

PLANNING BOARD  
January 11, 1972

A Meeting was held by the Planning Board of the Town of Chili, N. Y. at 8:00 P.M., January 11, 1972 in the Chili Administration Offices, 3235 Chili Avenue.

Present: Mr. Fingar, Chairman  
Mr. Bean  
Mr. Rakus  
Mr. Coyle  
Mr. Titus  
MR. Moore

Absent: Mr. Craw

Also Present: Mr. Heilman, Deputy Town Attorney  
Mr. Chudyk, Comm. of Public Works  
Mr. Mannara, Lozier Engineering Inc.

The Meeting was called to order by Mr. Fingar, Chairman.

Guests at the meeting were six members of the Gates-Chili Jr. High Yorkers Club.

Messrs. LeCesse, Fraser and Yankanich appeared informally before the Board to discuss plans for the development of land between Westside Drive and Chili Avenue, east of Chestnut Ridge Road. The plans were studied and discussed and it was agreed that they would meet further with Mr. Mannara regarding drainage of the property.

Mr. Fingar stated that in the future, when the Planning Board makes recommendations to the Town Board, reasons for recommendation should also be presented. Rezoning of the Schuller property on Scottsville Road and the Audino property on Stottle Road were discussed and Mr. Fingar directed that the letter should be written to the Town Board.

KATHLEEN LUEDKE  
Secretary

PLANNING BOARD  
February 15, 1972

The meeting of the Planning Board of the Town of Chili, New York was called to order by the Chairman, Mr. Fingar.

Present: Mr. Fingar, Chairman  
MR. Bean  
Mr. Craw  
Mr. Rakus  
Mr. Coyle  
Mr. Titus

Absent: Mr. Moore

Also Present: Mr. Heilman, Deputy Town Attorney  
Mr. Chudyk, Comm. of Public Works  
Mr. Mannara, Lozier Engineering Inc.

Mr. Charles F. Lewis, Architect, Messrs. Jim Bishus, Bob Lorne, Jerry Adams and Garrett White of Calm Associates, and Mr. Arnold Carmichael of Carmichael & Muerb Assocs., Civil Engineers, appeared informally before the Board. They presented a proposed plan for developing 41.3 acres of land on the corner of Chili Center-Coldwater Road and Paul Road which would consist of 203 townhouses and 210 garden apartments. Townhouses would have 33 one bedroom units, 40 three bedroom units and 130 two bedroom units. Apartments would have 60 two bedroom units and 150 one bedroom units. Construction would be wood frame with masonry fire walls, exterior natural wood finish siding. They proposed a pond, level and perimeter to be controlled by a weir.

Mr. Fingar suggested that the Board would like to see landscaping plans, more setback on west side of property, checking into zoning restrictions on six units per town house building, working out busing plans with school district and drainage problem.

Mr. Anthony Calderone of Stanndco Builders appeared informally before the Board to discuss possible construction on 95 acres on Union Street opposite Meadowbrook Farms. Proposed were 616 garden apartments and 160 condominiums. The latter to be built in four-plex style, each to consist of 1 two bedroom ranch of over 1,000 sq. ft., 2 three bedrooms at 1,350 sq. ft, and 1 two bedroom expandable cape cod at 1,450 sq. ft. expanded. He was advised that under the new Master Plan this area was not zoned MR. Suggested he discuss with County Planning Council to get their reaction.

The Board also discussed a copy of a letter to the Town Board from Lawrence Palvino, Atty. for James L. Robfogel in which he questioned Special Provision, Sub. Par. f) requiring a facade facing the pre-existing residential area. He also questioned the two year construction period and reverting to former zoning at the end of that time. The Board felt that neither stipulation was out of line.

KATHLEEN LUEDKE  
Secretary

PLANNING BOARD  
March 14, 1972

The Public Hearing of the Planning Board of the Town of Chili, N. Y., was called to order by its Chairman, Mr. David Fingar at 8:10 P.M.

Present: Mr. David Fingar, Chairman  
Mr. Frederic Bean  
Mr. Selden Crow  
Mr. Mitchell Rakus  
Mr. Leslie Moore  
Mr. John Coyle  
Mr. Lowell Titus

Also present: Mr. Patrick Pietropaoli, Town Attorney  
Mr. Alfred Heilman, Deputy Town Attorney  
Mr. Stephen Chudyk, Comm. of Public Works  
Mr. James Mannara, Lozier Engineers, Inc.

- #1. Application of 7-Eleven Store, 266 Lyell Avenue, Rochester, N. Y., for approval to erect one story masonry building for grocery store on lot 140' x 100' being part of Tax Account # 1828-600 located at Chili Avenue and 8 Chestnut Ridge Road per plans submitted. B. Zone.

Mr. Fingar asked if notice of hearing was published and is an affidavit of publication on file with the Town Clerk? Mr. Heilman stated notice was published and affidavit on file.

Mr. Bernard Frank, Attorney, appeared. Stated petition under name of 7-Eleven Stores, basically appearing for Cesare Falcone, owner of property. Previously made application to Zoning Board for variance with regard to property which is zoned Commercial. On the basis that the existing setbacks as they appear in the town ordinances would require 100 ft. front setback and 40 ft. rear, property 140 ft. deep. Impossible. Indicated that this building if constructed would line up with neighbors and asked for setback in that regard and the position of the Zoning Board at that time was, I think, inclined in that direction, but they indicated that we should come to this Board first because the parcel in question...

Mr. Fingar questioned which way Zoning Board felt? Mr. Frank stated inclined to grant variance but said to come to this Board for preliminary application because parcel is part of larger parcel of land and before they would pass on the variance, we should get approval to set this out as a separate lot.

Mr. Fingar questioned if essentially asking for subdivision? Mr. Frank stated asking for subdivision although permit is framed in permission to erect this store, don't know that this is really appropriate because essentially commercial area and that store could be erected provided we could get necessary setback variance which is matter of obvious hardship since there is no way we could comply. Essentially asking for this as subdivision lot from larger parcel which would probably be second step, necessary to find out if we could get variance first, Zoning Board felt this Board first to cut lot out and Zoning would reconsider application for setback variance. Here to ask you to approve the subdivision of larger parcel of land all owned by Mr. Falcone, of 100' x 140' as shown on this map to eventually construct this store on this lot in the particular fashion. The drawings that have been submitted and are on file here indicated what the lot would look like in its final form with the building on it but I do not know that this is a necessity for consideration tonight. This before you gentlemen tonight is simply this lot be allowed to exist as 100' x 40' lot as subdivision of larger parcel of land. I think little parcel and relationship to neighboring parcels has been set out on maps for consideration and rather obvious that it divides evenly and proportionately, allows one building per lot, setback would be identical to that of Esso station next door. Simply asking that Board consider and grant the right to carve lot out as separate entity.

