

MINUTES

Planning Board, Town of Chili, N.Y.  
January 13, 1970

A Public Hearing was held by the Planning Board of the Town of Chili, N.Y. in the Chili Administration Offices, 3235 Chili Avenue, Rochester, N.Y. 14624 on January 13, 1970 at 8:00 P.M.

Roll Call was as follows:

Present: Mr. Winsor D. Ireland, Chairman  
Mr. Selden Crow  
Mr. Frederic Bean  
Mr. Mitchell Rakus  
Mr. John Coyle  
Mr. Lowell S. Titus

Also present: Mr. Daniel L. Miller, Deputy Town Attorney  
Mr. James O. Dungan, Town Engineer.

The Public Hearing was called to order by Mr. Ireland, Chairman of the Board.

At the request of the applicant for applications #2, #3 and #4 and with permission of applicant for application #1, Mr. Sundell's (Stevenson Homes) applications were heard first.

#2. Application of Stevenson Homes, Inc., 100 Winslow Avenue, for approval to resubdivide lots 17 and 18, in Sec. 1, West Canon Estates, as per maps submitted, being 18 and 20 Spicewood Lane. D zone.

Maps of the two lots in question were submitted to the Board for study. Mr. Sundell advised the lots will still be in accordance with zoning, just moving rear lot line so that front and back dimensions will now be what zoning calls for. One is a corner lot. Zoning in this area is D zoning. The maps were studied by the Board.

Mr. Ireland questioned if any one present interested in this application and advised it was merely moving the lot line 13'. No one appeared.

DECISION: Unanimously granted.

#2. Application of Stevenson Homes, Inc., 100 Winslow Avenue, for approval of Section III of West Canon Estates, consisting of 10 lots, 1 street, Province Drive, located south of West Canon Estates Sections I and II, which is located off West Side Drive in the Town of Chili. D zone.

Maps were presented to the Board for study. Mr. Sundell advised on the cul-de-sac, it is just a temporary one now, but it will end up as a permanent one. Only reason Sections III and IV were not on one was not just sure going to develop both at the same time. No. IV is next application. Reason for the previous application, resubdivision of lots 17 and 18, is to make another lot in Section III. Mr. Dungan advised him they would need the lot and block grading plan on these and Mr. Sundell advised they were all made, could supply them as soon as they wanted them. Mr. Dungan advised before these were O.K.'d would go before Town Board and they should see the Lot and Block Grading plan. Believed for storm drainage would have to go before Town Board. Mr. Sundell advised when did Section II did not go to Town Board. He advised he would get the lot and block grading plan to them very shortly. Mr. Ireland questioned if able to put another street in by cul-de-sac, will not be permanent? If curve and make another street? Mr. Sundell explained right of way given to Town and Mrs. Johnson, which gave in return for her giving easement for drainage. She has access to get out through. He pointed out existing street.

On question of Mr. Ireland if any one present interested in this application, no one appeared.

DECISION: Reserved until Board receives lot and block Grading plan

State of New York

COUNTY OF MONROE,

CITY OF ROCHESTER.

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ADVERTISEMENT For BIDS

PLANNING BOARD  
Town of Chili, N.Y.

Notice is hereby given that there will be a Public Hearing of the Planning Board of the Town of Chili to be held in the Chili Administration Office, 3233 Chili Avenue, Rochester, N.Y. 14624 on January 13, 1970 at 8:00 p.m. to consider the following application:

1. Application of Bel Air Homes, Inc., 1235 Weiland Road, Rochester, N.Y. for approval to rezone property in the Town of Chili located at Beaver Road and Chili Avenue, consisting of approximately 29 acres, Tax Account No. 1692-000, from E Residential to Multiple Residence.
2. Application of Stevenson Homes, Inc., 100 Winslow Avenue, for approval to resubdivide lots 17 and 18, in Sec. 1, West Canon Estates, as per maps submitted, being 18 and 20 Spicewood Lane, D Zone.
3. Application of Stevenson Homes, 100 Winslow Avenue, for approval of Section III of West Canon Estates, consisting of 10 lots, 1 street, Province Drive, located south of West Canon Estates Sections I and II, which is located off West Side Drive in the Town of Chili, D zone.
4. Application of Stevenson Homes, 100 Winslow Avenue, for approval of Section IV of West Canon Estates consisting of 19 lots, one street, Loring Place, which runs parallel to and south of Spicewood Lane in Sec. 2 West Canon Estates, which is located off West Side Drive in the Town of Chili, D zone.

All interested parties are requested to be present. By order of the Chairman of the Planning Board of the Town of Chili, N.Y.

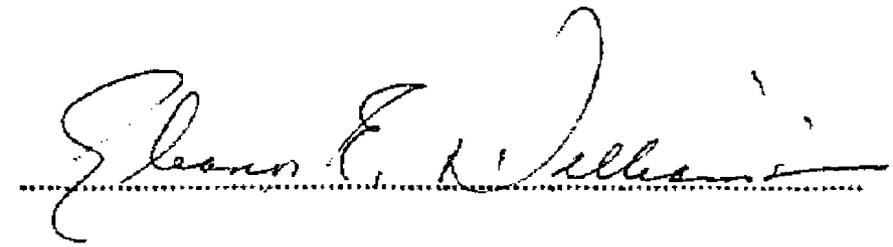
WINSOR D. IRELAND,  
Chairman.

VV-Jan. 3-1(-I-U.

Eleanor E. Williams

..... being duly sworn, deposes and say that she is principal clerk in the office of THE TIMES-UNION a daily newspaper published in the City of Rochester, County and State aforesaid, and that a notice of which the annexed is a printed copy, was published in the said paper on the following dates:

January 3, 1970



Sworn before me this 3<sup>rd</sup>

day of January 1970



Notary Public  
Commission Expires March 30, 1971

for study and discuss the subdivision with the Commissioner of Public Works/Supt. of Highways. Also request a 10' easement to be given, and shown on map, along south lot lines along lots 44 and 45.

- #4. Application of Stevenson Homes, 100 Winslow Avenue, for approval of Section IV of West Canon Estates consisting of 19 lots, one street, Loring Place, which runs parallel to and south of Spicewood Lane in Sec. 2 West Canon Estates, which is located off West Side Drive in the Town of Chili. D zone.

Maps of the section were submitted to the Board for study. Mr. Dungan questioned limit of Mr. Sundell's property and he could not really remember. The maps of Section IV and Section III were oriented together and studied. Mr. Sundell advised next section will eliminate cul-de-sac at end of Loring Place. He explained how the next street will come, it catches this one and existing cul-de-sac on Spicewood Lane which has a temporary one there now. The next street not named as yet, goes right to West Side Drive. He explained how he planned to eliminate the turnarounds in future subdivision. Mr. Miller advised it was going to be their policy on every lot to give 20' easement on lots backing up to each in subdivision and on other people's property are asking for 20' easements. Mr. Sundell advised he will give easements on his property prior to any sale of the property he does not use.

Mr. Ireland questioned if any one present in favor of or opposed to this application. No one appeared.

DECISION: Reserved until receive a Lot and Block Grading Plan for study and discuss the subdivision with the Commissioner of Public Works/Supt. of Highways.

- #1. Application of Bel Air Homes, Inc. 1235 Weiland Road, Rochester, N. Y. for approval to rezone property in the Town of Chili located at Beaver Road and Chili Avenue, consisting of approximately 29 acres, Tax Account No. 1692-000, from E Residential to Multiple Residence.

Mr. James V. Scampole, Attorney, with offices at 1101 Main Street East, Rochester, N.Y., appeared before the Board representing Mr. DiGennaro, who in turn owns this parcel of land at corner of Beaver Road and Chili Avenue, presumes southwest corner, and they are here for purpose of asking for change of zoning for all this parcel of 29 acres of land. His proposal to erect 80 apartment units on this acreage of 29 acres and the project is designed to be on the high land of this parcel of land which runs down to the creek. They find that the number of units proposed at this time for this land is much less than average, than most projects ever planned for acreage involved. They know that on Beaver Road, about mile down road, there is another project, either proposed or has been accepted, and there is also some industrial land down there and going just about 100'-200' southerly from this parcel on the other side is commercial parcel that extends on to next road as comes on west side of Chili Avenue. In immediate vicinity also commercial use there on that road. This parcel of land they have is of such contour that it is their opinion that the best use they can put this land to is for apartments. Mr. DiGennaro has been a home builder for many years. So happens homebuilding business has now dried out. Mortgage wise it is just out of the world and it seems in today's world, the apartment projects are the only living units which become feasible and possible for the people who in turn are hopefully going to need living quarters in our community.

They have gone on in their venture here in checking out the various things to be considered and they have checked out and find that the Monroe County Sewer Agency maintains there is a capacity adequate for this project proposed. Monroe County Water Authority state sufficiency of water. County Highway Department has been checked for opening of land into Beaver Road and they find no undue obstacle breaking into road at that point. As for snow plowing, it would be handled by owner of project. They would attend to own snow plowing. Garbage, rubbish, in that no containers on exterior of building, buildings themselves

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would provide area and space for all containers for any garbage disposal, as matter of fact. Also checked Rochester Gas & Electric regarding availability of gas and electric in area, and will say, have a sufficiency of land around all the proposed units so should not have any problem regarding any drainage whatsoever, enough land to accomodate any drainage that would have to be accounted for. No change in amount of it, but be concentrated for sufficiency of land, and enough around units so would not be pouring on homes there. Good arrangement of landscaping so that homes surrounding project should not consider you are building huge building on top of home. It is their intention, if approved, to try to submit to community good looking project, well planned and designed and certainly would want to be a good member of community.

He had Mr. Nowicki here, from firm of Hershey, Malone and he is project designer. Mr. Nowicki is familiar with the elevation of this land and application of units and building to parcel speaking of. He would like to have him speak of that phase of it.

Mr. Nowicki posted layouts on the bulletin board showing project in question and area to be built on. Was going to try to identify some points Mr. Scampole brought out, building location, elevation, character of area. First of all, speaking of some letters, government agencies and utilities, say had sufficient service and capacity for project would like to introduce into audience, because letters on file with Planning Board. Letter January 29, 1969. Intent is to show they were aware of Corps of Engineers report prior to release to public and town officials, requested flood plane and profile date. In 1969 received letter, February 4, 1969, information would be available of preliminary nature as soon as drafted up and mailed out. On May 15, 1969 they sent another letter asking them to submit plans and profile and enclosed map of project and on May 26 they sent them very preliminary flood plane and profile data. Did use that initially and waited until report came out, which have here.

Have another letter on file with Planning Board and this indicates that back in July 11, 1969 submitted to County of Public Works Highway Department project. Mr. Sam LaFranco reviewed project and it conformed to rules and regulations as far as to size, suggested adjust road 150' closer so that site distance on curve area. They have done this and letter on file. Letter to Mr. Leichtner, County Department of Public Works, for drainage review. All drainage to creek and be all right as far as Monroe County Drainage report released in 1962 and he will discuss this, so had no objection to project for drainage. Sent letter to Mr. Perry, State Transportation Department asking him to review project because Chili Avenue State road, they did not want to interfere with anything they in mind. They want no road as far as ingress and egress on Chili Avenue, that was their only objection. Letter on file.

Rochester Gas & Electric, January 1970 indicate gas and electric service available on request to above named location. Monroe County Water Authority reviewed project and said sufficient service, 12" main here to supply project with water. Correspondence from Gates-Chili-Ogden Sewer Agency, Don Russell advising were opening bids on 29th of January 1970 for sewer interceptor, then act probably within 45 days from opening of bids, hopefully contract time one year, when conceivably will be enough capacity for project. This is on file with Planning Board.

At the time, not sure if people aware of it, a project asking for rezoning, project must be submitted to Monroe County Planning Council. This has been done and he wondered if Mr. Ireland had a comment from them. They do not have an answer from Board. Mr. Ireland advised the Planning Council did not approve or disapprove the project. That due to fact that decision of local agency having jurisdiction be based solely on study of acts, so did not approve or disapprove, they left it up to town.

Mr. Nowicki referring to small map posted on bulletin board advised this map goes along with what Mr. Scampole said before, something to do with character of area applying to put project, area that Creekview Meadows will be built on. Immediately to northwest commercial area and down Beave Road, land rezoned recently and large industrial area. Only thing trying to show, character of surrounding area to validate their project here.

Mr. Nowicki advised they went into local ordinance, rules, regulations, government agencies contacted in preparation of this presentation, consulted all government agencies effected, explained project, took their comments and adjusted their project accordingly. With Corps report, thinks correspondence indicated their attempts to get information at early date, but report is out and believes Town has copy of this. report available probably for reading in town hall. This one personally had called the Corps Report goes into lot of detail, criteria they developed, according to report interviewed town residents, researched newspaper articles and developed criteria going back 100 years to develop flood plane and profile information. Report states record flood, largest flood ever to occur was March 31, 1960. That flood is recorded here on drawing of this blue line. This is largest flood ever recorded. Monroe County Drainage Report in 1962 went on basis of project design flood and three categories or water bodies concerned with that, had 1, 2 and 3, major, secondary and minor. Black Creek major water course, that had divided into tributary drainage of 20 square miles and should be determined for 100 years and alternate facility for this up stream or land area developed and channel would have to be provided to handle all run off. Went through and tabulated drainage over areas and designed alternate channel and say in their report from center of creek for distance on each side of 220'-550' would be sufficient to contain the alternate flows from project design format they made up. Explained the difference in discharge between the Corps Report and the Monroe County Drainage Report. Advised when ppl at County and Corps, they are somewhat close, thing to remember is Corps report on Black Creek indicates national flood plane with no grass at all, Monroe County Report is showing constructed channel equipped to handle alternate flows from this area, would look like this (using chart posted on board). From the Corps report worst flood on street had discharge of 4,000 GFSS. Monroe County drainage figure which they have of 5700 GFSS. Woman in audience questioned who constructed it. Mr. Nowicki advised these were suggestions and criteria set forth in Monroe County Drainage report and submitted to County Legislature for action on them. Man at hearing commented water reaches its own level. Advised water had been lot higher than when they said it was highest. Mr. Ireland requested those in audience to allow the engineer to finish his presentation and then they would be allowed to question him. Mr. Nowicki advised Corps investigated and these profiles are flood plane as Corps states it and report taken. Orange line on map is project area line because this line represents parcel of land out of 29 acres they are going to develop, only parcel here, other area, blue line, elevation 529. have according to Corps report. Man in audience questioned where 252 started. It was shown to him.

Mr. Nowicki advised the other engineering considerations taken into account in particular were storm drainage, sewer, water, landscaping and that was it as far as engineering report covered. Parking and roads -- providing sufficient parking for project based on local ordinance, 1.07 or for 131 automobiles. Paved roads will be shown is 24' pavement, undedicated, right of way of rds is 40'. Project statistics as far as land area, total parcel of area is 29 acres, the developable part is approximately 13 acres, part in orange line. Propose 10 buildings and each have 8 apartments or 80 units, 30 one-bedroom and 50 two-bedroom apartments. Overall building dimensions of one building is approximately 40 x 102, about 4,080 square feet, all buildings, 40,800 square feet. Very important part is percentage breakdown as far as building area to total developable area against open spaces. Keep in mind people like to see open area. Buildings themselves represent 7% of land area, parking and roads say 17%, remainder of area, 76% is left to open space. So this is primarily what see, pointed out project area, 76% open area. Pointed out there is no filling in in flood plane. Have natural drainage coming down Beaver Road. Resident in this area here (using map) still receive drainage from this point in looking at this. Propose interceptor swale to catch drain water directing it to creek and discharge it to creek. Same true in this area in different property line, natural drainage to creek and bringing it into angle favorable to store. Storm drainage still favoring run off. Area here, this project line is following ordinance, require 40' setback and minimum setback along here from property 50'. (using rendering) Pointed out setback from corner on building is 50', and where 60'. Between buildings excess of 55' average for open space, have building averaging 44' from edge of project, pointed out one is 70'. Building

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on high ground, this does not show finished grade because of a preliminary nature. Project will reach like 532 contour, 3' as far as road elevation is concerned. Pointed out building elevations with one group of buildings and then grading up to high grade. Propose no basements. He advised had covered everything wanted to cover this evening and would like to answer any questions.

Mr. Bernard Koster, 387 Beaver Road questioned what he meant by swale. Mr. Nowicki advised this would be grade type of swale with landscape cover and probably at this point (using rendering) bring or build in concrete type catch basin to divert flow away from low spot, would be no fill from this. Mr. Koster questioned this would be just ditch? Mr. Nowicki advised just trenched out and landscaped. Depending on point would have to have elevation and work down to low point of creek. Mr. Koster explained the water problem on his property. Mr. Nowicki advised they were hoping to propose something to alleviate this situation, to catch some, not all of it. This property really is naturally run off in this direction so his runoff situation is not going to be increased by this project, even if did not put ditch in nothing would change. Mr. Koster advised there is a catch basin at top of road. Mr. Nowicki thought storm sewer. Mr. Koster commented then becomes pool and fills up with dirt and turns green, an open ditch and kids go out there, 3' wide and 5' deep and then sides fill in. Discussion was had on who had constructed this ditch, State or Town. Mr. Koster did not care who did it, somebody did, he did not have anything to say about it and now they tell him they will catch that water, open ditch again and stop it from coming into his house. Mr. Nowicki advised will not stop all of it. Mr. Koster questioned high ground largest parking area? Mr. Nowicki pointed out on map existing residents area. Mr. Koster commented there is their high point and comes in directly right towards his property. Mr. Nowicki advised their intention here was to try to help, not to increase. Mr. Koster appreciated that, also appreciated in order to, going to make another ditch. Mr. Nowicki advised talking about preliminary drawings, talking about rezoning in order to get into deal. An interceptor swale, and surface water and all that, this would have to come at a later time, wished them to realize cost of preliminary stage, cost a lot of money, these are construction drawings, others would not be justified at this time. Mr. Koster advised was telling him situation, best thing for them to come over in spring and get glimpse of it and thought it would pay these people to save money until spring comes and see how much land available. Mr. Nowicki advised they are considering all facts and have to go on facts and information, not spending a lot of work and money, have to base it on facts, stated right in report interviewed residents.

Mr. McCullen, 3429 Chili Avenue, Mr. Koster and Mr. Nowicki in front of map discussed it at length with Mr. Nowicki together with Corps report, and the high water mark and average flood.

Mr. McCullen, 3429 Chili Avenue advised what he owned and pointed out where is land was and where water went and advised when last flood was and where he thought high flood state was.

Mr. Smiley, 3454 Chili Avenue he was familiar with this property and when look out the water comes to within 200' of Mr. Lacagnina's back door, been really wet back in there, talking about water being up in July and August and could not get out. Mr. Nowicki thought somebody making mistakes then. Mr. Smiley advised can see Black Creek. Mr. Nowicki was asked who Corps of Engineers interviewed. Mr. Nowicki read from report stating they were interviewed in 1969, residents were interviewed and historical records reviewed, going back over 100 years. Mr. Smiley thought in 1939 it was and another in 1941 and 1943 or 1945 was flood and this area down in here prior to that year, remembers when amphibean boats were used and this was really bad up through and way up over top of head, this was four different times.

Mr. McCullen, 3429 Chili Avenue pointed out where lived, represents this piece of property over here, going back some years, farmed that whole 32 acres, originally Marshall Farm and pastured it, had 15-20 head of cattle, this land down in here is black loam, it floods from not only what County Engineers say, it goes beyond that and comes across

in here, not saying flood in only last flood, his experience for a period of 50 years. If seen that do not think anything down in lower part worth anything from building standpoint and will tell them one thing if they approve this, put in apartments over here, match box type, he would like to put a trailer court over in here. He has seen the high water mark, will take any one up there himself, go out and see high water mark, and know where it is.

Mr. Joseph Lacagnina, 3445 Chili Avenue pointed out where high water was 200' from his house every year. Questioned drainage along Chili Avenue. Mr. Nowicki explained it and Mr. Lacagnina questioned all drainage going in creek so creek will come up. Mr. Nowicki advised does now, no control over that. Mr. Lacagnina commented they have letters from all agencies, they can put anything any place. Man in house next to him is having trouble with his sewer. Manhole with boulder on it to keep cover on so does not overflow and smells whole area. Has had trouble two-three times since August, had man in there to check it out. Has to come and do some work and that is next door. Next door neighbor who is low, this is on sanitary sewer. Talked yesterday with neighbor, lot of them not tied into sewer and this kind of trouble even though put in two new sewers, one from Long Pond, another by shopping plaza by Fisher Road, still having lot of trouble here, and he says have OK? Mr. Nowicki advised putting new interceptor in. Mr. Lacagnina felt take couple of years and in meantime trouble with sewer and not saying anything about drainage and traffic hazard, big trucks, 10 tonner, 35-50 miles an hour, think stop on dime with school bus stop just ahead. Knows accidents with school bus, his kid involved three times in school bus accident. Have to consider traffic, health, sanitary sewers, drainage, he disapproves.

Mr. Koster questioned where sewer line at moment, main line. Mr. Nowicki pointed out existing sewer that services area, this ties into existing sewer on Beaver Road, which comes up to Chili Avenue. Discussion was had on size of line, and it was checked on map posted in meeting room and found out it was a 16".

Mrs. Urschel, 3455 Chili Avenue advised going back into field, you look back there and see discharge, sewerage, see all kinds and not very nice to see and no apartments there now and if that back there now, so what going to happen with refuse, toilet paper, discharge from these. Mr. Koster will back that up, because he made call, thought children would fall in, sewer stench was bad. Mrs. Urschel questioned how will handle more apartments if cannot handle what have now. Mr. Nowicki advised basing their design on what they tell them on adequacy of sewer.

Mr. Trubio, 3457 Chili Avenue questioned last time they were here on this they asked what notification was given on Town Planning Board hearings and was stated by them put in Times Union and posted on bulletin Board prior to meeting, has this been done? The legal notice advertised in the Times-Union was shown to him, he was advised the notices were not posted on bulletin board, but the eleven people notified of the hearing, as well as the Monroe County Planning Council were read from the application to him.

Mr. Koster questioned, this report read from Corps of Engineers, stated in 1969 contacted people in area, is that official document? Mr. Nowicki advised yes, that is published document. Mr. Koster questioned not on State of New York letterhead? Mr. Dungan thought this was subject to another hearing, that it was preliminary subject to Federal hearing before published document. Mr. Koster commented said came and asked people adjacent to this. Mr. Dungan did not know how published. Mr. Koster advised he just read it, contacted people in area. Mr. Dungan thought can be done in several ways, probably meant by notice in paper. Mr. Koster felt do not do it by doing it in paper, do not ask people when they want to know how high water comes up, come and ask. Mr. Dungan was sure Corps of Engineers know it by public information. Mr. Miller advised this is Federal Government. Federal Agency. Mr. Koster commented have to ask somebody, have to see it, says people were contacted who live in area, what man just read. Mr.

Miller commented it is a long creek. Mr. Koster was talking about right here. Mr. Titus thought they may not have taken their spot in creek. Mr. Koster said that it was he was asking them, who did they contact. Mr. Ireland read from his copy of the report telling who they talked to, one of whom was Mrs. Wehle on Stottle Road. The people at hearing felt that was not right. They were stating high water mark on that area, not on Stottle Road, if asked people on Stottle Road, that established it at this point. Mr. Ireland advised if know high water mark on bridge on Stottle Road, which they do, know elevation of that above sea level and then project that for whole length of creek. Mr. Koster commented if know land on both sides of creek. Mr. Ireland advised take lot of surveys but can project high water mark and this has profile from Genesee River to Churchville, and also high water mark in 1960 flood at every road crossing, every bridge and project this for any point in stream and how arrived at figures have and high water mark line. Mr. Koster commented still his question was, did not contact him and he was flooded. Mr. Ireland commented he lived by Black Creek too. Mr. Koster felt point out those who do live on Black Creek they talked to. Has photograph of water coming out his cellar windows. He was just trying to clarify statement, did not ask people, neighbors of this particular parcel.

Mr. Scampole was quite sure that parcel of land make reference to is not absolutely graded out for what is proposed to be graded to so chances are grading going up and down as is may flood or get wet from area to area, but after grading completed will be totally different. The whole community here would not exist if people who yesterday, last year, 10 years ago did not come into town and propose projects. This is growing of community. Do not want animosity between themselves. What hear about sewer problem inclined to believe Health Bureau already know about it and contemplate doing something about it so will not have problem. As to water behind homes, rather than neglected area, why look other way, why not go ahead and have project that will clean up area. People will live here, do not contemplate doing something bad to homes, want to have people who are going to have children and others not able to build houses like ten-fifteen years ago. Know ten-fifteen years ago \$12,000-\$13,000 could build home, cannot now. Trend today is in direction talking about, this apartment project, as type of living situation, not just for children but have to have place where older people move to. Grading has to be accounted for before any Town Board is ever going to approve of it, not going to approve anything until know all contours of land, where every building will be placed, sewers placed, have to adhere to this, not like project heard about if change zoning can do anything want to. When one goes into this type of zoning, buildings, landscaping, roads, have to abide by, has to build in relation to project. They may have variations, but does not think any financial institution will put one to two million dollars in this and say lets see if water rises to second story. Any institution looks carefully into this project. Knows man who lives downstream has water, engineer says will strive to divert some water away to help because have facility to help him, but say going to be as bad as State or County. How can say that, propose to help as neighbors so will have less water going down and divert it. Do it as neighbors, will want to help man if can, but when hear about bathrooms and water situation, wonder do not people know people will look into this, Town Engineer, bank which will finance it, not putting money in bad risk, putting it in project. Heard man say if approve of this will have trailer court, cannot have one in Chili, so should not dream. Says how floods across street, nothing they can help. Their project responsible for, will do good responsible job. People know not contemplating putting housing project into this land, but owner has right to use for reasonable purpose. As he said, reasonable proposition to use land is for apartments and will convert area, have parking area, landscape right, handle drainage correctly. As to sewers, go to proper authority, they'll tell what can do, work it together, not against each other. Thinks would welcome having something one had changed over, something added.

Mr. Lacagnina thought he talked in sensible way, he said about drainage coming down and going down below. They have had drainage problem starting from Paul Road, Riverdale for long time. Tried to get through Planning Board, Town Board, get drainage built up right, be long time servicing sewers and everything better for town, health, sanitation.

Questioned parking, drainage, safety. Mr. Scampole advised they do not intend to put up match boxes, nice looking project. He was questioned how high and advised only two story, ground level and second. He was questioned how many bedrooms and advised one and two bedrooms. Mostly two-bedrooms. Mr. Nowicki advised fifty two-bedroom apartments, 30 one-bedroom apartments. Ordinance calls for density of apartments per acre for ten, they are proposing approximately 6.3 or 4. Are way below what is actually allowed, could cram ten in here, tried to be generous with setbacks, open spaces. Mr. Smiley questioned front or back facing Chili? Back Facing toward Chili? Mr. Nowicki advised they realize situation and when get to architecture these backs will have to be treated as fronts because has view. Mr. Smiley questioned outside. Mr. Nowicki advised on whole outside is green area. Mr. Lacagnina commented he follows these projects every day, do not tell him about them. Mr. Scampole advised this board has absolute control over this type of project.

