is 90% agricultural, except for the norther tip which is wooded. He said they will use berms there to mitigate the noise from 490. He said there will be 263 homes on the site, which is less than the original zoning allowance. He said that green areas will represent 40% of the site. There will be the following 3 types of units: Single family residences on the type A lots, which will be 13,000 sq. ft (126 - 40% of the program); Patio home lots on Section B (32 units or 5%); and 105 townhouse units, which will represent 7% of the program. He said all units will be sold fee simple. There will be a pond and recreational space with 2 levels of a Homeowner's Association. He said there will be a variety of setbacks and will be 2 entrances to the project that will be divided.

Mr. Avery said the recreational facility will consist of 2 tennis courts, a swimming pool and a trail system.

Discussion ensues on whether preliminary can be granted on the whole project or the first phase only. Mr. Perna says they need preliminary approval on the whole project, and that in the past they have had to come in for final on each phase.

Bob Connolly said they had not had a PRD application in the town before and were therefore unsure of how to charge for it. He said they would need to know the whole scope of the project to assess a charge. Jim Perna said if there is a fee problem, they would be willing to pay it.

John Nowicki asked Dan Miller if the Board could hear a preliminary on the whole site when Phase I was what the Board felt they were dealing with. Dan Miller said the question before the Board was whether they could verbally amend the application. Bob Connolly said the plans submitted to his office were not good enough for preliminary consideration for the whole site. Don Faso said that what was lacking was a grading plan.

Don Avery proceeded with showing the roads on the site plan, sewers, utilities, grading and first floor elevations.

John Nowicki asked if all agencies had been contacted and if they had worked closely with the Town Engineer. Mr. Avery said yes. He said it had gone through environmental review and the only question to be worked on now was that of water pressure.

Bill Deans questions how they will handle the drainage once along the south side of Paul Road. Jim Perna said they plan to dig it out and swale it.

John Nowicki asked how much more they would be reducing the CSF. Mr. Perna said they would be reducing the existing flow of 100 acres in the following manner: 10 year - 98%; 25 year - 89%; 50 year - 74%; and 100 year - 70%. John then asked if the ponds would be built in Phase I. He was told yes. Mr. Valerio said they would use a temporary structure to get the water to the pond.

Jim Perna said he thinks this property will save the town plenty of money.

Don Faso read the County Comments, which recommended approval of the project for the following reasons:

It is consistent with both the Monroe County Comprehensive Development Plan's Housing policies and the general land use recommendation of the Chili Comprehensive Plan.

Ray Bleier asks Dan Miller if the Board can grant preliminary approval on the entire project at this point. Dan Miller says that in his opinion the Board cannot. He says there is too much variation to grant preliminary for the whole project. He feels the change would be too significant to amend verbally. John Nowicki agreed with Mr. Miller and reminded the Board that the County had not reviewed the entire project. Dan Miller said that if there were opponents to the project here, they could take the case to court and win.

Bob Connolly said that in his opinion there was not sufficient detail included in the plans to grant preliminary for the entire project. Bob said that they would need to provide dimensions on the lots and show the roads throughout the project.

John Nowicki moved that the application be amended to read preliminary subdivision approval for 263 lots. (Final subdivision approval will still be necessary for each phase of the development.) The motion was seconded by Bill Deans. A vote by the Board supported the amended application, with only one negative vote cast by Mitch Rakus.

Jamie Valerio said they want to present a lighting plan to the Board and are also seeking varied setbacks from the front, side and back. Bob Connolly reminded him that they would have to be sure not to impose upon the Building Code minimum setbacks.

Don Faso asked if they had looked into a flashing light. He suggested it would be a good idea. Jim Perna said he had discussed it with Joe Ferrari, and the only thing is the town would have to pay the electric on it.

Cherie Bevona asked who will maintain the green space. She is told it will be the Homeowner's Association. She also questions the composition of the trails. She is told they will be asphalt.

John Nowicki asked if they would have a separate corporation to handle the Homeowner's Association. He is told they will probably manage it themselves, at least until it really gets going. Jim Perna said that when they reach 80% of occupancy of the townhomes, they will turn the management over to the residents.

Bob Connolly asked if the town homes would be single family homes. He is told yes. John Cross asked the price of the townhomes and is told they will be in the \$100,000 range.

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Hans Baumeister

He questions whether the Board should have amended the application. He also questions where the lakes will be, the time frame in which they will be built, and who will maintain the ditch there. He says the ditch goes directly under his property. Jim Perna answers his questions via the map and tells him that everytime they build a house, they pipe a ditch. He also tells him that the County is responsible for cleaning the ditch. Don Avery says there will be more water, but that it will run slower and longer.

Tom Guerin, Town Engineer, said he would like to see as a part of final an internal traffic study. Jim Perna said it would be in a letter of credit.

Ralph Barbero - 180 Hillary Drive
He said he has had drainage problems for 17 years. He said the first development that makes an effort to decrease the problems on Hillary should be commended.

Hans Baumeister said the whole subdivision will drain on his lot.

Peter Lamb - Chestnut Ridge Road
He questions the drainage and asks if there will always be 5' of water in the first pond.

Hans Baumeister
He asks the area of the pond and is told it will be over 2.5 acres and will be at 573' elevation.

Ralph Barbero
He asks if the scope of the approval would be contingent upon approval by the County Planning Department. He says the sewer capacity needs to be verified. Jim Perna tells him that he knows the capacity is sufficient. Mr. Barbero tells him that all the homes along there have sump pumps that drain to the sewer.

Louise Lamb - Chestnut Ridge Road
She says she wishes Jim Perna good luck.

DECISION: Unanimously approved by a vote of six with the following condition:
The application approval is pending re-review of the Monroe County Planning Department for the entire subdivision.

INFORMAL DISCUSSION:

1. Anthony Comunale, 51 King Road, Churchville, New York 14428, for preliminary site plan approval to erect an addition to house at property located at above address in LI zone. Request that formal site plan procedures be waived.

Mr. Comunale is present to represent the application. He says he is adding a family room and bathroom on the first floor and expanding a bedroom on the second floor.

DECISION: Unanimously approved by a vote of six.
Final site plan approval has been waived.

2. Application of Jim Crowley, 127 Powers Lane, Rochester, New York 14624, property owner: Linda Holford, for preliminary site plan approval to erect a modular dwelling at property located at 155 Attridge Road in R-1-15 zone. Applicant is requesting that formal site plan procedures and final site plan approval be waived.

Mr. Crowley is present to represent the application. He said he is buying the modular home from ASI in Victor. He said the basic construction will be the same as a conventional home. It will be a 3 bedroom home and will contain 1454 sq. ft. of living space. He said it is erected in a building and then hauled to the site.

Bob Connolly reminded him that it would have to have the stamp of approval on all of the wiring, etc.

DECISION: Unanimous approval by a vote of six.
Final site plan approval waived.

The meeting was adjourned at 1:30 a.m.

CHILI PLANNING BOARD
SEPTEMBER 16, 1986

The meeting of the Planning Board of the Town of Chili was held in the Chili Administrative Office, 3235 Chili Avenue, Rochester, New York 14624 on September 16, 1986 at 7:30 p.m. The meeting was called to order by Chairperson Don Faso.

PRESENT: George Ford, Bill Deans, John Nowicki, John Cross, Mitch Rakus, Ray Bleier and Chairperson Don Faso.

ALSO PRESENT: Bob Connolly, Building Inspector; Cherie Bevona, Conservati Board; Dan Miller, Deputy Town Attorney; and Tom Guerin, Town Engineer.

Chairperson Don Faso declared this to be a legally constituted meeting of the Chili Planning Board. He further stated that notice of the meeting had been advertised in the Gates-Chili News, as well as posted on the Town Clerk's bulletin board.

APPLICATIONS BEFORE THIS BOARD WERE AS FOLLOWS:

1. Application of Pat DeCroce and Fred Kuhs, owner, c/o Harry Messina, 44 Exchange Street, Rochester, New York 14614 for preliminary subdivision approval of 2 lots to be known as Chili Subdivision at property located at 3313 Chili Avenue in GB zone.

Tony Amarosa, Harry Messina, and Fred Kuhs are present to represent the application. Tony Amarosa explains that they need to resubdivide the parcel. He says that it is a re-sub and not a new subdivision. He said they are not transferring the property to anyone else; just reselling it.

Don Faso said the County Comments are not relevant to the application, since it was treated as a new subdivision and, in fact, is not.

DECISION: Unanimously approved by a vote of seven; no conditions.

2. Application of Victor Colombini, owner, 3193 Chili Avenue, Rochester, New York 14624 for preliminary subdivision approval of 2 lots to be known as Colombini - Chili Subdivision at property located at 2880 Chili Avenue in R-1-12 zone.
3. Application of Victor Colombini, owner, 3193 Chili Avenue, Rochester, N.Y. 14624 for Conditional Use Permit to erect a two family dwelling at property located at 2880 Chili Avenue in R-1-12 zone.

These two applications were heard concurrently.

Don Avery was present to represent the applications. He submitted an appropriate site plan to the Board and explained that the property was a single lot at 2880 Chili Avenue on the north side of the road. He indicated via the map where the sanitary sewer is, as well as trees that are existing on the lot. He said they had situated the house in a certain way to avoid having to take down trees on the lot. He said there was access to water on the north side of the road. Via the map, he showed where the driveway would be. He reviewed the topos of the land and traced the drainage from the property to the west and back across Chili Avenue via an existing ditch. He said they need a variance for the proposed double house to be built on the property.

He said the house will be two story and will have a garage located at each end. Mr. Colombini plans to retain ownership himself, with his mother living on one side and his in-laws on the other. The house will be sided and bricked up to the overhang. The projected cost of the dwelling is \$80,000.

Don Faso said, "then he has no intention of selling it off?" Mr. Avery said "no."

Gates-NEWS-Chili

1635 BROOKS AVENUE, SUITE 2, WEST BLDG. ● ROCHESTER, NEW YORK 14624

Date.....*9/10/86*.....

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

GATES-CHILI NEWS

Issue Dated.....*9/10/86*.....

Geraldine C. Snyder

Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y. Monroe Co.
My Commission Expires March 30, 19*87*

Patricia 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 September 18, 1986 at 7:30PM to hear and consider the following applications:

1. Application of Pat DeCroce and Fred Kuhs, owner, c/o Harry Messina, 44 Exchange Street, Rochester, NY 14614 for preliminary subdivision approval of two lots to be known as Chili Subdivision at property located at 3313 Chili Avenue in GB zone.

2. Application of Victor Colombini, owner, 3193 Chili Avenue, Rochester, NY 14624 for preliminary subdivision approval of two lots to be known as Colombini - Chili Subdivision at property located at 2880 Chili Avenue in R-1-12 zone.

3. Application of Victor Colombini, owner, 3193 Chili Avenue, Rochester, NY 14625 for Conditional Use Permit to erect a two-family dwelling at property located at 2880 Chili Avenue in R-1-12 zone.

4. Application of Crystal Construction Corp., 2005 Lyell Avenue, Rochester, NY 14606, property owner: Harts Meadow Dev., for final site plan approval to erect three office buildings totaling 25,000 sq. ft. at property located at 4201 Buffalo Road in NB zone.

5. Application of Case-Hoyt, 100 Beaver Road, Churchville, NY 14428 for preliminary site plan approval to erect a 48' x 60' temporary office facility at property located at 100 Beaver Road in LI zone.

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

J. Donald Faso
Chairman
Chili Planning
Board

*Planning Board
Special 9-16-86*

Mr. Avery said that each garage would be 12' x 20' and that there would be landscaping employed all around the house.

Bill Deans questioned the width of the lot and house minus the garages. Mr. Avery told him it would be 97' at the rear and 100' at the building line. He said it is in an R-1-12 zone. Bill Deans then asked if the garages would be 12', and if so, then the width of the house alone would be 45-50'? He was told the width of the house would be 40'. Mr. Avery said each side of the double would be two bedrooms and would be about 960 sq. ft. Bob Connolly informed him that if it is a two bedroom, it must be 1000 sq. ft.

John Nowicki asked if 2880 Chili Avenue is now being rented. He was told yes. Mr. Avery said they would continue to rent it. John then questioned the drainage. He asked if they would use splash blocks or down spouts and how they would get rid of the storm water. He was told they would connect the garage floor drains to the sanitary sewer, as the County Health Department mandates. Mr. Avery indicated on the site plan where drainage from the house would go. He indicated where the inverts and pipes were on the site plan. He also said he had been out there and did not see any water standing.

John Nowicki then questioned the construction of the driveway. He was told it would be blacktopped. Mr. Avery also said they would put in a screen to the west to protect that homeowner from head lights. He said they could eliminate the turn around on the east.

George Ford questions the number of occupants in this double house. He is told there will be a maximum of six people, three on a side.

Ray Bleier commented that in an in-law apartment situation, there was a little more control as to the number of people occupying the apartment.

Cherie Bevona said that the Conservation Board saw no environmental impact from this proposed double dwelling.

Tom Guerin said he thought it would be a good idea to eliminate the turn-around.

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Edward Karol - 2870 Chili Avenue

He submitted a petition to Don Faso. The petition was signed by 54 residents of the neighborhood who expressed opposition to this proposed double house. Residents felt that there was a traffic hazard here because of the sharp bend in the road. They felt that the present property was not being properly maintained, and opposed the idea of 2 families living in this size house. They also objected to the headlights, which 4 residents would experience anytime a car entered the property at night.

Mr. and Mrs Howard Stiles and Ruth - 2865 Chili Avenue

They said they see no hardship in this case. The area is zoned for single family dwellings, and they cannot see why it should be changed. They said that once the house is built, the Town will have no jurisdiction over who lives in it. They also object to two more drives off Chili Avenue, particularly at this curve in the road.

Frank Kozlowski - 2873 Chili Avenue

He wants the record to show that he is opposed. He says he already has a time getting out of his own driveway. A double house in the neighborhood will, he feels, devalue existing property in the area.

Mel Simon - 114 Field St.

He says he owns the abutting property. He submits to the Board his own map of the site. He challenges Mr. Avery's statement that there is no drainage problem there. He says that the south side of Portland Estates is constantly flooded. He shows on the site plan where the problems are and asserts that the Town never lived up to promises made when the Portland project was approved. He said that the drainage ditch and culvert there is overgrown and inoperable. He said that the result of all this is that DEC declared the area a wetland. He said he has had a drainage problem for 20 years and the Town has never given him any relief.

John Nowicki asked Mr. Simon if he had legal action against the town in the past 5-7 years. Mr. Simon said that he had initiated such action, but it was presently on hold until there is a new administration. He said he was told there are no funds to correct the situation.

Mr. Simon says he sees no reason to change the zoning for this application.

Barty Ruffin - 7 Marcia Lane

He says he sees no reason to change the zoning either.

Ray Deisinger - 2877 Chili Avenue

He said that approval of this will set a precedent for the numerous other vacant lots in the area. He is opposed to a two family dwelling in this area and is concerned about what may transpire in the future with various other properties.

John Schoen - 4 Toni Terrace

He says that Mr. Colombini knew when he purchased the land that it was R-1. He said he sees no hardship that should allow a variance from the single family zoning.

Bill Deans asked Mr. Colombini if he actually owned the land at this time. Mr. Colombini said that he did. Mr. Colombini said that he sees each and every concern that has been expressed by his neighbors. He said that a single family dwelling here is not feasible for him though, and there is no way he can do that.

Don Faso asked if he had considered the option of building a house with an in-law apartment attached. Mr. Colombini said this is just not marketable. Don Faso told Mr. Colombini that from past experience, he thought it very marketable.

Howard Stiles - 2865 Chili Avenue

He says that his sump pump runs continuously, even though he is located on a high lot. He asked if sump pump water could be discharged into the sanitary sewer. The Board informs him that it cannot be because it is not contaminated water.