# LEGAL NOTICE

Planning Board PUBLICATION

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, New York, 14624, on March 14, 1972 at 8:00 P.M. to consider the following applications:

#1. Application of 7-Eleven Stores, 266 Lyell Avenue, Rochester, N. Y., for approval to erect one story masonry building for grocery store on lot 140' x 100' being part of Tax Account #1828-600 located at Chili Avenue and 8 Chestnut Ridge Road per plans submitted, B Zone.

#2. Application of James LeChase, P. O. Box 7853, Rochester, N. Y., 14606, for approval of 24 lot subdivision property located SE corner Golden Road and Westside Drive, E Zone.

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

LURAINA E. ROBBINS  
Town Clerk

NEW YORK }  
MONROE } ss.

Ellen C. Perry-----being duly sworn, deposes and says, that he is over twenty-one years of age, and the publisher of The SUBURBAN NEWS, a weekly newspaper, printed and published in the village of Spencerport, Town of Ogden, County of Monroe, and that the notice, a printed copy of which is annexed, was regularly published in the said SUBURBAN NEWS, once in each week, for 1-----weeks successively, commencing on the 8th-----day of March-----19 72-----, and ending on the 8th-----day of March-----19 72-----.

Ellen C. Perry

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

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

Monica Murphy Landelloro  
Notary Public

Planning Board

March 14, 1972

Mr. Fingar questioned why they have narrowed this down so much to leave another hardship lot? Mr. Frank stated no hardship in terms of side setback, hardship exists because under present ordinances setbacks of 100' front and 40' rear required, cut out because for 7-Eleven Store this provides a reasonable and legitimate parking area, legitimate area on all three sides, reasonable size for project on it and no contemplation of using other property, create situation which meets needs financially and physically and make neat and reasonable commercial package there. No idea of looking for something else. This becomes 164' at that particular point, don't know that anything should be considered on that lot at this time.

Mr. Heilman questioned if they don't have hardship unless they subdivide lot? Mr. Frank stated no way this building can be built, hardship in terms of front and back setback. Mr. Heilman questioned what if they face Fenton Road, parallel to Chili or Chestnut Ridge? Mr. Fingar questioned if remove cider mill from premises, wouldn't need variance? Mr. Frank stated cannot believe that Board would ask someone who owns lot for benefits of property on Chili and tell him he should knock building down and own property on Fenton Road. Would be depriving him of the value of his property which is considered with ownership on Chili. Cannot believe Board would take that position.

Mr. Heilman questioned if argument to Zoning Board was that not on Chili Avenue, on Chestnut Ridge and would not cause traffic congestion problem? Mr. Frank stated he did not say that. Essentially fronts on Chili and always been owned by Mr. Falcone, owned as commercial property on Chili. If somebody said traffic was heavy on Chestnut, fine, I did not say that. Aware where property is, makes it attractive to commercial buyer or lessor.

Mr. Pietropaoli questioned if owns one lot and one building on that lot? Mr. Frank stated true. Mr. Pietropaoli asked if lot is 264' wide by 140.24' deep? Mr. Frank said that was right. Mr. Pietropaoli stated using according to what ordinances provide for now. Mr. Frank stated might say that although with this building and this lot predates your zoning ordinances with regard to commercial and if that is there, is there as a pre-existing non-conforming use, has property as commercial but pre-existing non-conforming use.

Mr. Pietropaoli asked if subdividing creates hardship is essence of argument? Mr. Frank stated don't understand. Hardship exists if we knock cider mill down, still front on Chili, if you want property to front here there is a hardship no matter how you look at it. Mr. Pietropaoli stated two-fold problem. If goes through, 7-Eleven store on 100' x 140' lot. Mr. Falcone knocks cider mill down anyway, require another hardship. Mr. Frank stated always been 140' deep, predated Zoning ordinances. When you passed Zoning ordinance and setback of 100' front and 40' rear required, that is when hardship came into being. This property was not bought after that 100' and 40' Zoning ordinance went into effect.

Mr. Heilman stated no hardship now. Mr. Frank stated no hardship now unless you tell Mr. Falcone to leave property empty. Mr. Heilman stated complies with laws, one building and one lot according to Zoning ordinance applying to area. Mr. Frank stated that building doesn't have relationship to this lot.

Mr. Fingar stated cider mill is out of zoning according to setbacks, want to put another building out of zoning ordinances, create a variance problem, will have three non-conforming buildings. Mr. Frank stated agrees with building next door, much better than having side of building. Mr. Fingar stated Esso Building was there before also. Had to live with 85' setback on station, didn't want but better than old station. Mr. Frank stated two buildings lined up like this are esthetically far superior to the side or back of a building that you would have, cans or whatever facing on Chili Avenue, doesn't make sense. If this is to be one lot forever and this was a pre-existing use you are essentially making this building which is much too small in terms of the size allowed on that lot would confine use of property, deprive Mr. Falcone of use of property.

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Mr. Heilman stated want to create hardship by subdividing existing lot. Come in front of Zoning Board and put up 7-Eleven store, two years be back with hardship on other part of lot.

Mr. Frank stated not fair to say that, fair and reasonable request. Old cider mill must exist on lot 264' x 140', not in accordance with any zoning past, present or under consideration. Mr. Heilman stated cider mill at present is in conformity with zoning laws, one building, one commercial lot, occupies less than 25%. Mr. Frank stated esthetically out of keeping but nothing you can do about it. This would be esthetically in keeping.

Mr. Fingar stated if this subdivision was allowed, in future if cider mill was rebuilt would have setback problems just as you have. Take away 100 ft., never would conform. Mr. Frank stated we own property. This property as it stands is a big enough lot to hold commercial structure. Mr. Fingar stated could never make the setback of 100' front and 40' rear, we will have another hardship. Mr. Frank stated never have zoning going this way or that way. If you made this lot a lot fronting on Fenton Road it strikes me... Mr. Fingar stated don't believe this would ever happen. Mr. Frank stated if consider this lot on Fenton Road, denying Mr. Falcone of proper use of property.