Board was questioned why they turned it down last year. Mr. Ireland advised a lot more units, lot more and at lower elevation. Mr. Koster questioned high area at Chili, will they take high hill and grade that down to fill in on water holes that just lay here? Mr. Nowicki advised again these plotted on this map, contours from talking in dollars and cents, in order to do topo survey this has to be changed after rezoning, graded, then grade as to high ground and natural drainage. Mr. Koster has to see that first, this is very important thing, that should be done first, should have topo map showing contours. Mr. Nowicki advised have existing topo. Mr. Koster felt they cannot tell what they are going to do and neither can Town Board, have to bring in dirt. Mr. Nowicki advised have to move some dirt around. Mr. Lacagnina questioned will it be level with his. Mr. Nowicki using map showed him how high the buildings would be in relation to his property, where the corner building would be 40' from property line and where 70'. Mr. Koster questioned they were going to grade and bring all that top off? Mr. Nowicki advised interior has to be designed around sanitary and water systems to take drainage from paved area so allow drainage to come into their project so propose to handle with sewer and intercepting swales taking it away from these people and not transmitting it to these people.

Mr. Smiley questioned water coming from people across road where comes down hill and fills land, how did they propose to take care of this. Mr. Nowicki advised if get into construction drawings, could solve with connection with pipe he pointed out, to handle flow. Getting down to more specifics in drawings when they are aware of this, the ones he had here were preliminary drawings.

He was questioned only road entrance from Beaver Road? Mr. Nowicki advised yes, because of State suggestion. Pointed out mall with entrance in and entrance out. County has approved, and state agreed to this.

Mr. Trubio commented now they have all water coming out to this project. Seems putting awful lot of water into corner of piece of property, flood stream and piece in 251. Mr. Nowicki advised not putting any more in. Mr. Trubio questioned if takes time getting there what if landscape area and improve it. Water runs faster in inside building. Mr. Nowicki advised take drainage off this land and put it into creek. Mr. Trubio commented on 251 water 25' of back doors, that will put water right over road down there. Mr. Scampole commented it occurs to him, if water coming from one side to other, and if area where perhaps water may collect on surface, that surface collection if occurs from that point on then you will have run off of it any way and it would seem to him if any of the folks would all know circumstances, tolerate area where have those waters remaining on ground, should welcome any support collecting water together, not staying on surface, rest has to go down to creek. One man commented cannot cut grass until middle of June. Mr. Trubio commented in matter of water running any way, if dug hole have beautiful well. Mr. Scampole commented of course, because collect all surface water in one place when should be run off.

Mr. Trubio commented back to our doors. Mr. Koster commented in letting surface water lay on ground by fact when water comes up does not run down, river fills up, creek floods up, all dams flood up. Ponds of water every spring, 30' from back of his house. Mr. Scampole understands quite a distance from road contemplated from this project. Mr. Koster observed they say 1000' from Chili Avenue. Mr. Nowicki advised 500'-600' further down from their property. Mr. Scampole observed he was lower down there, the he was bound to have flood down there. Mr. Koster advised he did not want any more. What he said surface does not bother any one. He skated all over that lot. Point is when comes up, when it floods not like surface going in, it will not accept it when it should. Whole area is flood. Mr. Smiley commented Genesee River comes back. If put something in there cannot go. Mr. Scampole commented any project, Town of Chili on Black Creek all way up. He advised they know nobody can go beyond stage contemplated by this project, unless have permission and to get it have to have hearing, allowing all people chance to be heard.

Mr. Trubio questioned why did they think wanted to put reservoir in creek. Mr. Ireland believed some talk some years ago. Mr. Trubio believed within the last year. Mr. Ireland knew article and have proposal. Mr. Trubio questioned who made report, reservoir need five to eight to hold this creek, who put article in paper. Mr. Ireland did not know. Mr. Trubio commented land put aside for park. Mr. Ireland did not believe any governmental agency made any hard and fast commitment on this. Mr. Nowicki advised make one statement in report, make mention of figure in engineering report that flood conditions in Black Creek area any flood control projects feel can be handled through local ordinances. Mr. Koster questioned what he meant. Mr. Nowicki advised this is flood plane, no building in flood plane. Leave natural flood plane alone. Just want to make sure it stays in its natural state so they do not want to touch flood plane. They are out of it, this is why presenting it again this evening. Mr. Koster questioned, but are going to change grade. Mr. Nowicki advised because by building on it are going to have to. Would say project itself would have tendency to help you work grade and improve project and improve area. If you have problem with drainage this could resolve that, take some off his land.

Mr. Dungan questioned Mr. Trubio if he understands him properly he lives pretty well on high ground now. Mr. Trubio advised he pumps water out of his basement, does not know why in his basement. Mr. Dungan advised he had high ground water in there now. Mr. Trubio advised he lives next to 60' right of way, not even on map. Mr. Dungan advised him he had high ground water there, if he digs hole in ground, go down a foot have water in it. Mr. Trubio advised yes. Mr. Smiley said he pumps water 12 months a year and he is way up high. Mr. Trubio pointed out on map where he lived.

Mr. Scampole thought have tried to answer all questions, did not know if answered all, knows many which have been brought out tonight are questions relating to individual property or particular homes or low point of home, but as to project have proposed, have tried in best possible way to answer problem and present project for rezoning and thanks board for listening to him.

Mr. Winkelholz, 3448 Chili Avenue advised had not heard about apartment houses, no basement, just would like to have some idea. Mr. Nowicki advised apartments being proposed will have floor plans, 40' x 82' garden type apartment, designed so blend in with area. Again, to get into detailed analysis of type of architecture, again lot of money at developers cost. In for rezoning now only at town level, if get that far will propose final building elevations, floor plans, final grading plans and sewer layouts and water. Mr. Winkelholz questioned, then do they come back for another hearing? Mr. Miller advised this Board only recommends to Town Board, then Town Board will have another hearing on it. Then if Town Board gives rezoning then have to come back with drainage district for project and to Town Board for that, then have to come back here again, not public hearing, for architect approval of plans and landscaping.

January 13, 1970

Long way to go. Mr. Winkelholz commented they do not get in it too much again, what about rentals? Mr. Scampole advised he could not tell them now what the rentals would be when the project was completed, what would be now, might not be then. Could be from \$165. to \$190, but did not know at this moment because of changes which may occur. Did not know what market will be then. Mr. Trubio thought they would have some idea who were going to get to rent apartments to, was there some specific types, factory, professionals, college or something want to go along with or have in mind to rent place to? One bedroom apartment was not going to house three people. Mr. Scampole advised said has been contemplated would be 50 two-bedroom and 30 one-bedroom apartments. Do not know they would be catering to any particular group or anything like this. However at time plans would be drawn up specifically, all work relating to engineering, when all drawn up, at that time would have concept to use for cost basis. When have cost basis, go back to financing institution loaning you money, at that time say this is what is going to cost you. Would contemplate rents would be at this time if erected now, would be \$165-185. But these costs basis would be now, do not know when project would start. Mr. Smiley questioned construction. Mr. Scampole advised all brick. Mr. Lacagnina questioned if any idea if low cost, middle cost housing? Mr. Trubio felt if this town board approves to Town Board not knowing what type of buildings are going in there, just to rezone, putting their foot right into that door. Mr. Scampole again advised anything that is going to be built on this parcel of land has to be approved at a later date. This is not approval for what is going to be built there yet, at a later date that will have to be submitted. Mr. Ireland advised whatever is built there will have to meet the specifications and terms of the Multiple Residence part of the zoning ordinance.

Mr. Lacagnina again asked question if low cost housing? Mr. Scampole questioned if he considered \$165 for a 3 room apartment low cost housing. Mr. Lacagnina asked if he called that low cost housing or middle class housing. Mr. Scampole felt to one person it is reasonable, one person too high. \$165. represents upper middle, middle or lower middle to different people.

Mr. Winkerholz for Mr. Lacagnina and Mr. Smiley presented a petition with 42 signatures which opposed proposed rezoning. Over 75% of property owners living within 100' of property have signed this, 100% contacted have signed it, only ones did not get were not home. He would like to make this part of the record.

Mr. Koster questioned why did they build these on slab construction. Mrs. Urschelfelt will bring rats by building on slab. Mr. Koster thought maybe they considered the water table and every apartment ever seen has basement to utilize laundry, Just curious as to why these were on slabs. Any reason? Mr. Nowicki advised no reason. Everything centrally located, central air conditioning, central heating. Mr. Scampole advised gentleman just came up with petition to this Board, must assume in back of his mind perhaps gentleman has in his own mind some idea what would be better use of this particular area and perhaps in that way may be they would understand something not aware of now. Mr. Winkerholz suggested a wild life preserve would be very welcome there, and thought would alleviate a lot of traffic. They propose 130 parking stations, no buses that come out so everyone has to have a car. Thinks traffic situation in Chili Avenue and Beaver Road horrible, his dog and kids and cat do not dare cross Chili Avenue because of traffic situation and thinks it will be worse. Mr. Scampole can guarantee as years go by traffic condition will get worse on Chili Avenue, but must say if listen to his idea of this parcel of land, but in view of what some of his own neighbors say about this parcel of land, with over flow of water and refuse, somehow does not sound as area that will attract wild life. It would seem if this area is clean would be better situation than if remains as it is. As to traffic on this road, has to have traffic and dog has problem. Mr. Winkerholz commented maybe same engineer who designed high water mark designed sewers, maybe engineer should get in more. Mr. Scampole commented

Down Beaver Road apartment or industrial down road going to from creek, some building of one kind or other part of life and not come to live in Chili where nothing further goes into Chili until dams arected in Black Creek. Hoped some enlightenment to alternate use to this land and submitted to Board their proposal, not second best.

Mr. Koster questioned what was original intent of gentleman when bought, proposed to build homes on it? Mr. Scampole questioned the owner how long ago he bought the land and Mr. DiGennaro advised four years. Mr. Koster commented at that time no apartment proposed as they say now. Mr. Scampole observed four years ago much home construction in our community. At this time, go to any lending institution and they will tell you home building pretty dried out because of cost of your mortgage and taxes on individual home, so high that average couple finds it most difficult to buy it. He closed house deal and man paid \$40,000 and his payments \$400. a month without utilities. Strange thing, this house purchased for \$40,000 could be purchased a few years ago for \$25,000. Mr. Koster observed man before proposed three sites for zoning for tract. Has to be money around for that. Knows it is tight and what has to be put down, but money around. Mr. Scampole advised he had looked at this parcel of land and saw small area to be used and large acreage left for people, no home builder could ever go on that, only small portion of town acreage being used. Mr. Koster advised he was unfortunate too, he bought land and did not buy it in spring, and he bought land and did not buy it in spring. Unfortunate for him, he bought more than he. Mr. Scampole commented that any institution that will invest millions of dollars in a project will look very carefully at it.

Mrs. Urschel indicating an area questioned the area. Mr. Nowicki advised green area.

Mr. Lacagnina commented he believe they heard Mr. Winkelholz say gross of people living within vicinity have petition and it was given to Board and members, against this project.

No one further appearing, Mr. Ireland closed the hearing.

DECISION: Reserved.

The Board was informed that the next meeting of the Planning Board had been postponed until February 17, 1970.

PATRICIA D. SLACK  
Secretary

MINUTES

Planning Board, Town of Chili, N.Y.  
February 17, 1970

A Public Hearing was held by the Planning Board of the Town of Chili, N.Y. in the Chili Administration Offices, 3235 Chili Avenue Rochester, N.Y. 14624 on February 17, 1970 at 8:00 P.M.

Roll Call was as follows:

Present: Mr. Winsor D. Ireland, Chairman  
Mr. Selden Crow  
Mr. Mitchell Rakus  
Mr. John Coyle  
Mr. Lowell Titus

Also present: Mr. Daniel L. Miller, Deputy Town Attorney  
Mr. James O. Dungan, Town Engineer

The Public Hearing was called to order by Mr. Ireland, Chairman of the Planning Board.

- #1. Application of Neil DiAngelo, 59 Karnes Street for approval to rezone property in the Town of Chili located at 1502 and 1504 Scottsville Road, from Industrial to Commercial, property consisting of approximately 1-1/4 acres, for the purpose of converting the south building into a restaurant with a liquor license, seating capacity approx. 55 people. Night Club Operation.

Mr. DiAngelo appeared before the Board to explain what proposed to do. What would like to do is take building at 1502 Scottsville Road, underneath bridge and would like to improve it a little bit and make little operation, little restaurant, just for eating, with liquor license, with seating capacity of 44 or 50 people. Mr. Ireland questioned how was he going to get to it. Mr. DiAngelo advised there is a drive there. Mr. Titus advised one just over bridge where drive down in. Mr. DiAngelo advised yes.

Mr. Dungan questioned if he had plan of what he planned to do? Mr. Ireland advised had plot plan. Mr. DiAngelo presented plan for restaurant, pointing out house situated on property, which he explained to Mr. Dungan, pointing out driveway onto property. It used to be Old Indian Hotel, quite run down, wishes to make it look nice.

Mr. Miller questioned how many cars could park there. Mr. DiAngelo advised buildings situated right at property line, acre and quarter, would have plenty of room for parking. Mr. Miller questioned to the best of his knowledge, how many could park there? Mr. DiAngelo felt could put couple of hundred in acre. Driveway would be free, would pave entire area, should be ample room for cars to get in and out, should be no problem with 55 seating capacity. Mr. Titus questioned if was right of way going over to Schiano property. He was advised no right of way. Right of way in back of building to houses by river. Right of way coming down is Old Scottsville Road and still owned by Town of Chili and Town plows property, right through edge of property. Mr. Titus questioned road connection from there to trailer park, underneath bridge. Mr. Terry, who advised he was one of proposed owners and also a real estate broker advised if is one is gone, unknown to them.

Mr. Miller questioned if granted, what would be hours of operation? Mr. DiAngelo advised 4:00 P.M. to 2:00 A.M. Mr. Miller questioned seven days a week? Mr. DiAngelo did not think so, six probably. Mr. Miller questioned, closed on Mondays? Mr. Terry did not think actually would say Monday or Sunday, would be closed one day, would be whichever is more profitable, did not know, but would be six day operation.

Mr. Ireland questioned if any one present at the hearing was interested in this application, or had any questions regarding it.

State of New York

COUNTY OF MONROE,

CITY OF ROCHESTER.

ss.

Legal Notice

Planning Board, Town of Chili, N.Y.

NOTICE IS HEREBY GIVEN that there will be a Public Hearing of the Planning Board of the Town of Chili to be held in the Chili Administration Office, 3235 Chili Avenue, Rochester, N.Y. 14624 on February 17, 1970 at 8:00 P.M. to consider the following applications: #1. Application of Neil DiAngelo, 29 Karnes Street for approval to rezone property in the Town of Chili located at 1502 and 1504 Scottsville Road, from Industrial to Commercial, property consisting of approximately 1/4 acres, for the purpose of converting the south building into a restaurant with a liquor license, seating capacity approx. 55 people, Night Club operation. #2. Application of James L. Roblogel, Rochester, N.Y., for approval to rezone property located in the Town of Chili at 385 Fisher Road, consisting of approx. 32.81 acres, from E residential to A Industrial. All interested parties are requested to be present. By Order of the Chairman of the Planning Board of the Town of Chili, N.Y.

WINSOR D. IRELAND, Chairman.

D-16-Feb. 6-T-U.

Eleanor E. Williams being duly sworn, deposes and say that she is principal clerk in the office of THE TIMES-UNION a daily newspaper published in the City of Rochester, County and State aforesaid, and that a notice of which the annexed is a printed copy, was published in the said paper on the following dates:

February 6, 1970

Eleanor E. Williams

6th

Sworn before me this.....

day of February 1970

Jeanette M. Hehir

Notary Public in the State of New York

MONROE COUNTY, N. Y.

Commission Expires March 30, 1971

Mr. Radtke advised he owned property north of this. Reference made to right of way back there. This is his prime concern in appearing here. Right of way along railroad and along right of way north of property are two houses, one of which he owns and then this is followed by 900' of river frontage vacant he owns, which hopes to develop commercially or industrially. Further north two 100' lots before get to Niagara easement. Did not know if right of way beyond that or not, but not too well prepared since just received notice yesterday, but it is his feeling that the circuitous route now obliged to use was not road of Town of Chili originally intended for these properties to use. Road going along river originally went between two houses where proposed change in zoning and sometime after new bridge put in, someone put fence across there and people beyond there, he did not own it at that time, felt this was wrong, but did not take initiative to change it, but could get by by coming to end of right of way, perhaps owned by Town, but come to end of this, close to subject property, make left turn, go under bridge and make sharp turn to right and then go along right of way. Is accessible for ordinary car, but not for truck or trailer which people might want to use in that area, would be quite restrictive if property north developed industrially or commercially and only access knows to area referred to. Also has strong feeling is deed restriction in subject property that states have to provide 16' right of way. Restriction in his deed and pretty sure part of one original parcel and if investigate further find deed restriction that owners have to provide right of way and would mean not feasible, this traffic under State Highway and on this limited lane providing access to property. This is more or less inquiry on his part in connection to right of way and also for legality, whether right or not, but thinks the Board should go over and check. Whether grant this permit or not, whether actually protect right of way to other properties in one manner or other, and probable use of this sort of establishment, people drinking are careless and over crowded parking anyway and way now easy to pull in there because does look like approach and depending on action of Board, he may bring civil action if find do have easement there that has been violated. If Board should work it out where know set approach to other properties, such action not necessary, but did want to appear tonight to let Board know other problem involved in addition to fact zoning needs to be changed. Mr. DiAngelo questioned two houses, after houses? Mr. Radtke advised yes, the facant land and two 100' lots and knows his deed says 16' and that would be east of railroad would be right of way. Mr. DiAngelo questioned how got in now? Mr. Radtke advised go to subject property, make sharp right turn, go under bridge then sharp right turn and then proceed. Mr. DiAngelo questioned is this right of way now? Mr. Radtke advised what people use now. Mr. DiAngelo did not know that. Mr. Terry questioned Mr. Radtke if he was aware of this when bought property, road was right of way on property they were negotiating on? Mr. Radtke thought in State Highway record would show. Mr. DiAngelo pointed out to Mr. Radtke right of way on plat map, which was studied and discussed. Mr. Radtke was sure this was the approach people should use and people came in and put fence up, but other people did not wish to fight it at that time. Cannot cut people off, it is right in his deed. Mr. Dungan felt both should examine their abstracts. Mr. Nicholas, owner of the subject property, advised there was no restriction in deed at all for 60' right of way talking about. Right of way they are now using actually belongs to his property, is no 16' right of way. Only one that there is is one they are using and that is actually part of his property. Mr. DiAngelo advised they certainly would not want to close his way of getting to his house would not have that intention at all.

No one further appearing to speak on this application, the hearing was declared closed.

DECISION: Reserved until further inspection made of property.

- #2. Application of James L. Robfogel, Rochester, N.Y. for approval to rezone property located in the Town of Chili at 383 Fisher Road, consisting of approx. 37.81 acres, from E residential to A Industrial.

Mr. Duncan R. Farney, attorney with Wiser, Shaw, Freeman, Van Graafeiland, Harter & Secrest, representing Mr. Robfogel, who was also present and also his architect, and he would ask them to make presentation of plot plan when he was finished. He referred Board to the application they submitted. First of all referred Board to application submitted for some of points which raise in favor of application for rezoning. The major point which wish to urge to Board is proximity of property to Monroe County Airport. The east line is less than 1,000' from west line of airport property as he has been able to determine by looking at tax assessment maps, thinks closer to 500'. Property to east and to south is zoned industrial to the best of his information and the property on south side is presently owned by Mr. Robfogel and in process right now of being developed as light industrial parcel. The Fischer Scientific Lab in there now and Genessee Tool and Die and R.C.A., all located along Jetview Drive, new road from Paul Road up into Mr. Robfogel's present land and Mr. Robfogel will also be building plant in this parcel on south side referring to now and has sketch of his proposed building for that parcel and he will be presenting it here as example of type of industrial unit seeking or putting in. Mr. Robfogel not mass land speculating, but going in, going to be home office of their distribution plant and they are going to control type of industry they sell plots to and include. Their plans, will try to maintain comprehensive and uniform high quality type of light industrial development. Property to the west and north as they understand it, is presently parcel sought to be rezoned, is presently zoned residential. However, only the property on north side is presently used subjected to residential use and Mr. Handler, Architect, will be presenting proposed plot plan and provided on that plan what they feel is sufficient buffer strip to coordinate with adjoining, existing residential use.

In their application called to attention of Board, and wish to do so again now, statement by Monroe County Planning Council, published February 6, Times-Union, that it recommended no future residential subdivision development within one mile of airport. Now they were considerably closer than that to airport and thinks some of reasons are obviously noise and air pollution makes land this close to airport not ideal for residential development. Light industrial development on other hand was type that would be suitable kind of development within this proximity to airport according to Planning Council and this has a-so been typical today of development around here and other metropolitan areas around this State and wished to note that.

Also the Baltimore and Ohio Railroad runs through the parcel sought to be rezoned. It cuts off substantial amount of frontage that otherwise would be on Fisher Road and of course reduces value of that parcel for suitability for residential use. At same time enhances its suitability for industrial use, spurs, easily provided. Also as understands it, high tension line maintained by RG&E adjacent to railroad at that point.

It is their general feeling, industrial development of this area is more or less inevitable in time and that the major question is not whether to be developed industrial, but who is to develop it and how is it going to be developed, and their pitch, so to speak, is that Mr. Robfogel is highly interested in planning comprehensive and high quality sort of development in this area and, of course, the Town would derive a further advantage from this parcel being developed industrial rather than residential because tax base advantage that is well known that industrial property generates more taxes than residential use of same amount of acreage and, of course, it generates no additional children for schools to support. His understanding is, each new residence in this County, on average, now generates 2.4 children and that is a substantial number of residences could be built on approximately 40 acres.

Another point, Mr. Robfogel would like to urge to Board, not interested

in selling or leasing land. Approach for this development is to have, thinks best example could cite would be sort of light industry uses along Jefferson Road. No plan to lease or sell to any outfits they have that would be truck-trailers or store large amount of heavy equipment outdoors. As matter of fact, Mr. Robfogel tells him approached by one concern and turned him down. Does not want this kind of operation within this proposed development area. Wants a series of low profile, modern buildings, clean, not belching smoke in air, not heavy traffic, but light manufacturing or non-manufacturing type of industrial use. This also, they should point out, is of long term type of plan that he has in mind at present moment, not something going to happen overnight. Present plans call for his building to be built on Jetview Drive location pointed out by Mr. Handler, but no contracts in existence for additional industrials at this point. Another point, contemplate gradual construction and selling off various parcels and construction of buildings on them over period of several years. Thinks this covers major points that he wanted to make. If the Board has any questions will be happy to answer any he can and Mr. Robfogel also available to give his answers. They would like also to have Mr. Comisar, representing Mr. Colangelo, seller, to have an opportunity to talk for a few minutes and they should like to ask Mr. Handler, Architect, to present proposed layout.

Mr. Richard Handler, Architect posted layout on the bulletin board. He pointed out current property owned by Mr. Robfogel, Paul Road, B&O Railroad, RG&E right of way, Fisher Road, outlined in red. Current property in red, site of building. Fisher Scientific in this portion of property, RCA, Gillette Tool and Die. Pointed out Gottfry. Pointed out proposed property outlined in blue. Pointed out road from Fisher Road connecting with planned road in existing property. 100' buffer zone between residential. This exists now at present goes up and runs down here for most 100' buffer zone to this area. Guesses has little more to say, this is what plan is, will answer any questions can.

Mr. Robfogel would like to add to this. As Dick said, this is portion working right now, portion in red and (pointing on layout) right here you can see it, is the area their company, Robfogel Mill-Andrews Corp. is going to start building, already started, just about as soon as snow off ground and he presented rendering of building that will be going in there. This will be corner where office wing will be, pointing towards northwest. Rendition view was from northwest and construction of building will be of cement and it is in brick rather new form of concrete brick, quite attractive and feels will add to area and be nice looking building. The further plan, of course, is to extend this area up around, utilizing Colangelo's land, and he personally is interested in developing this, they are going company, been in business for sixty years in this area and intend this to be their home and seemed to them would be natural extension of current industrial park area, the red area going up in here. And again wants to keep it similar, to cut streets where light manufacturing, architects, consulting firms, who have to be near airport, like to be near airport. Not interested in truck terminal type with heavy traffic, not interested in outdoor construction companies who have heavy bulldozers which of necessity have to be stored outside and he, as owner of red portion, have turned down some fellows from another city to establish plants and had some interested in their particular area. Again airport area, in many other cities that he has seen, is natural development area for this engineering type of low profile plant, where is not a great deal of pollution and great deal of traffic, other than vehicles needed to get people to work. As far as the buffer zone, they want it to be nice looking. Planning to have their present building nicely landscaped and it is their intent to control the leases or any sales they will have in future in new piece.

Mr. Ireland inquired did he plan to sell some parcels and lease some parcels or build on some and lease building and land or what is general plan? Mr. Robfogel advised ideally would like to maintain ownership of land and build for people who want to be in this industrial park and lease it to them on long term leases. He has not sold any of land in red piece to this date, do not have any intention to. Has had lot of people after him to buy 3,4, 10 acres and whole piece and have been some pretty attractive offers, but initial plan to get on building and

to develop it slowly and retain ownership of land and would intend to do that with blue parcel, but sometimes economic conditions might dictate otherwise, but at present time these are plans. He would prefer to maintain ownership of whole park and with idea of even providing some services for tenants and keeping it a nice clean attractive piece of property.

Mr. Comisar, Attorney for Mr. Colangelo thinks everyone knows for past twenty three years Steve Colangelo has owned subject property and a lot of land surrounding. Has seen what has developed around his. Particular point out to Board land immediately in back, after once sold and again sold to another person, changed to industrial and might point out during last eight years, offers Mr. Colangelo has received with reference to this property, have not been for residential, not one offer for residential purposes of all this property because of railroad, airport, utility lines, the industrial side on southwest. Only offer received during period, for industrial purposes of property. Further, Steve feels very good about the purchase offer made by Mr. Robfogel because going to continue to live there, right across street, and be neighbor of fine company that are going to live there also and they are good neighbors. Had a little personal insight, for a long time during his life lived nearby Robfogel Paper and observed their operation on Scrantom Street and he knows they are good neighbors and this is where they are going to live and thinks going to be credit to entire community and definite hardship to Mr. Colangelo if unable to sell this property for the particular purpose before the Board tonight.

Mr. Ireland advised those present at hearing they would entertain questions or comments from the audience, one at a time and to please give name and address when get up to speak.

Mr. Raymond McCormick, 27 McIlair Drive had a few questions would like to ask the members of Mr. Robfogel's staff who just made presentation. Said property east of the proposed property is zoned industrial and he does not believe that is the case. If referring to land east of the property, it seems to him railroad track, railroad and residential. Looked at the Town map, residential property across from that land, south of Mr. Colangelo's home. Mr. Farney advised his understanding small corner on southwest zoned residential but rest to east of Fisher Road zoned industrial. Mr. McCormick said he could be wrong, but seemed homes on east side of Fisher coming right down to railroad track. Mr. Farney believed down near crossroad that comes in right in that corner is residential. Did not have Town zoning map, maybe Board can clarify this. Mr. Ireland advised parcel which Gottfrey located on industrial, but vacant property north of that, in that triangle, believed still residential.