Ed Karol - 2870 Chili Avenue

He said he wants to agree that there are serious drainage problems in the neighborhood.

Don Faso read the County Comments, which made no specific recommendations and deemed the matter one for local determination.

DECISION OF APPLICATION TWO: Unanimous approval of preliminary subdivision but applicant must furnish Board with more information on how the storm water run-off will be handled.

FINDING OF FACT FOR APPLICATION THREE:

A two family dwelling is inconsistent with the residential character of the surrounding single family neighborhood.

DECISION ON APPLICATION THREE: Unanimous rejection for Conditional Use Permit for two-family dwelling.

4. Application of Crystal Construction Corp., 2005 Lyell Ave., Rochester, New York 14606, property owner: Harts Meadow Dev., for final site plan approval to erect 3 office buildings totaling 25,000 sq. ft. at property located at 4201 Buffalo Road in NB zone.

Russell Stall from Sear Brown Associates is present to represent the application. He submits to the Board a site plan and explains that Mayflower Village is near Buffalo Road and Westside Drive, north of the previous application for the town home section. He said it is 3.66 acres in an NB zone. He said the building areas will represent 24,288 sq. ft. He said an Environmental Impact statement was accepted by the Town in March of this year. He also said that preliminary subdivision and site plan was approved on May 20, 1986. He said the present layout is slightly different from the preliminary. He said that parking regulations by the Town Code have been met, as have the specific requirements for handicapped access. He indicated via the map where screen plantings would be placed. He also discussed grading plans and drainage, which he said would be routed to the south. He also provided the building elevations. He said they were seeking final site plan approval.

Bob Connolly asked what the setback off Westside Drive would be. He was told it would be approximately 70'.

John Nowicki asked if the Town Engineer had sent a letter of credit. He was told that it is in process now.

Don Faso asked when the first phase would be completed. Mr. Stall said that they already have a group of six doctors who want to move in in the spring.

Ray Bleier asked what the buildings would look like. He was told that they will be detailed all the way around, and will not be plain block walled in the back.

Bob Connolly asked if they would be willing to come back for conditional use permits for the doctor's offices. Mr. Stall said they would if it is required.

Ray Bleier asked when the road work on Buffalo Road will be done. He was told it would be in phase 1.

John Nowicki complimented the job to date.

Cherie Bevona commended the developer on the excellence of the landscape plan.

Tom Guerin said he had not been involved in the preliminary stages, but had the following comments and recommendations for the project at this stage:

1. He would like to see the location of the handicapped parking as close to the entrance as possible.
2. He said that some of the drainage structures they discussed are not listed on the map in Section 1. He said this may have been due to the fact that they were changed in the final plan.
3. He would like to see another fire hydrant planned, since it was a good idea to have one within 400' from each of the buildings.

Bob Connolly said there would be a stipulation imposed on approval that the fire marshall would need to approve the fire hydrants.

No one spoke in favor or opposed to the application.

DECISION: Unanimously approved by a vote of seven.
Condition: The handicapped parking spaces must be located as suggested by the Town Engineer.

5. Application of Case-Hoyt, 100 Beaver Road, Churchville, N.Y. 14428 for preliminary site plan approval to erect a 48' x 60' temporary office facility at property located at 100 Beaver Road in LI zone.

Mr. Frank Hagelberg, Atty., is present to represent the application. He said they are requesting that preliminary site plan approval be waived. John Levenheim, vice-president of Case-Hoyt, and Ken Avery from Bergman Associates are also present. Mr. Hagelberg said there are three aspects to the proposal: 1) the installation of the facility with a connection to the main building. It will be a modular facility on a concrete and wood foundation. (The company is transferring 18 employees to this site.) 2.) There is the proposed expansion of existing parking area to add 20 spaces on the south side of the parking lot. 3) There is a need for 16,000 sq. ft. of temporary parking for truck trailers. Mr. Hagelberg said that everything here is temporary, even the parking. He said that he had been in touch with Bob Connolly, who told him that they needed to apply for a variance for the front yard parking. He said an application had been submitted to the Zoning Board, and that they would be appearing before them one week from now.

Bob Connolly questioned whether subdivision maps had previously been filed. Mr. Hagelberg said they were aware of the problem and were trying to find those maps.

Don Faso read County Comments, which recommended that the project be reviewed by the County Health Department. It was felt that erosion control methods should be shown, and that staked straw bales be used for this purpose.

Ray Bleier questioned the long term proposal for trailers parked in the front. He was told that they did not know the ultimate parking design at this time.

John Nowicki said he would suggest that this be granted for one year with the stipulation that they could return in one year for renewal.

Mr. Hagelberg said that once plans for the addition are completed, they will implement some permanent plan for parking vehicles. He said the whole circulation pattern may change.

Bill Deans said he hoped that the final plan would not include having semi-trailors parked in the front. John Nowicki said he also hoped that the engineer would consider moving these to the rear. John also said that a Yield or Stop sign could be used there, since you are allowed to place such a sign on your own property.

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Cherie Bevona said that the Conservation Board saw no apparent environmental impact from the project. She did say, however, that the drainage ditch or swale in the parking area should not be blocked in any way.

Tom Guerin said he would like to see more straw bales used there. Ken Avery replied that they could put them all the way around.

Bob Connolly asked how soon they would be asking for a building permit. He was told that as soon as the final map was found and the variance granted.

DECISION: Unanimously approved by a vote of seven with the following conditions:

1. Tenure for the temporary office facility is granted for a period not to exceed two years.
2. Tenure for the temporary trailer storage area is granted for a period not to exceed one year.

OLD BUSINESS:

1. Application of Arnold Carmichael for preliminary subdivision approval of 2 lots to be known as Little Fort Hill at property located at 1504 Davis Road.

No one was present to represent the application. The application was tabled until the applicant resubmits plans to the Board.

2. Request of Herman Klingenberger for the Planning Board to rehear his application for the Chapel Woods Subdivision.

History behind this denied application is that the Planning Board rejected the application in June of 1986 on the basis of drainage problems. The Board voted tonight not to reconsider hearing the application again until the applicant satisfied the Board's concern for drainage problems in the area.

DECISION: Unanimously voted not to rehear the application.

3. Application of Rudolph Kaiser for proposed subdivision at 3526 Chili Avenue.

Mr. Lee Costich from Charles Costich Consulting Engineering Firm is present to represent the applicant. He explains that this is 11 lots along Chestnut Ridge Road. He submits a site plan to the Board and proceeds to explain the drainage, sewer access and access to the lots.

Don Faso said that the Fire Marshall had seen this application and was concerned about the bottleneck off Chestnut Ridge and Chili Avenue.

Ray Bleier said he was a little concerned about the detention pond being located so near the school.

John Cross asked if Mr. Kaiser has one builder to buy all of the lots or if he will sell them piece meal. He said his advice would be to sell them to one builder.

Don Faso asked if they anticipated do much grading. He was told they would do only what was necessary to elevate the houses above Chestnut Ridge Road. In response to Don's question whether the grading would all be done at once, Mr. Costich said they would have to get more detailed topos to know what they had to do.

John Nowicki asked how large the water shed upstream was. He was told it is 60 acres of off site.

Don Faso asked how many total acres in the site. He was told 65 acres.

Mitch Rakus said that because of all the water problems in Chili, he would like to see them do perk tests on the soil and then put the basement floors above that so they can eliminate sump pumps.

John Nowicki moved that the Town Engineer require that all these basements be waterproofed, instead of damp proofed. Motion was seconded by Mitch Rakus.

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Mitch Rakus moved that perk tests be required. The motion was seconded by John Nowicki.

Cherie Bevona said that there is a Class II wetland nearby and a Class D stream through the property. She said the Conservation Board was concerned that the development could cause the stream to be diverted and the wetland dried up.

DECISION: The Board felt that Mr. Kaiser had a viable project and recommended that he request a public hearing for preliminary subdivision approval.

FOR DISCUSSION:

1. Application of Nick's Imports and Meat Market for proposal to convert existing dwelling into a meat market at 1098 Chili Ctr. Coldwater Road in GB zone.

Don Avery is present to discuss the proposed plan with the Planning Board. He said that the owner wants to rework the building and create two stores, one to sell retail meat and the other to serve as a deli. He said they would be wanting parking in the front of the store. Each store, he said, would be about 1000 sq. ft. Nineteen parking spaces would be needed. There would be 3 employees.

John Cross asked if they would be paving the parking area. He was told yes.

Mr. Bob Lujak, builder, was also present and explained the construction.

Ray Bleier said there was a serious traffic problem there

DECISION: The Board felt that this was a viable project and recommended that they request a public hearing for preliminary site plan approval.

CHILI PLANNING BOARD
October 14, 1986

The meeting of the Planning Board of the Town of Chili was held in the Administrative Office, 3235 Chili Avenue, Rochester, New York 14624 on October 14, 1986 at 7:30 p.m. The meeting was called to order by Chairperson Don Faso.

PRESENT: Bill Deans, John Nowicki, George Ford, John Cross,
Mitch Rakus, Ray Bleier, Chairperson Don Faso

ALSO PRESENT: Bob Connolly, Building Inspector; Tom Guerin, Town
Engineer; Cherie Bevona, Conservation Board

Chairperson Don Faso declared this to be a legally constituted meeting of the Chili Planning Board. He further stated that notice of the meeting had been advertised in the Gates-Chili News, as well as posted on the Town Clerk's bulletin board.

APPLICATIONS BEFORE THIS BOARD WERE AS FOLLOWS:

1. Application of Gary Sextone, 100 Johnson Road, Churchville, New York 14428 for rehearing on final subdivision approval of 4 lots to be known as Kes Mar Estates at property located at 300 Chestnut Ridge Road in R-1-20 zone.

Mr. Arnold Carmichael is present to represent the application. He explained that both parties, Mr. Sextone and Mr. Martin Whele, had agreed to sheet run-off with this project, rather than a small outlet pipe and detention pond. Now it had come to his attention that one of the Town Engineers did not approve of this method of draining the land.

Tom Guerin interjected that it had been Joe Lu who had reviewed the application. He said he had conveyed the following: The land is agricultural and absorbs a certain level of water naturally. A drainage swale exists across the adjacent property, but with the development of 4 lots in the area, the swale may be overflowed because of its small size. The amount of water run-off there will be increased considerably, and a detention pond would lessen the immediate run-off. It would allow the accumulated run-off to discharge at a slow rate.

John Cross addressed Mr. Sextone and his engineer and said, "At the last meeting, you felt that sheet run-off would be a viable approach to the problem."

Mr. Carmichael said they had not changed the drawing, which defined the direction of water flow to the north. He said that he had never felt that it would be wise to alter the natural flow. He said he would prefer to see the water directed in a natural direction - northerly.

Bill Deans said, "then we're back where we started at the last meeting."

Mr. Carmichael said it is possible to change it back to the pipe and detention pond, but he still feels it is not best.

Mr. Sextone said that when he agreed at the last meeting to use sheet run-off, he was not really satisfied, but agreed to go along with the Board.

Martin Whele - 36 Stoddard Road

Mr. Whele submitted a map to the Board. Via this map, he showed the Board where the property has two 12" pipes that change into one 8" one. He said that he would naturally get the water because his property is lower. He said he has no intent of developing the land, but his grandchildren may want to do so in the future. He said there are 9 houses behind Sunset Drive and 13 along Chestnut Ridge Road that run in sheet flow on his property. He indicated on the map which houses contribute to his water. He also said this is not a problem. He showed where a culvert tile exists, and said that at one time he had been blamed for blocking the culvert. He denied this and said a fool would know better. He said that at a meeting between Mr. Sextone, his attorney, Mr. Carmichael, his own attorney, wife and self, he had made it clear that he did not want to see a pipe across his property. He said he wanted the water to run naturally and could deal with the sheet run-off from the additional development. He said when the time is right, his family will lay it out and deal with the problem. For now, he wants to keep it as cow pasture land. He then thanked the Board for listening to him and re-emphasized that he did not want the pipe.

Mrs. Martin Whele - 36 Stoddard Road

She said she was in agreement with all that her husband had said.

Mr. Borgess said he also understood that they were putting in a pumping station for the sanitary sewer. He asked what about an overflow into the storm sewer. Don Faso said that the County Health Department has stringent guidelines for this. He said it was probably safer with a pump station than with gravity flow.

Bernice Wilcox - Stewart Road

She questions the need for a recreation area. Don Faso explained that the Town Code gives the town the prerogative to require a 3 acre recreational area for a development of 100 homes or more. He said it has already met with the approval of the Recreation Commission.

Ms. Wilcox asked about the water pressure. She was assured there would be adequate pressure. She asked if an environmental impact statement had been done. She was told no and that the first step is an assessment, followed by a statement if necessary. She asked what the pump station would look like and was told that it is a small building that is aesthetically pleasing. She reminded the Board there is a national historic preservation site nearby.

Dorothy Borgess - 31 Stewart Road

She questions the pond, and explains that they own a farm there, which already takes the water off this property. She said that because of considerable filling there, the ditch is closed off and the water dead-ends on their farm. She says they want the ditch opened up because they already have a problem. She said she is concerned about the inexperience of the builders and the length of time the project will take. She said a westerly road into the subdivision is totally unrealistic. She said the water problem must be resolved or they will seek redress at the courts.

Bernice Wilcox - Stewart Road

She explained how the ditch originated. She said that when they owned the lot across the street, there was no ditch there. Because the street sleeted so heavily, they dug the ditch.

Donald Seeley -

He said he owns the property west of the development. He says the west entrance troubles him. He said the intersection on that curve is bad.

PRE-DECISION DISCUSSION:

George Ford said he has some real concerns here.

Ray Bleier said it is feasible that a development of 100 homes could manage with one road cut.

John Nowicki said it could be a double entrance way.

George Ford said that since the Recreation Committee wants the recreation area, he would go along with it.

Bill Deans asked if it could be tabled until they see a marketing study and a better set of plans.

John Nowicki said there were some sensitive issues with the financing. Don Faso said that according to Dan Miller, the Board could not ask for the finance information. John then said his thoughts were that the Board was looking for a builder with credentials because it is really nice land. It would be a shame to have a builder there who is not qualified to do it right.

George Ford asked what they can do to protect themselves from that kind of situation. John then said he guessed that the engineer would really have to scrutinize it.

Don Faso said that preliminary requirements have been met. He said that they do have the right to ask for marketing studies.

Ray Bleier asked if they could table it for one month until they could see some architectural drawings and get more information on the roads.

Bill Deans said he wants to see the other streets on the site plan, as well as the drainage.

The Board then discussed what is a reasonable delay in processing the application and whether a delay at this time of the year would even be a problem to the applicant.

DECISION: Unanimous approval by vote of seven with no conditions. Chili Planning Board declared itself lead agency under the SEQR Act and determined that there would be no significant environmental impact from this application.

3. Application of Frances Pickens, 328 Caroline Street, Rochester, New York 14620, property owner: M/M Jan Stein; for preliminary site plan approval to erect a single family dwelling at property located at 1192 Paul Road in LI zone.

Mathew Sinacola is present to represent the application. He calls to the attention of the Board that there has been an error in the advertisement of the application. He said he would like to amend it to read "a 2 family dwelling".

Bob Connolly told the Board that they had gotten a land use variance from the Zoning Board on July 25th to use the property for a double.

Don Faso read County Comments, which deemed the matter one for local determination.

John Nowicki asked how many square feet each side of the house would contain. He was told that the total square footage was 1560, with 780' on each side.

Don Faso asked how many bedrooms on each side. He was told, "two".

Bob Connolly said the Code requires that there be 1000 square feet for a two bedroom house, and each side must meet that requirement.