Mr. Pietropaoli stated indicate this property was property fronted on Chili. Have you discussed entrance with State of New York? I think entrance on Chestnut Ridge. If entrance on Chili Avenue have to have approval from State of New York for entrance to parcel. Difficult intersection and would like to know if discussed with New York. Mr. Frank stated engineer advised me that they had necessary approvals for curb cuts, etc., in regard to this. If Chestnut Ridge, difficult to make decision, but they have assured me that they have necessary approvals and have brought them in and deposited them here. Haven't looked at your file but led to believe that this is the case. Mr. Fingar stated have linens, don't see approvals.

Mr. Bean questioned anything you could build on that lot that would not violate zoning? Mr. Fingar stated no. Mr. Bean stated problem is there, whatever you do somebody is going to have to face it sometime.

Mr. Fingar asked was any attempt make to purchase whole parcel as it exists on tax account? Mr. Frank stated by 7-Eleven, no. Financially could not be done, have certain amount they allot for land, couldn't justify purchasing whole thing, no sense for them to buy cider mill. Separate problem which Mr. Falcone will be left to deal with. Perfectly aware of that. Problems that may or may not arise with cider mill should not affect this, presuming that this is reasonable request in accordance with commercial zoning and size of land and neighbors. Meets all of those tests and therefore consideration of cider mill property will have to be put before you at another time.

Mr. Pietropaoli asked has 7-Eleven purchased parcel? Mr. Frank stated under option. Mr. Crow questioned size of lot between Esso and cider mill? Mr. Frank stated 100' x 140' deep, another 80' east of cider mill. Mr. Crow questioned why try to put building on 100' lot when you have 80' more? Mr. Fingar stated lot is 100' wide along Chestnut Ridge, building width proposed is 60". Mr. Frank stated 85' setback on Chili Avenue, lines up perfectly with Esso, cider mill on lot 164'. Mr. Crow questioned no parking in back? Mr. Frank stated all front parking.

Mr. Daniel Danford appeared representing Carmichael & Muerb engineers. Stated parcel fronts on Chestnut Ridge, not Chili. Mr. Fingar asked if there was curb cut approval from county? Mr. Danford said yes. Mr. Fingar asked if it had been to County Planning Council? Mr. Danford said yes, Carmichael has assured me that he has approvals.

Mr. Fingar asked if any further comments in favor of application? Mr. Cesare Falcone, 26 Backus Street, Rochester appeared. Stated in favor because it is his property and he pays taxes on it.

Mr. Fingar asked if anyone wished to speak who was not in agreement with application. Mr. Ray Johnson, 140 Fenton Road appeared. Stated as I look at property, my property is adjacent on Fenton Road, my feeling is that three businesses are there already, store will be fourth business, cider mill is lunch counter and pop stand. If any of you gentlemen have been along there during the day, you know area is filled with parking, buses come along Chestnut Ridge and park, telephone company parks on Fenton. Continual confusion with lunch counter and pop stand. Going to create another traffic situation. Across the street beauty shop going it, 8-10 car parking there, just had accident a few days ago on this corner. Second objection, getting too close to my property. I think last time the Zoning Board talked about dumpster truck coming in, don't know where trucks are going to park once they have occupied area. Variance being so close to my property, just feel there will be surplus of material going on my property.

Mr. Robert Burnett of 7 Bright Oaks Drive appeared. Stated he appeared at Zoning Board before, not in relation to this matter but another matter related to corner. Cited many problems with regard to safety, had serious accident. Pointed out that street and intersection of Bright Oaks plus double curve coming from East and West on Chili creates problem. In listening to conversation tonight, land actually does enter from Fenton Road. Quite surprised that Board would give favorable consideration, another problem at later date when land adjacent to proposed building going east toward gas station will need another variance later. Esso station was erection of building already in existence and not in violation of Zoning Laws as existed. To change regulations at this time will only invite further trouble. I think 7-Eleven cannot say hardship on their part, have adequate coverage in that area. Four miles from Westgate, Bungalow food store near, not too far to Chili-Paul center. Why 7-Eleven store? Had good store at Fisher Road and Chili and would save them expense of new building, swimming pool store in there now. Cannot see need for store in area. Sympathize with Mr. Falcone's problem. People in Bright Oaks area there, good homes, good investment in those homes, the less commercialism we have in area the better to all concerned. Other areas are desirous of having more commercial enterprises, would like to ask if any other site proposed by 7-Eleven? Mr. Frank stated none that I know of.

Mr. John Kay, 2912 Chili Avenue, stated for the obvious reasons I am against this.

Mrs. Ray Johnson of 140 Fenton Road appeared. Stated already have Esso station, have better setback from that than what they are proposing for this grocery store. Fact that this is adjoining presently vacant property, this is adjoining property which is part of actual home site. Our house faces right down to this property as it is now. Sufficient noise and inconvenience of trash, old trucks and that sort of thing existing there now. We have spoken many times to them about this sort of things. We have to say there is rubbish on the property that is not taken care of. That is all we look out at. Planted trees to try to cover. Nevertheless, by grocery store there open till 11:00 not going to enhance our property or neighboring area. This property being used to hilt for parking now. Cannot go by there any day that they are not parking on the piece they want to cut off. That is my story.

Mr. Frank stated unless I misunderstand the function of this Board, I believe that the application to cut a lot out and make a sub-lot would not have to show the particular proposed building because this is something that has to be taken before another board. Question of what is going up on that lot is not germane. Reasonable sized

lot for request for subdivision. Wanted to put on there to show it was. Comments that have been directed to subdivision of lot have been going to commercial character of area, zoned commercial. Grocery store is allowed to go there provided that other details can be there. That is really not germane to this issue. Consideration of this Board is reasonable request for subdivision of this lot. Is 100' x 140' within size allowed by Town Board, can we meet building requirements? Certain that somebody in residential area has to look on commercial property, zoning laws, not at issue in this particular matter and commercial are traffic operations and problems but not going to deprive man of use of land because of motorized age. Problem we all have to live with, provided county allows cuts and curbs. Can appreciate comments of people opposed. If this were Board to change from residential to commercial, okay. Commercial property, reasonable, good-looking building on piece of land reasonable in size and character in commercial zone. When objections are seen in that light, not appropriate before Board and ask that request be granted.

Mrs. Johnson asked to you need even if you get this separate lot to continue to use the cider mill as commercial property as presently used, pop stand and lunch counter and storage area? Mr. Fingar stated has nothing to do with cider mill, applying to buy piece of land with no control over cider mill. (Question was then addressed to Mr. Falcone for answer.) Mr. Falcone stated so long as I pay taxes and that tenant complies with law of town, will stay there. Starting now, will finish. That piece of property was paying taxes when a lot of you people that are squawking were not even here.