Mr. McCormick said he made statement, high tension line somewhere in neighborhood of this land they were talking or discussing tonight. Mr. Farney advised he should correct that, had not made personal inspection, his understanding R.G.& E. right of way adjacent to railroad on west side as runs along there, what is actually Mr. Colangelo's line, runs right along railroad, 125' right of way and that is wire up there. Mr. Robfogel advised he went up to R.G.&E. because current building need to work with them. They tell them they are going to put in this year or next, depending on budget, new H type metal low current poles in there. They own property here down to Mount Morris. Also new gas line, but do not have definite plans to put in metal tower system. Mr. Handler advised this was proposed originally when they expected to develop Mt. Morris Dam and now making with Niagara Power high tension. Mr. McCormick questioned what they owned and Mr. Handler advised owned 125'. Mr. McCormick thought high tension line is considerably way up road. Niagara Mohawk. Gussed the third and one of most important questions had to ask, would like to get a real good definition of buffer zone they referred to in presentation. 100' buffer zone. Code of Town of Chili, page 19-32 simply says with regard to A district yards, 100' buffer zone with suitable screen of live trees 6' in height where join, etc.... By that buffer zone, would like to ask not only to Board, do you mean 100' from their property line to building line or dedication of 100', so to speak, to substantial landscaping, trees, shrubs, etc. so as to separate, so to speak, this land from adjoining residential? Mr. Ireland advised buffer zone means 100' strip from property line to nearest building. And there will be no parking facilities within that buffer strip and strip itself is planted with screen plantings, shrubs and trees.

Mr. McCormick thought last question, Counsel said Mr. Robfogel not interested in

leasing or selling to heavy industry and truck trailer type. Perhaps thinking of Gottrey and would like to know at this time how much control Mr. Robfogel will actually, legally be promising here, not only to residents in area but to whole Town, how much actual control over land, its sale, its development and how legally binding in his promises and indication given tonight. Mr. Handler thought Board can set those conditions, cannot restrictions, covenants be put in. Mr. Farney felt both by private restrictions in deeds and regulation by Board. Mr. McCormick was pleased that attorney has made this clear, and suggests this tonight, because thinks speaks for good number of residents in area, feel that should Board at this time or any time in future consider the rezoning of this land, or any land adjacent to existing residential property anywhere within Town, take into consideration the tremendous investment not only in material goods but planning and moral strength gone into people's homes, bringing up their families and write a restrictive type code, perhaps Industrial AAA that would insure the human dignity, integrity of existing neighborhood, and ease a lot of the discomforture of the residents because attorney said not want to see a four story building, even though Counsel, Mr. Robfogel indicate low profile buildings to be built on these parcels, would not want to see four-story corrugated metal type buildings, dedicated to use of heavy hauling and carting, would not want to see auto and motor vehicle repair shops 100' from property line, would not want to see coal, coke, lumber storage facilities in back yard, so to speak, would not want to see heavy trucking type concern, moving and storage type concern in their immediate vicinity, and they are all things existing industrial A code does permit and this is what concerns them, what worries them. If Board could see its way clear, as Counsel indicated, to set down a new restrictive code for light industry, thinks people of Chili, all people of Chili, would benefit greatly in having that code in existence and then putting code into practice.

At this time he would like to present a petition that has been signed by a few, 120 voting age residents and taxpayers of Town of Chili located for the most part on McNair Drive, on Jacklyn Drive, those areas immediately contiguous to property under application for rezoning, Fisher Road, again property bordering on this property, Lexington Parkway, which is another area which could conceivably be rezoned Industrial A in future since it falls within one mile radius of airport and since Counsel indicates Monroe County Planning Commission would rather not see residential development within that area and he would like to present petition on behalf of all these people to reject application of Mr. Robfogel at this time to have property located at 383 Fisher Road rezoned from E Residential to A Industrial. Thinks there might have been fewer people on this petition if we had in the code of the Town of Chili an Industrial AAA zoning regulation as he said. So would like to present petition to them at this time and hopes they will take it into consideration.

Mr. Farney would like to say two things. Does not think incumbent on Board to consider in thinking requirement that the Town have to re codify its zoning ordinance. Thinks Town Board has power at this time to regulate kind of development and impose building regulations and approve layout, plans, etc. and would also like to point out, thinks standing of people living along Lexington Parkway is minimal to object. They may have some interest in general development of area, although quite a distance away. Large area of undeveloped land between them and proposed parcel to be rezoned. That undeveloped land is all zoned residential.

Mr. Robert Thiers, 36 McNair Drive agrees with him in sense that Town has facility to stipulate type of building. In past does not think have very often. Another factor, that all of this land zoned residential back of him, plus area over there, he purchased his home know this area was residentially zoned area, zoning residential and very frankly was afraid for his investment. Investment, residential investment does not hold up with industrial area around it. Mr. Salvage sold some property to Gottrey which was zoned industrial and he has tried to sell his house now and finds cannot sell house any longer. This why they are concerned. Also another concern, this blue line is their back yard, 80' away or 100'. Says you can put two story building similar to their picture, or as much as four as building code

states. For him, he knows for one, does not want to get up, look out back window and see four story building.

Mr. Bartnett, 25 McNair Drive questioned Mr. Robfogel. See have road going on to Fisher Road. This would be general road for services to their area? In any industrial area would assume would be some truck traffic, has to be. Is he aware Fisher Road four ton limit? What purpose would this serve, could not put big truck on it, at four ton limit/ Mr. Robfogel was not aware of this. Mr. Handler was aware of this. Delivery vehicles under four ton, need of fire protection, vehicles for people. Thinks as residential would be more unfit with trucks making U turn. Mr. Bartnett said is some danger to residents. There is buffer zone, and zoning code requires that shrubs will be planted in B zone, it does not presently provide has to be solid. Says once you take over piece of property that borders residential area, shrubbery will be planted. Have shrubs been planted now between red and blue? Have they complied with zoning code as of right now? They have not. Mr. Robfogel did not think that was consideration. Mr. Ireland advised nothing been built. Mr. Bartnett does not think anything has to be built. When zoned has to have planted trees. Have been told, told going to plant Lombard Poplars 6' tall. How much good to have 6' tall Lombard Poplars, inch in diameter. No bigger twenty years from now. Agree with Mr. McCormick, If there was Triple A Industrial zoning would not object but wants this thing strengthened to protect them, does not want another Gottrey 100' from his property line. Mr. Robfogel wanted them to understand. His position is he does not own this piece he is trying to purchase it. Their company do not own great deal of development in Town other than its present site. Feel that is suitable for use would like to put to it. Other think, would like to bring out, is this is his neighbor on other side and a little concerned too about who could eventually end up with this piece. He is on other side and have substantial investment already in this piece and more when this building completed this year. They are not in real estate business, in distribution of paper and products in downtown Rochester. Need more space and like their Town and they are going to be neighbors. Eventually, his feeling, Mr. Colangelo is going to sell this to somebody, he would like it to be him and he thinks they would be good neighbors. If it is not him, somebody else is an unknown quantity. Mr. Bartnett observed point brought up by counsel, availability of railroad for sidings. Seems to him at maximum two lots available for siding as railroad exists right now, but he had great consideration railroad there for siding. Mean going to run railroad tracks over all this property? This is what Counsel indicated. Mr. Robfogel advised he indicated this is detrimental from developing it as residential. Do not believe, the sidings because of railroad restrictions on curve and everything else, would make it impossible for anything to come any closer than, very rigid rule for use by siding, does not think could be down over there for road and everything. Mr. Bartnett said statement made by Counsel, property great because of railroad siding, was not valid point. Mr. Farney observed had opportunity to suggest whereas railroad no use for residential, it is of some use for industrial. Mr. Bartnett questioned do they have any idea how many railroads go over that track a month? He was held up once in three years have at present home on way to Kodak. Mr. Robfogel thought New York Central on that sput, thinks may learn come in to Rochester B. & O. Have been caught there once or twice.

Mr. Farney thought away from point. One thing perhaps the ideal answer to point about shrubs or trees. Did not believe anything has been said about what kinds or size would be put in other than minimum required by building. Mr. Handler felt unless prospective buyer said something, this is decision, thought Town would put in. Mr. Bartlett questioned could do it, have no protection. Mr. Handler felt have protection of Planning Board.

Mr. Thiers questioned the Board is it not conceivable if property zoned industrial, property beyond could then be zoned industrial, two lots not shown on map, vacant land on other side, which could conceivably be zoned industrial? No reason, if set precedent, no reason to throw out any application for any one else that comes in along line. That would mean whole residential could be industrial. McNair Drive could

conceivably become driveway to retail plant, nothing stopping it, one of approaches for roads. But thought they zoned this property residential and have moral obligation to keep it this way. Mr. Ireland advised him they did not zone it residential, always was. Mr. Comisar inquired is it not fact behind residential A and this residential E? Mr. McCormick advised all property residential E. Mr. Ireland advised no residential A, all E or D. Property around there E residential, all way around. Mr. McCormick advised only residential not zoned E in immediate vicinity of land under question is the land bounded by roads Beahan, Weidner and Fisher. That is residential D, 80' wide and land bounded by Beahan, Fisher, B&O Railroad and by northernmost line of industrial property immediately north of Gottrey, this all Residential D. While on floor again would like to propose that in the light of work now being commenced by people of Town of Chili, by Monroe County Planning Council, namely the development of Master Plan, updated Master Plan for Town of Chili, which is to be submitted to people of Town of Chili, he believed in early part of 1971, would ask and request Planning Board at this time recommend this area discussing, not be rezoned from Residential E to Industrial A at this time, but wait until the Master Plan has been submitted to people of Town of Chili for their acceptance. Knows full well, this Master Plan is not dictum or hard and fast and binding, sort of plan be an advisory type of plan. Meanwhile would again urge Board, as did before, Board take people of Town cooperating with Board, in the intervening 12-14 months to develop a highly restrictive type of industrial zoning code for areas such as this, call it Industrial AAA if wish. Would like to ask Mr. Robfogel at this time if he would be willing to buy this land at this time if it were up graded in zoning code to a so-called Industrial AAA so as to insure promises made by him tonight and Counsel, are in sense irrevocable. If for example, were forced through economic pressures to sell off part of this land which happened to be adjacent to residential property on McNair Drive, to a developer or user who in order to make best use of land had to build four story building or building that is really unacceptable to them at this time. He would according to the code be permitted to do this and new owner would be permitted to put up the building as long as complied with existing code. So thinks promises and indications, drawings and maps really do not matter. All would mean, what would like them to mean. Would like to have new updated industrial code. Would like to ask Mr. Robfogel would he be willing to buy land, limiting buildings to 1-1/2-2 story, make larger buffer zone, green type, planting it to property line, not building line, where the uses of the owners of the industrial would be compatible one with another. For example, an architectural firm, jewelry manufacturer, etc. where land to building ratio be 1 to 5 to 1, hopefully, 6, in area square foot land to building ratio. Architecture would be reasonably controllable for example in material, corrugated type building next to beautiful precast masonry type building with lot of beautiful grass perhaps, where exterior lighting on building at night would not be objectionable to immediate adjacent homes, where traffic patterns would not interfere or be harmful to 130 some odd children living in immediate vicinity of this land. Things of this sort, would like to ask that question. Mr. Robfogel felt question like that would refer to Counsel. Mr. Farney felt to give answer yes or no to that question, though given picture of what he conceives to be AAA Industrial Zone, would depend upon exact requirements, etc. specified, but thinks their point, for type of development Mr. Robfogel has in mind. Mr. Robfogel advised what he outlined in essence what have in back of mind. Of course he appreciates they are concerned about what says, and what he could do, if was not nice kind or sold it to somebody. But trouble, economics involved, in this talk about unknown code. He said one or two stories, could be size of Gottrey and twice as high. Lot of things in writing code, be just too unknown to give verbally, to make any sort of commitment until could see and have Dick study useable land economics, what space can be land for use, much parking need, would see be able to reach set amount of parking per acre, number of buildings per acre. It is impossible to answer if had new Triple A code they would establish would be bound to it. Thinks they can all appreciate could not do so at this time. He is considering to be neighbor. Too possibly somebody else if Mr. Colangelo does not sell it to him is not good to be neighbor. He does not know. He is to all of them unknown

quantity and somebody else would be and because of overall neighborhood, airport area planning, this area will not be developed, in his estimation and lot of people he has talked to, only building area. Does not mean it will not, happen, somebody may go in and build another road and some homes on either side. Has not been, happened, and Mr. Colangelo owned this land twenty years. Mr. Farney would say two things, recommendation of the County Planning Council, for this area, based on present summation, it has to go industrial, and other point being, he appreciates residents' concern is control over kind of development that goes in there but he reiterates, does not think has to wait revision or amendment to the zoning law in this Town, thinks Town Board has power under existing law to regulate developing of this particular development.

Mr. Connell, 33 McNair Drive questioned aren't owners committed on this land everybody talking not being able to build residential homes on, are they not committed for more homes going up there now? Mr. Ireland did not know what he meant by being committed. Mr. Connell explained have petition before Town to put another 30 homes on their street now. Mr. Ireland advised owner of property, Mr. Pilato came into Board about year ago with proposed plan for another section. Since then has never been back. Mr. Connell questioned, but still has land? Mr. Ireland advised as far as knew, but never back with proposed addition to subdivision. Mr. Connell questioned land back there still open to him for building and you say this land behind them is hardship? Mr. Ireland advised he did not say it. Mr. Connell returned no, speaking generally, in other words piece of junk unless buildings go in. This land on now was part of that land at one time and if decide to put 100 or some homes in there, do not think changes picture if set up to put up homes, did not see what would stop him on building extension on, and hook it into Lexington. Mr. Ireland advised yes, but has not done it. Mr. Connell felt, if follow his line of reasoning, if is rezoned industrial and he owned land, were Pat Pilato, will not build any houses, because will not sell them. Mr. Ireland did not know reason has not come back to complete plans, but has not. Mr. Connell advised as now developed at end of their street is tail end of his street where can cut in more homes, which from way of thinking has right to do. If he owned land will not build, will sell it to him, instead of lot which means end of McNair it would be changed to factories. Did not want land any more if factory behind him. In fact will gladly sell his interest. If set up for so many homes and have land behind, bought land talking about right now, and worked on another project and meant to put in another thirty homes, and they tell him cannot build within mile of airport, this fellow going to, but who will or who are going to buy? Mr. Ireland advised nobody said could not, nearly recommendation of County Planning Council. Mr. Connell commented if this is rezoned behind him right now his land at end of his street does not want it any more for residential because nobody will want it so, to him, conceivably this will be industrial too. When first set up set up for hooking into Lexington. As looks now, if this goes through, his first thought would be if going to happen would stop building and not come before them again and first person comes by which makes bid and would be made to factory and he does not agree with this. Mr. Ireland did not know Mr. Pilato's plans for rest of land. It was pointed out to Mr. Robfogel where land reached his land and where it hit. Discussion had on this. Mr. Connell continued he backed up by land he is proposing buying. At one time this was all farm land. If he knew this was no good then why did he sell suddenly area outside of land and leave them stuck holding bag. Mr. Farney advised kind of development proposing will blend suitably with adjoining residential area and for this reason did not see this as a problem. Mr. Connell felt, by same token, even if houses went through, his land adjoining their's, are you going to sell \$5,000 lot, rest in industrial? Common sense, you will come up and rezone it and that is leaving him holding bag. Sure, if take these lots, come down street from him, backing up with industrial and you owned land to continue another thirty, not going to build back there. He says it is poor thought, just a poor idea and he disagrees with it.

Mr. Chapman, 29 McNair Drive had three different points, conflicting

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things. Mr. Robfogel getting good plant, but they in turn stand to lose quite a bit because of whole setup, putting cart before horse, whole planning procedure. Thinks Mr. McCormick has good idea to postpone this for twelve months to find out what Monroe County going to do and get concrete plan set up where will not have to worry every six months, year from now. Other end of street, if Pilato does not develop land, could sell it to anybody for commercial, industrial, how Board could change it, which would close them right in. This is going from one piece of property, from residential to industrial. Just makeshift thing, not well planned. Thinks that they can accept.

Mr. May, 312 Fisher Road advised this is really his strongest feeling, and may he say quite sincere sympathy and would like to see Mr. Colangelo get all good use of land, but think is not this parcel, balance of land, this entire area, should be planned. This maybe fine plan and finest neighbor, if he is and trust that is case, would welcome him, but should plan for the entire area not just his land and discuss in whole to every question, how things would work, ideas for it, if works for Town plans in sympathy with people who have property and limited ability to sell because of airport and appreciate that situation and maybe some negotiation. Things going to happen in area which better not deal with them one acre at time but deal in Town of Chili and particularly this area and think would welcome him and thinks can go long way not just in this land but entire area, if negotiation. Say cannot build any more in area, thinks not firm, if one comes up to build garage, would get permit. Thinks should plan for entire area.

Mr. Ireland would like to say to clarify possible thinking on this, since time their homes were built and the subdivision approved, at that time it appeared that possibly the airport was on way out and was going to be moved further out and half way to Buffalo or something, but in the five years or so since then it has become obvious it is there now on, no doubt about this, so this has changed picture in area, so that situation so to speak is not what was at that time. Thinks many of them realize this, sure Mr. McCormick and Mr. May are aware of this and some new approach to whole area is needed, he agrees with them. Doubts if any one going to come into area and build any more houses way situation looks now, so that some other sort of approach to it, such as Tripple A Industrial, a compromise, is probably going to have to be solution.

Mrs. Reinacker, 30 McNair Drive advised front of their house would face back of their building, no trees all flat land. Does not like going to sit on front porch in evening and look at industry that is going to be put up and has four boys who love to get into things like that. Mr. Robfogel pointed out thinks they are looking now at a barn here, but he hopes they all understand, red piece which comes up to here is already in development now and going to come up to here so this is going to happen regardless at this point, but he hopes it will be an attractive area as these are developed up into here. This will be rear lot line of current plants. Mr. Reinacker said yes, but eventually unfortunately they will look at blue line which is back of building he has proposed. Mr. Robfogel advised one other think, he feels this piece here is natural because of railroad tracks bordering line. Piece, if you look at it on large town map, you can see it is so obvious, this is a terminal piece in this area and logically cannot have housing type development on it because of railroad tracks that go across street the and then you folks have your property up in here and it has become different area.

Mr. Bartnett remarked Mrs. Reinacker concerned looking out window and seeing trash. Believe between red line and blue line appeared 30' bank that is about 30' lower at back portion. The back portion about 30' portion. Building not as feasible on existing red portion as on proposed blue portion. Knows the area, is familiar with it.

Mr. Thiers commented mentioned times have changed. Maybe now time to zone it industrial. Planning Board going to advise assessor times have changed, going to come out and reassess their homes, that is value will be less? Mr. Ireland advised cannot answer for

the assessor. Mr. Thiers advised this is their primary concern. Side vacant land, is now vacant, their investments are at stake. To some of them, biggest investment is their homes on that street, purchased in an area acceptable to them. Yes, times have changed, but they do not want this to be zoned industrial, this is why here, want this known to Board.

Mrs. Fontaine, 32 McNair Drive would like to know, say airport situation, this may not be pertinent to business, but what guarantee have they got where are right now that airport needs expansion again, only way can go is towards their property, what is going to happen to them then? Mr. Ireland did not know. If airport comes over and wants to buy their property, up to them. Mrs. Fontaine thought they would want to sell it to them. Mr. Ireland continued, at all well know, County buying property around airport wherever can use it, feels will expand to west, but did not know.

Mrs. McCormick, 27 McNair Drive, was sorry came in late, looking at map, questioned were they dividing property into all those lots there? Mr. Robfogel advised just to give study, just possibility of what could look like. Of course, some limitation because of shape of the land, but railroad does come in there and road comes in there. Shrub from 800 in back to 200 in front. Mrs. McCormick questioned blue line where their property on McNair ends? Mr. Robfogel advised was. Mrs. McCormick questioned building could be 100' from their property line, that is correct? Mr. Robfogel advised yes. Closest building could be, would be here, 100'. Pointed it out. Mrs. McCormick advised particular concern is, if any of them have driven down Burben Way may notice that industry has come right into back yard of these people, and they happened to be driving through couple of nights ago, bright light torch, trailer trucks right in people's back yard. Kind of wire fence that separate these people's property from trucks, and as far as they are concerned would want some guarantee this would not happen, something that would not have legal loophole that experts could allow some sort of thing otherwise would not be in. She was for either getting zoning dated up or having them be able to have some sort of say as to what kind of thing goes in there, some legally binding thing.

Mr. Farney advised the Board they appreciate arguments of these people in regard to fact they desire to see nothing done until comprehensive master plan approved for entire area, entire Town, but their contract for purchase will expire within next two months. If do not get rezoning it will be, of course, open to renegotiation after that. In other words, economic reasons can be one why to wait for rezoning would be disadvantageous for Mr. Robfogel.

Mr. May felt sooner or later going to have to stop along line, some place have to stop and say, look at this as whole. Realizes from where he stands is not place to stop. Next month will be somebody with same petition, but if going to give us reliable view, so all may be happier and something erected, might be happy when all done, would only hope they could get property again. If they cannot, nobody else can before 1971. Use their influence to make that day sooner, if money to invest they might get it done six months faster. Mr. Farney advised their point is, already been said it is going to go that way anyway, should logically go that way, what happens is concern to it and Town as whole and should be governed as master plan, but that thinking would be inequitable to sit that long on this particular piece of property. Mr. May understood they were going to develop slowly. Mr. Farney replied that is right, but contract to purchase is contingent on rezoning now. Would be worthless if did not know could be utilized for industrial purposes. Mr. Thiers felt same would be taken in his case because he bought his home knowing was residential. Would be hardship on him also to lose any value in house, property under negotiation on both sides. They are recommending this application be turned down for reasons so stated here. These are his feelings and trying to state. Not opposed to industrial plant going up, likes way laid out. Personally think more to it and think more valuation should go into it so we people of Chili can prepare ourselves and take all of this into consideration. He considers fact was residential when he bought the house.

Mrs. McCormick questioned if this is inevitable, going to be zoned industrial, why does not Mr. Robfogel buy it any way now? Mr. Robfogel advised her if she would like to loan him money, would be glad to do it. Mr. Farney advised it was their opinion, from planning point of view, should be inevitable, but from economic point of view, would not sink thousand of dollars into property unless sure.

Mr. Connell observed, times change, in past five years say industrial around area. Just put addition on home cost \$6,000, which Town was glad to come out and reassess, and just wondering when take beating on place, when junk built up behind, will they

come and lower it as fast as up graded it and he strongly opposes this and hopes Town Board goes along and turns this down. Been through this three times in past five years, just repetition, all going over same thing. Mr. Ireland advised have to consider every application made, cannot turn anyone down, this is their privilege to ask for hearing for rezoning and we cannot deny them. Mr. Connell advised he was for one opposed to it and hopes Town takes this into consideration. Again, as said, when zoned it and allowed homes to be built up. Keep this in mind, when went along with homes being built if thought this coming along, should not have let homes stay. If figured property was deadbeat from time got there, when land sold him all the land behind was farm land and that was property behind it. Airplanes and horses, would rather have them than building. Mr. Ireland advised they will consider all of people. Question was asked if should happen and if inevitable, will Town please reduce taxes?

Mr. McCormick would personally want to thank them and Board for listening to all comments tonight and honestly thinks that we have in the people of Robfogel Mill Andrews Corp., Mr. James Robfogel and his staff, the potential for firm and fast and lasting friends, not only for them as residents of McNair Drive, but for Town population of Chili. Thinks Robfogel people who are planning to build in next year what looks like rather large 100 sq. ft. facility as indicated in map, they welcome that sort of development in that area, even though rather large. As Counsel and Mr. Robfogel indicate, area bordered in blue under consideration tonight, is a long range plan development, and seeing they wish long range in planning, does not really seem unreasonable for them to ask tonight that Planning Board and Mr. Robfogel, Mr. Colangelo work together with people of Town of Chili, and knows they are not pressured in this, to develop a new industrial zone, not only for the area immediately bordering McNair Drive property on south side, but for all those properties presently undeveloped and zoned residential E that lie east of Lexington Parkway and north to proposed extension of Route 204 of airport expansion and he thinks if they do that they have a real great opportunity to bring desirable industrial development, much needed and desirable development to this area of Chili, providing not only increase to real estate tax assessment and whole town and also tax dollars for the school district and probably much needed jobs for people of area. So would once again trouble Board to reject the application to rezone this land from residential to A Industrial at this time, postpone such decision, postpone any rezoning, until such time as this proposal of their's to write a new Industrial Triple A type code into present code is done and perhaps by time Master Plan is submitted, all these things will have been worked out and Mr. Robfogel can begin to develop blue line industrial sites that will benefit Town and all people of Chili.

The following people stood up, gave their name and address and advised were opposed or against it for reasons given.

Mr. Farrell, 22 Jacklyn Drive  
 Mr. Marchegiono, 26 Jacklyn Drive  
 Mr. Marken, 21 Jacklyn Drive  
 Mr. Nunes, 27 Jacklyn Drive  
 Mr. O'Brien, 16 McNair Drive  
 Mr. Fontaine, 32 Jacklyn  
 Mr. Merkle, 50 Lexington Parkway  
 Mr. Antinore, Jr., 40 Lexington Parkway  
 Mr. Nucci, 9 McNair Drive  
 Mr. Westrich, 10 McNair Drive  
 Mr. Parker, 22 McNair Drive  
 Mr. Taylor, 20 McNair Drive  
 Mr. Voellinger, 19 McNair Drive  
 Mrs. Silvester, 11 McNair Drive  
 Ruth Silvester, 11 McNair Drive  
 Mr. Smith, 35 McNair Drive  
 Mrs. Reinecker, 30 McNair Drive  
 Mr. Lee, 42 Lexington Parkway  
 Mr. Wetzal, 29 Jacklyn Drive

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Mr. Pope, 17 McNair Drive  
 Mrs. Taylor, 20 McNair Drive  
 Mr. Chapman, 29 McNair Drive  
 Mr. Bartnett, 25 McNair Drive  
 Mr. Tycham, 45 Lexington Parkway  
 Mrs. Marken, 21 Jacklyn Drive  
 Mrs. Parker, 22 McNair Drive  
 Mrs. Taylor, 20 McNair Drive  
 Mrs. Cumenale, 331 Fisher Road  
 Mrs. Holt, 23 Jacklyn Dr.  
 Mrs. Fontaine, 32 Jacklyn Drive  
 Mrs. Hanvey, 21 McNair Drive  
 Mr. Reinecker, 30 McNair Drive  
 Mrs. O'Brien, 16 McNair Drive  
 Mr. Bleuel, 29 Lexington Parkway  
 Mrs. Nucci, 9 McNair Drive  
 Mr. Reding, 14 McNair Drive  
 Mrs. Reding, 14 McNair Drive  
 Mr. Martin, 15 Lexington Parkway  
 Mrs. Bartnett, 25 McNair Drive  
 Mrs. Randall, 26 McNair Drive  
 Mrs. Pope, 17 McNair Drive  
 Mrs. Smith, 35 McNair Drive  
 Mr. Milbredt, 30 Jacklyn Drive.

No one further appearing to speak at this hearing, it was declared closed.

DECISION: Reserved for further study.

Decisions on applications previously heard on which decisions had been reserved.

From Public Hearing held September 9, 1969

Application of Stallion Development Corp. for approval of subdivision consisting of 15 lots and one street, to be known as Paul Road Estates, located at approx. 734 Paul Road in E zone.