Fran Pickens said the structure was to be a raised ranch. She asked if they could add the additional footage in this concept. Bob Connolly told her yes. She asked the Board whether they had her plans. Don Faso said they did not. It was concluded that the plans may have been left for the Zoning Board.

Don Faso read the County Comments, which made no specific recommendations. The application was also reviewed by the DRC, which identified the following points of action prior to submission of final plans:

1. Since the project is not a realty subdivision under Article III of the Monroe County Sanitary Code, it will not need realty subdivision approval from the Monroe County Department of Health.
2. Plans for the sewage disposal system must be submitted to and be approved by the Monroe County Department of Health.

Ray Bleier asked what kind of construction material would be used. He was told it would be wood construction with vinyl siding, and that they would not be adding the garages immediately.

John Cross asked Ms. Pickens if she would be living in the house. She said that both she and her brother would be living in it and had hopes of adding an in-law apartment in the future for her parents.

Don Faso asked Bob Connolly if it was legal to put an in-law apartment in a duplex. He was told yes.

Barbara Kelly - 308 Paul Road

She said she wondered if the Board should be hearing the application since it had been advertised as a single, rather than a double.

George Ford moved that the application be tabled for one month until they could readvertise it appropriately. Bill Deans seconded the motion.

Don Faso apologized to the applicant for the inconvenience and explained that the Gates-Chili Newspaper was the official publication of the Town Board, and that the application would have to be published in that media prior to being heard.

DECISION: Application tabled for one month by unanimous vote. (without prejudice)

4. Application of Menis Vamvakitis, owner, 1132 Scottsville Road, Rochester, New York 14624 for preliminary site plan approval to erect a 19' x 7½' and 9½' x 19' addition to restaurant at property located at above address in GB zone.

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Barbara Kelly - 308 Paul Road

She expressed her concerns, which included the slow progression of the project, the specific landscape plans with height of buffers, etc., front rather than rear parking, and screen to block the cars from the road.

PRE-DECISION DISCUSSION:

John Nowicki said he too was concerned about the time it was taking to do the landscaping. He agreed that it was a nice building, but would like to see it finished a little sooner. He also commented on the fact that this was not one of Sear Brown Associates better plans. He suggested that they ask for a copy of the landscape plan.

DECISION: Unanimous approval by vote of seven with no conditions. Planning Board declared itself lead agency and determined there would be no significant environmental impact from the project.

8. Application of Westland Developers, 68 Hutchings Road, Rochester, New York 14624 for preliminary subdivision approval of 100 lots to be known as Whispering Winds at property located at 3930 Chili Avenue in R-1-20 zone.

Lucien Morin II and Mr. Ronald Frazier are present to represent the application. Mr. Frazier explains to the Board that the project is on the north side of Chili Avenue where it branches from Rt. 33 A. He submits a site plan map and shows where the sanitary sewer comes in off Chili Avenue. He said a sanitary sewer will be constructed through out the project and will funnel to a pump station and then back to the existing sanitary sewer. He said there is an 8" water main on the north side of the road with 2 connections in circular fashion. He said the storm drainage will flow to the southwest. He said all lots conform to R-1-20 and will not require variances.

John Nowicki asked who owned the property to the east now. He was told that Anthony Semler.

Don Faso asked about the phases and was shown the five phases on the map.

John Nowicki asked where Westland Developers have built before. He was told that they had not built before. John then asked if a marketing study had been done to determine a need for this housing. Mr. Frazier said he did not think so. John then asked if the state had reviewed that intersection. He was told that they had forwarded a copy of the plans to the NY DOT, but had not received anything in return.

Don Faso read the County Comments, which made the following comments on the application:

1. Kelly Ann Drive should be changed, since it is too similar to another street name in the 911 service area.
2. Approximate location of the residences and driveways should be shown on the preliminary subdivision map.
3. Location of creek, a tributary of Black Creek, should be shown.
4. A separate drainage report should be produced, which would indicate the design and method of stormwater disposal.
5. Map should indicate whether the streets will be dedicated to the town or whether they will be private.

DRC comments were as follows:

1. Temporary erosion/siltation control should be shown.
2. A trench cross section of the sanitary sewer pipe installation should be shown on the plans.
3. Deflection tests should be performed on all flexible pipes.
4. A copy of the Monroe Co. Pure Waters Sewer District's resolution forming the sanitary sewer should be shown on the plans.
5. Calculations on the proposed sewage pumping station be furnished on the final plans.
6. Floor drains in the basement or garage should be connected to the sanitary sewer.
7. Hydrant flow test should be conducted.
8. Watermain sampling taps and sampling tap detail should be shown.
9. Sampling-disinfection taps should be provided at watermain connection at Chili Avenue.
10. Additional concerns of DRC include a ten foot horizontal separation be maintained between the proposed water service and sanitary lateral, adequate fire protection, adherence to one

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Don Faso asked if they had any particular builder in mind, and Mr. Layer said possibly the Prides Crossing builder, but there was not yet any commitment. Mr. Layer said that they were just completing sections 5 and 6, and that this would be a spring project. Don then asked if they were aware of the new code for design criteria. He advised Mr. Layer that they could get this from the Town Clerk. He explained further that they had been exempted from the code with the last 2 sections, but would now have to comply.

Don Faso read a letter from Fire Marshall Jim Christian, which recommended that Battlegreen Drive continue through to Paul Road.

Cherie Bevona said that the Environmental Assessment Form stated that the buildings were not to be 100' from a wetlands. She said that there was a wetland in the southwest corner, and it was a Class II. Mr. Layer said that it had always been there and that they did not plan to do anything to channel it, etc. He said that the channel is already in the dedicated park area. Mr. Layer said that he thought the wetland boundary was to the east of the sanitary sewer. He said that to his knowledge, it had not increased in size.

Tom Guerin said he had not seen any of the drainage calculations. He said that there is a 64' right-of-way where the pavement is 24'. He briefly discussed the new design speculations and informed Mr. Layer that the town had discussed the street signs there.

Bob Connolly advised Mr. Layer that some of these lots have two frontages. He said they would have to ask for 50' variances for lots 1201 and 1225. He also questioned lots 1220 and 1219. He said they would also need a variance on the arterial street setbacks where 1000' is required. He said that Loyalist Drive and Battlecreek are both less than the required.

Mrs. Barbara Kelly - 308 Paul Road

She asked about the house next to the creek on Paul Road. She said it is not very attractive and that it is closer to Paul Road than 75'. She recommended that the Board consider cautiously issuing variances. She also questioned where the buffer would be. She said she would like to see plantings along Paul Road to help with privacy. She said they had started out with a 100' buffer between her house and Fisher Scientific and it had been reduced to 38' over the years. She said she is interested in the whole area and would like to see nice houses put in.

Don Faso told her that the whole subdivision had been approved in the preliminary stage. Mr. Layer told her that they would conform to the Town Codes.

PRE-DECISION DISCUSSION:

The Board's discussion centered around the required variances that would be required by Mr. Laya. They also discussed the change in the landscape plan, which would be one tree every 50' instead of 2 trees per lot.

DECISION: Unanimous approval by a vote of 7 with no conditions.
Variances granted were:
1. R.O.W. 60' (64' required)
2. Rear setback of 50' for lots backing up to Paul Road (75' required)
3. Entrance offset may be reduced from the 1,000' required.

6. Application of CME Construction, 243 Paul Road, Rochester, New York 14624 for preliminary subdivision approval of 14 lots to be known as Avion Industrial Park at property located at 241 & 243 Paul Road in LI & FPO zone.

Mr. Tom Merrill from Sear Brown & Associates is present to represent the application. He said they are seeking preliminary subdivision approval. Don Faso immediately read the County Comments on this application, which declared the application a Type I action, requiring that all SEQOR requirements be met. Don Faso advised the Board that they would have to declare themselves lead agency and notify all relevant agencies. The agencies would then have 30 days to respond. He informed the Board that they would not be able to decide this one tonight. The Board discussed whether to hear the application tonight. It was decided that they would hear it. Relevant facts from the County Comments were as follows:

1. An airport review cannot be issued until all requirements of SEQOR have been met.
2. Zoning Review commented on the significant difference in the existing contour lines for the site.

3. Zoning Review also noted that the site had been extensively filled since 1979. They recommended that the applicant apply to the Federal Emergency Management Agency for a letter of Map Amendment (LOMA), since the site is in an area of special flood hazard. If the applicant does not apply for a LOMA, the site will be subject to the requirements of the National Flood Insurance Program.
4. Review by DRC identified the following actions to be undertaken by the applicant:
 - a. Air emission permits be obtained if the industrial use would have any processes that would emit contaminants.
 - b. The Monroe County Water Authority be advised of the intended use of their public water supply.
 - c. Monroe County Department of Health must approve any extension of a watermain or sanitary sewer.
 - d. Proposed sanitary sewer must be shown on the plans.
 - e. Results of a hydrant water flow test will be required.
 - f. Location of watermain sampling taps must be shown on the plans.
 - g. Disinfection tap must be provided at the connection to the existing watermain(s).
 - h. Proposed works should not be operational until approval is issued in accordance with the N.Y. State Sanitary Code.
 - i. Developer must conduct an investigation into the contents of the site since it is located over an area identified as a suspected waste disposal site.
 - j. Access should be from the existing drive onto Paul Road.
 - k. A traffic impact study and drainage analysis should be submitted to the N.Y. State DOT for review.
 - l. Work within the right-of-way of Paul Road will require a permit from the N.Y. State DOT

Discussion returned to Mr. Merrill's presentation of the application. He said the concept approval was granted in April 1986. He said the use was consistent with the zoning and adjacent land use. He said access will be from Paul Road on the east with 100' wide access strips. This is in agreement with the County. He said that more than 1 lot may be sold to a single user. He said they would be seeking final and separate site plan approval for each lot. The sanitary sewer will be tying into the existing system, and water will be supplied by the Monroe County Water authority via an existing 20" water main. He said there are wetlands associated with the property along the southern property line. They plan to have these flagged by the DEC, and do not intend to build within that buffer.

He said preliminary traffic studies have been done, but need further refinement. He said a soil report was done in August and will be submitted in report form. He then introduced Tom Columbo from Sear Brown Associates, who proceeded with a discussion via the site plan map on the drainage. Mr. Columbo said the wetland arew would mitigate the increased flow rates. He said they would build a stone arch to cross the railroad bridge. He said they would tie into the culvert on the property and discharge it back out to the storm sewer. He said there would be a lot of fill on the site.

John Cross asked if they would install all utilities in the project at once or if they would do it in stages. He was told it would be in stages.

John Nowicki said they may have a problem with that road, the parallel road off Paul. He also asked if they felt that the 30" culvert under the railroad would be sufficient. Mr. Columbo said that there was quite a lot of area there in the area flood plain. John then asked if they were through filling on the lot. He was told there was more work to do.

Cherie Bevona asked for reassurance that they would not be placing any construction in the wetland. She was assured.

Tom Guerin said that early in 1986, they had received a fill permit with compaction. He asked if they had done anything. He was told no. Tom then said they should have a density of that before they proceed. He also said he was interested in the contours outside of the property.

Bob Connolly said he had no comments.

Barbara Kelly - 308 Paul Road

She questioned what CME does. She was told that they are a construction company that builds homes. They have built in Ogden and Henrietta. They also do light industrial construction and this is to be their main headquarters. They plan to subdivide and bring in industrial users. Barbara Kelly then asked what connection they have with asbestos and was told "none." She challenged the idea that they would have 300 vehicles entering during peak hours and that this would not be a significant impact.

John Nowicki then said that they would have guidelines to follow as to the number of people in a building because of the close proximity of the airport.

Barbara Kelly said that the access road was poor around the bend in the road.

Don Faso said that it was zoned correctly for their intended use.

Barbara Kelly then asked if there was any plan to extend Paul Road across into Ballantyne Road. She was told that it was not in any immediate plan.

PRE-DECISION DISCUSSION:

Don Faso moved that the Chili Planning Board declare itself lead agency and allow a 30 day period in which other relevant agencies could challenge this. Motion was seconded by John Nowicki.

DECISION: Unanimous approval of the Chili Planning Board as lead agency in this application. No decision beyond this has been made.

7. Application of CME Construction, 243 Paul Road, Rochester, New York 14624 for preliminary site plan approval to erect a 62,210 sq. ft. addition to warehouse at property located at above address in LI & FPO zone.

Tom Columbo is present to represent the application. The application is immediately amended to read "6,210 sq. ft. addition." He said they want to expand the existing building, and that the expansion is in compliance with the area zoning. He said there will be a loading dock on the south side and the parking will be expanded to meet the code. He said they had to relocate the storm sewer system and will be expanding the grass back and adding to the buffer of Australian pines. He said they expanded the office areas some time ago and now need storage.

John Nowicki commented that the height of the trees is not shown on the map.

Don Faso asked what the status of the gasoline pumps on the property was. He was told they had been removed.

John Nowicki asked if the underground tanks had been removed and he was told they had been. He then asked if they would be doing any on-site vehicle maintenance. Mr. Columbo said he did not think so. John then questioned the conditions for outside storage, as well as the parking. Mr. Gary Merrill answered that their reason for adding to the building was to move what is presently outside inside. He also told Mr. Nowicki that they had contracted and planned to spend \$10,000 for landscaping.

Ray Bleier asked if they would be storing fireproofing material. He was told it would all be non-asbestos fireproofing.

Don Faso read the County Comments, which made no specific recommendations. The review made the following recommendations:

1. Applicant must inform the Monroe Co. water Authority of its intended use of the public water supply.
2. Floor drains must be connected to the sanitary sewer and must comply with the Monroe County Sewer Use Law.
3. If trench drain is to be contaminated with leakage, it too must be connected to the sanitary sewer.
4. Developer must conduct an investigation into the contents of the site, since it is in an area of suspected waste disposal.
5. Work within the right-of-way of RT. 252A (Paul Road) will require a permit from the NY DOT.

Cherie Bevona had no further comments.

Tom Guerin advised that the 2 manholes shown should be catch basins instead of manholes. He said that the asphalt binder should be corrected as well.

Louis Childs, architect, is present to represent the application. He said the owner's daughter is present. He said they had received permission in the past to add an addition. He said there was discussion at that time, but now he had more details. They wanted to add 2 spaces, one on the east and one on the south of the building. One would be for office space and the other for storage. He said the other part of the proposal was to create 12 new parking spaces. He said the material for construction would be brick. The addition would be sided the same in the back. He said the only change from the plans submitted earlier was a second means of egress for fire safety.

Don Faso read the County Comments, which made no specific recommendations. The application was reviewed by DRC, which identified the following points of action prior to submission of final plans:

1. Inform the Monroe Co. Water Authority of the intended use of their public water supply, so a determination can be made whether protection is necessary against backflow contamination.
2. Floor drains, if used, must be connected to the sanitary sewer.
3. Any work within the right-of-way of Route 383 will require a permit from the New York State Department of Transportation.

The State Environmental Quality Review Act requires that a determination be made as to whether the additions are subject to review under SEQR. The additions were classified as a Type II action.

PRE-DISCUSSION DECISION:

John Nowicki said the project looks nice, but he was a little concerned that the landscaping and road will be held off until spring. He said he would like to see a letter of credit on both, as well as a landscape plan presented to the Board for review.

George Ford said, "what about the front parking, did we really approve that?" Bob Connolly said, "no, he got a variance from the Zoning Board."

Cherie Bevona said her Board saw no significant environmental impact, but that they would like to see landscaping plans drawn up by a licensed architect and would like to know when the landscaping would be completed.

Tom Guerin said he saw no specific change in the drainage plans and therefore had no comment.

Bob Connolly said he had no problems with it.

The Chili Planning Board declared itself lead agency under the State Environmental Quality Review (SEQR) Act. They determined that there would be no significant environmental impact from the application.