Mr. Johnson stated if this existing piece of property that is being used for pop stand is going to continue to be used, we will have two commercial properties on an acre of land.

DECISION: Denied unanimously, for the following reasons: That the proposed subdivision of the property to create a 100' by 140' commercial lot was not a reasonable use of the land. That by permitting this subdivision of this one lot, with dimensions of 264' x 140.24', presently having an existing structure on it, would require the Planning Board to create a hardship that does not presently exist. That although the application before the Board concerns itself only with the subdivision of this lot, the attorney representing the owner of the lot did inform the Board and did present the Board with drawings to show the use of the proposed subdivided lot for a 7-Eleven convenience grocery store. That at that point, because of the traffic congestion as presently exists, the Board also felt that the safety of the community would not be enhanced by permitting this type of structure at that point where three roads converge.

#2. Application of James LeChase, P. O. Box 7853, Rochester, N. Y., 14606, for approval of 24 lot subdivision, property located SE corner Golden Road and Westside Drive. E Zone.

Mr. Fingar asked if notice of hearing was published and is an affidavit of publication on file with the Town Clerk? Mr. Heilman stated notice was published and affidavit on file.

Mr. Walter Kohl of Lewis E. Kohl, Inc. appeared to represent Mr. LeChase. Stated proposed subdivision on corner of Westside Drive and Golden Road, 24 lots, sanitary sewer and Monroe County Water Authority to serve area. Asking for variance on lots off cul de sac other lots meet requirements. Drainage problem. Not resolved as of this date. Attempting to go south to railroad and deepen ditch on railroad property. Trying to obtain permission of adjoining owner, if cannot get it, project is dead.

Planning Board

March 14, 1972

Mr. Fingar asked what did you decide to do with 2 front lots on Westside Drive? Mr. Kohl stated turned into street, that's why variance needed. Mr. Fingar questioned how far off variance? Mr. Kohl stated lots are 140' on common lot line, 176' and 200' on extremes, increased setback to 75' to get minimum width on cul de sac, only on rear setbacks.

Mr. Mannara questioned the radius on cul de sac? Mr. Kohl stated 80 feet. Mr. Bean questioned area of lots for exception, below standard? Mr. Kohl answered not below minimum standard. Mr. Heilman asked how far in on Golden Road would first driveway be? Mr. Kohl stated minimum of 60' plus house, approximately 100' before you reach first driveway. Mr. Fingar stated they tried to keep all lots from facing on Westside Drive.

Mr. Fingar questioned if anyone wished to appear in favor of this application. Mr. Ralph Shaw, 237 Golden Road appeared. Asked how far back from Westside along Golden Road will the lots go? Mr. Kohl stated approximately 800 feet. Mr. Shaw asked approximately where cape cod now exists? Mr. Kohl stated that is southerly-most property line. Mr. Shaw stated one question was what to do with drainage, problem exists now. Mr. Fingar stated would have to be engineered before gets approval. Won't be approved until it is engineered properly.

Mr. R. S. Benedict, 253 Golden Road, appeared and stated not exactly against subdivision. Would like to know class of houses, price range? Mr. Kohl stated will conform to zoning, not builder.

Mr. Benedict stated we have drainage problem now that Town hasn't taken care of, ditches stay full, just lays there in ditches and doesn't run away. Only way they can build on land is to fill it and half under water now, going to put lots of water out and toward Golden Road.

Mr. Fingar stated probably bringing water to SE corner and through property to South.

Mr. Martin Wehle, 46 Stottle Road appeared. Stated no easements on property. By no means anymore easements. Property belongs to mother-in-law, no easements given away under any conditions.

Mr. Russell Spring, 1751 Westside Drive, appeared, asked in case it was possible to drain that, that is back yards toward East? Is there a fence required? Mr. Fingar stated no, allowed but not required. Mr. Spring stated would have to put fence up because everything blows into his property.

Discussion was brought to close by Mr. Fingar.

DECISION: Reserved, pending receipt of studies concerning drainage and statement by the architect that unless an easement were obtained, the project would not go forward.

Mr. Steve Pikuat appeared informally before the Board to discuss possible rezoning on property located at 80 Golden Road from D residential to A Industrial for purpose of erecting garage for the storage of trucks and paving equipment.

Messrs. LeCesse, Fraser, Yankanich and Bianchi appeared informally before the Board to discuss the Chi-Mar Subdivision proposal. They presented modifications suggested to them in January and further discussion concerned the drainage problems.

KATHLEEN LUEDKE  
Secretary

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PLANNING BOARD  
April 11, 1972

The Public Hearing of the Planning Board of the Town of Chili, N. Y., was called to order by the Chairman, Mr. David Fingar, at 8:05 P.M.

Present: Mr. David Fingar, Chairman  
Mr. Frederic Bean  
Mr. Selden Crow  
Mr. Mitchell Rakus  
Mr. John Coyle  
Mr. Lowell Titus

Also present: Mr. Patrick Pietropaoli, Town Attorney  
Mr. Alfred Heilman, Deputy Town Attorney  
Mr. James Mannara, Lozier Engineers, Inc.

#1. Application of Dario Marchioni, 21 Alfred Avenue, Rochester, N. Y., for approval of rezoning property to "B" Commercial from "E" Residential - SE corner of Beaver Road and Old Scottsville-Chili Road - to erect professional building.  
E Zone.

Mr. Vincent Assini, Attorney, appeared on behalf of Dario Marchioni and his wife, owners of the property in question. Property located on SE corner of Old Scottsville-Chili and Beaver Roads. Parcel of land approximately 17 acres bordered on the south side by Black Creek. Stated premise to start with is axiom in law that everyone who owns property is entitled to make reasonable use of property and this is why making application. Mr. Marchioni in having property investigated has found that it cannot be used for any purpose for which it is zoned although a small portion could be used, bulk is not usable. Stated reason is as follows: (Indicating on map) Shows there is distance of 338.31 feet along Old Scottsville-Chili Road fronting on Road. Rest southerly and easternly to Black Creek - 550 feet. Contours on map show high elevation at Scottsville-Chili and Beaver of 576 feet and drop to back at creek approximately 40 foot drop. In distance of 500 feet drop of approximately 40 feet to creek. In some places as much as 50 feet. Other aspect of land not suitable if residences developed is that during thaw and flood period, Black Creek overruns its banks and 1/4 to 1/3 of land is under water so to attempt to develop for residential would be tantamount to saying to Mr. Marchioni has to use land for residential, going to create problems. Okay for 10 months of year, thaw season, houses inundated with water. Physically impossible to construct approach from Beaver or Scottsville-Chili Road in form of roadways to develop for residences. Because of drop it would require in area of 20-25 feet of fill to get level land to build homes. Even if you fill 5 feet and attempt to build road, road will fall apart. If it has to be developed as zoned, fill would have to be put in and allowed to settle for years before having any kind of foundation in which to put basements, roads, walks and other utility requirements. Feel land is not suited for that which is zoned. This is premise which started with - should have right to use for reasonable use, with approximately 1/4 to 1/3 under water, with drop from Beaver Road and Scottsville-Chili Road 30-40 feet. Impossible to develop for residential use. Can be developed for some commercial use. Immediately, Mr. Marchioni intends to erect professional building.