DECISION: Approval granted with the following stipulations:

1. Formation of drainage district.
2. Letter of credit for improvements
3. Approval of Monroe County Department of Health
4. Permanent survey monuments to be set at important corners to be specified by the Planning Board Chairman of the Town of Chili and the Town of Chili Engineer
5. Builder of subdivision to be required to plant trees on both sides of street in the subdivision, at least 5' high and 1" in diameter, every 90' of subdivision, 10' back from front property line. Planning Board to designate the kind of tree.
6. In accordance with Town Board Resolution, \$100. per lot must be paid to the Town of Chili in trust for future park and play ground development, or 10% of land area in subdivision acceptable to the Town of Chili.
7. Existing barn on property, which is to be removed, to be shown on linen and all copies of map.

PATRICIA D. SLACK  
 Secretary

MINUTES

Planning Board, Town of Chili, N.Y.  
March 10, 1970

A Meeting was held by the Planning Board of the Town of Chili, N.Y. in the Chili Administration Offices, 3235 Chili Avenue, Rochester, N.Y. 14624 on March 10, 1970.

Roll Call was as follows:

Present: Mr. Winsor Ireland, Chairman  
Mr. Frederic Bean  
Mr. Selden Crow  
Mr. Mitchell Rakus  
Mr. John Coyle  
Mr. Lowell S. Titus

Also present: Mr. Daniel Miller, Deputy Town Attorney  
Mr. John Burchill, Comm. of Public Works/Supt. of  
Highways  
Mr. James Dungan, Town Engineer  
Mr. Al Frazier, Monroe County Planning Council

The meeting was called to order by Mr. Ireland, Chairman.

Messrs. James Johnson, Sidney Burton, John Andrews of Housing Systems, Inc., and AATEX Growth Corp., 2132 Five Mile Line Road, Penfield, N.Y. appeared informally before the Board with proposed plans for apartments they wished to erect on property recently rezoned MR on Old Chili-Scottsville Road and Beaver Road. The plans were studied and discussed by the Board.

Discussion was had on applications heard at previous public hearings and the following decisions made:

Public Hearing held October 14, 1969:

Application of Toper Construction, Inc., 166 Kuhn Road, for approval to rezone property located on corner of Chili-Scottsville Road and Beaver Road, consisting of 33 acres, being part of Tax Account No. 188-025, from EE Residential to Multiple Residence zone.

DECISION: Unanimously recommend to the Town Board this application be disapproved.  
Property is in the flood plain of Black Creek  
Too close to pre-existing multiple residence.

Public Hearing held January 13, 1970:

Application of Bel Air Homes, Inc., 1235 Weiland Road, for approval to rezone property in the Town of Chili located at Beaver Road and Chili Avenue, consisting of approximately 29 acres, Tax Account No. 1692-000, from E Residential to Multiple Residence.

DECISION: Unanimously recommend to the Town Board this application be approved, with the following stipulations:

1. Permanent easement 275' wide from center of Black Creek to be given to the Town of Chili for flood drainage and recreation, with the owner maintaining the property in a manner acceptable to the Town Board.
2. Maximum time limit of one year from rezoning to Multiple Residence to issuance of first building permit and six months additional to start of meaningful and continuous construction in the judgment of the Town Board, with maximum completion date to be set and made acceptable by the Town Board.
3. Development as per plot plan submitted to Planning Board on January 13, 1970.
4. If above stipulations are not met, the zoning reverts to its original E zone classification.

Planning Board

March 10, 1970

Public Hearing held February 18, 1970:

Application of Neil DiAngelo, 59 Karnes Street, for approval to rezone property in the Town of Chili located at 1502 and 1504 Scottsville Road, from Industrial to Commercial, consisting of approximately 1-1/4 acres, for the purpose of converting the south building into a restaurant with a liquor license, seating capacity approx. 55 people, night club operation:

DECISION: Recommend to the Town Board this application be disapproved unanimously.  
The vehicular access to the property is extremely hazardous because of steep slope on Scottsville Road on south end of railroad overpass, and property lies within flood plain of Genesee River.

Public Hearing held December 9, 1969:

Application of N. Meleo for approval to rezone property in the Town of Chili on the southwest corner of Chili Avenue and Union Street, 1,000' on Chili Avenue, 1,130' on Union Street, consisting of approximately 31 acres, from E residential to B Commercial, approx. 2 acres on immediate southwest corner presently zoned B, for a shopping center.

DECISION: To be requested to revise plans submitted to conform with recommendations set forth by Town Engineer.

PATRICIA D. SLACK  
Secretary

MINUTES

Planning Board, Town of Chili, N.Y.  
April 14, 1970

A meeting was held by the Planning Board of the Town of Chili, NY in the Chili Administration Offices, 3235 Chili Avenue, Rochester, N.Y. 14624 on April 14, 1970.

Roll Call was as follows:

Present: Mr. Winsor D. Ireland, Chairman  
Mr. Frederic Bean  
Mr. Selden Crow  
Mr. Mitchell Rakus  
Mr. John Coyle  
Mr. Lowell S. Titus

Also present: Mr. Daniel L. Miller, Deputy Town Attorney  
Mr. James Dungan, Town Engineer.

The meeting was called to order by Mr. Ireland, Chairman.

Mr. Jack Hellaby of S. P. Vasile Co. and Mr. Klingenberger of Larsen Engineers appeared informally before the Board re: an industrial building on Union Street. Mr. Klingenberger advised it was on 76.2 acres of old Worser property which they hope to develop into an industrial park. Currently consumating lease with Rochester Telephone Corp. with service depot on one corner of property which would consist essentially of fenced in area which would include pole yard and two long garages for storing company vehicles overnight and machinery service building and small truck repair area, similar to one in Fairport. Currently as said only plan to develop as far as area, building access road that will be compatible with requirements that can be incorporated later on when further developed. Actually planned no development until brought sewers but Rochester Telephone was looking for something in this vicinity to work as anchor. Anything further will not probably proceed until sewers in. Property backs up against railroad. Property already zoned industrial, no zoning problem to best of his knowledge, only major problem storm water drainage. The drainage problem was discussed and he was advised if the property further developed would probably be required to form a drainage district. Mr. Ireland for the Board approved the plans, but advised they actually did not need the Board's approval.

Mr. Witmer of Nixon, Hargrave, etal, Attorneys, together with Mr. John Blair and Mr. Frank Brickelmeir of Humble Oil Company appeared informally before the Board, to discuss their plans for property in the Town of Chili they have under option. The Glennon property on Union Street just north of Route 490. They explained the property and its location and their feeling it was a good investment for a gas service station and motel, and the reasons for this feeling, and advising they wished to discuss with the Board having it rezoned commercial. They were advised they would have to get a variance to erect the gas station regardless of type of zoning of property. Discussion also had on the availability of sewers at this location, and that before a motel could be erected, sewers would have to be available, and the possibility of them becoming available to this property.

The following decisions were made by the Board on applications which had been heard at previous public hearings on which the decisions had been reserved.

Hearing held December 9, 1969:

Application of N. Meleo to rezone property in the Town of Chili on the southwest corner of Chili Avenue and Union Street, 1,000' on Chili Avenue, 1,130' on Union Street, consisting of approximately 31 acres, from E Residential to B Commercial, approximately 2 acres on immediate southwest corner presently zoned B.

DECISION: Unanimously recommend to the Town Board they disapprove this application. Board does not believe the commercial potential

April 14, 1970

of the area warrants the rezoning at this time. Furthermore, the Board believes that this whole general area will be considered for rezoning in the new master plan which is under study.

Hearing held January 13, 1970.

Application of Stevenson Homes for approval of Section III of West Canon Estates, consisting of 10 lots, 1 street, Province Drive, located south of West Canon Estates Section I and II.

Application of Stevenson Homes, for approval of Section IV of West Canon Estates consisting of 19 lots, one street, Loring Place, which runs parallel to and south of Spicewood Lane in Section II, West Canon Estates.

DECISION: Unanimously approved, subject to the following stipulations:

1. 10' easements on rear line of lots 59 through 67 and 10' easement on the strip of land abutting rear line of lots 59 through 67 on the south side, giving the Town of Chili a total easement of 20' width.  
10' easements on the land abutting the rear (westerly) line of lots 45 and 46 and 10' easement on land abutting the south line of lots 44 and 45. In each of these cases it makes an overall easement of 20' in width when combined with easement shown on map. The deed of easements to be presented to Town Attorney for his examination and developer to pay cost of recording same.
2. Letter of credit for improvements
3. Approval of Monroe County Department of Health.
4. Permanent survey monuments to be set at important corners to be specified by the Planning Board Chairman of the Town of Chili and the Town of Chili Engineer.
5. Builder of subdivision to be required to plant trees on both sides of streets in the subdivision, at least 5' high and 1" in diameter, every 90 feet of the subdivision, 10' back from front property line. Planning Board to designate the kind of tree.
6. In accordance with the Town Board Resolution, \$100. per lot must be paid to the Town of Chili in trust for future park and playground development or 10% of land area in subdivision acceptable to the Town of Chili.

Hearing held February 17, 1970.

Application of Mr. James L. Robfogel for approval to rezone property located in the Town of Chili at 383 Fisher Road, consisting of approximately 37.81 acres, from E residential to A Industrial.

DECISION: Unanimously recommend to the Town Board this application be disapproved.

However, the Board does not feel that property in this general area is suitable for residential construction due to its proximity to the airport, and feels that the rezoning of the whole area should be considered in the new master plan now under study.

The Planning Board to write a letter to the Town Board requesting a meeting with the Town Board, April 29, 1970 at 8:00 P.M. to discuss possible controls and regulations on commercial and Multiple Residence projects and stating reason for requesting discussion.

PATRICIA D. SLACK  
Secretary

MINUTES

Planning Board, Town of Chili, N.Y.  
May 12, 1970

A meeting was held by the Planning Board of the Town of Chili, N.Y. in the Chili Administration Offices, 3235 Chili Avenue, Rochester, N.Y. 14624 on May 12, 1970 for the purpose of holding public hearings on two applications.

Roll Call was as follows:

Present: Mr. Winsor D. Ireland, Chairman  
Mr. Selden Crow  
Mr. Frederic Bean  
Mr. Mitchell Rakus  
Mr. John Coyle  
Mr. Lowell Titus  
Mr. Richard Melvin

Also present: Mr. Daniel L. Miller, Deputy Town Attorney  
Mr. James Dungan, Town Engineer  
Mr. John Burchill, Comm. of Public Works/  
Supt. of Highways

The public hearing were called to order by Mr. Ireland Chairman.

- #1. Application of Robert Lehr, 92 St. Casimir St., Rochester, N.Y. for approval to rezone property in the Town of Chili located on Black Creek Road, lots 126 and 127, Tax Account Nos. 1351 - 1352, consisting of 1.63 acres, from D Residential to Commercial.

Mr. Lehr appeared before the Board. Advised what planned on doing is more or less expanding facility of Mr. Tacy and going into sale of new boats and motors. It is where boat livery is now and includes the two lots, which he pointed out on plot map which had been submitted, pointed out where building is now, frame building, and where building is now, plans to sell new boats and motors. He now operates a boat sales. Mr. Ireland inquired this building is now operated on a variance? Mr. Lehr advised right, he is here now. Mr. Ireland questioned Mr. Tacy, who was present at hearing, he was operating present place on variance, was that right? Mr. Tacy advised right, it is residential D there. Mr. Ireland questioned and he has variance now to operate boat place? Mr. Tacy advised right.

Mr. Miller advised Mr. Davis pointed out in conversation, that easterly corner is now commercial because in old 300' setback, so small part of this property is commercial at this time. Put new bridge across creek. Technically one small sliver of land now commercial under old zoning.

The question was raised if this is where boat livery is now? Mr. Ireland advised where it is now and adding in the parcel to Scottsville Road. The plot plan was studied by Mr. Dungan and members of the Board. Mr. Ireland advised Scottsville Road at bottom, Black Creek Road deadended there. The lots were pointed out, where the existing boat livery was and where that would be expanded to. Pointed out where buildings were now, and where just land. Mr. Tacy pointed out where existing commercial and where State took piece of land for new road going across creek.

On question of Mr. Ireland of those present if any one had any questions or comments, Mr. Niel Strassner, 43 Names Road advised he also owned property on Black Creek Road a little way from there. When came for variance for boat livery, this is what expected to be there and people in area went along with it. Now they do not like to see this being changed to commercial use, not for the reason that the boat livery is there or he would like to sell boats, but would like to see it continue on as variance rather than new zoning. Once has purchased property and turned into commercial area, then most anything in commercial business can go up there.

State of New York

COUNTY OF MONROE,

CITY OF ROCHESTER.

ss.

Legal Notice

PLANNING BOARD,  
TOWN OF CHILL, N.Y.

NOTICE IS HEREBY GIVEN that there will be a public hearing of the Planning Board of the Town of Chili, to be held in the Chili Administration Office, 3235 Chili Avenue, Rochester, N.Y. 14624 on May 12, 1970 at 8:00 P.M. to consider the following applications:

- 1. Application of Robert Lehr, 92 St. Casimir St., Rochester, N.Y. for approval to rezone property in the Town of Chili located on Black Creek Road, lots 126 and 127, Tax Account Nos. 1351-1352, consisting of 1.63 acres, from D Residential to Commercial.
- 2. Application of Humble Oil & Refining Co., 20 Calm Street, Rochester, for approval to rezone property in the Town of Chili, located at 3610 Union Street — tax account No. 103-100 consisting of 9 acres, from EE Residential to Commercial.

All interested parties are requested to be present. By Order of the Chairman of the Planning Board of the Town of Chili, N.Y.

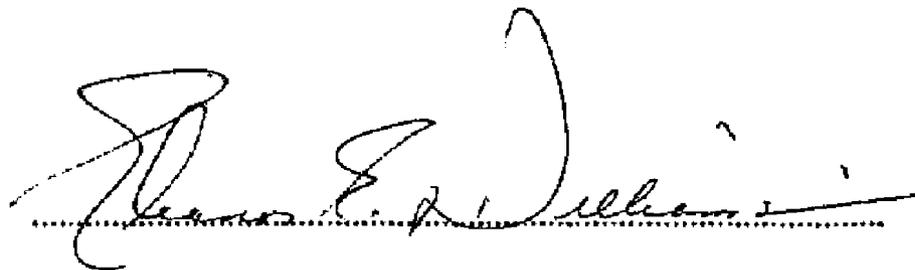
WINSOR D. IRELAND  
Chairman.

EU-H-May 4-T-U.

Eleanor E. Williams

..... being duly sworn, deposes and say that she is principal clerk in the office of THE TIMES-UNION a daily newspaper published in the City of Rochester, County and State aforesaid, and that a notice of which the annexed is a printed copy, was published in the said paper on the following dates:

May 4, 1970



Sworn before me this.....<sup>4th</sup>.....

day of ..... May ..... 1970 }

  
.....  
Notary Public in the State of New York  
MONROE COUNTY, N. Y.  
Commission Expires March 30, 1971

It is not accessible from Scottsville Road and if they get clover leaves up in through there, will be harder to get at. Does not think will be good for business to turn it into commercial. Would like to see it stay as variance with permission that he can sell boats added to variance. Cannot see any reason why after all these years. In order to protect area, and all know it needs protecting, would like to keep it in residential shape it is in or better, see it improved. This would not, making it commercial, improve it to any extent, although this man would probably improve place as far as marina concerned, would like to see it as marina, that is all suited for in his opinion, still never can tell what would happen if gentleman sold property and any type of commercial business they wanted could go in. So objected accordingly. If you can change zoning of it by stipulating it is only for a marina useage, they would go along with it. Mr. Ireland advised him they could not do that. Mr. Strassner wanted people doing business there to know what their objections are, not what he is doing, but what future might bring.

No one further appearing to speak in favor of or opposed to this application, the hearing was declared closed.

DECISION: Reserved for field study by the Planning Board Chairman, Town Engineer and Commissioner of Public Works.

- #2. Application of Humble Oil & Refining Co., 20 Cairn Street, Rochester, for approval to rezone property in the Town of Chili, located at 3610 Union Street - tax account No. 103-100, consisting of 9 acres, from EE Residential to Commercial.

Mr. Robert Witmer, Attorney, representing Humble Oil in this application to the Planning Board for their recommendation to the Town Board to rezone this property from EE residential to business, appeared before the Board. This is the Glennon property located on east side of Union Street bounded on south by Expressway, 7.7 acres, believed the advertisement indicates 9, but that will make little difference. They feel there are some very strong reasons for the rezoning of this property at this time. As they know, Expressway has actually created a new intersection for the Town. It is not the same as crossroads it has developed slowly over the years, but now presented by brand new intersection on two very highly travelled roads. For this reason and for other reasons due to the zoning that they already have established in the Town and other reasons, they feel it would be very wise decision for the Town at this time to rezone the property. Also feel, and have asked a professional real estate consultant to look into this problem and to give them the benefit of his thoughts and ideas as to this and hope they will agree with those thoughts he has. He would like to have James Scott come up now to give his thoughts on this matter

Mr. Scott appeared before the Board and presented each member with an appraisal report he had prepared on this property. At Mr. Dungan's suggestion an aerial photograph of the property and area in question was posted for all to better see it and know what was being discussed.

Mr. James F. Scott appeared before the Board. Advised he was a real estate appraiser, President of Scott Appraisal Service, Inc. 29 Browncroft Boulevard and had been retained by Humble Oil & Refining Co. to make analysis of subject property and neighborhood and detailed appraisal for it on property just given to Board. Not going over it word for word, will touch high spots. They are well acquainted with neighborhood so will not give lengthy description of property. Maps before them showing size of property. Would like to point out few facts. Subject property has a great deal of frontage on Western Expressway and off ramp of Western Expressway as well as frontage on Union Street. Pointed out also it is one of two corners that are acceptable, that have been created by intersection. Reason only two corners rather than four left, it last ramp available. As they can see on lower part of photo, between

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Chili Avenue, lower street, and Expressway, outlined in red, on both sides of street, this is limited access imposed by State Highway Department. There will be a similar limitation of access along subject property and on opposite side, however, between Expressway on south and Chili Avenue, its total distance when the 300' limitation access rule takes all frontage on Union. No access on Union where comes on Chili and Union. Frontage of subject property on west side will be 300' imposed. Reason not at this time due to fact no ingress and egress required except for one house. House on both sides, apartment on subject property and house on opposite side. As soon as used for more intensive use limitation of access will be put on by State in accordance with normal policy. Would like to point out fact, Union Street, as they know, is longest north, south highway and longest north-south arterial highway in Monroe County, extending from Lake to Livingston County where connects into Routes 5-20. Two lane highway and in land use map they will find near back of report, colored, they will find part colored red and part green. Part red north of the subject property and green south. Part of red New York State Highway System, south County. However, Union Street is part of collected route system study in Rochester for new county area that will be made collector route. This will be one step toward forming limited access highway in main arterial route carrying bulk, such as Western Expressway, Lake Ontario Parkway and eventually anticipate that when Union Street widened, probably to four lanes, that it may be an interchange to New York State Thruway, something certainly need. Good possibility this will be taking place, What State plan, have everything trafficed on Union in future, started already and tremendous increase in future. Not only residential development in north part of photo, residential around North Chili and people living along Paul and King Roads that will be using Western Expressway but also from coming on King and Paul to get onto Expressway rather than next ramp. Lower right hand shows largest subdivision and most substantial in area along Chili Avenue and these people will use Western Expressway extensively. North of red line and shown on there, the 400 unit apartment project of Joyce Construction. That is going to be 400 more families using Union Street, a large percentage employed in Rochester. Too by shopping area and also area of new church on corner of King Road and easterly of this area is one more apartment project. Plan stages of industrial growth, in future and excellent area land use for subject property at this point compressed in area between Expressway and industrialization to north. Expressway will breed commercialism. You have high traffic incident, large number of people in relatively small area and this is ideal location to serve these people and it is compressed between commercial channeled by Expressway and industrial and are no classification between, so need one compatible with both. It is his opinion, after studying area, this could easily be developed into commercial use that would serve community. Proposed use of gas service station are different than old stations in past. These are stations that cost three times as much, are shrubbed and blend into community. Would have to be commercial use, to stay between 300' access line where station located and expressway, this would have to be compatible use to service station and one enhance land. Houses to north of property would not have direct visual access to it because would be to west of them and would be vertical separation. He pointed at on photo where two pieces of land locked left from farm severed by expressway which have no ingress or egress to highway system and can be utilized to higher and better use only in conjunction with other property. Area has found, not just subject property, actually should be entire area between Expressway and industrial has great deal in common with themselves and value of individual property determined by part surrounding it rather than by what property is itself. Since there are quite a few single family residential homes, slightly better than average quality on Paul Road, graduation to industrial, commercial area could be planned unit development. Not talking about large ones, something smaller type complex, one apartment could be developed in property east of subject property, compatible with residential dwellings that are on south side of Paul Road.

Fact this best outlined on page 4, Western Expressway, Union Street, Paul Road and commercial development to south and commercialization needed to serve area. Building improvement on property consists of remodelled barn, now apartment house. That too highest and best use to land utilization itself, useful, does not enhance property, not its best use. Pages 5 and 6 have further outlined factors affecting subject property and area between Expressway and industrial zoning. Property is compressed in this area and change of zoning to commercial use would be compatible with surrounding area and good zoning practice for the development going to be very rapid in area. Sewer south of Expressway and sewer north of industrial area feeding down from Buffalo Road. Plans under way, although not written, in discussion, for sewers to serve subject property and in all probability will be from north because from south under Expressway conditions prohibitive in expense matters. Present permitted use, single family residences only and those uses found in residential area, Churches, Schools, etc. Because of Expressway and commercial atmosphere in area, single family homes not feasible, but for a higher and more intensive use. If the zoning is not changed, the area will continue essentially as it is now. There will be some more residential development, but automatically, as traffic increases and demands increase, commercialization will prevail on area and more homes could be adversely affected. Rather than be able to plan for future, future zoning would be reaction to economic force. Mention on page 8 tax situation. They know taxes better than he does, they live here and pay them, increase yearly like every place else and example of highest and best use to give best return to individual property owner holds future to community, because as land supply demands you make best use of land you have, not only for individual owner but community, because single family homes have borne taxes too long and higher and more intensive use of land, making it more valuable, pays more taxes, and on pages 8 and 9, results of studies in Town of Henrietta concerning apartments that earned a bonus for each and every unit as compared to deficit for single family houses as far as taxes.

On page 10 wind it up, all conclusions. One is continuation of property as zone is unfeasible. Proposed rezoning higher and better use, not only for area, but community. Wedge of uses of economic force and commercialization that exists to south and practically between commercial and industrial, would not be spot zoning because this is not property of single use, individual property for benefit of property owner, but will be pice of land that would encompass not only this but other types further along expressway interchanges. This is fact of necessary type of thing found in area, rapidly growing. Further out you do not find these economic forces. Property rezoned as set forth and requested and use of land would fit into existing land use in conformity with good zoning practices. As far as he was concerned, this completed his presentation. More completely set forth in Appraisal he had submitted to the Board. If there were any questions he would be happy to answer them.

Mr. Ireland questioned did Humble Oil have anything in mind at this time for remainder of property that would not be used for filling station?

Mr. Witmer presented Mr. John Blair of Humble Oil & Refining Company but would like to make tow very brief points. One, the use of course of this land was for gas service station. Not going to create traffic, already have traffic here and will have more and more whether have service station use here or not. Have two very major roads intersecting at this place. Also as Mr. Scott indicated presently have sanitary sewer system extension extends out from Buffalo Road to Joyce apartments and does not yet extend to industrial zoned area outlined in red on aerial photo and is sure also aware that Town will have very little industrial development in that area until sanitary sewers can be provided. Have been speaking in past few days with attorney who is trying to extend that district south along Union Street and that extension would of course pick up the industrial zoned area and also come as far south as Glennon property

and certainly feel, far as Humble is concerned, they are most interested in the extension of that sewer line and most interested in talking to the people responsible for extending it and extending what contribution is necessary in order to develop and provide sanitary sewers for the Town in this particular area. At this time John Blair can now indicate to them what specifics they have in mind.

Mr. Blair advised the parcel, over all parcel, has frontage of 596' only, State will use 300' of that and control the access. Using photo advised the existing facility, existing apartments are outlined here in the front. Masonry garage over here. They propose to develop at this time the service station portion. It is purpose of their request and present here this evening to request rezoning for development of service station but retain ownership to balance and no specific use in mind at this point and time and that ties into Mr. Witmer's comments, primarily lack of sewers and just over all development plan of area. Propose to build conventional three-bay brick service station, has some photos with him if any one wishes or interested, with slight change in that, that if granted rezoning, would face bays to Expressway and keeping in mind residential uses up here (using rendering) along Paul Road. Propose landscaping, lights that would not interfere with the housing, and he pointed out at what points the lights would be on the rendering, they will be using total of approximately 344,000 square feet in over all property, to utilize 29,200 approximately for developing this building. Building itself would be set back from highway 105'. They have allowed for possible future road widening of 17' up in front. Propose two pump islands in front of the building and the standard Esso sign to the south. One of big factors in their location here is control of access. Glennon at present time enjoys use of this existing driveway, but as Mr. Scott pointed out in his presentation, as soon as use of either this parcel or parcel across street, State will enforce 300' rule, so propose to start first ramp at edge of 300' for access to station. Would be leaving on northern property line approximately 100' from this ramp, they would be roughly 147' in from property line, about 147' deep. Posted large photograph of station, explaining felt it explains buildings a little better, Humble building at present time, conventional brick ranch with white roof, sure everyone has seen this. On this property variation whereby bays would come out side facing Expressway and they feel in this way reduce noise, this is generally the area of most objections to service stations, cars entering and leaving and bay door going up and down and any work down, so feel in facing Expressway taking this noise, normally associated with type of business, but putting it in so will not affect adjacent property owners, at least going to reduce the effect.

Reason he chose this site was fact that the Expressway, 490, when built created brand new intersection in Town and major intersection and it is one that lends itself to service station or any other type of business that services. Two major roads, Union Street as was before, Chili Avenue, all predated Expressway. When that was put in created this new market, if you will, and Humble interested, is in position so that they can service not only people residents of Chili, but people using Expressway and that is reason that he selected this property and company is interested in purchasing it if company granted the zoning. That covers his points, unless there are any questions.

Mr. Miller did not think he answered Mr. Ireland. What was other long range purpose? Mr. Blair advised that is exactly what is, have no specific development plans at this time other than service station. Humble would retain ownership, are buying the land, Humble would own land and suppose sometime in future something would happen of consequence, all vacant to north, and they might complete area. Mr. Miller questioned would it be acceptable to them if made recommendation to have 250' requirement to be zoned commercial and leave rest residential? Mr. Blair was afraid that because the purchase asking price for the property would put them in very difficult position if that were the case, they are replacing seven unit apartment and there are 7.7 acres of land here, so they are

May 12, 1970

talking more than average price for service station site and purpose of their request is strictly one of economics. This land if not commercial would not justify price they are paying. Mr. Miller questioned at this time does Humble have any substantially working code with any national motel-hotel chain? Mr. Blair advised currently code but not in sense as Gulf with Holiday to his knowledge. They do it in Europe and other areas but do not do it in United States. Do not have working agreement as far as developing, have old company that would hold this line and look for highest and best use and of course, they would have to come before Board and Town for approval for any surrounding developing. Mr. Miller advised anything allowed within commercial use would not have to come in for any further application if whole area rezoned commercial, and one are hotels or motels, tourist houses. Mr. Blair advised very honestly, no plans for development at this time. Point just nature of property, normally have about piece 200' x 200', be one actually as is, in fairness to owners for large investment, in apartments and good piece of property and they themselves investigated possibility of already limited apartments, and not economically feasible and will not work out in dollars and cents, so boils down to just economics, if commercial can buy it, if not price is, and value, actually more than normal for typical service station. Mr. Miller questioned, let's assume, hypothetically, willing to make recommendation to Town Board but conditions preceding any future use would have to be approved by this Board and Town Board, would this be acceptable to Humble? Mr. Blair was sure it would be. In other words, they are interested in developing this property in keeping with the Town in the area, and if they made that condition, he was sure Humble would be willing to accept it.