DECISION: Unanimous approval by a vote of seven with following conditions:

1. Landscape plans must be shown on final plans.
2. Letter of credit in amount of 1% of total cost of new construction is required for landscaping and front parking area.
3. Must apply to Chili Zoning Board for variance for front parking.
5. Application of Otto Layer, P.O. Box 14, Victor, New York 14564 for final subdivision approval of 25 lots to be known as Lexington Section 12 at property located at 400 Paul Road in R-1-15 zone.

Mr. Otto Layer is present to represent the application. He submits a map to the Board and explains that he is applying for final approval for section 12 of the Lexington Subdivision. Indicating on the map, he shows where the second major entrance will be on Paul Road. He said there has been no change to this section since preliminary, other than a slight change in the parking area. He said that sewers and water are available and that the drainage would be to the main drainage channel wherever necessary. He said there would be no homes backing up to Paul Road, and off Paul Road, there would be 50' rear setbacks with a 15' buffer planting strip along the North side of the road. He said the width of the pavement off Paul Road will be 24' up to the first intersection.

Ray Bleier asked if there was any difference between this plan and the one submitted in 1979, and if there were any variances necessary on any of these lots. He was told no and that even the corner lots comply.

point of access, a traffic impact study, a drainage analysis, a highway work permit from the N.Y. DOT. These must all be included in the final plan.

Discussion resumed on the project. Don Faso said that Board members had some concern about the vastness of the project for new developers.

Mr. Dave Libertori, owner, responded by saying that this is the first project, but that they must begin somewhere.

John Nowicki asked if they had secured financing for Section I. He then asked who was handling their financing. Mr. Nowicki was told that the financing is from personal sources that are handled through Rochester Savings Bank.

John Cross asked if they could get the Board a letter of intent if so required. Mr. Libertori said they could do that.

John Nowicki asked which architect they would use. He was told that they were considering Bonnie User and that the homes would be approximately \$90,000 homes.

George Ford asked how they would be marketing them and was told that perhaps through Nothnagle, namely Joyce Levine. George then asked if they had enough financial backing for Phase I and if they were hoping the rest would spin off from that. Mr. Libertori said that that was right. George asked how long it would take for total development. He was told about 5 years.

Don Faso said that he found it inconceivable that one access for 100 homes would be adequate, as shown on the County Comments.

Mr. Lucien Morin showed the layout of the homes via the site plan map. He asked the Board to allow 2 access points. Don Faso said that the State is obligated to provide one access.

John Nowicki asked Mr. Frazier if he was aware of the new Town standards. Mr. Frazier said he is.

Don Faso asked about the open recreation area. He wondered if it was to be dedicated to the Town during the first phase of development. Mr. Frazier said that would be difficult because not all of the lots are calculated in that area.

Mitch Rakus brought up the question of the Churchville-Chili School District being able to handle this type of growth. Don Faso said that the Board could not legally ask that question. Don then brought up the problem with school buses going into these private subdivisions to pick up children. He said he had met with the Town Supervisor and Dan Miller on this situation. He said Dan Miller had said he felt the Board could arrange with the developers to enter into agreement with the School District to "hold harmless" in the access of buses onto the private roads. Don then said he had contacted each of the District Supervisors and they did not see a problem with such an arrangement.

Cherie Bevona said she saw no significant environmental impact from the project.

Tom Guerin said his concerns were the proximity of the westerly intersection of Chili Avenue, the combined storm sewer and sanitary sewer question and protection from wash-out. He said he would like to see the whole thing piped instead of flowing in an open channel. He said he would also like to see protection on the ends of the pipe to protect small children in the area. He said he would like to see the drainage calculations.

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Harold Borgess - 31 Stewart Road

He said his property is adjacent and to the south of this. He said the drainage water will come directly across his field and then flow to the Black Creek area. He asked how the town could approved this prior to the ditch being opened and the channel renewed. He said he would like to suggest that this be denied until this work is completed.

Don Faso explained that the development cannot increase the rate of run-off. He said further that the volume could increase, but the rate of actual run-off could not.

Mr. Carmichael said that he and the Town Engineer agreed that the water should remain to be channeled to the north. He said he felt that sheet action would be going against the Town Code.

Mr. Whele said that if sheet run-off goes to the open swale and the tile is put in the same place, he did not see why it wouldn't go to the same place.

Bill Deans asked Tom Guerin what they needed to do to handle the sheet approach and have Joe Lu sign the drawing. Tom Guerin said that Joe Lu had the long range interest of the town in mind, and had told him to hold to the pond idea.

Pre-decision Discussion:

John Nowicki said he thought they had agreed at the last meeting. Bill Deans suggested that if Mr. Lu would not sign the plans, they should get together with him and talk about it.

Tom Guerin said the problem is allowing uncontrolled drainage across an already wet piece of land.

Don Faso asked if they had looked at the site. He said it is loaded with houses and they are all sheeting off. Don suggested to Ron Guerin that he talk to Mr. Lu and have him talk to Mr. Whele and Bob Grimm about holding the town harmless if the sheet drainage presents more of a problem. The Board discussed tabling the issue until the situation could be resolved through a meeting with Joe Lu. George Ford said that they had already approved it once and it was turned down.

Ron Guerin said he and Bob had agreed that sheet drainage wouldn't hurt, but that Joe Lu had disagreed.

Bill Deans said that our town attorney needs to sit with Joe Lu and try to work out an arrangement between the two attorneys. The application was not tabled.

Don Faso moved that the Board rescind its decision to have the Town Engineer approve the application. Bill Deans seconded the motion. Motion carried by a unanimous vote.

DECISION: Application does not need approval of Town Engineer.

2. Application of Michael Viggiani, owner, 6088 Buffalo Road, Churchville, New York 14428 for conditional use permit to convert existing dwelling into a two family dwelling at property located at 3236 Union Street in R-1-15 zone.

Mr. Viggiani is present to represent the application. He submits a map to the Board, and says that he is turning a single home into a double. He said there will be another door on the porch, so his grandfather will have two exits. He said that upstairs there is a bath and 2 bedrooms.

Don Faso asked if he and his grandfather would both live there. Mr. Viggiani said yes.

John Nowicki asked if his grandfather would be living downstairs, and he was told that he would, but that the applicant had one room down too.

Bill Deans asked if he would be changing the drive or the parking. He was told that there would be no change there, or to the exterior of the house. Bill then said that what he was planning was an in-law apartment. Bob Connolly said that he didn't want a 2 family home for the future, and this is why he wants a conditional use permit. Mr. Viggiani said, "that's right." Bob Connolly said he had been to the house and had no problem with the application.

Don Faso reminded the applicant that he must abide by the Town Code and that Bob Connolly is the final word on the project.

Don Faso read County Comments, which deemed the application one for local determination.

Cherie Bevona said her Board saw no significant environmental impact. Tom Guerin said he had no comments on the application.

PRE-DECISION DISCUSSION:

Don Faso said there had been no opposition from neighbors, and that he had no problems with it as long as the Town Codes are complied with.

Bill Deans pointed out that it would be a 2-family home right in the center of town with gravel drives, etc. Don Faso said it was right next door to an apartment house though.

Tom Guerin suggested that they table the application until the applicant resubmits with additional information.

Ray Bleier said that with reverse frontage road there, he felt one road cut would be sufficient.

John Nowicki said that he agreed there could be a real safety problem there.

DECISION: Tabled without prejudice until resubmitted, The following recommendations were made:

1. Rework the entrance and create some reverse frontage lots along Chili Avenue.
2. Submit a market analysis to support this type and size of development.

INFORMAL APPLICATIONS:

1. Application of Giuseppe Surace for resubdivision approval of one lot at property located at 75 Hallock Road, Rochester, N.Y. 14624.

Paul Surace was present. He said he wanted to subdivide 2 lots so he could build a shed in the back. John Nowicki asked if he was buying the lot, and he told him he had already bought it.

Don Faso asked if he was simply erasing a lot line, and Mr. Surace said yes. Don asked if there were 2 tax accounts, and Mr. Surace said there were 2 lots with only one account.

DECISION: Unanimous approval with no conditions.

2. Application of Joseph Battisti to amend site plan approval to include an addition and to rebuild existing garage area which was demolished at property located at 2575 Chili Avenue in NB zone.

Bernard Iacovangelo was present. He said they were amending the original site plan approval from August, at which time the plan was approved by the Board. Using a map, he showed the garage. He said they wanted to have offices, tanning booths in one part of the building, but that they had gotten a stop work order from Bob Connolly. He said they were having another survey done because of the question of whether part of the building is over the lot line.

Bob Connolly said that the improvement to the garage area had not been part of the original site plan approval. Mr. Iacovangelo explained that Mr. Battisti has started all of the work and will be bricking the whole building over. He said it is his son who runs the tanning beds and that they were using the existing property lines.

John Nowicki asked what they would do if they are over the line. Mr. Iacovangelo said they would remove the corner of the building.

Bob Connolly said he had gotten a call from Niagara and that they planned to survey it themselves. Bob said they also have to comply with the state setback requirements. He said if they need a variance, they have to apply to the state Building Code Office.

John Nowicki asked why the school bus is on the property. He was told it would be moved today or tomorrow. He was also told that it is a mobile home, not a bus.

DECISION: Unanimous approval of amended application with the following condition:

1. Project is subject to the approval of the Building Inspector and Planning Board Chairman.

CHILI PLANNING BOARD
November 11, 1986

The meeting of the Planning Board of the Town of Chili was held in the Chili Administrative Office, 3235 Chili Avenue, Rochester, N.Y. 14624 on November 11, 1986 at 7:30 p.m. The meeting was called to order by Chairperson Don Faso.

PRESENT: William Deans, John Nowicki, John Cross, Mitch Rakus, Ray Bleier and Chairperson Don Faso.

ALSO PRESENT: Bob Connolly, Building Inspector; Dan Miller, Deputy Town Attorney; Tom Guerin, Town Engineer; Cherie Bevona, Conservation Board; Jerry Charipar, Monroe County Planning Department.

Chairperson Don Faso declared this to be a legally constituted meeting of the Chili Planning Board. He further stated that notice of the meeting had been advertised in the Gates-Chili News, as well as posted on the Town Clerk's bulletin board.

1. Application of Frances Pickens, 328 Caroline Street, Rochester, N.Y. 14620, property owner; M/M Jan Stein; for preliminary site plan approval to erect a two family modular dwelling at property located at 1192 Paul Road in L.I. zone.

Morton L. Bittker, Attorney, is present to represent the application, as is Herman Klingenberg. Mr. Klingenberg said that the proposed duplex is on the north side of Paul Road and 462' west of King Road. He said they were here again tonight because at the last Planning Board meeting, the application had been advertised wrong. There was some concern, he said, about the size of the house, but the living space has been increased to 2000 sq. ft. He said the Zoning Board had granted a land use variance on July 22, 1986. He said that both the Building Inspector and the Board had been furnished with new house plans. The duplex will be serviced by an 8" water main and a leach field will be constructed to the rear.

Mr. Bittker said that they are requesting final approval tonight.

John Nowicki asked Bob Connolly if the drawings and proposed construction is in compliance with the new Town Code. Bob said that they were. John then asked if there was still to be a garage on each end of the building. Fran Pickens said this was true.

Jerry Charipar had no comments. Cherie Bevona had no comments. Tom Guerin asked if they could get by with a single entrance, rather than a double curb cut. He said he would also suggest some leach field revision.

Ray Bleier asked of what material the house would be constructed. He was told it would be wood frame with vinyl siding.

Don Faso asked if there would be one common foyer into each apartment. He was told yes.

PREDECISION DISCUSSION:

Don Faso said he had no objections as long as Bob Connolly was satisfied with the plans.

Tom Guerin said he questions the need for a double curb cut on Paul Road. Jerry Charipar agreed. Don Faso said it was a dead-end road.

John Nowicki said he was a little apprehensive about the garages and wanted them submitted to the Building Inspector.

Don Faso said they could make the whole thing subject to Engineer's approval. Tom Guerin said this really isn't necessary. John Nowicki said he wanted it pending engineer approval.

Bob Connolly said the Board could not make them put garages on this house because garages are not required by the Town Code. William Deans reminded the Board that they had said previously that they were going to put garages on the house. Tom Guerin said they were in fact voting on a site plan that shows garages.

DECISION: Unanimous approval by a vote of 6 with no conditions. Final site plan approval waived and Planning Board declared itself lead agency under SEQR. They further determined that this was an Unlisted Action with no significant environmental impact.

Gates-NEWS-Chili

1635 BROOKS AVENUE, SUITE 2, WEST BLDG. ● ROCHESTER, NEW YORK 14624

Date... *11-5-86*

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

GATES-CHILI NEWS

Issue Dated... *11-5-86*

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 19*87*

Patricia 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 November 11, 1986 at 7:30 p.m. to hear and consider the following applications:

1. Application of Frances Pickens, 328 Caroline Street, Rochester, New York 14620, property owner: M/M Jan Stein; for preliminary site plan approval to erect a two family modular dwelling at property located at 1192 Paul Road in L.I. zone.

2. Application of B.R. DeWitt, owner, P.O. Box 95, Pavilion, New York 14525 for preliminary site plan approval to enclose existing aggregate bins at property located at 1533 Scottsville Road in G.I. & FPO zone.

3. Application of Alfred Valvano, owner, 1140 Howard Road, Rochester, New York 14624 for rezoning of 1.4 acres from RA-20 (rural-agricultural) and FPO to N.B. (neighborhood business) and FPO at property located at 1735 and 1749 Scottsville Road.

4. Application of Nick's Imports & Meat Market, 3240 Chili Avenue, Rochester, New York 14624, property owner: Della Holler; for preliminary site plan approval for a change of use to convert existing dwelling into a meat market/import store with a 24'

X 35' and 13' X 15' addition at property located at 1098 Chili Ctr. Coldwater Road in G.B. zone.

5. Application of Victor Colombini, 3193 Chili Avenue, Rochester, New York 14624 for final subdivision approval of 2 lots to be known as Colombini-Chili Subdivision at property located at 2880 Chili Avenue in R-1-12 zone.

6. Application of Woodco Display Products, 3 Railroad Street, Fairport, New York 14450 property owner: M/M Howard Whelpton; for preliminary site plan approval for a change of use in portion of building to allow a kitchen/bath showroom at property located at 3187 Chili Avenue in G.B. zone.

7. Application of Lithochrome Corp., 291 Weidner Road, Rochester, New York 14624, property owner: Norman Lewandowski; for preliminary site plan approval to erect a 77' X 34' office addition and 100' X 50' warehouse addition at property located at above address in G.I. zone.

8. Application of Baliva Concrete, owner, 245 Paul Road, Rochester, New York 14624 for preliminary site plan approval to erect a 60' X 24' office addition and 67½' X 24' and 75' X 72' warehouse addition at property located at above address in L.I. and FPO zone.

9. Application of Wegmans Enterprises Inc., 1500 Brooks Avenue, Rochester, New York

14624 property owner: Reuben Goldman; for rezoning of 162 acres from RA-10 (rural-agricultural) to G.I. (general industrial) at property located at 249 Fisher Road.

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

J. Donald Faso
Chairman
Chili Planning
Board

11/5

2. Application of B.R. DeWitt, owner, P.O. Box 95, Pavilion, New York 14525 for preliminary site plan approval to enclose existing aggregate bins at property located at 1533 Scottsville Road in G.I. & FPO zone.

Mr. Doug Hicks is present to represent the application. He said they want to enclose the aggregate storage bins at the Concrete Company on Scottsville Road. He said it will improve the environment and will contain contaminants, such as dust, noise, and the aggregates themselves. It will also aid in heating the aggregates in the winter, he said. The General Contractor will be Fast Track. The site, he said, is 475' off Scottsville Road and is behind a wooded area. He said that because the structure will be 50' high they need a variance. He also said that other portions of the Company are as high as 65'.