Mr. Fingar questioned what is flood plain, elevation, 5, 10, 100 year flood plain? Mr. Assini stated looked at it this spring, even now area 100-150 feet along creek was flooded out. Visual observation without taking countours. Doesn't take much to over-run banks.

Mr. Fingar asked how long Mr. Marchioni has owned land and if he is the owner at present? Mr. Assini stated owned land since September 7, 1971. Mr. Fingar asked if land was similar last September? Mr. Assini stated not claiming hardship. Only allow

# Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

DATE APR 5 1972

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

**GATES-CHILI NEWS** 5 1972

Issue Dated.....

*Norah Conway*  
.....

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

*Pearl E. Conner, off m.g.*  
.....

SAMUEL J. SMITH  
Publisher

Disposal Company have donated one truck and driver for the clean-up day.

The Gates Robert Abbott Memorial Library will soon have a display in the library depicting the canal and clean-up day.

Although many groups have volunteered to participate, more help is needed. Any interested group or citizens who would be willing to help is urged to contact Carla McBride at 247-1124 for information. With the exception of those citizens under the age of 12 years, all are welcome.

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**LEGAL NOTICE**

**PLANNING BOARD**

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, New York, 14624, on April 11, 1972 at 8:00 p.m. to consider the following applications:

#1. Application of Dario Marchioni, 21 Alfred Avenue, Rochester, N.Y., for approval of rezoning property to "B" Commercial from "E" Residential - SE corner of Beaver Road and Old Scottsville-Chili Road - to erect professional building, E Zone.

#2. Application of Dominic Stello, 252 Waldorf Avenue, Rochester, N.Y., for approval to rezone property at Chili Avenue and Stenwick Drive from "E" Residential to MR - 4 acres being part of Tax Account 74-900. E Zone.

#3. Application of Steven Pickett, 70 Chestnut Drive for approval of rezoning property from "D" Residential to "A" Industrial to erect building for storage of paving equipment and trucks. Property on Golden Road, part of Tax Account #1850-000. D Zone.

#4. Application of Anthony C. LeCesse, 1515 Lyell Avenue, Rochester New York for approval of 57 lots of the Chi-Mar Subdivision located between Chili Avenue and Westside Drive, west of Marshall Road, being part of tax account numbers 1920-100, 1716-520 and 1714-025.

All interested parties are requested to be present. BY ORDER OF THE CHAIRMAN OF THE PLANNING BOARD OF THE TOWN OF CHILI.

LURAINA E. ROBBINS  
Town Clerk  
Town of Chili

reasonable use of land. Not looking for variance. Land the way it is zoned doesn't allow owner to have reasonable uses thereof and this is why asking rezoning. Can appreciate this if seeking variance - was told by the Zoning Board that he should seek rezoning.

Mr. Assini, indicating to rendering of proposed building, stated essentially bird's eye view of what Mr. Marchioni's building would look like. One of uses which are permitted in this zone that is sought. Rest of uses are basically light commercial such as stores. Adapt to neighborhood type requirements. Land would not be all developed at one time - as need arises although immediate would be thinking in terms of medical professional building. Not just seeking this particular use.

Mr. Fingar asked if seeking use of 17.6 acres of land, changed to B Commercial? Mr. Assini stated correct. Essentially reasons I have given to you. All you have to do is take look at it. Stand on either road once, you get back 100-150 feet, drop 5-10 feet every 5- feet. 40-45 foot drop. Difficult to construct houses without going broke because of fill. Essentially that is case. Glad to have Mr. Marchioni or myself answer questions.

Mr. Titus questioned parking area? Mr. Assini stated building plans incomplete. Before any particular building is approved would have to come back before Board and then could determine if adequate parking, not prepared for complete lay out, would be taken care of at later date.

Mr. Fingar asked realizing traffic hazard on Beaver Road, would Scottsville-Chili handle egress to property? Mr. Assini stated along Scottsville-Chili only place could get into property. Not intended to put any kind of final say according to building and Mr. Marchioni and I realize it. Before anything built, plans will be submitted for approval.

Mr. Bean asked did client know land was zoned like this before bought it? Mr. Assini asked Mr. Marchioni if knew land was zoned residential? Mr. Marchioni said he was aware of zoning. Mr. Assini stated did know it. Not passing application on hardship, know it would probably fail. If own piece of land, ought to be able to use it. If it can be used as zoned, not any reasonable way should be able to use it.

Mr. Fingar asked don't houses on same side of road drop off to the creek? Mr. Assini stated in own observations did not see anything along Beaver Road for about 1000 feet. Two other houses but on higher elevations.

Mr. Pietropaoli raised question of linear park. Would client be willing to convey unusable land to the town? Mr. Fingar asked if Mr. Marchioni would convey 175 feet on each side of creek for linear park? Mr. Bean added there is talk about a lake being made in this area, too. Mr. Fingar repeated his question. Mr. Assini stated would have to consult client but would recommend that he do it, not usable for anything, might recommend to that use. Feel confident in answering, if keeping in mind piece not too deep, would leave him 350-355 feet to use - best part of land.

Mr. Fingar asked if anyone wished to speak in favor of application and no one appeared. Asked if anyone wished to speak who was not in favor of application.

Mr. Robert Worthington, 23 Entress Drive, appeared, stated said property zoned E Residential, terrain such that would take quite a bit of fill and years for fill to settle to use property as zoned now. What would they purchase in way of fill so that they could take advantage of all property or property that you wish to withhold for lake or park? Mr. Assini stated Board requesting they convey 175 feet, subject to negotiation to 150 feet. Along Scottsville-Chili Road has 358 feet frontage, go back 100-125 feet and gradual slope downward, start at 570, back 75 feet and drop 5 feet from here to here (indicating on map) about 150 feet back from land is relatively gentle slope. From here down, 30 foot drop. Part along road where

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usable would be used for building. Back where great fill would be required, would be used mostly for parking with parking in back and building up front.