Mr. Witmer wished to add many towns that now have what are known as unit development discussions which utilize their Planning Board considerably in development of any project or businesses constantly and in line with their statements asking if Humble felt they would be more than happy to work closely with Town, Planning Boards in particular and any other group so that future development would be consistent with growth of Chili. Really problem is with the sewers not here and with the present lack of real demand, although knew going to come shortly, just impossible to commit to them what exactly that property going to be used for, just do not know. Would like to add, they realize that there are some very nice homes on Paul Road north of this property. Of course the Expressway changes these a good deal in here. They are aware of concern of people who live there and as they know, there is requirement already in the Town Ordinance that any commercial property adjoining residential area must provide 6' high evergreen screen for that development and also is sure Humble would have no objection to any other reasonable requirement which the Board felt wise to assist in screening for those people who are now on Paul Road. If they have any questions would be more than happy to answer them. Mr. Blair advised there is an existing tree line and they would be supplementing it with this screen Mr. Witmer mentioned. They would not be touching those trees at this time.

Mr. Miller asked if they realized even if their request, this Board felt could act on it, recommend to Town Board and they in turn authorize rezoning, they still have to come before Zoning Board for special permit for gas station? They were aware of it.

Mr. Miller questioned Mr. Scott, as qualified appraiser, in his study of this property, he believed that the best use for this, assuming it was commercial site, to be gasoline station? Mr. Scott advised yes, that portion of it by all means. Have traffic being channeled there and by all roads leading to it and by Expressway itself and of course the limitation of access to south designates this is one of two corners that could be more purpose to public in this manner. Highest and best use of the land in this area. Explained how land in rear could be used for single family development if 60' dedicated road or street in one of two places, but explained then station would have to go 60' closer to residences to north, and because of 300' limitation which would make it extremely expensive and that is why land use has to go to more than single service station and single family residence use. Mr. Miller questioned say best land use, how

about drug store? Mr. Scott thought it could be very successful ultimately. Why not now, serve people who are not necessarily automotive propelled at time or those going to and from place of work, normally found in more concentrated commercial development, primarily in plazas as in Chili and not likely in future, largely in plazas. Mr. Miller questioned how about restaurant? Mr. Scott advised again for same reason, in combination with filling station it would be reasonable use for land, but again, primarily corner site that is passed by people going to and from work, to work and return home, rather than people going some place to buy something. Mr. Miller questioned is there not gas station at interchange of Chili Avenue and this road now? Mr. Scott advised yes and no, pump is still there and tanks are still in ground, but pumping now removed, not sure if could continue to operate. Was grocery store with pumps, was one using Atlantic produce but never sold to Atlantic, individual owned and since purchased by D. D. Davis. Mr. Miller questioned did not say with increased traffic should be good location for service station? Mr. Scott answered yes, but not as good as would be if had ingress and egress in Union Street. On only Chili Avenue which does go to limitation unfortunately and of course primarily residential development north of intersection rather than south of intersection, north of Highway 490 rather than south. Mr. Blair to clarify a little advised State has minimum of access 300' normally in this direction. Within last year purchased front of land right down to Chili Avenue so they have cut off access to Union. Very honestly considered that corner for service station and in opinion of their company and their marketing experience, if you cannot get exposure to Union Street as well as Chili you have just half chance of doing business and their people would not go any further. Mr. Miller questioned if they considered southwest corner in their investigation? Mr. Blair understood southwest corner under option to County for zoo development. Mr. Scott advised not corner but majority of land behind corner. Mr. Blair did not know what happened since that time, at time investigated was under option to County for Black Creek Zoo.

Mr. Burchill questioned how many feet to Paul Road? Mr. Blair advised to their property line would be 100' from the driveway and property driveway in the road which make a difference if road were extended for 100' from point to property line, 250' from property line to center of Paul Road. Mr. Burchill questioned vertical distance between rear lots on Paul Road and elevation of finished grade of service station, what is difference. He was advised on bottom of map, indicate differential of approximately 25'. Mr. Blair advised property pitches up to north, goes down to Expressway on this side and down to Paul Road in other direction. Propose to remove existing structure, slightly grade top of that knoll so that it would fit better into the existing land. Mr. Miller questioned how high is this gas station they are going to build. Mr. Buckelmaier, of Humble Oil Company, advised the highest peak roughly 17-1/2', that would be at point of roof line to the back (using picture of station). Mr. Miller questioned any lighted area facing homes? Mr. Blair advised no property, these two lights here and two lights on the other side, indicating them on plans. Mr. Miller questioned no light emitting from building itself? Mr. Blair advised soffit lighting underneath in peak of building shining down on brick itself. Mr. Miller questioned would not be shining light up there to Paul Road? Mr. Buckelmaier advised no, lights down onto building itself, fixture back up building, up underneath. Mr. Blair advised they propose to brick four sides of building to further enhance its aesthetics. Mr. Miller questioned door faces to south? Mr. Blair advised propose to face them to Expressway. Mr. Miller questioned the trash cans and disposal area, would have stockade fence? Mr. Blair advised brick with building and disposable portion would be within enclosure. If they notice opening into that, again, it would be expressway. That runs 4' - 4-1/2' high and it is brick, same as building. Mr. Miller questioned have cover or roof up? Mr. Blair advised not ordinarily, but covers on them. Type of material that would be there for disposal would not be type that they have somewhere else or give off odor, cans within it for papers would have covers.

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Mr. Miller questioned how far to east would they propose landscaping behind building showing in sketch, or put lawn in? Mr. Brinkelmaier advised general landscaping at building, the way ordinance thinks there is buffer zone screening of the station where now seen on plot plans. Too professional landscaper who makes up landscaping design and pattern, and then they send it out for local bids in area. Their design would be what is requested for particular town. He was questioned behind asphalt area, how far would grass and then shrubbery be? Mr. Brinkelmaier advised their setup of this type, the immediately landscaping would be the immediate area of the yard and building and any disturbed areas that were made during construction would be turned to grass. Mr. Miller questioned 40', 50', 10' roughly? Mr. Brinkelmaier would believe somewhere basically had building, something of this type, immediate area where station disturbed by construction of station, but would say anywhere from 20' off asphalt paving would be seeded and anything, like said before, anything that was disturbed will be returned to grass. Mr. Witmer would imagine Zoning Board would also be interested in putting in lawn before giving permit and that would be something worked out in detail at that time if request is permitted. Mr. Miller advised right. Mr. Blair advised some combination blacktop and put grass in, but they put grass in by professional landscaper.

Mr. Titus questioned in landscaping, who takes care of seeding, proprietor of station or Humble? Mr. Brinkelmaier questioned immediately surrounding station? Mr. Titus was talking about 20' up to curb, who has maintenance of this. Mr. Brinkelmaier advised right now on maintenance program, as they know, this is franchise business and have dealers who lease property from them and right now on program where this same design, landscape designer also has maintenance program and he handles grass cutting, blocking, fertilizing, whatever has to be done. This is one of things are trying, amount of money proposed on a new gas service station as far as landscaping, do not want to see going down drain, so interested in keeping it maintained.

Mr. Nichols, Attorney for Mr. & Mrs. Wusnick, who reside at 1369 Paul Road, and they own that property, advised he had not had too much opportunity to investigate situation, they are down in Florida, got telephone call last night, that on basis of what they have heard would like to have him register their opposition to rezoning in this way. They not only own house in which they live, but have small residential subdivision on Paul Road with two vacant lots and back up against subject property and thinks one of main objections is fact that aside from Humble Oil Station on Paul Road, the whole 9 acres would be rezoned commercial with great uncertainty as to what might go in there back of their residential property, because they are residential property all along Paul Road backing up to this land, and what will happen in future there aside from this gas station makes it very objectionable to them and they want to be registered as opposed.

Mr. Richard Tanner, 1373 Paul Road has one lot also backed up to this property and also opposed to zoning being changed, because in years to come do not know what going to be in there, so objects to new zoning.

Mr. Phillip Borzilleri, 1337 Paul Road his lot also backs up to this. Questioned Mr. Scott, states that big advantage for the Town for having commercial plot or land. Is it not also advantage for Town for people to come in and live there? Mr. Scott advised yes, but no people live there, know need for commercial. Mr. Borzilleri advised came from city himself, moved out to Chili and also this will be going on over and over, people coming out to suburbs with families and going to schools, supporting the schools, bringing children up in residential area opposed to commercial. Mr. Scott felt has large amount of area can see possibility of populated area between Buffalo Road and Expressway, most will be probably developed residential. Mr. Borzilleri advised this is what hoping for now. Mr. Scott advised assume most of it will be all zoned

residential and in that many commercial advantages in existing spots in North Chili Area of subject property, at interchange that most commercial development would be interested in. Greatest development of prime residential is Joyce Construction apartments and town houses and sure many more. Mr. Borzilleri felt but bringing one parcel into commercial state eventually like say will be situation bound by commercial property, by putting one into commercial state, then someone else coming in and put in another, before you know it, half dozen houses with all commercial around it with no more zoned for residential and those of them looking for residential for family and themselves, kids growing up now and if all commercial land what have themselves in, few persons and lot of cars running back and forth and nothing for them. Mr. Scott felt point well taken but explained will ultimately decide with supply and demand how much commercial, industrial, residential needed in area and of course location in which land use located are one of the economic advantages of each one and action taken by Planning Board to direct them. Mr. Borzilleri will admit Chili does need more commercial business, though all commercial property surrounding them, could this not be used up more advantageously for this than theirs? Mr. Scott felt this area had too many advantages for other uses than residential use, with the high traffic incidence and other factors. Mr. Borzilleri advised this is what they are striving to do, if residential to get more residential. Mr. Scott felt study of good demand, land worth more commercially and Town will get more tax money and not generate tax. Mr. Borzilleri questioned would it protect residential, have assurance someone will not come in and build more buildings, then no one will come in and build residential are, will not come in and put home in area, and they will not be able to sell their homes. Mr. Scott advised if entire land area were zoned commercial, the land his house on would be worth more commercially too. Mr. Borzilleri replied to commercial buyer, not residential.

A gentleman from 3585 Union Street, at corner of Paul Road advised his mother and father have barn on corner of lot and putting gas station there, uses barn for storage, thinks would be bad to have all that traffic. Opposes it.

Mr. Robert Klein, 1374 Paul Road lives across street from Mr. Borzilleri and Mr. Tanner and opposes it too. Would like to keep land around him way zoned right now.

Mr. Ireland questioned if any one would like to speak in favor of the application and Mr. Leo Sasso who owns corner property at Union Street and Davis Road was in favor of this, has about 600' of land on Union Street and 800' on Davis Road, southwest corner of Union and Davis.

Mr. Klein inquired if land spoke of was zoned residential now and was advised it was. He advised that is main reason would like to keep all that residential for future homes.

No one further appearing to speak in favor of or opposed to this application, the hearing was closed.

After the hearing Mr. Borzilleri submitted to Mr. Ireland, Chairman of the Board a letter from Mr. Gordon Scott, 1371 Paul Road, in opposition to this application.

DECISION: Reserved for field inspection by the Chairman of the Planning Board, Town Engineer and Commissioner of Public Works.

PATRICIA D. SLACK  
Secretary

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MINUTES

Planning Board, Town of Chili, N.Y.  
June 9, 1970

A meeting was held by the Planning Board of the Town of Chili, N.Y. in the Chili Administration Offices, 3235 Chili Avenue, Rochester, N.Y. 14624 on June 9, 1970.

Roll Call was as follows:

Present: Winsor Ireland, Chairman  
Frederic Bean  
Selden Crow  
Mitchell Rakus  
John Coyle  
Lowell Titus  
Richard Melvin

The meeting was called to order by Mr. Ireland, the Chairman.

Mr. Thomas Morrow, 18 Hopeton Drive, in the Town of Chili, appeared informally before the Planning Board with reference to application of N. Meleo and J.J. Mileo to rezone property on the southwest corner of Chili Avenue and Union Street from E Residential to Commercial, which application was heard at Public Hearing December 9, 1969 and on which application the Planning Board had recommended to the Town Board it be disapproved at this time on April 14, 1970. Advised he had a petition which will be presented to the Town Board July 1, 1970 when the Town Board was holding a public hearing at the request of the above applicants for the rezoning. He wished to make the Planning Board aware of the petition the people were submitting. At present had over 200 signatures on this petition of people in favor of the shopping mall and by the July 1st public hearing where will present petition, there will probably be 400 names or more and over 95% of people he has talked to are in favor of this. Discussion followed and Mr. Ireland thanked him for coming and advising the Board of this matter.

The Planning Board unanimously voted to write to the Town Board advising them of Mr. Morrow's appearance at the meeting advising them of the petition, and that they felt since this petition appeared after they had disapproved the application for the rezoning, it is worth serious consideration on the part of the Town Board.

The Planning Board voted unanimously to recommend to the Town Board that they give serious consideration to the establishment of an Architectural Review Board for the purpose of review and approval of building plans and styles in multiple residence, commercial and industrial buildings.

PATRICIA D. SLACK  
Secretary

MINUTES  
Planning Board, Town of Chili, N.Y.  
July 14, 1970

A Public Hearing was held by the Planning Board of the Town of Chili, N.Y. in the Chili Administration Offices, 3235 Chili Avenue, Rochester, N.Y. 14624 on July 14, 1970 for the purpose of holding public hearings on the following applications.

Roll Call was as follows:

Present: Mr. Winsor D. Ireland, Chairman  
Mr. Mitchell Rakus  
Mr. Frederic Bean  
Mr. John Coyle  
Mr. Lowell Titus  
Mr. Richard Melvin

Absent: Mr. Selden Graw

Also present: Mr. Daniel L. Miller, Deputy Town Attorney  
Mr. James Dungan, Town Engineer  
Mr. John Burchill, Comm. of Public Works/  
Supt. of Highways

The public hearing was called to order by Mr. Ireland, Chairman.

- #1. Application of Ridge Barry, Inc., 1299 Portland Avenue, for approval to rezone property in the Town of Chili, located at Chili Avenue and Stottle Road, being 3611 Chili Avenue, consisting of approx. 26.1 acres, from E Residential to Multiple Residence.

Mr. Wehle, Stottle Road, spoke, not positive, but thinks, is anything can find in Town Law, states that the public notice shall be ten days in advance of such hearing and this came out on July 6, making it only eight days until tonight. Mr. Miller advised this has been brought to his attention and it is his opinion as attorney for this Board, this is only Advisory to Town Board, as such - Mr. Wehle continued Section 264 of Law, zoning and planning, says ten days so if they continue to run meeting would like it registered in minutes in case of further developments, register this meeting held with only eight days notice. Mr. Miller advised they would make note of Mr. Wehle's objection and Mr. Wehle made note of attorney's opinion.

Mr. Robert L. Teamerson, Attorney, 31 Main Street East, attorney for the applicant appeared before the Board. He submitted plot plans of what proposed for the Board's study, also a colored copy of same had been posted on bulletin board together with aerial photograph of property and rendition of what buildings proposed to be like.

Mr. Teamerson advised this is application for permission to rezone from present zone E to Multiple Residence, pursuant to Section 19-24 of Ordinance, parcel of land located on Stottle Road and Chili Avenue. Has attached aerial photo of area showing parcel of land owned by Ridge Barry, Inc.. They are asking a rezoning of a portion of that land to the extent of 26.1 acres of land and on their map is this line here (using map posted) and legal description printed in paper, from Chili Avenue to this line here (pointing to line). Number of units proposed 256, of those eighty will be one bedroom and 176 will be two bedroom. Apartment density amounts to 9.9 units per acre. Have provided for 476 parking spaces, well within the zoning ordinance and as matter of fact average 1.86 parking units per dwelling. This parcel of land, the reason for asking, this parcel of land to be rezoned, is because multiple residence is the highest and best use for the property in question. Is sure they are well aware of the broadening of the tax base which multiple residence dwelling units gives to the Town, so would not elaborate on it, sure many people before have expounded virtues of broadening the tax base. The value, if completed, of the entire project will be approximately three and one half million dollars.

State of New York

COUNTY OF MONROE,

CITY OF ROCHESTER.

ss.

Legal Notice

LEGAL NOTICE

Planning Board, Town of Chili, N.Y. NOTICE IS HEREBY GIVEN that there will be a Public Hearing of the Planning Board of the Town of Chili to be held in the Chili Administration Office, 3235 Chili Avenue, Rochester, N.Y. 14624, on July 14, 1970 at 8:00 P.M. to consider the following applications:

(1) Application of Ridge Barry, Inc., 1299 Portland Avenue, for approval to rezone property in the Town of Chili, located at Chili Avenue and Spittle Road, being 1641 Chili Avenue, consisting of approx. 26.1 acres, from E Residential to Multiple Residence.

(2) Application of Stevenson Homes, 100 Winslow Avenue, for approval to combine Sections 3 and 4 of West Canon Estates, located off Westside Drive and Spicewood Lane, into one Section 3, and for approval to resubdivide 13 lots in the Section D zone.

(3) Application of Stevenson Homes, 100 Winslow Avenue, for approval of Section 3 of West Canon Estates, consisting of 46 lots, off Westside Drive, west of Spicewood Lane and Loring Drive, Sections 2 and 4 of West Canon Estates, D zone.

All interested parties are requested to be present. By Order of the Chairman of the Planning Board of the Town of Chili, N.Y.

MARY B. PARKHURST Town Clerk Town of Chili, N. Y.

CK—July 6—14.

Marie Ransom

being duly sworn, deposes and say that she is principal clerk in the office of THE TIMES-UNION a daily newspaper published in the City of Rochester, County and State aforesaid, and that a notice of which the annexed is a printed copy, was published in the said paper on the following dates:

July 6, 1970

Marie Ransom

6th

Sworn before me this.....

July 70

day of .....19

Jeanette M. Felber

JEANETTE M. FELBER

Notary Public in the State of New York

Notary Public

MONROE COUNTY, N. Y.

Commission Expires March 30, 1971

The project will be borne by Ridge Barry, Inc., retained by them and rented by them, do not intend to build it and sell, intend to operate in apartment house business. Have built other projects in City of Rochester, Town of Irondequoit, Town of Penfield and Town of Perinton. Roadways, as shown on map, will be built and maintained by builder, not dedicated as public highways. Rental range on one bedroom, anticipate rent for \$175.00 and for two-bedroom, \$195.00 per month.

Sure familiar with the property and with the objections which were raised in past. That is reason have only asked for permission to rezone front 26 acres. All of these, and they will note from map, with-in elevation of 535' at present time. There is no fill involved. The present topography runs from 555' to 535'. Land will be cleared and the hill leveled off and remaining soil will be deposited beyond the 535 elevation. They will note that they have indicated on the map "future development" on property remaining, some 71 acres of land to the south. They have no immediate plans for that and they are not proposing anything for the excepted parcel, only rezoning of front 26.1 acres of land.

He advised Mr. Schoenberger from firm of Sear, Brown Associates was here and he would like for him to present technical details.

Mr. Robert Schoenberger appeared before the Board. Thought most are familiar with utilities with subject parcel, been through it before, adequate water on Chili Avenue, property blessed with existing sanitary sewer which somewhat duplicates road layout, follows through and end into undeveloped section. Had letters from both Water Authority and Gates-Chili-Ogden Sewer Agency indicating status of both. Wished to enter into minutes also letter from R.G. & E. indicating that services are available.

The big question of course, was the building down here (pointing) in this flood plain. Change is, it is in present form, without being filled and was generally agreed that elevation 535' was safe elevation so think complied with objections. Have kept almost entire building area within this deep line (pointing). This line is 535' line. Have gotten a circulation pattern here that goes out to either entrance to facilitate traffic flow. Have tried to grade project by including mall in middle to break up parking area and this will be landscaped so as to provide point of beauty among cars and pointed where recreation facility proposed, which is pool complex and tennis courts and some type of natural play ground area. Buildings to 535' or higher elevation. Anticipate no problems from point of flood or utilities or other technical standpoint.

Question arose before of these three properties here (pointing) and they will grade property in such manner that water from their project does not enter on to their property. This will be down hill, but discharge their storm sewer from this section over here, some point down here and open ditch it down to creek and making sure does not go on their properties, plenty of feet to do this, this section goes down to Black Creek directly.

So feel pretty well covered most objections that were raised at last presentation.

Mr. Burchill requested that he explain the type of internal storm drainage on this project. Mr. Schoenberger would anticipate they would have storm sewer in the center of the driving islands and these would be connected to inland grades one to other right on down to Black Creek. Then, of course, apartment buildings would be tied into these. Would be necessary, sould suspect, almost positive, to run some type of leader into open area where extensive from here in cluster and some type of small pipe. Mr. Burchill questioned any other plans available besides these? Mr. Schoenberger advised they have not gone that far, asking for approval of layout. Bulk of land up here 530' and creek deeper than that and operate as high as 555' in corner. 540' elevation through here and only place lower

in this area (pointing), so quite a bit higher, most of property 10' higher than flood plain, so not concerned about getting storm water away from project, well above any flood station Corps of Engineers provided for, is. Mr. Burchill questioned for the two driveway entrances or exits on Chili Avenue, who did they contact? Mr. Schoenberger advised Mr. Walter down there and got informal clearance. Would resubmit and apply for formal permit at later time for both of them. One thing did want, divider wall. That was how got in there, was not engineered at onset, believed first plan did not have divider wall and another request that they had from State was 90' setback, which is more than minimum setback required along Chili. This was done at their request so as to provide for future road widening.

Mr. Ireland inquired how much cutting plan to do on knoll where building is situated? Mr. Schoenberger thought 560', thinks would knock that down guessed 8'-10' to level it off there. If do not would be funny, just to stick one apartment group on top with next going down 5'-10', would look unusual, so will probably do enough grading to make pretty, rolling building type of development, it will be graded to try to retain rolling topography.

Mr. Ireland invited questions or comments from those present at hearing.

Mr. Wehle, Stottle Road was not too prepared to speak, lot of things, going back to original master plan, which everybody's forgotten, one spent somewhere around \$10,000. with some others, had made by Lozier & Co., and one of things says in introduction, the conversion of rural area from unrestricted farmland and roads often create a few problems, now well aware highways designed for farm to market use and now are called upon for larger traffic, but down on bottom says, with little thought given to ultimate character of town's development all this influx of population creates a hodgepodge of residential, commercial and industrial use of land, losing the pastoral atmosphere which attracted the first comers. Most of them, his neighbors from Stottle Road, some from Chili Avenue, bought, and now even had son on Stottle Road, because thought this was ideal situation, liked ones location and laid out for growth. Did not have any plans of townhouses or apartment buildings, they do not like them. Do not like them for several reasons, do not like them because for one thing, school tax already burden and although many, many opinions as to whether the school taxes will be raised by influx of children, they think it will. Have noted Planning Board and Town Board have rezoned three pieces of property in Churchville-Chili School District as of now. Know that they have one other before them and now have this, will make 5 bringing total to close to 1500 units. They also noted, and only bring this in because it does have bearing on way people feel, that Planning Board turned down commercial site above it, which is serviced by sewer and water, at a great expense to people in this particular district, when facilities of commercial or some sort of growth that would help tax base in Churchville Chili School District. But now as it looks, most of growth in industrial area does not have sewers, but they do notice that, again going back to same master plan that was pretty well covered and took lot of time and even though many things that did not work out, five shopping centers proposed for Town of Chili, one on corner of Buffalo and Union, second Chili Avenue and Union. Second one they thought about and we decided we would turn it down.

Now water shed, says we will worry about water shed, this does not bother them too much any more, but water shed will develop water in area, any one would, how conduct it away from this will determine much. He said one drainage ditch, and called it a ditch, and all he can visualize is the one behind Joyce Construction in North Chili. If this runs behind these people's property. The property from Union Street west to Riga is park, the only piece of development which would help them was proposed shopping center and turned down and agree with people who signed petition, will be desirable commercial. Property industrial like Bausch & Lomb, Case Hoyt, buys many acres of land, builds one small building, but commercial completes whole property and larger assessment.

Now have lake by Mill Creek, it is pretty rapid little creek, flood back of property by Bowen Road, if build live lake on park, bulldoze

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out area, have 200 acres, and live lake outfall, at driest time of year, into Black Creek, so has continuous movement and of course, when do this, rapid runoff and high water, all that same water will come raging down through same creek to culverts with rest of water that in 1960 went over road without help of Mill Creek.

Again point, they, as individuals who live in Town, purchased property with one thing in mind, building in residential area and even had EE, best at that time, and now find commercial property which would help them turned down and with tax rate of 99.80 this year, they wonder why, and find apartment after apartment in. Mr. Audino has owned this property for some number of years, knows he intends to do great deal towards developing (had some pictures which he advised he could not let them have because last time lost pictures he submitted). (Mr. Teamerson advised he had the pictures which Mr. Wehle had submitted at last meeting and gave them to Mr. Wehle). Mr. Wehle, showing them to Board, advised these pictures taken in process of two days. After got through explaining them to Board would let them be circulated for people to look at, but after over would like pictures back. First was picture of beautiful old house which is rapidly deteriorating, but still does not look too bad. Probably under the supervision of the Superintendent of Public Works whose is in charge of building, and so, here is same building from another angle. Now get to front door, and pointed in red a four letter word, that is on front. Look inside, remember when old gentleman lived there was piece of property to be proud of. Look at this room or this room (pointing to pictures) pointed out one reading "fun room", felt Board should take trip up there, cost him about \$10. to take pictures. Owner interested in one thing, how much money can he realize off this piece of property, who it hurts or what, no difference, one thing in mind, how much money will realize. Mentioned at one time figure of \$50,000, three pieces that abut, worth much more than \$50,000, their pride and their home. As go down, look at old building, barn, open well with piece of plywood over top, some child might stumble into, had picture taken from back of Beale's, front road of Myers, fall off of Myers, and cluttered condition of County ditch, full trash all way down through ditch and almost impossible for water to run. Pointed out picture of that ditch, this is a ditch that will parallel this one, this one 6' deep or was dug by County of Monroe. Other picture outfall of 3' tile which is 3' below road. This is another of same ditch from up above. Does not look like years ago and if stays in this condition, probably will not remain, nobody seems to care whether water runs off down ditch, cares if runs off highway, but in property here water drains out and this is one of big drainage ditches like Spartan Heights or Hillary Heights or through Bright Oaks.

Again, they cannot emphasize enough that they are opposing, not because Army Engineers say this is flood area, not because he as owner is going to build and make lots of money, but because bought this piece of property depending upon people who run government to keep it way and was really enthused when found it in old master plan as EE and this is where could stay, and they do not want town houses, apartments of any sort, whether 1, 2, 3 bedrooms, do not want apartments.