William Deans asked if they would be changing the process at all. He was told no. Don Faso then said, "you are just enclosing the bins, correct?" Mr. Hicks said this is correct.

John Cross asked what the enclosure would be made of. He was told it would be metal siding and structural steel.

Don Faso said this had been to the Zoning Board on October 28, 1986 and had been granted a variance.

John Nowicki asked if there would be any signage and was told no.

Jerry Charipar said it was reviewed by the County Planning Department and they had no specific recommendations on the zoning. He said it had been declared a Type II action and there would be no need for further environmental review.

Tom Guerin had no comment. Bob Connolly had no comment.

PREDECISION DISCUSSION:

Don Faso said it was a straight forward application and that they were requesting that final be waived.

Jerry Charipar said it was a Type II Action and of no environmental impact.

Don Faso said that they still needed to vote SEQR.

DECISION: Unanimous approval by a vote of 6 with no conditions. Final site plan approval waived and the Planning Board declared itself lead agency under SEQR. They further determined that this was a Type II Action with no significant environmental impact.

3. Application of Alfred Valvano, owner, 1140 Howard Road, Rochester, New York 14624 for rezoning of 1.4 acres from RA-20 (rural-agricultural) and FPO to N.B. (neighborhood business) and FPO at property located at 1735 and 1749 Scottsville Road.

Dick Randall, Architect, is present and says they are requesting a rezoning to Neighborhood Business. He said they had been rejected earlier when they applied for General Business, but the Board had stated in their letter that they might favorably consider Neighborhood Business. He submitted site plans to the Board. He said the property faces Scottsville Road, so a business site here is quite appropriate. He said the lines of the structure will be in a residential flavor. He said they have requested a fill permit from the Town, but have not yet heard on that.

Don Faso commended him for the excellence of the plan. John Nowicki agreed and said that it was impressive to see them taking the community into consideration.

Mitch Rakus asked if they had talked to the neighbors regarding their feelings on this application. Mr. Randall said they had not and that there was some sensitivity going way back. He did not feel they would be open to communication.

John Nowicki asked what types of business would be going in. He was told it would be primarily business professionals - what is allowed in an NB zone.

Jerry Charipar said the County had reviewed in and approved it in so far as the airport consideration and had no zoning recommendations. He said that access onto Scottsville Road would require a permit from the NYDOT.

Cherie Bevona said the Conservation Board saw no environmental impact.

Tom Guerin said he had reviewed the fill permit with Bob Connolly. He recommended that the pipes be installed prior to the filling to eliminate the ponding at the rear.

Mr. Randall said he had talked to Mr. Valvano and they had no problem with that. Tom Guerin then said he saw no problem with the rezoning.

Bob Connolly said he had no problems with it either.

Gail Elder - 2 Bellmore Drive

She said she was in favor of it because it is clean and appropriate for the area.

PREDECISION DISCUSSION:

Ray Bleier said the zoning is proper for the area.

Mitch Rakus asked if they had done any filling without a permit. Bob Connolly said not much to date. Mitch then asked Bob if a 75' setback was o.k.

DECISION:

Unanimous approval by a vote of 6 to recommend rezoning to the Chili Town Board. Applicant must petition the Town Board for a public hearing to rezone parcel.

4. Application of Nick's Imports & Meat Market, 3240 Chili Avenue, Rochester, New York 14624, property owner, Della Hollar, for preliminary site plan approval for a change of use to convert existing dwelling into a meat market/import store with a 24'x25' and 13'x15' addition at property located at 1098 Chili Ctr. Coldwater Road in G.B. zone.

Don Avery is present and says that the property has an existing house and garage and is next to the Mobil Station and across from K-Mart. He said it is in a GB zone and will be in compliance with all codes. He said they plan to remove the garage and add an addition to the house. There is parking in the front and will require only one entrance or curb cut. Mr. Avery said that in the County Referral, drainage was mentioned. Via the map he showed the drainage and showed where a dry well would be used. He said that a back flow prevention would be handled by the architect.

Bob Connolly asked Tom Guerin if he recommended a dry well. Tom said that this was o.k. because it was 10% over the necessity.

John Nowicki asked when they would see a landscape plan. He said he wanted to see this and final architect plans on the project. Nick Bellone said it would be done in the next few days.

Ray Bleier asked if the parking area would be gravel or blacktop. He was told it would be blacktop.

Bob Connolly said they were to appear before the Zoning Board this month for the front parking.

John Nowicki said they should show better detail on the driveway construction.

William Deans questioned the division of the business. He was told it would be a fast food take-out on one side and a deli on the other side.

Jerry Charipar said he had some storm water management concerns, and he would like to see the plans modified to address that concern.

Cherie Bevona said the Conservation Board saw no significant environmental impact from the project. She did say she would like to see some landscape plans, and had some concerns that the traffic there would cause some congestion.

Tom Guerin had no comment.

PREDECISION DISCUSSION:

Mr. Bellone produced plans for the Board at this time. Bob Connolly looked at them and said there were no changes.

John Nowicki said that for the record he wanted to know that this is the building that is going to be there.

Don Faso asked where the front elevation was. Mr. Bellone showed a picture to the Board and said it was the same as the picture, except the large picture window on each side will change.

Don Faso said that a letter of credit on the landscaping was in order. The Board agreed.

DECISION:

Unanimous approval by a vote of 6 with the following condition:

A letter of credit is necessary for the landscaping. A variance has been granted for the installation of a dry well on the site. Final site plan approval waived and the Planning Board has declared itself lead agency under SEQR. The Board has determined that this is an Unlisted Action with no significant environmental impact.

5. Application of Victor Colombini, 3193 Chili Avenue, Rochester, New York 14624 for final subdivision approval of 2 lots to be known as Colombini-Chili Subdivision at property located at 2880 Chili Avenue in R-1-12 zone.

Don Avery is present and explains that they were in before the Board previously, when subdivision of an existing lot was approved, but a proposal to put a double house on the lot was rejected. He said the plans he is now giving the Board show a single house. He said a drainage report had been furnished to the town and they now had the signature of the Monroe County Water Authority. Don Faso asked Tom Guerin if he was satisfied with the drainage report. Tom said he was.

John Cross asked if they had talked with the NYDOT regarding the road cuts. He was told they had received no adverse comments and would take care of it.

Jerry Charipar had no comments, nor did Cherie Bevona, Tom Guerin, or Bob Connolly.

PREDECISION DISCUSSION:

Don Faso asked Tom Guerin if he was satisfied with the drainage calcs, and Tom said he was.

DECISION: Unanimous approval by a vote of 6 with no conditions.

6. Application of Woodco Display Products, 3 Railroad Street, Fairport, New York 14450 property owner: M/M Howard Whelpton; for preliminary site plan approval for a change of use in portion of building to allow a kitchen/bath showroom at property located at 3187 Chili Avenue in G.B. zone.

Howard Fernandez, partner in the business, is present to represent the application. He says that they want to convert part of the business into a showroom. He said one side will be a carpeting store and the other side a showroom. He said there will be no wall between.

Don Faso asked how much traffic this will generate. He was told it would be very little since they deal with contractors and home builders primarily. Mr. Fernandez said that it is not a true store.

John Nowicki said then, "it is not a retail store?" He was told it is to a walk in customer, but that it is primarily a showroom for kitchen and bath lines. He was told that their warehouse is still in Fairport. John then asked if there was sufficient parking. He was told yes. They have 1/2 acre in back and could create more parking if necessary.

Jerry Charipar said the County Planning Department had deemed this a matter for local determination.

Cherie Bevona said the Conservation Board saw no environmental impact.

Tom Guerin and Bob Connolly had no comments.

DECISION:

Unanimous approval by a vote of 6 with no conditions. Final site plan approval waived and the Planning Board declared itself lead agency under SEQR. They further determined that this is an Unlisted action with no significant environmental impact.

7. Application of Lithochrome Corp., 291 Weidner Road, Rochester, New York 14624, property owner: Norman Lewandowski; for preliminary site plan approval to erect a 77' x 34' office addition and 100' x 50' warehouse addition at property located at above address in G.I. zone.

Mr. Jim Nichols, General Contractor, is present to represent the application. He submits to the Board a site plan for the project.

Mr. John Page, architect, and Gregg McMann, Engineer, are present too.

Mr. Nichols said they need to expand the building to include a 50' x 100' warehouse and a small addition in the front for office space.

John Nowicki commended them on their excellent detail on the site plan.

Ray Bleier asked about the waste or disposal in the chemical process. He was told that Lithochrome is in the photo finishing business and does not use any wet process. He said the transparencies were developed by a dry process.

Don Faso asked if they dry chemicals were not hazardous. He was told that they are in the paper and that there are no toxic chemicals used in this process.

John Page from Merrill Associates said that the necessary paperwork has been sent to the Pure Waters and they have reviewed it.

Gregg McMann, from Lozier Engineers, said they are proposing new parking on the West side and will be appearing before the Zoning Board at the end of the month for a variance. He said they wanted to provide customer access to the office without having them go through the loading area. He said their designers have met with the Town Engineer to resolve any drainage questions. He said the final site would be restored with lawn.

John Page said they would have a large lawn in the front, and that the site would not look so industrial. He said they would be attempting to enhance the site to look park-like and would be adding twice as many trees as are presently on the site.

John Nowicki asked about the noise levels. He was told that they had already been advised to reduce the noise, through special design, to 35 decibels.

Jerry Charipar confirmed this and said it was essential in areas that receive the public. He also commended the applicants for the excellent landscaping in an industrial area. He said it was a credit to the Town of Chili, as well as to the applicants.

Cherie Bevona agreed and said she saw no significant environmental impact.

Tom Guerin praised the thoroughness of the drainage plans, but said he would like to see some erosion control measures. He was told they had been added to the final plan.

PREDECISION DISCUSSION:

Don Faso said to Bob Connolly that he saw no problem with the landscape plan and wondered if they could make it subject to his approval.

Tom Guerin said the plan did include soil erosion.

DECISION:

Unanimous approval by a vote of 6 with no conditions. Final site plan approval waived and the Planning Board declared itself lead agency under SEQ. They deemed this an Unlisted Action with no significant environmental impact.

8. Application of Baliva Concrete, owner, 245 Paul Road, Rochester, New York 14624 for preliminary site plan approval to erect a 50' x 24' office addition and 67½' x 24' and 75' x 72' warehouse addition at property located at above address in L.I. and FPO zone.

George Moran, James Moran and Augie Baliva are present to represent the application. Mr. George Moran said that it is to be 8460 sq. ft. and will be free-standing in front of the existing building. He said they manufacture and sell concrete manhole covers and splash blocks. He said they had received a letter from the county and will address and resolve those concerns. He said the site had been suspected of being an old land fill site.

Don Faso asked what would happen to the existing building. He was told that it would stay because it was the primary warehouse.

John Nowicki asked if it would be cleaned up in any way. He was told it would be changed only in use, and that it has been there 39 years.

Mr. Moran submitted a site plan to the Board.

John Nowicki asked if they had read the Town Code. He said they were required to provide landscaping in the amount of 1% of the total construction cost of the addition. Mr. Moran said he did not feel it could be improved from what it is at present.

John Nowicki asked what kind of construction they would use. He was told it would be pre-engineered steel and would be blue metal panels with bronze colored windows. John asked if they would be doing trucking out of the building. He was told that they would from the rear and the west side. John asked how far back the property went. He was told 1460'. He then asked if any part of it was being filled now. He was told that the adjacent property is being filled, but that this site has not been filled for 30 years. John said he had a concern with the telephone pole that was right at the middle of the drive. He was told that people have been driving to the left and have created 2 drives with a telephone pole in the middle.

Augie Baliva said they would move it when they put up the addition. He said it is on an old railroad track bed.

Don Faso asked where they service the existing building. He was told on the east. Don asked if they would reconsider placing the door on the west because of the wind, etc.

William Deans asked what kind of entrance they would have for the office. He was told there would be a private entrance coming off the front.

Bob Connolly asked if they had planned for Handicapped Parking. He was told yes.

John Nowicki asked if they would be storing outside. He was told that the products they manufacture will be stored in back, but that finished products will not be seen from the road.

Jerry Charipar said that the County Planning Department would like to see them reduce the noise level to 35 decibels in the area where the public is received. He said the Environmental Management Council is concerned about the present of a land fill site in the area. The applicants said they are trying to address this now.

Cherie Bevona asked if their products are to remain outside. She asked if the fenced area is to be removed. She was told that they have no fence, but that it belongs to the neighbors. She said she was concerned about the materials they use in manufacture and with wetlands and the leaching possibility. She also said she wanted to see landscape plans.

Tom Guerin said he needed more information on the drainage, but had received drainage information from the CME project nearby. He said he had no problems with the drainage. He asked what they did with their mistakes. He was told that everything they make is a product and that they do not have waste.

PREDECISION DISCUSSION:

John Cross said he would like to see them move the drive over to get the pole out of the center. Don Faso said it would require realigning the drive.

Don Faso suggested that a letter of credit for the landscaping was in order. The Board agreed and thought the project should be subject to the approval of the Town Engineer.

DECISION:

- Unanimous approval by vote of 6 with following conditions:
1. Landscape plans and letter of credit must be submitted.
 2. Front walk must be shown on final plan.
 3. Driveway must be realigned.
 4. Application is pending Town Engineer approval

Final site plan approval waived and Planning Board declared itself lead agency under SEQRA. They determined that this is an Unlisted Action and will have no significant environmental impact.

9. Application of Wegmans Enterprises Inc., 1500 Brooks Avenue, Rochester, New York 14624 property owner: Reuben Goldman; for rezoning of 162 acres from RA-10 (rural-agricultural) to G.I. (general industrial) at property located at 249 Fisher Road.

The following are present to represent the application: Ralph Uttaro, Attorney; Ken O'Neil, Russ Porter, Charles Costich, Engineer; Steven Ferranti.

Ralph Uttaro opens the discussion on rezoning by explaining that the property is 162 acres, which is a purchase contract contingent upon rezoning of the land. Via a site plan, he shows where the parcel is. He also explains that the parcel did not have legal access onto Chili Avenue, which has now been obtained. He explained that the property is presently bisected by a major power line.

Mr. Uttaro spoke of the plan to put a portion of the land to recreational use - a softball field, which he said would be a nice transition for the residents along Fisher Road.

He said the industrial portion of the parcel would be well done too. He said the uses would be related to the existing food business and that they would maintain a good neighbor policy. Although the exact uses of the property are uncertain, he felt that they might want to put a floral warehouse there, or a processing center for snack foods, or even additional office space. He said it would be an outgrowth of the Brooks Avenue facility. The land, he said, would be a split between recreational and industrial use. He said that based on the features of this parcel, they felt it was more conducive to this development, rather than to residential use. One reason, he explained was the limited access off Chili Avenue.

Mr. Uttaro read a letter from a Mr. John M. Travis from Midland Appraisal Associates, Inc. Mr. Travis made the following points in his letter:

1. He had been asked to render an opinion as to the possible effects of the development on surrounding properties and their values. To reach this opinion, he had inspected the property, examined the site map, and reviewed other industrial and residential neighborhoods in the County.
2. His opinion was that rezoning to permit general industrial use would have no negative effect on local property in the area.
3. The development would provide an economic benefit to the community and utilize the site to the highest and best use.

Mr. Uttaro said they would plan to buffer the residences in Lexington Subdivision. He also said that the size of the parcel would enable a lot of flexibility in protecting the residential area. He also said that the water, sewers and drainage would be adequate for industrial use. He said the traffic could cause some difficulty, but that their traffic expert felt these problems could be resolved. He said they had submitted an environmental impact statement. He said the County Planning Agency had recommended approval for rezoning.

Don Faso asked if there would be any third party occupation. He was told that only Wegmans would occupy the land.