Mr. Worthington asked if felt adequate for asphalt to be put in? Mr. Assini stated probably would not use fill since there would be no homes, simply for parking of automobiles so even if creek came back would not affect parking spaces. Mr. Worthington stated not concerned about flood but erosion from parking lot and want to know fill for parking lot is that much better for commercial than residential. Mr. Assini stated in all probability in a commercial venture would not use any excessive amount of fill for parking and probably would use what is here now just for parking of automobiles. Doesn't contemplate homeowners and families with possibility of flood. Would have to fill so that they could get out easily.

Mr. Worthington asked what would do to Black Creek? Amount of fill and type of erosion? Mr. Assini stated don't expect any erosion because would try to maintain contours, construct parking lot. Building would be where land is usable and parking lot as would be with homes. Mr. Worthington asked if bringing in 40 feet of fill approximately? Mr. Assini stated in commercial use would not use fill. Some may be graded. Design approach to let people get in and out.

Mr. Martin Wehler, 46 Stottle Road, appeared. Stated not for or opposing, said no houses near there. There are probably 7 or 8 houses with identical situations. Would like to see some specific use before rezoned. Ask rezoning 17 acres and says he has 50 feet of fill. Lot of fill with no specific use stated and no specific area for building to be built on, would rather see something specific and then get rezoned rather than getting blanket rezoning on 17 acres.

Mr. Fingar stated any plans will have to be approved. Mr. Wehle stated when talk about 50 feet of fill and you ask 10 year flood plain, if they look into property, looks like strictly speculation, someone who is out to get piece of property rezoned and break away from Comprehensive Plan we had and the one submitted.

Mr. Assini stated did not say there were not houses - immediate area two, one on each side of road - talking about immediate area. Mr. Fingar stated all along Scottsville-Chili Road may be about 8 houses in area, don't really apply to elevation problems stated.

Mr. Wehle stated start to plead that land is of no other use, cannot build houses, then we have to consider 30% of property in town is in same position. Fill ground and have to look forward to face run-off and cannot get through bridge openings and pond openings - one reason for linear park. When bridge openings fill up, people upstream are subject to wet feet. Mr. Assini stated perhaps misunderstood, reason we are seeking to have changed from residential to commercial to avoid filling the land, impossible for one man or company to afford this much fill. Intend to use land pretty much in present state with minimum amount of change - use as it sits rather than bringing in fill.

Mr. Wehle stated if this is the case and not for speculation, why not limit commercial use to part of it rather than whole 17 acres. Mr. Fingar stated don't feel there will be any use allowed in 100 year flood plain, don't feel we will put wet feet upstream.

DECISION: Recommend approval with the following restrictions: That a 175 foot strip on the north side of Black Creek on Mr. Marchioni's land be deeded to the Town for a linear park along said Black Creek; that there will be no disturbance of the land below the 535 foot level, which would constrict the flow of the Black Creek; there will be no entrances onto Beaver Road.

- #2. Application of Dominic Stello, 252 Waldorf Avenue, Rochester, N. Y., for approval to rezone property at Chili Avenue and Stenwick Drive from "E" Residential to MR - 4 acres being part of Tax Account 74-900. E Zone.

Mr. Vincent Assini, Attorney, appeared in behalf of Mr. Stello. Stated Mr. Stello is the contract owner of parcel of approximately 4 acres situated on North side of Chili Avenue. Contract owner because have not had opportunity to close, plan to close in a couple of days and will be factual owner. Firm contract.

Mr. Fingar stated assume 300-400 feet West of Union Street where dirt road services one house. Mr. Assini stated yes, expressway on North property line. Mr. Fingar asked how many feet off Chili Avenue? MR. Assini stated approximately 198 feet off of Chili Avenue. Assuming that we are located, parcel is approximately 3.5 acres which lies about 200 feet North of Chili Avenue. Bordered on the North by expressway and in the immediate area there are several homes on the North side of Chili Avenue, on the South side of Chili, Mobil gas station, west of that proposed shopping plaza which believe has been approved. Immediately across from that mall, behind existing homes. One or two vacant lots in immediate area. Approximately 4 acres and Mr. Stello seeks recommendation to rezone to MR and plan is submitted as preliminary plan, if approved formal plans will be submitted for inspection and approval. This is not final design, one version of what he may do. Essentially project would be of residential nature, apartment type complex but nevertheless embodies residential living. Would not essentially change character of area, small project, not large. Approximately 40 units is what he seeks to have built. Also call to Board's attention that has asked town to furnish with proposed Master Plan and parcel in question lies in area recommended, and difficult to tell because of small scale, but definitely recommended either as commercial or multiple residence use, present recommendations under your Comprehensive Plan for this parcel and seeking to have zoned as such now. Anything approved here if rezoning to MR is allowed will come again for review and approval, not intended to be any kind of final project, request to have rezoned as per Master Plan presently in process of being adopted.

Mr. Heilman asked when would construction start if approved by Board? Mr. Stello stated immediately upon getting all necessary permits and improvements. Mr. Heilman asked how long take to complete? Mr. Stello stated within 7 month period.

Mr. Pietropaoli stated plan calls for 40 units, 10 per acre - 32 two bedrooms and 8 one bedrooms. Mr. Assini stated correct, as marked on map. Mr. Fingar asked if plans sent to Planning Council?, request for change of zoning? Mr. Assini stated my understanding, could be in error, that application before Planning Board is not in itself a formal request for rezoning and therefore until formal request is made, advise of Monroe County Planning Council is not sought so if Planning Board does recommend rezoning, then next step will be formal application to Town Board and they will forward to Monroe County Planning Council.

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

Mr. Marshall Hughes, 3798 Chili Avenue, appeared. Stated opposed to building of apartments in back. One reason, when bought home new from Mr. Stoeckel and Mr. Entress, saw plan that showed for road to come in back where driveway is and made rough, was told would build 10 or 12 single houses. With this understanding, bought home and right after that they put up the house next door to the west across roadway and then started to work in back and at that time there was something to do with drainage because all had septic tanks. Were not allowed to build homes on circle. Had to let idea go and sewers came through and we have water and sewers now. Not more than right to expect that original plans should still be put in and if not, have right to object to 40 apartments back there. Two new homes on

corner there which will limit amount of in and out. East of his place is 100 ft. vacant lot on Chili and no outlet on Union Street. All single homes and some there for quite a while and some new. Strongly object. Talked to some neighbors and have some signatures on paper. (Presented petition to MR. Fingar.) This is land adjoining land being discussed.