Mr. Myers, 33 Stottle Road was very much against apartments because of open ditches and situation they are going to bring lot of water into Black Creek area.

Mr. Wm. Wilcox, Stuart Road questioned if sewer big enough to carry this out? What is all these big sewer pipes at Sewer Agency, have 18'-15', but not at Sewer Agency, 4' stuff which sewer is going to have to run through and take few years to get big stuff in down by Sewer Agency, not where near that biggest 36, drop to 24 all through pumping station, is this pumping station adequate, big enough to carry this big load? Mr. Ireland advised this is question Sewer Agency will have to answer before there is anything. Mr. Wilcox questioned, say have letter, does Sewer Agency actually come out talk about this, have buildings \$14,000,000 and end up \$30,000,000 paying for it. Mr. Ireland read the following letter from the Sewer Agency which had been submitted by Mr. Schoenberger:

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"The Gates-Chili-Ogden Sewer Agency has authorized its consulting engineers, Teetor-Dobbins, to proceed with the design of a parallel trunk sewer along the existing West Shore Trunk which serves the subject project am.

"When this is completed, it will provide enough pipe capacity to serve the above development. It is hoped that a Contract may be let this year and the work completed early in 1970"

Mr. Ireland continued, certainly this would have to be firmed up before any approval of it. Mr. Wilcox questioned, in other words, it has not been actually O.Ked by Sewer Agency until this job is done, if not in will build them next year, will not have the sewer next year. Mr. Ireland replied only knows what says in letter, hope to be completed early in 1970. These projects have way of being late, but does not know how late. Mr. Ireland was questioned as to the date of letter. Mr. Ireland advised February 13, 1969. He was questioned that is not current letter? Mr. Wehle felt should not be entered in these like letter, have not gotten to Sewer Agency with new project.

Mr. Wilcox wants it on minutes, objects to this.

Mrs. Bernice Wilcox, Stuart Road advised before was concerned about number of school children coming into apartment, then explored some statistics, and in times now, changing interest rate, gone way up and the people are being forced to stay in them longer, whether want to or not and really feels they should wait and see what happens in other three developments, double their school children on them, to see if can afford to get along with them before putting any more in School District. Would like to know if apartment dweller pays sewer tax per unit as home owner? Mr. Ireland advised they pay per unit, by apartment unit, but did not know charge. Mr. Burchill was sure paid \$75. Mr. Wehle said they did not. Asked if it would be checked to know, would Mr. Burchill let them know, thinks it is \$37. Mr. Ireland advised they can call Sewer Agency and ask them. Will find out how much will gain and how much will cost. Mrs. Wilcox felt neither one has answer, but would like answer. Would also like to know, if propose garages on these apartments? Mr. Teamerson advised no, do not propose garages. Mrs. Wilcox noticed in some towns do have garages and does not see why cannot be added to apartment dwellings, would increase tax base if put garages on, done in different towns because it in Brighton and Pittsford. Mr. Teamerson advised are certain towns that have requirement for garages, they require one garage per unit. Cost involved in providing carport, that is what are, adds approximately \$8. a month to monthly rent. Mrs. Wilcox would think would be willing for this. How much would this increase valuation or assessment of property? Mr. Teamerson had no idea. Have not provided for them because not requirement in ordinance. Mrs. Wilcox thought this was something that should be looked into in ordinance. Mr. Ireland advised did consider them, visited number of apartment projects personally and found garages oftentimes not used to put cars in, full of bikes and camping equipment and doors left open and in good many places certainly were no asset to project. Mrs. Wilcox advised in two towns looked at, certainly appeared to be asset and if camping equipment and bikes left outside, certainly would be much worse than inside, and favor tax base, now all interested in that. Should consider them. Mr. Ireland advised as ordinance stands now, do not require them. Mrs. Wilcox disapproves of anything of this type coming into Town until Architectural Board of something of this nature, in light of commercial, industrial. Too many buildings going up recently, especially in central part of Town, not built attractive to eye, and thinks should get busy on this.

Mr. Worden, 3649 Chili Avenue, would like to make this statement, thinks Mr. Wehle's pictures pretty good sales talk that they should not oppose this project, should O.K. this project because he has sat by there for years and he is the one that had wells, steps, covered up before have to fish kids out of them. He thinks that the project, look at North Chili project, and few others in Town,

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had faith in Town Officials, that all rules and regulations will be met with, meet with Town Engineer and Attorney before project approved. Has seen others these gentlemen built, and can find no faults. He is probably light in head, because does not figure he can stop progress. He will be closest on low side of project and sure if any difference in opinion with gentlemen building this and himself, can sit across table and settle. Do not feel, whether it is apartment building, whether hospital, or what it is, do not think gentleman in here that would object if hospital went up, but an apartment with less cars, less people. Each person right to own belief, do not think should have. He happens to live on west side, in business for 36 some odd years, working for G.E., has as much insight of value of property. Believes injustice to area to leave way it is, believes under direction and engineering for both Town and these gentlemen will be a better site. Did not come down and object when built houses across road, did not object when put house next to him, so noisy cannot give correct time, believes in live and let live. Piece of property out there and lot more, had four next to him, deeded them back so full right of way to Chili Avenue. Can see no objection, have faith in Engineer, County and Town this will be project worth while. Not opposed.

Mr. Wehle thinks understood deeded four lots back to him, they are friends but when property, was not familiar, on other hand, back to Town Law, there is one other thing in here, such/Regulations, restrictions, admissions, amendments, etc., explained how could be allowed to sign petition against decision of Board, they probably will, intend to file, if this goes any further than this Board, if goes to Town do intend to file such petition, feel have 95% of people who are as Town Law states within 100' of road, across the road, or immediately surrounding this particular piece of property and of course another thing, that Legislature really moves like this and interesting thing is they do take very much in consideration the people who are immediately adjacent to the property and you are talking about a change. They do not like change, have no interest, was not his father's piece of property, do not want change, when bought here, old gentleman speaking about, his father, had beautiful home and since moving away, rapidly deteriorated, but to get back to this, which will be cleaned up with this, went on to explain how property was neglected, questioned should a piece of property be abandoned because feel get more out of it, not worry about house? Another think, look at this piece of property and future development and law suit you have pending, on the future, this low ground, what is future, and when does that occur? Why should anything be done with this piece until law suit against Chili goes to Court, is many court costs, legal fees, cost is taxpayers' money, why not settle first argument before starting a new one.

Mr. Robert Hunter, 69 Ramblewood Drive advised as a member of the Churchville Chili School Board which levied this 99.70 tax can assure them that their whole Board and administration very much concerned about this question of tax base in Town of Chili. Believe they will recall some came to previous hearing regarding commercial development on Union Street and Chili Avenue. Thinks essentially, speaking for himself as individual in Town, he would feel very much about this project as did about commercial project, that is, on assumption this project will in fact improve the tax base of Town without increasing the cost, accordingly thencertainly he would be for it. To this extent he thinks questions Mr. Wehle and others raise are fair questions. He has lots of confidence in Planning Board, they very much recognize this kind of thing, deal with it all the time and consider all facts and make judgment. On this, at this point he certainly cannot speak for it, would like some more facts and would ask some questions, but certainly not against it. Thinks the question Mr. Wehle raises essentially is one of changing character of neighborhood, is one of his major objections. Thinks if were to do that he would personally consider that valid objection. Again would assume that Board would not go ahead and allow development like this to go on unless assured of detailed plans before final and complete approval which would assure

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Board and Town development would in fact be built as it appears to be proposed here this evening. Again, realize this is standard procedure with Board and willing to take judgment. However, fact which would like to ask, gentleman who spoke first, there have been many statements made about number of children in apartments and project of this sort good for Town and School and thinks this relates to how many children, how compare with residential, so would like to ask, seems apparently people do have other developments, interested in knowing their own personal experience with their developments in this area, in suburb, not in city, had to compare with this property?

Mr. Teamerson advised there was survey run in Town of Henrietta covering five apartment projects totalling some 800 units in 1967. The average was .13 child per dwelling unit, including one, two three bedroom and townhouses. .13 child per dwelling unit. Same survey was run by again, Rush Henrietta School District on average per single family dwelling in subdivision, 2.3 per dwelling unit, difference of 2.17 children per unit. In other words, out of each 100 apartments, 13 school age, speaking of school age, children, 13 per 100 units. 34 children would be the projected capacity of school age children in this development. Assume again development goes around \$3,000,000. and their equalization 21%, \$600,000. would be assessed valuation. If assuming at rate of \$100. per thousand, would yield \$60,000. for roughly 34 children, or, roughly \$1800. per child. Mr. Wehle questioned why go to Henrietta, when man asked in your apartments, not 1967, but as of right now. Mr. Teamerson advised Mr. Audino just completed the Knollwood Manor in Penfield, 216. Mr. Audino advised 224, 200 rented, about 40 children, although about 26 going to school. To give another, on one in Portland Avenue, going to 1963, first had something like 30-20 going to school, at present time 5 children in project, three go to Monroe and two to catholic school in city. This is extend of children in their apartments above five years old. Only thing can tell them right now, as they move in, get children, then find places to live and move out in year or so. Mr. Wehle felt with high interest and high down payment do find apartments now have mor children. Mr. Dungan, if he understood them, they say every four apartments about 1 school age child, is this ratio he came up with? Mr. Teamerson felt less than that, said of 200 rented are 26 going to school, there are 40 children, 26 school age. Mr. Teamerson advised there were no three bedroom apartments.

Mr. Hunter questioned is it fair to assume that the square footage per apartment and rendering's comparable? Mr. Teamerson advised this was project just completed, same building, same square footage in apartment's size.

Mr. Hunter would be interested in know if project approved, when estimate would begin construction and when complete construction? Mr. Teamerson advised starting point, of course, there are many things to do, if rezoning goes through, still come back for site plan approval and all rest of blue prints and renderings. In any case, Board cannot make decision, only recommendation to Town Board, have to go to another Town Board. Also contingent upon the sewer district as mentioned before. They had projected in last year sufficient capacity for 476 units in February of last year by early spring of this year, not know if started on parallel sewer, in this behind a year, but in February of last year said would give permission for 100 units at that time. So, of course, contingent on availability and adequacy of sewerage system, but when all approvals, can be started, they would anticipate would run 18 month period from time broke ground until completed.

Mr. Silberman, 60 Ramblewood Drive, Superintendent of Churchville-Chili School District would like to indicate interest in those construction projects that could effect favorably tax base of school, but also interested in development of community and he thinks, as Mr. Hunter has expressed, he would feel same way however recommend Planning Board would look adequately before decision made. Question comes up on area of amount of children coming into apartment

project. Have checked out several groups, but not project over here on Umbn Street. Has figure of .39 children in Rush Henrietta area, talked to them. Project going up in Ogden has about same statistic. However, the argument comes up regarding the present, have children coming into apartments because lack of money and high interest rates. Would suggest they might look at development in Union Road, have opened model hom for two-three weeks, have town houses using as model, check to see what kind of families renting into town houses, possibility have statistics on present situation and could give them idea as to trend and whether arguments justified or otherwise. This is just suggestion.

Mr. James Lloyd, 3626 Chili Avenue commented last time proposed this had town houses, now do not have. Just brought up point, this future project, when you have two-three bedfoom apartment, town houses, lot of kids, so might be stated, show .39 in one-two bedroom, when get in town houses, lot more than .39. Mr. Silberman advised construction are 1-2 bedroom and town houses, but again go on correct experience and check into what is in now and might have these facts at hand. Mr. Ireland did not know if rented enough to get facts together, but could inquire.

Mrs. Wilcox inquired would like to know if apartment unit in Irondequoit and Perinton do require garages. Mr. Audino advised they do not.

Mr. Bean inquired, if going to build houses on this, how many houses and what valuation would they build? Mr. Teamerson inquired on front 26 acres or entire project? Mr. Bean advised just what talking about now? Mr. Audino advised roughly 60 houses. Mr. Bean questioned what valuation and how many children come out of there. Mr. Teamerson supposed would be in terms of square footage rather, would assume each would be three bedroom home and he had regional and local statistics, Mr. Munzie from Citizen Tax, considered one family household 1.25 children, school age. Mr. Bean questioned what valuation on just to get in square mile basis. Mr. Ireland felt \$200,000. Mr. Teamerson felt would be closer to \$600,000. Mr. Schoenberger commented assume \$30,000 house on each, 60 lots, assessed valuation of \$6,000. by 60, \$36,000. total assessment versus \$600,000 for apartment project, so would be base not quite twice for apartment project and approximately 100 extra children. Mr. Bean questioned if built approximately 10 stories high? Just wondered square mile, when talking just units does not mean anything unless base on area. Mr. Teamerson replied of course limit your density on 26 acres to 10 units per acre, so. Mr. Bean questioned how many stories. Mr. Teamerson advised two with basement. Really cannot answer his question, if go ten stories, that much smaller on base, valuation would go up and number of children go down, less children in high rise than garden type. To answer Mr. Lloyd, no townhouses in this proposal at all, these are strictly garden type. Are only rezoning 26 acres.

Mr. Lloyd questioned, when originally bought property EE for houses and now rezoning for this, what is to stop them from more? Mr. Teamerson replied Board and citizens. Mr. Lloyd questioned, when bought property bought it for homes, must have. Mr. Teamerson replied not necessarily.

Mr. Wehle questioned one other thing when talking of \$3,000,000 assessed valuation, what will final assessment be on project, this is important thing, final assessment versus abapartments he gave on houses. Mr. Teamerson advised had quoted before, total project around three and half million dollars and when referring to assessable valuation of three million dollars, other half would be in underground preparation, parking, roads in excess, so figure it on three million dollar assessment, figure another three and one half million dollars. Mr. Wehle questioned what was land value and Mr. Teamerson advised land and improvement. Mr. Wehle thought he will be surprised.

Mr. Westbrook, Hillary Drive was a little concerned about traffic on Chili Avenue. Did not know whether said anything about this. Last summer his wife rode the ambulance with kids injured on that corner right there and carried mother and father into hospital later, and

had quite a few accidents at that corner. With increased traffic with apartment situation increased and does not know whether State any plans to change that grade and corner by Church, but thinks with apartment construction should look to State for some guidance on traffic situation. Mr. Ireland advised State would have to approve entrance and exits. Mr. Westbrook felt more than approve, should ask for some guidance along line to reduce traffic hazard there now. Mr. Schoenberger advised want to divided mall at request of State, they felt this was safe type and will separate traffic, so have divider mall at their request. Mr. Westbrook questioned divider mall on Chili Avenue? Mr. Schoenberger advised pointed out 90' setback in anticipation of Chili Avenue improvement. Would not say what in mind, but something, but have basically cleared this with them.

Mrs. Stein, 60 Creekview Drive, because have dire need to aid, will make stand. Does feel concern for Mr. Wehle and other people on Stottle Road, what will do to him, but thinks the thing have to look at now is fact that Chili is going to grow and either apartments in there or homes or commercial development, does not see any way going to retain vacant land. Question is, does this project meet all requirements of Planning, Zoning and Engineering. If does, have to be for it, even though will block her view of Bristol Hills, and one of last beautiful remaining in their property. Feeling this project will take care of that, but have to be for it anyway because of impact on school taxes, tax base and assessment will bring. Mr. Ireland did not think it would block her view, lower land and only two-story and can see over it.

Mr. Lloyd felt on traffic would have problem, have accidents right there because cars barrel down and school buses right in vicinity with first entrance after Stottle because come around and do not stop at signs, thinks this will increase this. Mr. Ireland agreed it was a bad place for traffic. Mr. Teamerson felt if this were developed as single family residences, they would have probably fifteen driveways onto Chili Avenue, certainly much more hazardous than a mall. Mr. Lloyd felt 260 apartments, with two cars, more than houses.

Mr. Ireland wished to make remark about property, commercial development on corner of Union Street and Chili Avenue, which the Planning Board, after due deliberation turned down, and now there seems to have developed great deal of sentiment in favor of it. Just wants to say at hearing which they held, not one single person got up in favor of it, number opposed to it, but not one in favor of it and all this sentiment for it developed since then. So, if those people who are so in favor had come to meeting and spoke about it and presented their petition at that time, the decision of Board might have been different. Just wished to explain this so will understand. It was advertised in paper. Mr. Wehle commented when person concerned because effects them immediately, comes to hearing, if receptive and does not bother them, do not bother to come. Only get dissent. Mrs. Stein felt could be given more publicity, does not usually read it, otherwise do not know. Mr. Ireland advised they notify property owners in adjacent area, not required to, just required to advertise in paper, but realize very few people see these legal notices so send out postcard, but even so, lot of people do not know about them. Mrs. Stein inquired could they let Gates-Chili News and Suburban Press know so could come out in news media? Mr. Miller advised they do advertise as required, by law, but if they tell their friends, Planning Board meets every 2nd Tuesday and Zoning Board every 4th Tuesday and Town would welcome call to find out what is on agenda. They do not change.

Mr. Wehle questioned, one of things he said, required by law to advertise in paper and Mr. Miller did, how many days? Mr. Ireland advised Law states, requires, five days, Town Board has set up policy of ten days. Law says five days. Mr. Wehle advised Law says ten days and quoted the law. Public Hearing where change. Recalled what Mr. Wickins states. Mr. Ireland felt always was five days.

No one further appearing to speak in favor of or opposed to this application, the hearing was declared closed.

DECISION: Reserved.

#2/ Application of Stevenson Homes, 100 Winslow Avenue, for approval to combine Sections 3 and 4 of West Canon Estates, located off Westside Drive and Spicewood Lane, into one Section 3, and for approval to resubdivide 13 lots in the Section. D zone.

Mr. Sundell of Stevenson Homes, appeared before the Board and maps were distributed to the Board for study. Mr. Ireland requested Mr. Sundell to explain the reason for this combination of Sections 3 and 4 into one Section 3. Mr. Sundell explained it is a technical problem with respect to continuing developing into fifth section, which is his real motive, to get started in Section 5. Problem, normally, if two undedicated sections in subdivision, Town does not like to go ahead with three. However, Sections 3 and 4 were brought to Planning Board at same time, have been approved at same time, have been contracted for development at same time and intent to be completed at same time and are being developed all in one, as one essential section. Added together, only constructing 29 lots, so that, while this rule about two sections and if it were to be applied absolutely technically, would not be able to continue with subdivision despite fact that really actually have just one section being developed. It would not have mattered if possible to complete section and get dedicated thereafter. Brought this in last January, did not get to them until end of May, got signed by that time, both sections going at one time. Basic reason asking for making into one section, to overcome technicality would present two undedicated sections, only reasons in two sections in first place was because originally when knew going ahead with this last October and asked subcontractor what could do to get lots not clear, so if just street Province, can do that quick because already underground sewer, so all have to do get storm, road, etc. would get done in March, but could not get started until May because did not get necessary signatures. By that time was no reason to hold off on what is technically Section 4. There are no changes in terms of sewers, building road locations or water lines or any other technical aspects of it, all did was add 1' to some lots to meet technical requirement subdivision should have some change.

Big advantage in letting him go ahead with Section 5 is, that for one thing will then be able to eliminate two temporary culdesacs, if can proceed rapidly enough, one at end of Spicewood Lane in Section 2 and other at end of Loring Place in map looking at.

This step really is step to proceed. What comes next is an application for approval of Section 5, to help them to get going.

Mr. Ireland questioned these were existing street names? Mr. Sundell advised yes, everything precisely what has been approved, no change whatever. Mr. Ireland advised reason asking number of kickbacks from Post Office on street names. Mr. Sundell advised they were approved by Post Office before submitting them to Town. Mr. Ireland commented they used to get letter. Mr. Sundell advised if gotten letter before submitting it, before submitting plans.

Mr. Ireland commented no storm sewers, sanitary sewers, etc. where on the two original maps, do they have to be on these? Mr. Dungan did not quite see why would have to be on. Mr. Sundell advised in past resub maps have not had all technical data on them if only involved lot line. Mr. Ireland questioned Mr. Burchill could he work from original maps and Mr. Burchill advised he would prefer to. Mr. Dungan did not think would have to be filed, just on file. Mr. Burchill commented construction taking place on 3 and 4 has been all as one unit. Mr. Dungan felt all can do is ask and see. Mr. Burchill would prefer not to have this on file with Town and County Clerks' office, less headache. Mr. Sundell advised he would prefer it too. Mr. Dungan commented see what they say (Town Board), all you can do.

Mr. Ireland questioned, not approve it? Mr. Dungan would shelve it for time being and see what Town Board says, get their reaction for proposition. Mr. Ireland questioned the dedication and Mr. Burchill advised still under construction at present time. Mr. Sundell advised just begun month ago.

DECISION: Reserved until discussed with Town Board.

#3. Application of Stevenson Homes, 100 Winslow Avenue, for approval of Section 5 of West Canon Estates, consisting of 46 lots, off Westside Drive, west of Spicewood Lane and Loring Drive, Sections 2 and 4 of West Canon Estates. D zone.

Mr. Sundell appeared before the Board and maps of Section 5 were distributed to the Board for examination and study.

Mr. Ireland questioned already temporary culdesac at Spicewood Lane, but would be eliminated. There was one at Loring Place. He was advised this eliminates it. One at end of Province Drive. Mr. Ireland questioned what will eventually happen on that one? Mr. Sundell advised one at bottom of Province, plans, if had not run into problem of hearing, could not get 5 through, would have come in with whole package that would show all being planned later at some future date to present, with proposal to extend Province Drive, which is on north-south street on other map to come around. To accomplish this will have to go for extension of Storm Sewer District. If can satisfy own engineer and Town Engineer, it is possibility to probably include other area in storm sewer district, will request another section coming in that would resubdivide lots 81, 82, 83 to have street here (pointing) so Province Drive will not have culdesac either. If cannot, will have to be permanent culdesac at Province Drive, if problem, leave as is right now, will not develop balance and do anything with that in that area. Have sketch layout, but have to finish getting over hurdle of Storm Drainage and involves substantial fill to bring in any proposed street. So, if approved by everybody, then will go ahead. If not, then have to be one permanent culdesac and pave it into Province Drive. General layout of this section, just what it was on original, preliminary map submitted 3-4 years ago, just firming up details at this time.

Mr. Ireland, using map, questioned if space to get out at one point and was advised, yes, it is an existing easement. Mr. Miller questioned lots 105, 106, 107, did not think met 80' at building line required in Section D. Mr. Sundell felt they did, sort of spread out, had no intention of asking for any variances. The angle point was pointed out to Mr. Miller.

Mr. Dungan questioned if he had lot and block grading plan. Mr. Sundell had not, but no question of getting it. Mr. Dungan pointed out first catch basin off there, almost 240' away and noted in Spicewood Lane and in this area (pointing) 240'-270' plus 125' have almost ~~say~~ in 700' no catch basins in Spicewood Lane. Thought lot and block grading plan would show this void and need to do something about it. Could not talk about drainage until had it. Mr. Burchill questioned was there a map submitted with topo 50' encompassing area 50' off property line? Mr. Sundell advised this is in drainage district and drainage district map includes rather considerably more than 50', this is in drainage district approved in 1967. Mr. Dungan commented they submitted 100 scale map of overall layout, did not know if topo on it or not. Thought at this point would require lot and block plan showing existing topo and graduation for this layout before would approve it. Mr. Sundell felt no problem in getting it, forgot it now. Mr. Dungan felt engineers have it down there somewhere.

DECISION: Reserved until Lot and Block Grading Plan submitted and studied by Board and Engineer.

Mr. Carmichael, Engineer and Mr. Kesselring appeared before the Board with maps of Kes-Mar Subdivision which had been approved by the Board on November 1969 with certain stipulations. They submitted a new map dated June 20, 1970 of the project located on Golden Road and Chestnut Ridge Road. Basically same as original with exception of the space cutting out lots 7, 8 and 9 on Golden Road. They made them an exception due to the terrain directly north of them. All of land is deep, lots 460'. Now have 6 lots instead of 9. Have not changed lot sizes, remain same, took out lots 7, 8, 9. If those to have improvement on would have storm water dropping to north so just made exception on it. Discussion had and maps studied by Board, they were submitting this as revised plan, not new one because did not change anything but three lots.

DECISION: Unanimously approved resubmitted plan dated June 20, 1970 with the following stipulations:

1. Formation of drainage district.
2. Letter of credit for improvements.
3. Approval of Monroe County Department of Health
4. Permanent survey monuments to be set at important corners to be specified by the Planning Board Chairman of the Town of Chili and the Town of Chili Engineer
5. Builder of subdivision to be required to plant trees on both sides of streets in the subdivision, at least 5' high and 1" in diameter, every 90 feet of the subdivision, 10' back from front property line. Planning Board to designate the kind of tree.
6. In accordance with Town Board Resolution, \$100. per lot must be paid to the Town of Chili in trust for future park and playground development or 10% of land area in subdivision acceptable to the Town of Chili.
7. 20' easement to be given across the north lot line of lots 1 through 5 and across the exception to Golden Road.
8. Extend the 10' easement along the east line of lot 5 and along the west line of the exception.
9. Easements to be drafted by the applicant and submitted to the Deputy Town Attorney for approval and recording along with necessary recording fee.
10. The duly recorded easements will be delivered to the Commissioner of Public Works/Supt. of Highways before any building permit is issued.
11. Before Drainage District hearing held, County Department of Public Works to be contacted and approval given of the frontage on Chestnut Ridge Road.

DECISIONS ON APPLICATIONS HEARD AT PREVIOUS HEARINGS

From hearing held May 12, 1970.

Application of Robert Lehr, 92 St. Casimir Street, for approval to rezone property in the Town of Chili located on Black Creek Road, lots 126 and 127, Tax Account Nos. 1351-1352, consisting of 1.63 acres, from D Residential to Commercial.

DECISION: Unanimously recommend to the Town Board this application be disapproved for the following reasons:

1. Spot zoning
2. Close proximity to Ballantyne School
3. Commercial zoning will effect surrounding residential nature and pour commercial traffic on residential streets.

From hearing held May 12, 1970

Application of Humble Oil & Refining Co., 20. Cairn Street, for approval to rezone property in the Town of Chili located at 3610 Union Street, Tax Account No. 103-100 consisting of 9 acres, from EE Residential to Commercial.

DECISION: Unanimously recommend to the Town Board they approve this application, with the following stipulations:

That the property not used for the filling station not be developed until sanitary sewer is available for use and at that time plans for further development of the property must be submitted to the Planning Board for approval.

A letter to be written to the Town Board recommending that the Zoning Ordinance of the Town of Chili be amended by adding the following section:

SECTION 19-44      ALL DISTRICTS - ANIMALS

No Mammals, Reptiles or Poultry shall be housed or maintained on industrial, commercial or residential property (ZONES "D" "E" "EE" "MR") unless the property qualifies as a Farm. The only exception shall be Dogs (See Section 5-3 Dog Ordinance), household cates (Felis Domestica), Birds (All parrot family birds provided they have been legally imported under U.S. Law, Mynahs, Finches and Canaries) all Fish, Turtles and Amphibians.