John Nowicki asked if a stacker building would be one possible use. He was told that it would be the least likely use of the land.

Ken O'Neil, Engineer with Wegmans, said he had looked at many plans for control of the accessibility of the site. One possibility was a security control house.

William Deans questioned the choice of General Industrial rather than Limited Use, saying that limited use might be safer from the Board's perspective. He said that if Wegmans were to sell in zoned GI, there could well be a lot of uses that would not meet the Board's approval.

Ken O'Neil said it had been a while since he had looked at the Town Code. He was told that conditional use permits might be required if they went with the Limited Industrial. William Deans asked how he felt about Limited Industrial. He was told that with the size of the parcel, they did not want to have to get a conditional use permit for everything they wanted to do there.

Ray Bleier questioned the screening proposed for along Fisher Road. He was shown on the map where the screening would go, but was also told that they were uncertain at this time of the type of screening.

Don Faso asked if they intended to keep the recreational area forever recreational. Mr. Uttaro said that forever is a long time, but would be willing to keep this zoned as such, if the Board wanted that. Don Faso said he didn't think Fisher Road could stand another kind of development.

Mitch Rakus questioned the Niagara Lockport Power Company there. He was told that they only had access to it and would not be utilizing it for industrial purposes.

John Cross inquired about the possibility of the expressway changing sites and passing across the land. Steven Ferranti said he had talked with the NYDOT and was told that they have no specific plan.

John Nowicki asked if the power lines would have any effect on the operation. He was told probably not.

Jerry Charipar provided the County Comments on the proposed project. He said the action was a Type I under the SEQOR Act and that all requirements would have to be met before a decision could be issued. He said that airport review of the matter would be completed after a lead agency had been determined and a determination of environmental impact.

Mr. Charipar said that the Zoning Review had been done and that the Department of Planning recommended rezoning for the following reasons:

1. Rezoning is consistent with the goals and objectives of the Economic Development Element and the Land Use Element of the Comprehensive Development Plan.
2. It is also consistent with the major elements of the Chili Comprehensive Plan.
3. The application addresses the concerns about land use compatibility with the surrounding neighbors to the west and east along Fisher Road.

The additional comments were offered by the Department of Planning:

1. Plans for an extension or relocation of a watermain or sanitary sewer must be submitted and approved by the Monroe County Department of Health.
2. Floor drains, if used, must be connected to the sanitary sewer.
3. Easements should be shown for all utilities.

DRC Review made the following comments:

1. Proposed method of temporary erosion/siltation control must be shown
2. Monroe County Water Authority must be advised of the intended use of their public water supply.
3. Any plans for a restaurant or cafeteria must be approved by the Monroe County Department of Health.

Cherie Bevona said the Conservation Board saw no environmental impact from the rezoning of the land.

Tom Guerin and Bob Connolly had no further comments.

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Marlene Kretzer - 56 Lexington Parkway

She said she had called the Power Company and was told that they had not been granted right-of-way yet. She submitted to the Board a letter from Don A. Woodward from RG&E, dated June 15, 1979, in which he said the company did not have a policy to grant longitudinal easements. He did say that RG&E grants crossing rights when location and conditions are mutually agreeable to all parties concerned. Mrs. Kretzer also said she was concerned about the congestion on Chili Avenue with increased traffic.

Mr. Henry Hartman -

He asked how many cars would be parked in the ball diamond and then questioned the traffic as a game let out.

Ms. Genevieve Wilson - 46 Lexington Parkway.

She said she was concerned about the drainage on Lexington Parkway because of the dampness and water in basements. She submitted two letters to the Board from residents of the neighborhood who were opposed to the rezoning of the land. One letter was from Ronald and Barbara Granville and the other from Charles and Eileen Mason. Both families were openly against rezoning of this parcel of land.

Catherine Hartman - Henry Circle

She said she was concerned about what would happen when they outgrow this area as they did the Brooks Avenue area. She said it could be another stacker building, despite what they say tonight at this meeting.

Charles Hull - 11 Lexington Ave.

He asks how much industrial traffic will come out on Lexington. He said he figures the traffic will come out on Chili, which is already congested.

Richard Brongo - 50 Lexington Ave.

He is concerned about the GB zoning right behind his house. He said he does not want industrial land in his back yard. The property values, he said, are already depressed because of the airport expansion.

Bob Belt - Fisher Road

He asked if there would only be one entrance. He was told the main entrance would be off Chili Avenue. He said he is opposed.

Richard Balmer - 63 Battlegreen Drive

He is opposed because of the traffic congestion.

Mrs. Bennett - 62 Battlegreen Drive

She said it was a quiet area, but the noise level is so much higher now. She said they do not need an industrial area in addition to the airport noise.

Herb Lafler - Fisher Road

He asked how long it would be before Wegmans would have their trucking company over here. Mr. Uttaro said they had phased out the trucking company. He said there was a big difference between Brooks Avenue and this area, since Brooks is and will remain their major warehouse. He also said that they would not be able to convert anything on this property without the consent of the Board.

Joe Mignano -

He speaks on behalf of his mother, who lives at 22 Fisher Road. He suggested that if they were unwilling to come back for any new building, they must be hiding something. He said he suggests that they leave it recreational along Fisher Road. He also told the Board he felt they should take a hard look at this one.

Irene Brixner - 14 Hartom Road

She questioned the drainage and said that the parking lot there already has water running on it. Mr. O'Neil via the site plan map showed the drainage and where a detention facility would be located. He said storm water would be directed into the ponding area.

Mrs. Mignano -

She questioned the pond and said that in a residential area, children like to play and there may be a hazard from this arrangement. She also asked if RG&E had to give them the right-of-way.

Two letters from Niagara Mohawk and RG&E were read into the minutes. The letter from Niagara Mohawk was signed by Richard A. Kendall, who said that Wegman's request for a roadway from Chili Avenue plus 2 lateral crossings of the Lockport-Mortimer 115 KV Lines had been approved but was subject to detailed drawings from Wegmans, including plans for drainage. The letter further stated that provision would be made for unrestricted access to Niagara Mohawk right of way by Niagara Mohawk personnel and operating vehicles over the two crossings. This letter was dated July 2, 1986. The second letter from RG&E was signed by Richard Laitenberger and dated January 8, 1986. This letter said that permanent easements granted for road crossings of RG&E could be granted, but that the Town Line Beverage's license for a driveway would have to be protected.

Marlene Kretzer - 56 Lexington Parkway

She recommended that the Board look into RG&E's easement right of way because she was told that it had not been granted. She said that plenty of other land was already zoned industrial in Chili. She resents noise from trucks on this land when they already have airport noise.

Jean Brown - 230 Fisher Road

She said the road is too narrow there and traffic will be a problem. She said that in Wegman's presentation, they said that traffic patterns would most likely be handled by Wegmans. This she said is a little too uncertain.

Richard Ranieri - Fisher Road

He questioned the ball games and resulting traffic.

Bruce Randall - 36 McNair Drive

He said he is opposed and disagrees with the County Planning Department. He also questioned the drainage.

Don Faso read a description of Limited Industrial Use, General Industrial Use and explained conditional uses. He also explained that this Board's job is to make recommendations to the Town Board. He said an applicant can apply to be heard by the Town Board, even if this Board does not make a recommendation for the same.

Bruce Randall

He said he's concerned that if it is rezoned and Wegman sells the land, it could result in a mess over there.

Bob Connolly explained that if there was not meaningful construction on the site in 2 years that it could revert back to its original zoning.

Jerry Brixner - 14 Hartom Road - Councilman for Town of Chili

He submitted to the Board a report prepared in 1979 in which several individuals made a study of this particular site and what options were best for developing it. The specific site that Mr. Brixner was talking about was the 10 acres that is presently being considered for the athletic field.

Bernie Hartman -

He said he is opposed to the baseball diamond if it means there will be increased traffic there.

PREDECISION DISCUSSION:

Don Faso said they are not looking at a specific site plan, but merely at the rezoning. He said that everything the applicant had suggested that they wanted to do fit right in a light industrial zoning.

John Cross said they might consider light industrial zoning instead of general business.

John Nowicki said that based on the quality of the applicant and their general concern for the community, he felt they had a viable application. He said that it would increase the tax base; the County Review was favorable; and that they could ask for architectural control as they have done in the past.

Don Faso said that the traffic would be a major concern, but he also reminded the Board what it would be like if this same property were developed as residential.

Ray Bleier said that some of their intended use would apply only to light industrial, but that he would prefer to see them come back in for conditional use. He said he's be a little worried in case they would sell the property to someone else.

John Nowicki said he liked the split zoning, but would like to see the Fisher Road area left alone.

Mitch Rakus said he favored light industrial because would like to have some control 10 years down the road.

John Cross said that general industrial is too broad because of the residences in the neighborhood. He feels that light industrial will give them better control.

Jerry Charipar said he does not think the counties position would change between general or light industrial.

Tom Guerin said he felt detention ponds would be required throughout all phases.

Dan Miller expressed the view that it would be better to make them come in for conditional permits, rather than to offer carte blanc.

DECISION:

Unanimously rejected on the basis of GI zoning.
Don Faso moved that the Board recommend to the Town Board that the property be rezoned to Light Industrial. Motion was seconded by Mitch Rakus. Unanimously approved by vote of six.
It was further agreed that if the rezoning was accepted by the Town Board and if they declared themselves lead agency, this would be acceptable with the Planning Board.

OLD BUSINESS:

1. Application of Westland Developers, 58 Hutchings Road, Rochester, New York 14624 for preliminary subdivision approval of 100 lots to be known as Whispering Winds Subdivision at property located at 3930 Chili Avenue in R-1-20 zone.

Thomas Frazier, Engineer, was present to represent the application.

He explained that they had appeared before the Board last month, and since that time had eliminated one street at the NYDOT's recommendation. They had also eliminated the recreational area and added two 5-acre lots. Drainage was shown on the site plan. In regard to the request for a 55 mph zone, they did not have an answer, but had determined that there was adequate stopping site distance.

Don Faso reminded them that they were going to furnish a drainage report for the Town Engineer. Tom Guerin said he had no calcs at all. Mr. Frazier said they had been furnished. The missing calculations were found.

John Nowicki asked if they had done a market analysis. Mr. Dave Libertori said that Nothnagle was to be at the meeting with a market study.

Don Faso asked if the state had seen the plans. Mr. Libertori said that there were no comments from the state recently, but they had originally been told there could be only one entrance.

Don Faso asked if they had tried marketing them as farmettes. He was told that one would be for the partners mother and the other would be on a contingency, and that they would probably put the model up on one farmette.

Jerry Charipar, Cherie Bevona and Tom Guerin had no further comments.

PREDECISION DISCUSSION:

John Nowicki said the only way to vote on this is to wait until they see what they do with final.

Don Faso asked Tom Guerin if he could review the drainage plans and let them know what they need for final. Don also said that if they could get the ditch cleaned out and eliminate the pond or even make it smaller, it would make the lots more marketable.

Don Faso suggested that they make the preliminary pending Engineer approval.

DECISION: Unanimous approval by vote of 6 pending approval of Town Engineer.

FOR DISCUSSION:

1. Forest Creek Equity Corp.- proposed development at 845 Marshall Road.

Frank Iacovangelo was present and explained that this would be for a proposed development of 115 acres into a housing subdivision. It would be at the corner of Paul and Marshall Roads in an R-1-15 zone. He said they were proposing 228 lots for th site.

He introduced Steve Beechner, Don Avery and his other partners.

Steve Beechner said they were proposing a cluster development with a lot of open space (24 acres). There would be connecting walkways, retention/detention ponds. This would be maintained by a Homeowner's Association. Via a site plan he indicated the size and number of lots in the various phases of the project. He said they would need the following setbacks: 30' front, 5' side, and 35' rear. There would be 3 entrances, off Toni Terrace, Marshall and Paul Roads. Via the site plan he showed the road network. The development would be built in 5 phases.

John Nowicki asked about the size and prices of the homes. He was told they would range between the low \$90,000's and \$125,000. Size would also vary from 1300 sq. ft. to 2100 sq. ft.

Don Faso asked if they were proposing to put ponds in the dedicated part. Bernie Iacovangelo said they would be giving the town an easement, but maintenance would revert back to the homeowners.

The Board discussed the application and concluded that this was a viable project. Applicant will be advised to proceed with the project plans.

2. Berna Homes Inc. - regarding Grading at Chestnut Development, 1934 Paul Road.

Don Avery is present and explains that they would like a fill permit prior to the Public Hearing. He said Tom Guerin had recommended approval of filling for Phase I. Mr. Avery said that they had contracted with the Water Authority to do a water study because of the low water pressure. He said there have to be improvements, and that they are considering a 30" water line. Bernie Iacovangelo said the Water Authority is looking into the design plans, flow rates, etc.

DECISION: Unanimous decision to authorize Building Inspector to issue a fill permit pending approval of the Town Engineer.

INFORMAL:

1. Application of Earthborn Builders, 3258 Union Street, North Chili New York 14514 for resubdivision of 4 lots at properties located at 3, 5, 17, 19 Haverhill Drive in R-1-12 zone.

Don Faso explained that they had put the foundation in the wrong spot and now need to alter the lot lines.

There were no questions.

DECISION: Unanimous approval by vote of 6 with no conditions.

2. Application of Menis Vamvakitis, 1132 Scottsville Road, Rochester, New York 14624 for final site plan approval to erect a 19' x 7½' and 9½' x 19' addition at property located at above address in GB zone.

Lewis Childs, Architect, is present to represent the application. He explained that they had received preliminary approval last month subject to the following:

1. Construction Cost Breakdown:

Construction Contract	\$44,500.00
Kitchen Work/Installations	\$10,000.00
Stock Room/Site Work	\$10,000.00
	\$64,500.00
2. Landscape plan by architect
This has been delayed until spring since they are not sure what they will want to do. It will be submitted later.
3. A 1% letter of credit - Mr. Childs said he does not know where this stands because Mr. Vamvakitis could not get a letter of credit from his bank since the name of the restaurant had changed. They would like to postpone this until spring as well.

John Cross explained that a letter of credit was not absolutely necessary because they could instead offer a certified check to the town and the town would hold it until the landscape plan is in.

Don Faso said he did not have the authority to grant relief from the original conditions since the Board had decided this. He said he personally has no problem with the application, but the conditions that were placed on it must be adhered to.

John Nowicki told Mr. Childs that it was really a very small request - a small check - and not unreasonable. He said the options were a landscape plan, a letter of credit, or a certified check.

Mr. Menis Vamvakitis spoke on his own behalf. He questioned why he had to give the town money because he was doing something nice for the town anyway. He explained that it is his property, his money, and his plan to do better for the town. He does not agree that the town should take his money and hold it for him, and he questions what he gets from this kind of arrangement. He says he does not know what he will do until spring and will pay for it at that time. He does not need or want to give the town his money to hold.

Don Faso explained the requirement and that Mr. Vamvakitis was not being treated any differently than any other applicant. He also told him that

his check would be returned to him as soon as the landscape plan had been approved.

Mr. Vamvakitis protested further on the grounds that he did not owe the town anything and was not willing to give them his money for this thing that he planned to do for them in the spring.

DECISION: Unanimous approval by a vote of 6 with the following condition:

1. A letter of credit or certified check in the amount of \$645.00 must be established for the proposed landscaping.

CHILI PLANNING BOARD

November 20, 1986

A special meeting of the Planning Board of the Town of Chili was held in the Administrative Office, 3235 Chili Avenue, Rochester, New York 14624 on November 20, 1986 at 7:00 P.M. The meeting was called to order by Chairperson Don Faso.

PRESENT: Mitch Rakus, George Ford, John Cross, Ray Bleier, Bill Deans and Chairperson Don Faso.

ABSENT: John Nowicki

ALSO PRESENT: Bob Connolly, Building Inspector; Tom Guerin, Town Engineer; Cherie Bevena, Conservation Board.