Mr. Roger Pocock, 3804 Chili Avenue, appeared, asked if proposing town houses or what? Mr. Fingar stated don't believe plans have been finalized. Mr. Assini stated no final plans at present time. Mr. Stello would be amenable to building whatever satisfies Board and residents in area. Would like to add can appreciate comments regarding years ago and yet immediately across street covered shopping mall across from home and these would set back and have sufficient screening, if it is rezoned, protection for residents would be provided. Cannot see where project proposed would detract from area more than a shopping mall which would draw all kinds of traffic. Mall closer than this project. Obviously not valid.

Mr. Pietropaoli stated from Town's point of view, under present ordinances cannot go more than two stories. This presently must come before other Board to seek variance. Ordinance requires them to stay at two story level.

Mr. Charles Eckert, 3820 Chili Avenue, appeared, stated objects. Been out there 28 years, neighbor of most on that list.

Mr. Martin Wehle, 46 Stottle Road appeared, stated opposed to all multiple residences. In this case spoke of several things. Did Mr. Assini say 3.5 acres? Mr. Assini stated said 3.5, actually 4. Mr. Wehle stated for record, if 3.5 and units are 10 per acre, comes down to 35. Don't know if he is going to use story of couldn't find any other use of property. On hill so don't see any problems as far as creek business. Perhaps Board would consider something. School Board said they see no particular hardship with multiple zoning because it limits approximately 1 child per unit and there was article in Gates-Chili press by Mr. Silberman saying we should look forward to new schools. New development in Churchville-Chili will bring in 35-40 children and another school. Hear from contractor that they are about sewed up in North Chili and will go across the street. Talking about mall across street, this came before this Board, looks like will revert because has done nothing. Bring in great plan, this one not concrete, no specific use, you zone and he will bring plan. Once rezoned, that is it. Take away choice we had. Built in suburban area, love outside. Been suburban area but gradually through speculation and people looking for fast bucks, UDC property sold for \$60,000, hear resold for \$200,000 within 6 months. You people in position to make speculations wealthy to detriment of people who live in area. Hope you will turn down.

DECISION: Recommend approval with following recommendations: That Stenwick Drive remain in the care and custody of the builder and that he be responsible for maintenance of said road beginning with its intersection of Chili Avenue. Mr. Stello should contact School District and Fire District regarding project. Complete 239-m for Monroe County Planning Commission for opinion. Land in new Comprehensive Plan is zoned MR, property backs up to expressway, consequently this would be best possible use for land. If meaningful construction does not begin within two years from the granting of the rezoning, property is to revert to present zoning classification. Legal arrangement to be made as to ownership of Stenwick Drive from Chili Avenue to beginning of project. Concern is for property abutting Stenwick Drive, namely that adequate street maintenance, snow removal, fire protection and egress from his driveway to Chili Avenue be guaranteed. In no event should the Town of Chili assume ownership of internal roads within private projects. Vote was unanimous.

- #3. Application of Steven Pikuët, 70 Chestnut Drive for approval of rezoning property from "D" residential to "A" Industrial to erect building for storage of paving equipment and trucks. Property on Golden Road, part of Tax Account #1850-000. D Zone.

Mr. Pikuët appeared, stated making application for building 75' x 32' for paving equipment. At South end of Golden Road at dead end by Western Expressway. Just to the South of Expressway. 58' wide on Golden Road, extends back 1,030 feet, 230 feet wide at Eastern end. Building would be 261 feet back from Golden Road and 10 feet from expressway property line and 50 feet approximately in front of building for entrances. Doors on South of building, just short of 10 feet on south line shown, to have evergreen trees planted. Store equipment and trucks. 8 month operation, 4 months of winter would not be used except for repair work. Trucks not in and out in winter. Most of Board members are familiar with application.

Mr. Fingar asked if serviced by sewers? Mr. Pikuët stated in area but no plans to use. Mr. Fingar asked if land will be filled? Mr. Pikuët stated roadway would, 18 foot roadway. Front part, no, where building is and for roadway.

Mr. Fingar asked what assurances we have that you won't start parking old junked trucks, etc? Don't need 1,000 foot junk yard. Would have outside storage? Mr. Pikuët stated don't plan on outside, plan on everything inside mainly because of vandalism. Mr. Fingar asked no unlicensed and unused vehicles, namely trucks not using? Mr. Pikuët stated take plates off in winter sometimes. Mr. Fingar stated then it is fair request. Mr. Pikuët stated would go along with that. Would like to have nice. Don't intend to make junk yard.

Mr. Pietropaoli stated maybe doesn't need entire piece rezoned for immediate use. Have part rezoned and come back later. Mr. Fingar asked if any unlicensed vehicles would be kept inside? If wants unlicensed to take parts off, keep inside? Mr. Pikuët stated fair enough.

Mr. Fingar asked if anyone wished to speak in favor of application. Mr. Martin Wehle, 46 Stottle Road, appeared. Stated don't own property but in family. Pikuëts have always been nicest neighbors. Not worrying about junk, look forward to being neighbor. Building will butt into back of oil tanks; lucky to get him to beautify tanks. Wanted to let Board know have no objections.

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

DECISION: Recommend approval with following recommendations: Complete 239-m to be forwarded to Monroe County Planning commission; no outside storage of equipment that is not licensed, owned and used directly in his business; if meaningful construction does not begin within two years from granting of rezoning, property is to revert to present zoning classification.

- #4. Application of Anthony C. LeCesse, 1515 Lyell Avenue, Rochester, N. Y., for approval of 57 lots of the Chi-Mar Subdivision located between Chili Avenue and Westside Drive, west of Marshall Road, being part of Tax account numbers 1920-100, 1716-520 and 1714-025.

Mr. Sal LeCesse appeared representing owners of property. Stated property runs from Chili Avenue through to Westside Drive. Bounded in part by the extension of Marshall Road although no road there now, on the west side by Chestnut Heights subdivision. Presently a dead end street on the West side of property, Hallock Road. Current use of property is vacant and current zoning I believe is D Residential. Not here for rezoning, do not want to put commercial on it. At one time discussed possibility of using for multiple family, had completely studied and due to nature of neighborhood, location of land felt best use would be existing zoning which is single family

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residential and this is what we are proposing tonight. Single family residential subdivision. For benefit of some who have not been here previously, have been working on it about a year, going back and forth with Planning Board and engineers informally to arrive at what they felt was in better interests of the neighborhood. Few things we came up with that we have overlooked that they recommended and we have been back about four times and made changes and engineer, Mr. Frazer, has been working with Town engineer all along to work out engineering lay outs of property. Best thing to do is have Tom Frazer, Professional Engineer, describe how roads and lots are laid out in subdivision.