PATRICIA D. SLACK  
Secretary

MINUTES  
Planning Board, Town of Chili, N.Y.  
August 11, 1970

A Public Hearing was held by the Planning Board of the Town of Chili, N. Y. in the Chili Administration Offices, 3235 Chili Avenue, Rochester, N.Y. 14624 on August 11, 1970 at 8:00 P.M. for the purpose of the following application:

Roll Call was as follows:

Present: Mr. Frederic Bean, Acting Chairman  
Mr. Mitchell Rakus  
Mr. John Coyle  
Mr. Lowell Titus

Absent: Mr. Winsor Ireland  
Mr. Selden Crow  
Mr. Richard Melvin

Also present: Mr. Daniel L. Miller, Deputy Town Attorney  
Mr. James Dungan, Town Engineer  
Mr. John Burchill, Comm. of Public Works/Supt. of Highways

The public hearing was called to order by Mr. Bean, Chairman

#1. Application of Christine Blakeley, 840 Scottsville-Chili Road, for approval to rezone property located at 822 Paul Road from E Residential to B zone.

Mrs. Schieven, representing applicant appeared before the Board, advised property all around is commercial. Not planning on selling it in future, her daughter will be married in December, son-in-law might have vegetable stand, there is about an acre of land in there, and thought as everything else around is commercial, would be good idea to do it now. It is her daughter's property. On question of whose property it abutted, she advised Mr. Moffitts on west, his mother owns on one side and he owns whole corner, understands plans on putting road through before next home, they own lot on side. Mr. Bean felt should have map to examine. Mrs. Schieven had deed at home, never been surveyed. It is property right next to old church. Mr. Bean felt in order to have it on record will have to bring in survey or plot plan, good to have survey of it, but do need legal description. Mrs. Schieven had that at home, could get a Xerox copy of it. It was explained the procedure if the Planning Board should recommend to the Town Board this be approved, and she was advised that the complete legal description would have to be submitted to be advertised if there was a Town Board public hearing. No one further appeared to speak on this request.

DECISION: Unanimously recommend to the Town Board this property be rezoned.

Mr. Calderone of Standco Development Corp., Meadowbrook Farms apartment project, appeared informally before the Board and presented an overall site plan of the project together with a new layout for phases II and III showing townhouse buildings with eight and ten units instead of the allowed six units per building and explained their reasons for their request to be allowed to do this. They will be appearing before the Zoning Board of Appeals at the August meeting requesting this and explained to the Planning Board why they wished it and requested the Board to write to the Zoning Board recommending they grant the variance. Mr. Calderone explained why they felt the buildings would look better this way, explained it would not change the overall approved setbacks, planting plans, etc., but they felt it would make a much more attractive project while driving through and explained reasons for so thinking. Mr. Miller felt, and the Board also felt, this should be discussed jointly with the Zoning Board, as well as the original reasoning in limiting the building to six units only, before decision made.

PATRICIA D. SLACK  
Secretary

State of New York

COUNTY OF MONROE,

CITY OF ROCHESTER.

ss.

Legal Notice

PLANNING BOARD, TOWN OF CHILL, N. Y.

NOTICE IS HEREBY GIVEN that there will be a public hearing of the Planning Board of the Town of Chill, to be held in the Chill Administration office, 3233 Chili Avenue, Rochester N.Y. 14624, on August 11, 1970, to consider the following application:

#1. Application of Christine Blakeley, 840 Scottsville-Chill Rd, for approval to rezone property located at 822 Paul Road from E Residential to B zone.

All interested parties are requested to be present. By Order of the Chairman of the Planning Board of the Town of Chill, N.Y.

MARY B. PARKHURST  
Town Clerk

AY—Aug. 1—T-U

Eleanor E. Williams

..... being duly sworn, deposes and say that she is principal clerk in the office of THE TIMES-UNION a daily newspaper published in the City of Rochester, County and State aforesaid, and that a notice of which the annexed is a printed copy, was published in the said paper on the following dates:

August 1, 1970

*Eleanor E. Williams*  
.....

1st

Sworn before me this.....

day of ..... August..... 1970

*Jeanette M. Hehir*  
.....  
JEANETTE M. HEHIR

Notary Public  
Notary Public in the State of New York  
MONROE COUNTY, N. Y.  
Commission Expires March 30, 1971

MINUTES

Planning Board  
Town of Chili, N.Y.  
September 8, 1970

A Public Hearing was held by the Planning Board of the Town of Chili, N.Y. in the Chili Administration Offices, 3235 Chili Avenue, Rochester, N. Y. 14624 on September 8, 1970 for the purpose of holding public hearings on the following applications:

Roll Call was as follows:

Present: Mr. Winsor D. Ireland, Chairman  
Mr. Frederic Bean  
Mr. Selden Crow  
Mr. Mitchell Rakus  
Mr. John Coyle  
Mr. Lowell Titus

Absent: Mr. Richard Melvin

Also present: Mr. Daniel L. Miller, Deputy Town Attorney  
Mr. James O. Dungan, Town Engineer

The public hearing was called to order by Mr. Ireland, Chairman.

- #1. Application of Donald J. Barbato, 118 Varinna Drive, for approval to rezone property in the Town of Chili located at 1861 Scottsville Road, consisting of 83 acres, from A Industrial to MR.

Mr. John Briggs, Architect, with office in Midtown Tower, Rochester, N.Y. appeared before the Board. Had a few pertinent facts that he thought would interest and show how pertain to drawings. Subject parcel of land consists of 80 plus or minus acres on north side of Scottsville Road about one half mile west of Ballantyne Bridge, adjacent to Towner's east line. Land is presently zoned Industrial A. Proposal they have is to have 71 acres rezoned for Multiple Residence use and 9 acres for Commercial B. Residential portion would contain 694 living units, whole be of Colonial Design. He presented various renderings, advising keeping buildings themselves relatively small, 4 living units per building in Type A which gives 488 living units in 122 buildings. They are joined ones. Some buildings with eight living units for total of 184 living units and 23 buildings. He thought would show up better on drawing. 22 townhouse units. Refer to a unit as they do in zoning book, as one family, that is a unit. Have 326 one-bedroom units, 358 two-bedroom units, with 10 three bedroom units. No studio or efficiency apartments. 3.9 acres will be given for parking and recreation use. Have 1220 spaces for cars.

In the commercial portion, which is 9.1 acres, talking about, that would contain grocery store, drug store, bank and personal service shop, barber shop, beauty parlor, drycleaning store, small center, neighborhood shopping center, quite possibly theatre, favorable area to do something like this. Also have professional building, doctors, attorneys, dentists, possibly an architect.

Land appears to be well serviced by sanitary and storm sewers, so no problem there.

Mr. Briggs pointed out on rendering Genesee River and where all buildings opposite road at particular point, where apartment area with proposed dedicated road running from front to rear, really to rear, coming right out again. Two prime entrances to apartment area. This is dedicated road (using rendering) which they specified, buildings being 180' in front, 60' setback, 60' road. These (using rendering) are smaller buildings which will be four buildings for each of these units. Pointed out larger buildings, group of 8 units per building, which gives nice residential character for this type of building, then more of smaller buildings. All buildings will

State of New York

COUNTY OF MONROE,

CITY OF ROCHESTER.

ss.

Legal Notice

LEGAL NOTICE

Planning Board, Town of Chili, N.Y. NOTICE IS HEREBY GIVEN that there will be a public hearing of the Planning Board of the Town of Chili to be held in the Chili Administration Office, 3235 Chili Avenue, Rochester, N.Y. 14624 on September 8, 1970 at 8:00 P.M. to consider the following applications:

- #1. Application of Donald J. Barbato, 118 Variana Drive, for approval to rezone property in the Town of Chili located at 1861 Scottsville Road, consisting of 83 acres, from A Industrial to MR.
#2. Application of Edward Iazana, 547 Hague Street, for approval to resubdivide lot R-24 Harold Avenue (Tax Acc. 478-000) into two lots, 100' x 120', 1st lot facing Harold Avenue, 2nd lot facing Morrison Avenue, D zone
#3. Application of Landcap Management Corp., 245 Powers Building, for approval to resubdivide Lot R-27, 99 Names Road, back into original lots 27 and 28, lot 28 being 72.45' x 299.12' and lot 27 being 73.18' x 296.04', D zone.

All interested parties are requested to be present. By Order of the Chairman of the Planning Board of the Town of Chili, N.Y.

Mary B. Parkhurst
Town Clerk
Chili, N.Y.

EY-T-U-Aug. 29-1t.

Eleanor E. Williams

being duly sworn, deposes and say that she is principal clerk in the office of THE TIMES-UNION a daily newspaper published in the City of Rochester, County and State aforesaid, and that a notice of which the annexed is a printed copy, was published in the said paper on the following dates:

August 29, 1970

[Handwritten signature of Eleanor E. Williams]

29th

Sworn before me this.....

August 19 70

day of .....

[Handwritten signature of Notary Public]

Notary Public in the State of New York
MONROE COUNTY, N. Y.
Commission Expires March 30, 1974

exceed requirement of square footage, 750 for one-bedroom, 850 for two. Pointed out small group of 22 townhouses and these at top, up on hill, elevation of 289. Had a contour map of same, to run in this general direction, with high point. Also here, way contours are, get 132 of cars in basement of these buildings, which they feel is quite desirable. Stayed away from this pretty much with building, (using rendering), do not want to build against house area. Elevation in here 522. They ask for flood of 525. Feel road could be at 522. Do not have to much fill on this land, thinks good use because of high elevation in here to get to 5% grade in dedicated road. Pointed out roads, little cross roads, and tried to group buildings, they would be considered private roads and they have kept more of intimate type of design, 60' of buildings vision, in other words, established nice group. One play area in this location, which is somewhat wooded back in here, and put in this other corner, which is quite low, 522 also, swimming pool, little pool and tennis courts, that type of recreation, keeping this little more evergreen park type of area. Pointed out where trees proposed. Pointed out where 600' x 700' shopping center would be buffered into this. Pointed out where putting shopping center near hill and professional building and possibly theatre if any one interested or see need for it. Felt would be quite interesting group of buildings. Just not going to appear like large mass production, roads are curving and designed so can conform to contours.

Presented another rendering with overlay of topography over plot plan. Board asks for a topo map but he felt at this time a little premature, thought too much to work out, garages, etc. This pretty much is almost automatic, know grade 522 along road, little hollow in here, so down to 518, so need fill, just shortly in from here, this goes down and then up to 522, which would mean 3' of fill, have houses in this area, dedicated portion, then slide road to 521 here. Low, thinks quite possibly this road could be left down here at low level. Do not wish to throw a lot of water on adjacent property. Pointed out upper road, then drop into low, 522-521 which is where play area, and suggest not too much grading down there, good trees down there. Good area in here. Have put townhouses, 22 of them, at grade of 589, so roughly 65' above lowest part and that is high area way over into here (pointing) so more earth really than will need over here. Pointed out large cut where would have to push some of this earth over.

Felt were presenting good operation, which would enhance and beautify area, never take on barracks appearance, very similar to Pittsford Village Estates built about five years ago. He presented renderings of the appearance of the buildings they proposed to erect, the apartments, the townhouses. Advised he had plans for first floor of townhouses, but would not go into them now.

That about winded up his presentation, all he had to say about merits of what propose. Perhaps Mr. Aratari could say something about rentals, need for this project.

Mr. Edward Aratari, 95 Coleen Park, Rochester, Real Estate Broker appeared before the Board. Advised he was here on behalf of Don Barbato, as his representative. He originally sold this land to Mr. Towner, who had intentions of developing it as an industrial park because already zoned industrial. They not only spent time and money, mailed out a brochure like this (presented to Board copy of brochure), sent out about 500 of these, all various companies that were interested in relocating or expansion. He subscribed to publication that had this information and they were trying to solicit them to move into their area. Did not have much luck, few inquiries, but just could not seem to get interest enough to move into this particular area. Made many contacts, even in Rochester and Monroe County because of moving out of urban renewal, Front St. and Water St., still did not have too much success. So, Towner gave up the idea and sold land to Don Barbato. This man had it for couple of years, continued soliciting companies to move into area, with no success, so only thing felt could resort to was develop it as nice project for

for probably a town house, apartment development and he thinks it will enhance area, because as they know, it does not lend itself to any type of real industry and they feel if approved, this particular development will be good for Town, because really now all looks like is lot of weeds and without top soil Mr. Towner moved around, dug out in spring, fills up with water and almost month of August before dries up. So very interested in trying to get it developed. Does not have too much more to say, thinks Mr. Briggs gone into aspects of developing, but would be glad to answer any questions.

Mr. Ireland inquired did he think that Towner's industrial installation there is going to be any detriment to their project from an aesthetic standpoint? Admittedly industrial park is not a thing of beauty and somebody going to have to look at it. Mr. Aratari advised he had already contacted Art Towner and gave him very good substantial offer for his land to get him to move into another location and at same time trying to find another site for him. Not able to get right site at this time, but working on it and if successful, if can get it, he is open minded about situation. Not that relishes idea to move, but money makes world go round and if give him good offer, he will listen. Mr. Ireland advised he was thinking of time in future when apartments and townhouses built and people move in and before they realize that is there and he can visualize complaints coming into the Town Hall about trying to get Town to make them clean up site, etc. So just wondered if they had thought of it. Mr. Aratari advised have, and reason went to him with offer. Not to easy to say will take your offer and will move lot of equipment and been there only 3-4 years, will not move that easy. Is interested and if get him right sit, sure he will listen and then would not be too against this idea of moving. Sure with offer Mr. Barbata submitted to him, he would give this lot of thought before turned it down and in meantime if do get approval they will probably have row of poplar trees or landscaping to screen this off so would not be so obvious. Mr. Ireland was also thinking about noise and this sort of thing from it. Mr. Aratari felt he does have heavy equipment, earth movers, big heavy equipment, but actually does not work there, comes in on trailers, leads up and takes out and does not make kind of noise visualize, not doing any development work right there, so not too much noise as far as that goes. Mr. Ireland was thinking about starting some of those rigs early in morning to go out to job and waking people up. Mr. Aratari felt most of rigs out on job and not too many there, as you go past, not that much equipment, out on various jobs, parked on job until done and more to another site, you will find not that much equipment.

Mr. Bean questioned if he knew about heavy use of Scottsville Road for gravel trucks? Mr. Aratari advised yes, seen them coming down that road any number of times, seen number of them. Mr. Bean felt probably one of heaviest in Monroe County would be his guess, wondered what people would say. At one time had go around about location of school and that was one of arguments against locating school, trucks go on from 50-70, now up to 40-50 tons. Wondered if people with children would not, this is something for them to worry about. Mr. Aratari suggested, they know the trucks come down and anything they could do there, his understanding, checked with State Engineer, going to make part of Scottsville Road, from Ballantyne south, 4 lane road with median in middle, he would say if this development was approved, they could put slow down light or cross light, slow them down and when come through there, 15 miles an hour until get past project or Ballantyne Bridge. Also mentioned, with R.I.T. growing way it is, great need for apartments and town houses in this vicinity and people do not know where to go, this would help out tremendously.

Mr. Bean questioned what would total population be there? Mr. Aratari figured 694 units, figure 3 times for each, probably 1800-2000. Mr. Bean questioned how many school age children? Mr. Aratari felt this is hard to say, all kinds of opinions expressed about that, but would say last figure he took, more realistic, thinks said about 1 or 1-1/2 per each unit. School age. Just did not know because so many varied opinions. What has found out, lot of apartments, just not as many children as people would think there is. Mr. Bean had that

impression, but still interested, because lives in that school district and people down there would be too. It would be quite an expense for school that has about 1500 in it. Just something to think about. Did he have any ideas about valuation of this, how much taxes? Mr. Aratari did not know what it would be, that would be something for Town Assessor to figure. Mr. Bean questioned what he thought the project worth? Mr. Aratari replied would be pretty large project, and cost of construction today, would think it would be worth probably 8 - 9 million dollars total. Would say, based on the way land is dug out and looks like now with trees over there and with hill way it is and way water after moving out of top soil, certainly does not enhance Town or do anything for that area and sure thinks beautiful development and project like this, anybody willing to spend that much money in this market would be asset to Town in that vicinity and would help housing situation as far as professors and students at R.I.T. Mr. Bean thought that might change complexion of type of occupancy because of school, tend to be more non-school people, adults, etc. Mr. Aratari thought that was very true.

Mr. Miller questioned any tentative financing lined up for this project? Mr. Aratari advised they have some very excellent contacts as far as financing goes, with large lending institutions doing this all the time, but not made any applications because of fact because going into this part of rezoning. Mr. Miller questioned were they aware last rezoning had restrictions, meaningful construction started in one year after rezoning? Mr. Aratari was not aware of that, but if that is one condition they approve it under, would have to abide by it. Mr. Miller felt it was intent of Town Board to prevent speculation on rezoning and that was one of conditions tied to last MR zoning allowed, meaningful construction started in one year or reverts back to original zoning, that was residential. Mr. Aratari felt O.K. as far as he was concerned, intend to develop and build. Mr. Miller questioned, Mr. Barbato would do it himself? Mr. Aratari advised he would be principal, but would have contractor do it. As matter of fact contractor which he introduced was present at the hearing, building contractor for apartment in Brighton, and he would probably be the contractor on this project.

Mr. Rakus questioned how long did they think would take to complete the project? Mr. Aratari advised this would be controlled more or less through money market and what various conditions come across; although is his understanding, and pretty close to this, would say probably go up in two phases, depending on various conditions, weather and money, maybe move right along. Mr. Rakus questioned two phases. Mr. Aratari advised start off, probably make deal with lender, give you \$X for first phase and start this out and as rent and develop and if that was successful, move into second phase, but would say, within period of 3-4 years probably, whole thing complete, barring any unfortunate pitfalls.

Mr. Ireland questioned, did he understand part of road would be dedicated road? Mr. Aratari advised main road, main road coming in from Scottsville Road will circle around and goes back out. This would be dedicated and private roads back into building area, would say these would belong to project. Mr. Ireland advised the Commissioner of Public Works was not here tonight, usually attends meetings, was only tossing this out, but rather doubts the Town would accept dedicated road in project like that. Mr. Aratari questioned he meant they would not want it? Most of Towns, did not know how Chili felt, but other previous presentations, main road they wished to control to make certain easy to get in and out. He would imagine this could be worked out. Mr. Ireland advised they never had an apartment project with dedicated road in it, or, that is to say, plan presented with dedicated road in it up to now. Mr. Aratari felt this is 1900' deep and you go in about 1500', about as far as road circles around and go out 1500', again, when plow Scottsville Road could swing right in there, main road. Most builders are littler units and smaller developments. Mr. Ireland agreed they are smaller, that is right. That has nothing to do with actual rezoning, just threw that out. Mr. Aratari felt that

could be worked out satisfactorily.

On question of Mr. Ireland if any one present at the hearing in favor of or opposed to this application, Mr. Cornelius Strassner, Names Road, advised he was interested in that thing, interested in it for 30 years, and last thing let go in there, big junk yard and crap pile, right now burying everything under sun, making land fill out of it. He would like to see something go in there and always visualized that area as residential area of some type because of its aesthetic beauties, even in this wild state, always been beautiful spot. At one time had for school, tried to get it for school. Feels if could get Towner out of there and put something residential in there and if this fellow's plans and buildings work as beautiful as on printed plans, will be something worth while in their neighborhood, something always worked for, always wanted to get that place cleaned up and had an awful lot of failures. Was wondering about this commercial area they wanted to put in there, the 9.1 acres, which side of the thing would it be, one on Towner's? Mr. Aratari advised towards Towner. Mr. Strassner felt good. What would they do between residential area and area proposing? Mr. Aratari questioned he meant along Greyson, where houses are? Would have to probably plant some shrubs and trees along edge. Mr. Strassner felt building pretty near up to there. Mr. Aratari advised certain setbacks, so cannot get too close to line. Mr. Strassner felt but would like to build close to area and continue residential area from houses right through. Mr. Aratari felt would actually beautify rather than hinder, trees, shrubs and these are good looking, not like row houses, as they can see. Mr. Strassner questioned 694 units in how many acres? Mr. Aratari advised 83 acres. Mr. Strassner felt, subtracting roads, etc., kind of crowded. Mr. Ireland advised him they have to maintain maximum of 10 units per acre. Mr. Aratari advised they followed ordinance right to letter. Mr. Strassner advised it was up to these boys to approve or not, but he was in favor of anything going in there that will beautify it and if their plans are anything like see, or say they are, of course does not see them all, looks pretty good, but would like to get in more with it before sell it to neighborhood. Up to point is in favor of. While in favor of it, let's be careful of them.

Mr. Dungan put in word of warning on draining site. Should be governed by Army Corps of Engineers, 525 was set as minimum. Thinks they will find higher as go upstream to section of canal. They do not allow any standing water on any project or neighboring land, caused by development, must have positive drainage. Mr. Aratari advised will be all worked out through engineer who will provide for storm drainage, sanitary sewers, sure not any water, because they do not want water. Mr. Dungan commented one other thing, they have neighboring property owners, they have to grade down or up from their property, do not want them to fill up on here or down at point. Mr. Aratari advised has couple of spots, high hill on south and they will take necessary fill they need to bring it up to grade level, to 525 figure, all be done on gradual basis, just taper down. They understand that. Mr. Dungan advised this they would have to know before start, what kind of slope in neighborhood of deep cuts. Mr. Aratari advised if this was approved, what could do is inform the engineers working on that and they can get together with Town. Mr. Dungan commented these will show in plans before get that far. Was telling him so he would know what they want. Mr. Aratari did not see any problem on that score.

No one further appearing to speak on this application, the hearing was declared closed.

DECISION: Reserved.

#2. Application of Edward Inzana, 547 Hague Street, for approval to resubdivide lot R-24 Harold Avenue (Tax Acct. 478-000) into two lots, 100' x 120', lot (1st) facing Harold Avenue, 2nd lot facing Morrison Avenue. D zone.

Mr. Inzana appeared before the Board. Advised the application states what wanted done. He could think of nothing else to say. Maps of the requested subdivision were presented, distributed and studied by the Board. Mr. Ireland felt this was fairly self-explanatory. Mr. Miller advised he thought this gentleman was going to move houses in there. He also advised him he felt he would need zoning variances for setbacks. Mr. Rakus questioned was this for purpose of building new houses? Mr. Inzana advised no, was moving two homes down there. Mr. Rakus questioned how old the houses were and was advised approximately 15 years. They are coming from Ridge Road West, Firestone bought these two houses, right across from Greece Town Mall, they were about 14-15 years old. Mr. Miller questioned if were on corners and was advised no. Mr. Miller advised Mr. Inzana they would like the houses set on the lots so if add garage or anything on them, will not have to come in and get variance for side line restrictions. The Code calls for 10' from side line. Figure 24' or 26' for double car garage. Thinks everyone would appreciate it if set them from one side to another. On question Mr. Inzana advised plans to sell one and live in one. He advised one house split level, 44' x 24' and one ranch 30' x 36'. Questioned if any reason why could not dig now for basements before got variance for setbacks, and would like to get basements started as soon as possible. Mr. Miller advised he could not speak for Zoning Board, they probably would grant it, would keep them in line with present houses. Mr. Ireland advised nothing says cannot do digging.

On question of Mr. Ireland if any one present in favor of or opposed to this application, Mr. Strassner, Names Road, believes in keeping them in line with other houses. Mr. Miller questioned a drainage district on these lots and Mr. Ireland felt nothing could do about it.

No one further appeared to speak at the hearing, and the hearing was closed.

DECISION: Unanimously granted.

- #3. Application of Landcap Management Corp., 245 Power's Bldg., for approval to resubdivide Lot R-27, 99 Names Road, back into original lots 27 and 28, lot 28 being 72.45' x 299.12' and lot 27 being 73.19' x 296.04'. D zone.

Mr. Louis Jeff, Engineer appeared before the Board representing Landcap Management Corp. Maps of the requested resubdivision were presented to the Board for study. Mr. Jeff advised this too was, hopefully, a simple application and as a little background, in 1928 land in and around Names Road, Lester Street, was subdivided in name of Ballantyne Acres. Lots 27 and 28 existed at that time. In 1965 for reasons unknown to him, but speculative, these two lots were combined into one and it was named R-27. Purpose of this application is to ask for return to the original status of 27 and 28. The two lots will be substandard in accordance to prevent zoning and will require a variance towards that development. However, no other variance will be asked for in application for development. Mr. Miller inquired how about setback? Mr. Jeff advised they will comply, lots are deep as they can see. That in essence is purpose of application, to ask resubdivision of lot R-27 into two lots, AR-27 and AR-28. He advised that one of the two lots is sold. Mr. Titus inquired if houses to be built with garage or without garage. Mr. Jeff could not tell him, everything will be complied with, only variance sought is lot width, they are dealing with 73' available on one lot and 72' on other. Discussion, after study of map, on varying depth of lots and varying slightly in width going to west. Mr. Strassner came forward and studied the maps. Mr. Jeff advised were on County Tax Rolls actually and sold in recent auction. Mr. Rakus inquired what type of house planned to build and Mr. Jeff did not know, representing Landcap Management and he has sold one of two lots to purchaser, selling lot to purchaser for purpose of constructing on it. Mr. Ireland felt in any event will have to meet requirements. Mr. Jeff advised correct, except for variance they are asking for, and that is lot frontage.

September 8, 1970

On question of Mr. Ireland if any one present in favor of or opposed to this application, Mr. Strassner felt if possible, houses in line with other houses and leave room for garage, was strictly in favor of it.

No one further appearing to speak, the hearing was closed.

DECISION: Unanimously granted.

Mr. Layer, Developer of Lexington Subdivision, together with Mr. Schoenberger, his Engineer, appeared informally before the Board to discuss a tentative plan for the development of the rest of the Lexington Subdivision.

Mr. Hallaby, of Vasile Construction, appeared informally before the Board, requesting their advices on specifications for road they were putting through their industrial complex on Union Street, road which they wished in future to dedicate to Town. After discussion, he was advised they would say 30' plus gutters wide and with heavier foundation than a residential road.

Following Mr. Calderone, Stanndco Development, Inc. appearance informally before the Board at its August Hearing, requesting the Board approve plans with buildings of eight and ten units each, the Board is writing to Mr. Calderone asking to have submitted a floor plan of the eight and ten unit proposed buildings and a rendering of what the proposed buildings will look like, so that Board will have a clearer idea of the overall picture of their proposal as it will look when completed.

PATRICIA D. SLACK  
Secretary

MINUTES  
Planning Board  
October 13, 1970

A Public Hearing was held by the Planning Board of the Town of Chili, N.Y. in the Chili Administration Offices, 3235 Chili Avenue, Rochester, N.Y. 14624 on October 13, 1970 for the purpose of holding public hearings on the following applications: Hearing was called to order by the Chairman, Mr. Ireland, at 8:00 P.M.

Roll Call was as follows:

Present: Mr. Winsor D. Ireland, Chairman  
Mr. Frederic Bean  
Mr. Selden Craw  
Mr. Mitchell Rakus  
Mr. John Coyle  
Mr. Lowell Titus  
Mr. Richard Melvin

Also present: Mr. Clifford W. Tomer, Town Attorney  
Mr. James O. Dungan, Town Engineer

- #1. Application of Topor Construction, Inc., 166 Kuhn Road, for approval to rezone property located on corner of Chili-Scottsville Road and Bear Road, Section 5 of 88-025, consisting of 43 acres, from EE to Multiple Residence zone.

Mr. Anthony Perrata and Mr. James Brewer of Topor Construction, Inc. appeared before the Board. Maps were presented to the Board for study and one topo map posted on bulletin board. Mr. Brewer advised as they knew, they had made a previous application. Based on study conducted by Army Corps of Engineers, Town Engineer made certain recommendations to the benefit of improvement of the land, and he had here the five points raised by the Town Engineer and their answer to those points.