APPLICATION BEFORE THIS BOARD WAS AS FOLLOWS:

1. Application of Perna Homes, Inc., 849 Paul Road, Rochester, New York 14624, property owner: The Pikuets: for Final subdivision approval of 37 lots to be known as Phase I of the Chestnut Development at property located at 1034 Paul Road in PRD Zone.

Present to represent the application were Jamie Valerio, Don Avery and Jim Perna.

Jamie Valerio thanked the Board for their willingness to meet in this special session to hear this application. He said that this is the final site plan for the Chestnut Development, Phase I. He also said they had overcome the water pressure problem and would be meeting with the Water Authority on Tuesday. He said they wanted to begin construction as soon as possible, and without even advertising they were ready to begin selling.

Don Avery showed on the site plan just what Phase I consisted of. He showed the entrance off Chestnut Ridge Road. He said the houses would be staggered with different setbacks and degrees of grading. He said that since it is a Planned Residential Development, it is up to the Board to determine setbacks. He said they are requesting the following: 30' minimum front, 5' side, and 35' rear setback. He explained that the lots are very large and the rear area is to be community ownership. He said they need the front setback requested because it is to be a cluster street with wider pavement. He showed on the map where the sidewalks would be constructed and where street lights would be used. He also showed the sewer systems and drainage on the map. He said there would be a 16" water main and a temporary holding basin designed for a 10 year storm. He said this had been designed for compliance with the new Town standards.

Jamie Valerio said that all of the green space would be maintained by a miniature Homeowner's Association, and each homeowner would be asked to contribute \$50 a year to maintain the Association.

John Cross asked if there would be a separate Homeowner's Association for each phase. He was told yes, but that eventually all single homes would be under one single association.

Ray Bleier asked if they would plant trees and shrubs in the green spaces. He was told yes and that they would do more than that, Jamie said they would landscape similar to what they did in Pumpkin Hill.

Bill Deans asked what legal means they would have to make the homeowners maintain the Association. He was told that if they did not pay the fee, there would be a lien on their property.

Don Faso asked how much control the Association would have and what kind of restrictions would be placed on the owners. He was told that there would be a ban on fences, satellite dishes, recreational vehicles, etc. Don then asked what the smallest lot size would be. He was told it would be approximately 150' x 80' or .298 acres. Don then questioned whether there would be adequate fire protection. He was told yes.

Jim Perna said they had gone to the State Building Code and had planned for 1750 gallons a minute.

11/20/86

Mitch Rakus questioned the policies of the homeowner's association. He was told that all roads would be dedicated to the Town in the townhouse area.

Don Avery said there would be a recreational facility with tennis courts and a swimming pool for the townhomes. He said that eventually they might offer a membership to the single family development.

John Cross asked if the street lights would be part of the Homeowner's Association. He was told that a lighting district had been approved by the Town Board.

William Deans asked if there was an easement along the back of the Pikuet property. He was told yes. He asked if they planned to swale it back there. He was told yes. He then questioned the drainage. Don Avery showed via the site plan how the drainage would flow and where the fill areas would be. Jim Perna said they could put a temporary swale in immediately. Bill Deans said every time there is development on a corner, there are water problems. Don Avery showed on the map where the swale would be located.

Ray Bleier asked how long water would be held in the temporary pond. He was told it would be until Phase 2, which would be about one year. Ray then asked where the water would go if there were a 50 year storm. He was told it would flow back to its natural direction.

Mitch Rakus asked if they would do such a good job that there would be no need for sump pumps in the basement. He was told there would be sump pumps in some basements. Mitch then asked if they had done any perk tests. He was told they did do some deep hole testing. Mitch then asked what their latest communication with N.Y.S.D.O.T. was regarding speed limits in the area.

Jamie Valerio said they had done extensive traffic studies. Don Faso asked about a warning light there. Don Avery told him they would have to push for it. Jim Perna said it would be so much more effective if the Town Board would put pressure on N.Y.S.D.O.T. for this.

George Ford asked the price range of the homes. He was told that the large lots would be in the range of \$100,000 - \$190,000, but the average home would sell for \$135,000.

John Cross asked if there would be a variety of architects. He was told they would mostly be two story homes, with a lot of contemporary versions of traditional homes.

George Ford expressed concern that all the original guidelines established by the Homeowner's Association could be changed. He was told that some of these guidelines would be put in as deed restrictions. George then asked if all roads would be dedicated. He was told that all would be with the exception of one private driveway.

Discussion ensued on the drainage district. Don Faso said that he had been in contact with the Town Supervisor, who was in favor of treating all phases as one when the drainage district is formed. Don said it would all be an extension of Sunset Drive Water District. Don also suggested that they seek a "Hold Harmless" with the school district. Don said he would also like to see that the roads before they are dedicated be maintained by the developer. Jim Perna said he agrees with the school bus problem, but feels that this would be very unfair to have the developer maintain the roads. He said that early buyers would be paying taxes, yet receiving no services. He also said that fire trucks, ambulances, etc. have to have access for emergencies.

Tom Guerin said he and the Town Supervisor were working on a preliminary dedication procedure, which had already been approved by the Town Attorney. Tom also said that with any problem with drainage, he felt that the owner of the property with the problem could pay for the pipe if Perna Homes would put it in.

Cherie Bevona had the following questions:

1. Had the Agricultural Review Board only recommended plantings for the green space? The answer was yes.
2. When will the green space be landscaped? The answer was "by phases."
3. Will the walkway be paved. The answer was that it would be in phases.
4. How will the mowing of the green spaces be accomplished, and how will the person maintaining that know where the green space begins and ends. She was told there would be physical markers.

5. Will the green space bordering the road be maintained by the Home-owner's Association. The answer is no because that is right-of-way.
6. Will they pave the walkway with asphalt or concrete? The answer was asphalt.
7. Will they provide formal landscape plans. She was told they would file the restrictions, but would like to leave the landscaping open for the time being.

Tom Guerin asked about the temporary pond then said they might have to have an outlet for it.

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Betty Griffin - 129 Hillary Drive

She questioned who would plow the sidewalks in the winter. She was told they would be strictly for weather permitting use. She also asked about drainage and questioned the temporary versus permanent pond being used. Don Avery and Jim Perna showed via the map where the ponds would be located and how the drainage would flow. She then said to the Board that she hoped they realized that they were being trusted to assure that there would be no further flooding in the area.

Steve Pikuet

He asked why the owner on the south side of Paul Road was not responsible for the swale there. He was told that he had a permit for it. Bob Connolly said he didn't think you could blame one man for putting a little fill in.

Jim Perna said they were going to make everything work right.

PREDECISION DISCUSSION

Bill Deans said he wanted the drainage work along Chestnut Ridge Road made subject to Engineering approval.

Don Faso questioned how they could handle the warning light. Tom Guerin said the County will act more quickly if they receive a letter from the Town Board. He said they must request a flashing light though, not a traffic study.

Ray Bleier said they should resolve the sidewalk problem (part of the sidewalks would be on town property) and possibly agree to eliminate sidewalks except in the green space.

George Ford suggested that the side setbacks be established at 10' and that they ask when they need a variance for 5'. George said he was concerned about the precedence this might set. The Board agreed that two adjacent lots with 5' setbacks should not abutt.

DECISION:

Unanimous approval by a vote of six with the following conditions:

1. Clean the drainage swale from the culvert at Paul Road along the rear lot lines of the houses along Chestnut Ridge Road to the proposed Country View detention pond.
2. Provide a permanent drainage easement across Pikuet's land.
3. Check with the Town Board to see if the Town is willing to accept dedicated sidewalks within the right-of-way. If the Town will not accept dedication, then the sidewalks must be eliminated from the plans.
4. There shall be no case where two five foot side setbacks will adjoin one another.
5. The project is pending the approval of the Town Engineer.
6. Provide the Churchville-Chili School District a hold harmless agreement to allow school bus access to undedicated roads.
7. Petition the Town Board to form the entire drainage district at this time. The drainage district shall be an extension of the Sunset Hill district.

CHILI PLANNING BOARD

December 9, 1986

The Chili Planning Board convened at 6:30 P.M. in Executive Council to discuss litigation concerning Glidden vs. the Chili Planning Board.

The regular meeting of the Planning Board of the Town of Chili was held in the Chili Administrative Office, 3235 Chili Avenue, Rochester, New York 14624 on December 9, 1986 at 7:30 P.M. The meeting was called to order by Chairperson Don Faso.

PRESENT: Bill Deans, George Ford, Mitch Rakus, John Cross, Ray Bleier, John Nowicki, and Chairperson Don Faso.

ALSO PRESENT: Dan Miller, Deputy Town Attorney; Cherie Bevona, Conservation Committee; Tom Guerin, Town Engineer; Bob Connolly, Building Inspector; Jerry Charipar, Monroe County Planning Department.

Mr. Faso declared this to be a legally constituted meeting of the Chili Planning Board. He further stated that notice of the meeting had been advertised in the Gates-Chili News, as well as posted on the Town Clerk's bulletin board.

APPLICATIONS BEFORE THIS BOARD WERE AS FOLLOWS:

- 1. Application of John Spennacchio, 24 Miramar Road, Rochester, New York 14624, property owner: M. Richards; for preliminary subdivision approval of two lots to be known as M. Richards Subdivision at property located at 3935 Chili Avenue in R-1-20, FPO, FW zone.

Ed Summerhayes, Land Surveyor, is present to represent the application. He said this is a 24 acre parcel that they are planning to purchase and divide into two equal lots for building in the future. He said parcel A will be owned by Mr. Spennacchio and will be built on next year. Parcel B will be owned by Mr. Bowes. Via a site plan map, Mr. Summerhayes showed the location of the two parcels. He said they are proposing the construction of homes on the front and high side off Chili Road.

Don Faso asked if there was a dump site on the parcel. Mr. Summerhayes showed him the site of the old cars, cans, etc., as well as an old quarry on the property. Mr. Summerhayes said if people are still dumping there, they are doing so without permission.

Ray Bleier questioned the lot lines and was shown on the map.

John Nowicki called attention to an error on the map, stating that the zoning was RA-20-1. John said it should be R-1-20.

Cherie Bevona said the Conservation Board saw no adverse effects of this proposal.

Jerry Charipar said the County Planning Board had no specific recommendations and deemed the matter one for local determination.

Tom Guerin said he had no comments at this time. He did say that he had not seen any grading plans.

William Wilcox - Stewart Road

He questioned the adjacent land, which is owned by Marion Carson. He said he thinks a portion of that was willed to Roberts Wesleyan College. He also raised questions concerning the draining of the land. He said he felt the project would increase the drainage going through his ditch. He was told that the developers would look into that when they began the subdivision. Mr. Wilcox said the gully should be taken care of there. John Nowicki said that the agenda said that they were here only for preliminary subdivision approval.

Mr. Summerhayes said they wanted legal subdivision so they could close on the deal. John Nowicki questioned how the Board could reserve the right to review this if they granted preliminary approval now. He was told that they could make it a condition of approval.

Gates-NEWS-Chili

1635 BROOKS AVENUE, SUITE 2, WEST BLDG. ● ROCHESTER, NEW YORK 14624

Date. *12-3-86*

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

GATES-CHILI NEWS

Issue Dated. *12-3-86*

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER

NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 19 *87*

Patricia 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 December 9, 1986 at 7:30 p.m. to hear and consider the following applications:

1. Application of John Spennacchio, 24 Miramar Road, Rochester, New York 14624, property owner: M. Richards; for preliminary subdivision approval of two lots to be known as M. Richards Subdivision at property located at 3935 Chili Avenue in R-1-20, FPO, FW zone.

2. Application of the Party House, 677 Beahan Road, Rochester, New York 14624, property owner: M/M J. Casperson; for rezoning of seven acres from RA-20 (Rural-Agricultural) to GB (General Business) at

property located at 675 and 677 Beahan Road.

3. Application of Millard Lakes Metal Service Ctr. Inc., P.O. Box O, 116 Lundquist Drive, Braintree, Mass. 02184, property owner: J. Millard; for preliminary subdivision approval of one lot to be 10 acres and to be known as Millard Lakes Subdivision at property located at 27 Jet View Drive in L.I. zone.

4. Application of Millard Lakes Metal Service Ctr. Inc., P.O. Box O, 116 Lundquist Drive, Braintree, Mass. 02184, property owner: J. Millard; for preliminary site plan approval to erect an 18,000 sq. ft. warehouse and a 3,200 sq. ft. office at property located at 27 Jet View Drive in L.I. zone.

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

J. Donald Faso,
Chairman
Chili
Planning Board

*Planning
Board Book
12/86*

PRE-DECISION DISCUSSION:

George Ford said he feels the dump site should be cleaned up immediately. Mitch Rakus agreed and said he'd like to see them clean it up, rather than cover it up.

George Ford said they would not be waiving final on this one.

Bob Connolly said it is best to say they are going to require site plan approval before preliminary is granted. He said he could issue an order to have it cleaned up. He said it usually requires the approval of a grading plan by the Town Engineer before a building permit is issued.

DECISION: Unanimous approval with the following condition (vote of 7 Board members):

1. Plans must be submitted to the Planning Board for site plan approval of both lots before a building permit is issued.

Final subdivision approval has been waived and the Planning Board has declared itself lead agency under SEQR. The application is an unlisted Action with no significant environmental impact.

2. Application of the Party House, 677 Beahan Road, Rochester, New York 14624, property owner: M/M J. Casperson; for rezoning of 7 acres from RA-20 (Rural Agricultural) to GB (General Business) at property located at 675 and 677 Beahan Road.

Mr. Eric Letourneau, who is grandson of the owner of the Corporation, is present to represent the application. He submits to the Board a site plan map. He also makes one correction: The zoning is RA-10, rather than RA-20.

George Ford questions whether the Board should hear the application if it has been advertised incorrectly. Dan Miller interjects that this is not a significant change.

Mr. Letourneau explains that his grandfather bought the land in 1953, at which time he was granted a commercial use variance. It was never renewed until 1965. At this time, however, they felt that if they were going to put money into the property, they should get it rezoned commercial. He said the commercial zoning had been taken away from them, but they now wanted it rezoned commercial. He said they had plans of putting on three additions.

Ray Bleier asked if both pieces of land were zoned RA-10. He was told yes. The additions, Mr. Letourneau said, were as follows:

1. A 16' x 57' addition off the back of the building.
2. The squaring off of the front of the building to increase the size of the ladies rest room and coat storage area;
3. Enclosing the back of the building to increase the dining room space.

John Cross explained why the property was made RA-10 in the late 1970's. He said the concern at that time was compatibility with the airport and low density development in the area.

Bill Deans said he felt this should be clarified.

John Cross questioned the characterization of a land use variance and said he understood that it ran with the land and not with the property owner.

Don Faso queried Dan Miller, who said it runs with the land. Dan said they may have given him a conditional land use, which is now non-conforming and pre-existing. He said if it is a pure use variance, it runs with the land.

Mr. Letourneau said they would like it rezoned to General Business. Bob Connolly obtained the Town Records on the property and said that a variance for 5 years was granted on April 21, 1953. This was exclusively granted to Tom Casperson. Mr. Letourneau said they do not want another land use variance because they have no plan to resell; it is a family owned business.

Cherie Bevona said the Conservation Board saw no significant environmental impact from this rezoning application.

12/9/86

Jerry Charipar said that the application was approved in so far as airport review. He said that if it were rezoned and subdivided for other business use, it would be subject to re-review. He said the zoning was considered a local matter, but the County had the following comments:

1. This existing land use variance is in a residential area and is therefore, a significant change in the area.
2. If it is rezoned to General Business in the center of an RA-10 area, it might possibly be challenged for spot zoning.
3. A use variance would offer greater protection to the Town.

Mr. Charipar said the Environmental Review classified this an Unlisted Action with no significant environmental impact.

Tom Guerin said he had no comment on the rezoning.

Bob Connolly said he also had no comments.

PRE-DECISION DISCUSSION:

George Ford suggested that they grant a land use permit. Ray Bleier said it was already zoned commercial. John Nowicki said the Town had created a hardship for them and that they were now asking for what they originally had. Bill Deans said the Town does not gain in this. Ray Bleier said it is easier if it is zoned General Business. John Cross said that if they ever decide to sell it, it could be a real Pandora's Box.

DECISION: Approved for rezoning recommendation to the Town Board by a vote of 4:3. Negative votes cast by John Cross, George Ford and Bill Deans.

3. Application of Millard Lakes Metal Service Center, Inc., P.O. Box 0, 116 Lundquist Drive, Braintree, Mass. 02184, property owner, J. Millard; for preliminary subdivision approval of one lot to be 10 acres and to be known as Millard Lakes Subdivision at property located at 27 Jet View Drive in L.I. Zone.
4. Application of Millard Lakes Metal Service, CTR, Inc. P.O. Box 0, 116 Lundquist Drive, Braintree, Mass. 02184, property owner J. Millard; for preliminary site plan approval to erect an 18,000 sq. foot warehouse and a 3,200 sq. ft. office at property located at 27 Jet View Drive in LI Zone.

Mr. William Kelly, Attorney, is present to represent the application. He submits to the Board a site plan map. He showed on the map where the property is located and explained that when Section I was filed by Robfogel, after the road was dedicated, the land was conveyed to Millard Lakes. This was in 1961. He said their application is for a legalized approval of a one lot subdivision and a site plan approval for the Millard operation. He said they plan to build a warehouse and distribution center. The Center will store copper, brass and aluminum. There will be limited personnel on site.

Mr. Kelly introduced the following agents for the application: Mr. Rick Mitchell, Building Contractor; Mr. George Baker, Project Architect. He then described the warehouse by saying that it would be 30' high. He said they had applied for a variance at the Zoning Board meeting this month. He submitted to the Board a diagram of the proposed warehouse. He explained that based on the square footage of the warehouse, they would have to put in 50 parking spaces. He said they had designed the space for parking 20 vehicles, which was more than adequate at this time. He said they could expand it in the future if necessary.

Mr. Rick Mitchell addressed the Board and said that their initial intent was to submit this for approval, but would not like final approval with conditions. He said the final topography studies are missing, but the land is relatively flat. He said run-off studies are being handled by Larson Engineers, but that they were unable to get it ready for tonight. He showed on the map where the roads would be. He also amended the application to reflect greater square footage in the warehouse (21,875) and the office to 3000 sq. ft.

Don Faso asked how many acres remain in the Robfogel tract. Mr. Mitchell said he did not know.

Mr. George Baker, Architect, submitted a rendering of the warehouse building which he explained was actually 2 boxes, one large one and one little one. He said a lot of fill would need to be brought in. He said the colors of the building would be brass and copper with the bottom part of the building being masonry. He said they would use graphics above. He said they would try to make it look a little less industrial.

Don Faso asked if they would be using another curb cut or keeping it as is. He was told it would be kept as is. Mr. Baker said he was confident that the topography works well. Don asked what the weight of the material would be and if they would need to reinforce the floor. He was told that because the weight will be concentrated in the building, they would definitely reinforce the floor.

Ted Hibben, officer of Millard Lakes, addressed the Board. He explained how metal is stacked and why the warehouse needs to be 30' high to accommodate the unloading equipment. Mr. Hibben said they would be cutting rods to shape, as well as sheet metal. He said there would be minimal processing, but mostly pulling metal off the shelves and shipping it out.

He said most of the processing would be at the customer's location.

John Nowicki asked about the use of oils and lubricants in cutting metal. He was told the shearing oils are contained in the system and are recycled. John then asked if the building will be sprinkled. He was told the offices would be and the warehouse if required.

Mitch Rakus asked if they would store Beryllium. Mr. Hibben said it was stored in other facilities, but he was not sure whether it would be stored here. Mitch then asked if they would store magnesium. He was told they would not handle that. Mitch then asked if adding the additional 5' to the warehouse height would present a problem with regard to Airport Review. Jerry Charipar said there would be no adverse impact on the airport. He said they would recommend reduction of the noise to 25 decibels however. Jerry said that the County viewed this as an Unlisted Action with no environmental impact.

George Ford asked how many semi-trucks would be in and out daily. He was told it would be 8-10. Mr. Hibben said they use flat-bed trucks, which will all be parked indoors. He also said there would be no metal scrap stored outside the building.

John Nowicki asked about a landscape plan. He told them there would be conditions imposed until the Board could see such a plan.

Joe DiRitas explained to the Board the COMIDA Concept and why it is important for Millard Lakes Metal to get their application locked up tonight in order to qualify for a mutual fund loan before the end of the year.

George Ford asked what the total cost of the project would be. He was told between 1.2 and 1.4 million.

John Nowicki asked if there would be one work shift. He was told yes, but that someone would arrive early (around 5 a.m.) to set up the trucks. John then questioned the number of trucks per hour. He was told there would be two per hour from 8 a.m. to 5 p.m. John asked what roads would lead out. He was told that 70% of the out traffic would be via Scottsville Road and Beahan Road. Mitch Rakus advised them to talk to the NYDOT.

George Ford questioned the need for signage. George Baker said it would depend on Town Codes, but that this is not a high profile thing, and it's only necessary to make sure the trucks know where the entrance is.

Ray Bleier said he took a ride out to the site and it looked like the road was blocked at Robfogels. He said there were semi's all along the road. He said that it appeared they would not contribute to that situation. Mr. Kelly confirmed that they could expect to see no trucks outside of the building.

Cherie Bevona asked if any fuels or chemicals would be stored on the property. She was told that only crank oil for the trucks. She said she would like to see landscape plans.

Jerry Charipar said he had no comments.

Tom Guerin said he would work with Larson Engineering on the final grading,

etc. He said he thought the Board could give preliminary tonight.

George Baker asked what the requirements for landscaping were. He was told that it must be 1% of the total cost of construction, and that the plans must be signed and sealed by a licensed architect.

PRE-DECISION DISCUSSION:

Application 3 - Preliminary Subdivision only

DECISION: Unanimous approval by vote of seven with following conditions:
1. Pending approval of Town Engineer.

Don Faso moved that the Planning Board declare itself lead agency under SEQR and declare this an Unlisted Action with no significant environmental impact. Motion was seconded by George Ford. Unanimously approved.

Application 4 - Preliminary site plan approval to erect a 21,875 sq. ft. warehouse and a 3,000 sq. ft. office building.

George Ford said he would like to see them list all materials in the building as a condition of approval.

John Nowicki said it should also go before the fire marshal. George Ford said it should be sprinkled, if this is a requirement. Bob Connolly said they should give relief from the parking requirement. George Ford said he wanted to see a landscape plan. The Board discussed the mutual bond requirements. Don Faso suggested that they make a condition on final that Bob Connolly not give a building permit until all of the various agencies had approved it. George Ford said they could grant final with numerous contingencies. John Nowicki said he would like to see what it's going to look like, or every other builder in the county will ask for the same special consideration. George Ford suggested that they could make it conditional or contingent upon their compliance with the Town Codes. John Nowicki said he didn't like this because it sets a precedent. He said he felt they did not have enough information to give preliminary. George Ford asked Dan Miller what the best way for the Board to protect itself was. Dan said they did not need final tonight. The Board then asked Millard Lakes Metal if they were open to scheduling and paying for a special meeting. They said their closing was to be next week. John Nowicki then asked them how they could expect the Board to bend all the rules in the Town Code Book.

Mr. Hibben said they could accept preliminary tonight. The Board then discussed what conditions should be imposed if preliminary site plan approval is granted.

DECISION: Unanimous approval of preliminary site plan by vote of 7. Final has not been waived. Conditions of preliminary site plan approval are as follows:
1. A material inventory list shall be given to the Town Fire Marshal for review.
2. Landscape plans must be submitted to the Conservation Board for review.
3. There will be no outside storage of any material.
4. Building elevations of all four sides must be furnished.
5. Planning Board reserves final approval based on above conditions.

The Chili Planning Board declared itself lead agency under SEQR and declared this an Unlisted Action with no significant environmental impact.

OLD BUSINESS

- 1. GME Construction for preliminary subdivision approval of 14 lots to be known as Avion Industrial Park at property located at 241 and 243 Paul Road in LI and FPO zone.

Tom Merrill from Sear Brown Associates is present to represent the application. He said they are here to address the County's concern of the dump site. The soils were investigated in August and a copy has been sent to the County and to the Town Engineer, Mr. Merrill said. He said a recommendation was made, which they will take into consideration: Wherever the fill is unstable, they will remove it and make it stable.

TOWN OF CHILI

Originated in 1822

TOWN OFFICES: 3235 CHILI AVENUE, ROCHESTER, NEW YORK 14624 TEL: 889-3550

LORRAINE V. ANDERSON

Supervisor

CAROL O'CONNOR

Town Clerk

JEROME F. BRIXNER

ROBERT L. CRIDDLE

RANDY C. PIKUET

WILLIAM M. CALLAHAN

Council Members

June 4, 1987

TO: Carol O'Connor, Town Clerk
FROM: Don Faso, Planning Board Chairman
RE: Planning Board Minutes

Dear Carol:

A question has been raised on the decision of two applications that were before the Planning Board on December 9, 1986. The applications were Millard Lakes & CME Construction for preliminary subdivision approval. Both of these applications had final subdivision approval waived, but this decision was not included in the minutes.

Will you please make a note in the official minute book that these two applications did in fact have final subdivision approval waived.

Thank You.

Sincerely yours,

Don Faso (M)

J. Donald Faso, Chairman
Chili Planning Board

JDF/kr

Mr. Merriff said they have pursued the entrance questions with all agencies, including the N.Y.S.D.O.T. Traffic studies show Paul Road to be the best entrance. He said the N.Y.S.D.O.T. does not want to give access on a curve. The traffic study also shows that the intersection warrants a signal.

Cherie Bevona said it is still a flood plain zone. She is told it is a flood overlay, which will be amended. Cherie asked if the DEC would be out to flag the wetlands. She was told they would do so outside their property.

Dan Miller asked how they would gain access to the four lots on the west side. He was told "by easement". He was advised that the Board would not be responsible for the future sale of any combination of these lots.

Jerry Charipar said that in so far as airport review, the application was approved. Jerry said they would suggest that noise reduction to 35 decibels be made. As far as DRC review, Jerry said it was a routine application.

Tom Guerin said he had gone over the soil reports and drainage with Mr. Merrill. His concerns at this time, he said, were the road design and size, etc.

John Nowicki asked if the roads would be dedicated to the Town. He was told yes. John said he was concerned about the road base there.

Bob Connolly asked if they would be seeking a variance for the four lots. He was told yes.

PRE-DECISION DISCUSSION:

George Ford said we only need to cover the easement to 4 of the lots.

Don Faso said it is essentially an approved subdivision with no access to some of the lots, which will require a variance.

Bob Connolly said the ordinance says the lot has to abutt the road by at least 40'.

Don Faso moved that the Board grant a variance. George Ford seconded the motion. George Ford said he would like to see Don Faso write a letter to the N.Y.S.D.O.T. on this application.

DECISION: Unanimous approval by vote of 7 with the following conditions:

1. Subject to the approval of the N.Y.S.D.O.T.
 2. Subject to the approval of the Town Engineer.
2. Case-Hoyt for amending of site plan granted 9/19/86 to add an additional 24' x 60' temporary office space at property located at 100 Beaver Road in LI zone.

Frank Hagelberg, Attorney, is present. He says they need to amend the site plan to add 2 trailers for temporary offices. He explained that in September the Board had approved temporary office building and trailer storage. He said the company had now determined that they need additional office space to the south of the 4 that are already there. He said they will be 24' x 60' and will accommodate 8 employees. He said the modules will be the same as the four that are already there.

John Cross asked if the Board would consider requiring a yield sign at the intersection. Mr. Hagelberg said he would have to check the restrictions with placing this on private property.

Ray Bleier asked if they would have to expand the parking too. He was told no.

Don Faso asked if they would need more trailers in 2 more months. Mr. Hagelberg said he didn't know. He said there is a master plan in the works and they hope to keep to the schedule they suggested in September.

Bob Connolly said they wanted the plans drawn by a licensed architect for the 2 trailers so they can be sure they do not infringe upon the building code and the fire prevention code.

PRE-DECISION DISCUSSION:

George Ford said he wanted one condition to be a stop sign there. Tom Guerin explained the difference in liability between a stop and yield sign. He said either party can be found guilty if there is an accident at the site of a stop sign. A yield sign however, places the burden on the exiting vehicle. John Nowicki said he favors a yield sign, but would like to see the master plan. The Board decided to grant site plan amendment with 2 temporary trailers there, but all previous conditions still in effect.

DECISION: Unanimous approval of amended application with the following conditions:

1. Applicant must install a yield sign at the end of the driveway at Beaver Road.
2. All previous conditions are still in effect.
3. Arnold Carmichael for preliminary subdivision approval of two lots to be known as Little Fort Hill at property located at 1504 Davis Road in R-1-15 zone.

Mr. Carmichael is present and said he will discuss the conditions that were placed when it was tabled. He submitted a site plan map, which showed the following changes:

1. Storm water drainage - A 12" culvert is next to 1500 and 1506 on the 100' wide lot. He said it goes to the north, to the east and to some ponding and then to a 15" underpass culvert.
2. A swale has been added to the rear of the lots westerly. It is 1-1 1/2 foot depth and is to prevent the storm water from going on Davis Road to the west.
3. A berm has been placed along the property line of 1500 so the drainage will not spill onto that lot. The berm is 2'. He said 2 swales meet to the north of the rear of the lot, so there will be no flooding of the rear lots. The berm along the west will also eliminate flooding.

He said they have calculated for a 10 year storm pattern, and feel that water running to the west will not be a problem. The water that is a problem is with lots B, which he showed on the map.

He said it is undeveloped land going easterly. He said there will be a 12" culvert there.

Regarding the egress/ingress easement, Mr. Carmichael said both parties have the right to use that driveway.

Don Faso asked if he felt these precautions would alleviate some of the flooding. Mr. Carmichael, via the map, showed the lot to the east and to the west that had been swaled, and explained how the drainage would be alleviated.

Tom Guerin said he had reviewed the drainage calculations and was satisfied.

Bill Deans asked if neighbors had been advised of this meeting. Mr. Carmichael said they had not been so advised.

Cherie Bevona asked where the water was going right along Davis Road right now. She was shown on the map. Mr. Carmichael said there would be less water standing there than there is now. Cherie asked if the driveway would be elevated. She was told it would be and would be moved to the west.

PRE-DECISION DISCUSSION:

Don Faso said he had no problems with this application now. He said Tom Guerin was satisfied with the changes.

DECISION: Unanimous approval by vote of 7; no conditions.

Final subdivision approval waived by the Planning Board. Planning Board declared itself lead agency under the SEQR ACT and declared this application to be an Unlisted Action with no significant environmental impact.

October and November minutes of the Chili Planning Board were approved.

Don Faso adjourned the meeting until Thursday, December 11th at 7:30 P.M.

The meeting was reconvened at 7:30 P.M. on December 11, 1986. All members present except John Nowicki. At that time, Bill Deans moved that the Board go into Executive Session to discuss the Glidden vs the Chili Planning Board case. John Cross seconded the motion. Discussion was held. Bill Deans made a motion that the Board discontinue the Executive Session. Motion was seconded by John Cross and the Board voted unanimously to have Don Faso sign the affidavit as prepared by Dan White.

Don Faso,
Chairman