1. The proposed project should not encumber the land area within 275' of Black Creek center line with buildings or with land fill that will limit flood flows or the flood flow channel.

ANSWER: The entire project has been redesigned so that both fill and buildings are limited to that area above the 529 foot elevation; also at least 275 feet away from the center line of Black Creek, whichever limit applies. Thus land below the 529 foot elevation will remain virtually untouched so that flood flows can follow the same natural course they have always taken.

2. The proposed project should limit residential development to elevations well above the 529 foot elevation associated with the 100 year flood. This will partially nullify the water jamming action of possible clogged bridges at times of flood. Something in the nature of 535 feet might seem reasonable.

ANSWER: Land within the project will be regraded utilizing excess dirt from the 548' elevation, to be approximately 537 feet in central areas and sloping away to the limiting lines at an elevation of 535 feet.

3. The proposed project plans to fill land currently below the 529' elevation and then put buildings on that same land. Flood waters often tend to repeat underground and over ground even on filled lands unless special care is used in filling this land (such as examination of soil types, small fill lifts, compaction, erosion tests, impermeability tests, etc.) Unless special, planned and inspected land moving techniques are used, the residential building should be limited to those areas currently above the 529 foot elevation. This limiting line should be established by a licensed engineer or surveyor, staked, and the staked line maintained throughout the life of the construction project. Copy of survey should be filed in the Town Clerk's Office.

State of New York

COUNTY OF MONROE,

CITY OF ROCHESTER.

ss.

Legal Notice

Planning Board,  
Chili, N.Y.

NOTICE IS HEREBY GIVEN that there will be a Public Hearing of the Planning Board of the Town of Chili to be held in the Chili Administration Office, 3235 Chili Avenue, Rochester, N.Y. 14624 on October 13, 1970 at 8:00 P.M. to consider the following applications:

1. Application of Toper Construction, Inc., 166 Kuhn Road, for approval to rezone property located on corner of Chili-Scottsville Road and Beaver Road, consisting of 43 acres, being part of Tax Account No. 188-023, from EE to Multiple Residence zone.

2. Application of Lucy Youngman, 32 Westfield Street, for approval of subdivision at 35 Bowen Road, consisting of Lot 1 Lot 125' x 500.24' in depth. Acc. No. 97-040 EE zone.

3. Application of Dentuck, Thomas, McGrath & Assoc., 5 So. Fitzhugh St., Rochester, N.Y. for approval to resubdivide lots 85, 86 and 87, Sunridge Drive, in Hillary Heights Subd. as per maps submitted. E zone.

All interested parties are requested to be present. By Order of the Chairman of the Planning Board.

MARY B. PARKHURST  
Town Clerk  
Chili, N.Y.

Eleanor E. Williams

..... being duly sworn, deposes and say that she is principal clerk in the office of THE TIMES-UNION a daily newspaper published in the City of Rochester, County and State aforesaid, and that a notice of which the annexed is a printed copy, was published in the said paper on the following dates:

October 2, 1970

*Eleanor E. Williams*

Sworn before me this.....2nd.....

day of .....October.....1970

*Caroline M. Tappin*

.....  
COUNTY, N. Y. Notary Public  
Commission Expires March 30, 1971

ANSWER: A field surveyed contour map has been supplied to the Town Engineer and the limiting 529 foot elevation will be staked as requested upon approval of the project; said stakes to remain throughout the life of the construction project. Stakes to be in place before any earth moving or building is commenced on the land.

4. The proposed plan does not protect their proposed fill areas from the erosion of flood flows. Sharp turns and steep banks will need rip-rap. Gentle slopes and turns will need fine grading, and seeding with sturdy, pleasing ground cover.

ANSWER: It has already been established that there will be no fill whatsoever in the flood channel established by the survey of the Army Corps of Engineers and recommended by the Town Engineer, thus eliminating the need for the above recommendations.

5. Ground water data is needed - detailed field gathered topography, previously requested, is still lacking - slope data for the final grading plan to neighboring property lines is needed.

ANSWER: Deep holes have been dug and inspected this day, October 13, 1970. Their locations are illustrated on the main presentation map. The excavations were all approximately 8 feet deep, and no ground water was evident in any hole.

The topography map has been prepared and is now in the Town's possession.

The presentation map illustrates a property line swale that will route runoff water to the creek, along adjoining property line and natural grades to creek. As can see on contours map, drains all way to creek naturally, but would grade V shaped swale to connect it.

Presented letter from Gates-Chili-Ogden Sewer Agency indicating availability of adequate sewers. The required material has been submitted to the regional director of State Highways, Mr. B. F. Perry, but apparently a bit early for a reply..

He concluded they at Toper Construction have a sincere interest in developing a housing project which is not only satisfactory to the Town of Chili, but to their potential tenants as well. For their help in this direction, they wish to thank Engineer Jim Dungan and members of the Town Boards.

He submitted copy of his answers to Engineer's recommendations for the record.

Mr. Ireland inquired if these elevations on plan were existing? Mr. Brewer pointed out on map existing elevations, what represented center line, 275' from creek and what was limiting elevation as accurately laid out by Carmichael & Muerb. Mr. Perrota advised stand back of all fill and any excavation of limit lines where follow 529' and where 275'. Mr. Brewer pointed out where again 529' (using map).

Mr. Ireland inquired these are all apartments? Mr. Brewer advised yes is. On question of Mr. Titus Mr. Perrotta advised planned 194 two-bedroom, 96 one-bedroom and 24 studio apartments. Studio is no bedroom, they being one room. Mr. Coyle questioned these are one building with common wall? Mr. Brewer advised yes. Mr. Ireland questioned, mentioned 548 existing elevation, approximately where is that? Mr. Perrotta pointed out on map in which area it was and Mr. Brewer advised provides plenty of fill to regrade rest of them. Topo map was removed from bulletin board and shown to Mr. Ireland for study, and it was pointed out high point of 548'. Mr. Ireland questioned is this existing and Mr. Brewer advised only to extent little Vs to indicate fill, this would be creating swale along here (using map).

Mr. Craw questioned if building that used to be there was still there.

Mr. Perrotta advised no building there, all cleared away, vacant land. Maps were studied and discussed by Board and applicants. Mr. Tomer questioned if the 43 acres included all property. Mr. Brewer advised all property.

Mr. Ireland inquired deep holes dug, today, anybody see them? Mr. Perrotta advised no, just Jim. Mr. Ireland felt someone from Town should have seen them, should have called in and had somebody look at them. And questioned how come they did not call someone from Town to look at holes? Mr. Brewer advised just got last minute agreement from people to go out this morning and was not time to get any one. Filled them right up again but would gladly dig them again if they would like to see them. Tried to put them on contours such that bottom of hole would reach pretty close to creek level and figured if any water coming, would get it there.

On question of adjoining lands, Mr. Brewer using map, advised certain land already sold off to Church and have existing Church on it. Pointed out where own other land which is not part of 43 acres.

Mr. Titus questioned, if this is approved they plan on maintaining road in apartments, not dedicate any of roads to Town? Mr. Perrotta advised yes.

Mr. Crow questioned if that 43 acres was whole property or part that will be suitable to build on? Mr. Brewer advised whole property exclusive of reserved section where that is not in it. Mr. Crow questioned about what part is high enough to build, lot of it down to creek not high enough Mr. Brewer agreed that was true. Mr. Crow questioned half of it available for what they want to do? Mr. Brewer did not know if that is factor, nothing else heavy on 43 acres except these buildings. Mr. Crow wondered about how many apartments going to be able to put on it. Mr. Ireland advised 314 units. Mr. Brewer added and setbacks comply with zoning code, everything complies.

Mr. Dungan studying the topography map remarked they have their topography, did they do this recently, looks like revision in August, what was revision they had to do? Mr. Brewer thought actually completion of drawing, did survey. At Mr. Dungan's request he retained the copy of the map).

Mr. Titus questioned the proposed rentals. Mr. Perrotta advised from \$150. to \$200. Mr. Titus questioned studio apartment \$150 and two-bedroom \$200? Mr. Perrotta advised yes. Mr. Bean questioned the construction and was advised brick all around, brick veneer. Mr. Bean questioned how many stories and was advised two. Mr. Ireland questioned basements? Mr. Perrotta advised yes, studio apartments would be one story, two buildings.

On question of Mr. Ireland if any one present was in faor of or opposed to this application, or had any questions regarding it, Mr. Donald Craig, 160 Chili Scottsville Road, and Mr. Leonard Galipo, Sr., 291 Chili Scottsville Road came forward to study the plans.

Mr. Craig advised he lives across road, and questioned how far down road are they building. Mr. Brewer pointed out on map and advised this illustrates where existing Old Chili Scottsville is and where big curve to Beaver Road. Mr. Craig pointed out is something did not think possible to build back in there, all flood land in there, lived there since 1940, hunted that land, this is low farm acres about 100' down road from his house, drops off into low land. Mr. Brewer pointed out line to low land on map and advised that is true. Mr. Craig questioned how they were going to take care of drainage, and Mr. Brewer advised all to creek. Mr. Craig, using map, questioned what about land in this area. Mr. Brewer advised stay way always was. Mr. Craig questioned take off fill from mound in here? Mr. Brewer using map advised line that represents 525', when take off top and grade approximately over to here to be 535'

Mr. Craig using map questioned entrance and was shown the proposed

entrance. He did not know if Town Board was aware of it, but there was a traffic problem now with trucks going up and down there, real bad corner, man- accidents, right here, in fact had one right out of their driveway, that is bad place. Humphrey Road was pointed out on map and where this is going to go away down Black Creek to Humphrey Road. Mr. Craig, using map, questioned if this is Humphrey Road this is creek that runs down through here? Mr. Brewer advised this is more or less drainage channel. Mr. Craig felt it was creek on his map and questioned two outlines on plans. Mr. Brewer advised those are two one story buildings. Mr. Ireland advised those are studio apartments. Mr. Craig questioned if they were going to put buffer zone from here to residential section. Mr. Brewer felt this is considered residential. Mr. Craig felt they were asking for variance to change it from residential to multiple residence. Mr. Ireland corrected him, it was change of zoning, not variance. Mr. Craig questioned if they were going to put trees or anything in this area? Mr. Perrotta advised not going to plant any kind of hedgerow or screen, except normal trees to beautify property. Mr. Ireland noted set back 125'. Mr. Perrotta advised these buildings approximately 100' back from road and pointed out service roads. Mr. Craig thought exception would seem to be place to build such complex. Mr. Perrotta thought screenage down here would lend itself better to this and Mr. Brewer commented nice trees along creek. Mr. Perrotta advised they tried to design it so would be attractive from road so see lot of grass and pointed out where lawns would be. Mr. Craig using map questioned how far from here to there? Mr. Perrotta advised about 300' here. Mr. Craig pointed out drainage problem and questioned what were going to do with that. Mr. Brewer advised that is highway ditch, did not have authority for that. Everything of their drainage will go to creek. Mr. Craig questioned will this go into sewer district? Mr. Brewer pointed out sewer district line and had spoken with Town Supervisor and he said if project is approved will automatically petition Albany to include this in sewer district. Discussion was had on just how much of area would be included in the sewer district and if those in the area could also be included in it. Mr. Brewer thought if they were interested would be a good time to go in and look into it. Mr. Ireland felt would be an opportunity to get into the sewer. Mr. Craig felt had pretty good sewer in back creek, changed in past few years. He was not in favor of multiple residence dwellings going across road, could not see where would be beneficial and area in question thought prime residential land there. Seems every time land good, hit it with multiple residence. Did not know how will be few years from now with multiple residence going up and what will look like in couple of years. Mr. Brewer advised they hope to make this look nice. Mr. Perrotta advised if did build houses, would probably be 30-50 houses on frontage and all kinds of driveways coming out. Mr. Craig felt plans look pretty good. Mr. Perrotta continued, this way there is only two entrances. Mr. Craig observed right here have had accidents where couple of fatalities. Even coming out of his driveway which is almost across from his entrance have had accident and these are people living in area for years and well aware of conditions on that road. Mr. Brewer felt this might be benefit, the driveway coming out, serving this many people, possibly to petition for red light there. Mr. Craig advised one on this corner, but do not do any good. Mr. Galipo commented talking about another 300 apartments, 600 cars going in and out a day. Mr. Craig felt 300 plus. Mr. Galipo felt heavily travelled road now by trucks. Mr. Craig questioned the exception and nothing for this area in here? Mr. Perrotta advised nothing. Mr. Craig would like that in writing, knows full well not be open long. Mr. Perrotta advised that was his land, wide in back. Mr. Craig questioned if they had built apartments in Town of Chili before and was advised no. Mr. Craig questioned had they built apartments before or Board looked at apartments they have built? Mr. Ireland did not know where they were. Mr. Craig advised all he can say as individual resident, would much rather see individual housing go in. Naturally up to Planning Board. Mr. Galipo agreed with him. Mr. Craig felt other areas set aside for multiple residence and do not know how they are going to turn out yet. Mr. Brewer hoped they can build something pleasing to them. Mr. Craig advised they were right across the road from him and they will hear from him if they do not.

No one further appearing to speak on this application, the hearing was declared closed by Mr. Ireland.

DECISION: On the advices of the Monroe County Planning Council and the Town's Professional Consulting Planner, Board is advised to withhold approval of further apartment projects in the Chili Avenue-Black Creek area until completion of the master plan. Therefore, they unanimously recommend to the Town Board they disapprove this application at this time.

- #2. Application of Lucy Youngman, 82 Westfield Street, for approval of subdivision at 35 Bowen Road, consisting of Lot 1, Lot 125' x 500.24' in depth, Acc. No. 97-040 EE zone.

Mr. Youngman appeared before the Board and asked the Planning Board to let him subdivide this lot. Not subdividing lot, but called lot subdivision in itself. Mr. Ireland advised this is one lot on Bowen Road. Mr. Craw questioned this is subdivision now? Mr. Ireland advised no, it is a one lot subdivision, they have already built four houses on this property and that is why this is necessary. Mr. Gaw questioned all he wants is approval to build house? Mr. Ireland advised it was part of Hartung farm on south side of road. To the west of existing houses. Mr. Youngman advised, yes, on south side. Maps were studied by Board and the reason needed for a one lot subdivision explained. Mr. Craw questioned how near to creek did his line come. Mr. Youngman advised it touches corner of his lot, Mill Creek.

On question of Mr. Ireland if any one present in favor of or opposed to this application, no one appeared. The hearing was declared closed.

DECISION: Unanimously granted.

- #3. Application of Denluck, Thomas, McGrail & Assoc., 5 So. Fitzhugh Street, Rochester, N.Y. for approval to resubdivide lots 85, 86 and 87 Sunridge Drive in Hillary Heights Subdivision as per maps submitted. E zone.

Mr. Warren McGrail representing the applicant appeared before the Board. Maps of the resubdivision were presented to the Board and studied by the Board. Mr. McGrail advised they were asking that original lots 85, 86 and 87 be redivided as shown on this map. 87 will be the lot which will become smaller than zoning required in that subdivision, being only 74'. It is about the only lot left, houses are on the lots on either side. The background of situation, original survey of subdivision, these were one of first two lots staked out and error not caught until too late. He pointed out how taking off lot 87 for the other lots. Mr. Ireland figured the square footage would now be about 14,000 square ft.

On question of Mr. Ireland if any one present in favor of this application or opposed, Mr. Bitske, who lives on lot 86 and Mr. Snyder who lives on lot 85 appeared before the Board and were invited to look at the map, which they did.

Mr. Bitske advised different distance between the new proposed lot line. Marked 10' distance between his house and lot line and that would be according to variance and surveyors of this map came in and surveyed it and off set stake between his house and lot line is 8.9'. Mr. McGrail advised when did stake it that was correct. Mr. Bitske advised stake 8.9' from his house. Mr. McGrail advised what situation was, this originally was to be map passed for lot 86, C.O. was granted indicating was 10' which in good faith was and variance so forth drawn on that dimension and actually measurement came out to 8.9'. Mr. Ireland questioned this is not actually 10'? Mr. McGrail did not believe so. Mr. Snyder pointed out no stakes driven between lot 86 and 85. Mr. Bitske looked through instrument himself, was there when surveyed, was 8.9', but all maps say 10'. Mr. McGrail did not know exactly how variance read. Mr. Bitske advised did not have variance

for proposed 8.9'. Mr. Snyder advised not in accordance with settlement agreement between owners of this lot 87 and Mr. Bitske and himself. Map correct according to their agreement. Mr. Bitske advised if this was way it is, fine, but not way it is, difference between 9 and 10 feet not much, but 1.1' out. Mr. Snyder advised besides behind oak tree, right in middle. Mr. Ireland advised he was afraid oak tree not their concern, but fact was 1.1' off was. He questioned Mr. McGrail if their firm was certifying to this, apparently George has his stamp on it, with this discrepancy. Mr. Bitske advised initially when built his house, his tape map had with deed, stated distance between his house and lot line is 22-1/2' and was months after man in Smith & Denluck came to him and said made mistake and lot line not 22-1/2' but it is 2-1/2' so 20' error. Reason had set off 22-1/2' for single car garage, told Ryan wanted it offset on this side of property so eventually extend to two car garage. If initially had two car garage would have been over on vacant lot, so he was therefore acceptable to way proposed this but resigned himself this is way has to be, but if this is going to state 10' then should be 10' and not 8.98'. But given so much already, 22-1/2' and now 10' and not now really 10' but 8.98'. Mr. Ireland felt if this is fact, certainly this should be moved over here 1.1' to give this man his 10' so he is not confronted with zoning regulation, is in conformity with zoning regulation of Town at least even if not room for two car garage. Did not think can approve this until get it straight, whatever you have to do to get it straight. Mr. Tomer questioned if they put in permanent marker when resurveyed? Mr. McGrail advised no. Mr. Tomer felt if going to make it right put markers in there and measure them off. Will change both of them then. Mr. Bitske felt will just make this lot smaller. Mr. Tomer felt make lot R-87 roughly 81.4' wide. Mr. Ireland commented only move lot line over 1.1'. Mr. Snyder felt did not agree with map, that is correct. But it is not right on actual markers on land. Error surveyors in first place and they should correct it. Mr. Ireland thanked them for bringing this to their attention and will see about getting it straightened out. The maps were returned to Mr. McGrail to be corrected and situation corrected.

No one further appearing to speak on this application, the hearing was declared closed.

DECISION: Reserved. Until corrected map submitted.

Mr. Stephen Sundell appeared before the Board informally wondering when could get approval of West Canon Estates Section 5. Mr. Dungan enumerated notations he wished on the map and Mr. Sundell advised he would contact his engineers and Mr. Dungan advised he would call Sear, Brown in the next day or two. Mr. Sundell would like approval as soon as possible and would agree to any conditions the Board wished.

Mr. Nowicki, Design Engineer for Bel Air Homes, Inc., appeared before the Board together with the builders to submit plans for the apartment units to be built at Beaver Road and Chili Avenue, advising they had changed from apartments to Town houses, there will be 80 two-bedroom townhouses on the site and have more than maximum parking, 169, 10' x 20' parking spaces. Plans for the townhouses and plot plan were presented to the Board for study, together with planting layouts. Construction planned mineral board with brick, no basements, rubbish and trash, etc. will be kept in utility rooms in back of each unit. There will be six townhouses per building. Mr. Ireland advised he would further study the plans and would let them know their decision after further study.

Decision on previously heard applications: Hearing held July 14, 1970.

Application of Ridge Barry, Inc. 1299 Portland Avenue, for approval to rezone property located at Chili Avenue and Stottle Road, being 3611 Chili Avenue, consisting of approximately 26.1 acres, from E to MR.

DECISION: On the advices of the Monroe County Planning Council and the Town's Professional Consulting Planner, Board is advised to withhold approval of further apartment projects in the Chili Ave., Black Creek area until completion of the master

plan. Therefore, they unanimously recommend to the Town Board they disapprove this application at this time.

PATRICIA D. SLACK  
Secretary

MINUTES  
Planning Board  
November 17, 1970  
(Postponed from 11/10/70)

A Meeting was held by the Planning Board of the Town of Chili, N.Y. in the Chili Administration Offices, 3235 Chili Avenue, Rochester, N.Y. 14624 on November 17, 1970 at 8:00 P.M. The meeting was called to order by the Chairman, Mr. Ireland.

Roll Call was as follows:

Present: Mr. Winsor D. Ireland, Chairman  
Mr. John Coyle  
Mr. Lowell Titus  
Mr. Richard Melvin

Also present: Mr. Daniel L. Miller, Deputy Town Attorney  
Mr. John Burchill, Comm. of Public Works/  
Supt. of Building  
Mr. James O. Dungan, Town Engineer

Mr. James Robfogel and Mr. Richard Handler appeared informally before the Board requesting they be allowed to put the parking in front of their building, Robfogel Mill-Andrews building, on Jetview Drive in Chili Industrial Park instead of the rear of the building. They presented a rendering showing how they proposed to situate the front parking lot. One reason stated for wishing this was the safety of their office employees crossing the rear parking lot amidst truck-trailers and also possibility of expansion and having to tear up the rear parking lot for such expansion. Discussion was had and renderings studied. The Engineer and the Board Members will visit the site and look into the situation.

Application heard at Public Hearing held July 14, 1970.

Application of Stevenson Homes, 100 Winslow Avenue, for approval of Section 5 of West Canon Estates, consisting of 46 lots, off Westside Drive, west of Spicewood Lane and Loring Drive, Sections 2 and 4 of West Canon Estates. D zone.

DECISION: Approved as per map submitted and approved by Engineer December 15, 1969, Drawing 816 E-1, Section 5 West Canon Estates, which map approved by Town of Chili Engineer November 5, 1970. Approval subject to the following stipulations:

1. Letter of credit for improvements
2. Approval of Monroe County Department of Health
3. Permanent survey monuments to be set at important corners to be specified by the Planning Board Chairman of the Town of Chili and the Town of Chili Engineer
4. Builder of subdivision to be required to plant trees on both sides of streets in the subdivision, at least 5' high and 1" in diameter, every 90' of the subdivision, at least 10' back from front property line. Planning Board to designate the kind of tree.
5. In accordance with Town Board Resolution, \$100. per lot must be paid to the Town of Chili in trust for future park and playground development or 10% of land area in subdivision acceptable to the Town of Chili.
6. The duly recorded easements will be delivered to the Commissioner of Public Works/Supt. of Highways before any building permit is issued.

The Planning Board are recommending to the Town Board the following proposed amendment to the Zoning Ordinance of the Town of Chili:

All applicants for building permits in industrial zone (Zone A) and in a commercial zone (Zone B) will present their plot plan, colored architect rendering and plans and specifications of their proposed building or buildings for approval to the Planning Board. No building permit will be issued without approval of the Planning Board for such proposed construction.

PATRICIA D. SLACK, Secretary

MINUTES  
PLANNING BOARD  
December 8, 1970

A Meeting was held by the Planning Board of the Town of Chili, N.Y. in the Chili Administration Offices, 3235 Chili Avenue, Rochester, N.Y. 14624 on December 8, 1970 at 8:00 P.M. The meeting was called to order by the Chairman, Mr. Ireland

Roll Call was as follows:

- Present: Mr. Winsor Ireland, Chairman
- Mr. Frederic Bean
- Mr. Selden Craw
- Mr. Mitchell Rakus
- Mr. Richard Melvin
- Mr. John Coyle
- Mr. Lowell Titus

Also present: Daniel L. Miller, Deputy Town Attorney  
              James O. Dungan, Town Engineer

Mr. Layer, Indian Hills Development Corp. and Mr. Schoenberger of Sear, Brown Associates, Engineer for Indian Hills Development Corp. appeared before the Board with preliminary plans of Section 5 of Lexington Subdivision. He pointed on overall plan for the balance of Lexington Subdivision, which had been informally presented to all Town Boards, the proposed Section 5, which is immediately south of Revere Drive and consists of 30 lots and they are asking for preliminary approval of this section 5 under Section 281 of Town Law. Understands Planning Board now has authority to grant approval for variances regarding lot size, etc. Pointed out which lots plan to hold to prescribed size as set out by the Zoning Ordinance and lots where plan to go to smaller size than required by zoning to start their design type planning. They are going down to lots 80' x 120' in size. Pointed out portion of green area on the west side of Section 5. Advised question did come up as to who owns green area and they recommend some type of park district, owned outright, dedication to Town be established so this green area as proposed in Section 5 and continued through subdivision in future sections be under public ownership in some form so that Town will have control over green area in future. Discussed type of park district established in Town of Henrietta, that each person within park district would be assessed in tax roll, special assessment for the park district which would pay for maintenance and not burden for Town. In Henrietta about \$10.00 a year for each homeowner. Under Section 281 of Town Law density can be greater than the density would be if ordinance type lots with present zoning in this area, and discussed the variance in density going on through the rest of the subdivision if went according to their proposed plans.

The plans were studied and discussion had on the park district, the drainage going through it. Mr. Dungan felt they should have a detailed topo of this area and surrounding area, wants to see trees, wet spots, thinks this is contingent on what will happen. Mr. Layer advised the drainage ditch is in. Mr. Dungan felt before can say if acceptable for green area, and only way can see if it is suitable is to go out and see it to visualize it, but they would like to have it down in black and white.

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Mr. Briggs, Architect with offices in Midtown Tower, appeared before the Board with revised plans for the requested rezoning of property of Don Barbato on Scottsville Road. Advised had appeared some months ago before this Board with this particular plan. Subsequently they referred them to Monroe County Planning Commission who suggested they take some 13.3 acres from the northerly portion of property for recreational purposes, for their airport flight patter. Again to the north, which they will see, as corner 2 on their plan, which they suggested as sound condition part of parcel. Have taken same number

of units had before and replanned them into more condensed, more compact. Also on Monroe County Commission 's suggestion, eliminated an entrance onto Scottsville Road, so at present just two entrances on Scottsville Road. They suggested they put certain group of tot lots which they have established. Pointed out certain amount of shrubbery around Towner property and screened commercial area in project. Other than that, same number of apartments, retained same number for residential in areas, same in commercial. Still 710 living units, 344-1 bedroom; 356 2-bedroom, this remains as before, 10-three bedroom units, with total parking of 1248 cars, with 139 enclosed. Few more than before enclosed. Established buffers they asked for, they have requested all finished first floor be above 525, which they intend, as is already in Town's building ordinance. Before had dedicated roads through project, recommendation they eliminate all dedicated roads, so now all will be privately maintained. Did not have landscaping plan at present to present, until have more encouragement than have now that plan will go through. On Mr. Ireland's question if would be done in sections, he was advised yes, three phases.

Mr. Miller called to their attention the amendment to the MR section of the ordinance that no parking could be closer than 50' to an established residential area.

Mr. Nowicki, Project Engineer for Bel Air Homes, Inc., developers of Beaver Meadows (now Creekside Meadows, Inc.) apartment project, appeared before the Board with linen map and copies of the project, which he submitted together with proposed building specifications, letters from landscaping architect and from Teeter-Dobbins regarding change in the sewers. A colored rendition of what they proposed to have for the townhouses was also submitted for study. They will be constructed of mineral siding, plastic coating and brick. The rendition, maps, and specifications were studied and discussed.

DECISION: Unanimously approved map and specifications with the following stipulation:  
Delete paving clause in written specifications submitted and follow notes 12 and 16 on approved map to be filed, referring to roads and parking areas.

PATRICIA D. SLACK  
Secretary