Mr. Fingar asked if fair to tell these people you are asking for 57 homes but eventually will be 95 lots? Mr. LeCesse stated total number is 96. Due to shortage of time since last change, have not been able to get all lot sizes to exact size. That is lots of calculations after laying out new roads. Have not been completed yet so therefore submitted for 57 lots which were completely engineered on this plan. Previous plan completely engineered for 96 lots, have not had time since then but preliminary approval on 96, will come back on remainder of lots.

Mr. Frazer stated land in pretty rough shape. Pools of water and sheer faced embankment. Done best to lay out schematically and environmentally to best of ability. Basically traffic pattern is split up, no major road goes through. Have exit onto Chili Avenue, connect into Hallock Road, connect into Chestnut Heights Subdivision at opening originally left for that purpose. Two entrances on West Side Drive. Short one in from Westside into Chestnut Heights and another short one about 1500 feet long. Have tried to design with curve to conform to wishes of Planning Board. Furnishing subdivision with Sanitary sewers. Tapping Westside Drive, running sewers in each street, major sanitary sewers furnished from Hallock Road servicing remaining area. Water lines furnished on Chili, 8" on South side and 8" on South side of West Side - correction, North side of Chili. Drainage busted into three different patterns. From point in here, all drainage comes down and lays in here - 12" drainage pipe coming out to drain entire area. This portion drains out to West Side and will be kept so. Area on top of map runs east and over toward Pixley Road. Intend to furnish adequate drainage, grade with FHA standards. Main outlet is 30" concrete pipe, goes along parallel 18" on Hallock Drive. Map of Phase I. Have shown all sewers and streets, go through entire section along with storm sewer down Hallock. Entrance on Chili Avenue.

Mr. Fingar asked if there were any questions from the audience? Mr. William Head, 2816 Chili Avenue, appeared. Stated adjacent to entrance proposed on Chili. Map puts a road immediately adjacent to property. Shows lot East of roadway, correct? Mr. Yankanich stated yes. Mr. Head asked if this lot could be used as entrance? Mr. Yankanich stated entrance to the West, adjacent to his property. Eventually have use of lot as building lot, substandard at this point.

Mr. Head stated contour of land from East to West drops off probably 5-6 feet and his property the lowest and his property drops toward this. What will happen when road put in? Will road be substantially higher than present level of my property? Mr. Frazer stated actually right now slightly higher, could vary that, no problem. Mr. Yankanich stated immediately to east is home built awfully high. Mr. LeCesse stated will be drained, no water from our property onto your property. Mr. Head stated would like to see road centralized in that area coming in from Chili instead of right along property line, make entrance to tract. Mr. LeCesse stated would consider that.

Mr. Alfred Brennan, 2806 Chili Avenue, appeared. Asked what drainage he will get from his property because of new road going through? Road is going to be higher than property below terrace. As of now, land drains into woods. Wonder if some provision to drain his land under this road? Mr. Fingar stated Town Engineer will see this is done properly, not up to builder, they will do it but under Town's inspection. Mr. Brennan stated his is last house and down grade and would catch all this water. Mr. Fingar stated function of Town to see it doesn't happen.

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Mr. Richard Washburn, 15 Berna Lane, appeared. Stated property backs up to second lot from left at lower left corner of map. As painted drainage problems and pattern of entire section, made no mention of any water draining to West and there are springs in slope going up from where he lives and that water drains West, not though tract to West Side, drains through new neighbor's lawn at the moment. Question is, has consideration been given so that water level at NE corner of his lot is going to be lowered rather than raising and that water coming from springs will be taken care of accordingly?

Mr. Frazer stated unfamiliar with springs. There is hill in area, will remove most of that. Over in this area, will fill in low spot. Backyard drainage for areas along here, this road in two drainage patterns going from here to West Side, and from here to Hallock. If problem on these back lots because of springs, does not know about it. Mr. Washburn stated they are next to new house just built. Mr. Frazer stated top of this hill drainage basin starts where house is. Cut off considerable portion of area to drain into it. Will have to look into problem down here. Should have less water down there than presently. Will look at actual field study of problem so understands it.

Mr. Fingar asked if had topographical maps on all of land? Mr. Frazer stated yes, thought presented to engineer two meetings ago.

Mrs. Charles Albert, 6 Wilelen, appeared, stated at lowest end of this thing. How will this drainage affect yard? When Bernie Entress put homes in, terraced them, when rainy we are swamped. If drainage is coming down this way again, how will this affect drainage problem? Mr. Frazer stated paved invert 2 1/2 feet lower than existing ground is planned. Won't dig deep down. Low point we create - swale. Mr. Yankanich stated will be all on our property and 12.5 feet from your property and be in our yard. Mr. Frazer stated if you have puddle in your yard, your responsibility to get to swale. Mrs. Albert stated part on Town property, drain part belongs to Town.

Mr. Robert White, 33 Berna Lane, appeared. Asked what types of houses and do you have any floor plans and price ranges? Mr. LeCesse stated don't have any models or floor plans yet. Type will be single family, conforms to every regulation in zoning ordinances. Mr. White questioned price range for size of lot? Mr. LeCesse stated going to be expensive to develop lots. Could not tell exact price range until engineering done.

Mr. Fingar stated 12,000 sq. ft. in D Zone. 60 ft. front setbacks, 30 ft. rear. Some of audience are in D Zone with similar lots. Similar to the area. Required to build one story of 950 sq. ft., will have to stay within zoning ordinances. (Mr. Fingar quoted ordinances regarding D Zone residences from zoning ordinances.)

Mrs. Albert asked if Mr. LeCesse was going to be builder? Mr. LeCesse stated will develop lots. Not sure who will build homes. General Contractors - built Churchville-Chili High School. Have owned a portion of property since about 1948 and purchased the property from Entress and at that time was idea of developing as multiple residences. Have property, tried to sell as bare land to builder-developer and because of expense in developing lots in odd shaped piece of property could not get buyer at reasonable price so only way out is to develop lots and sell them. This is not big deal with speculators.

Mr. William Stenglein, 31 Hallock Road, appeared. Asked advantage to Chi-Mar to have road extended through? Mr. LeCesse stated recommended by Town in order to eliminate problems. Mr. Fingar added plowing and fire protection. Mr. Stenglein stated can see advantage in plowing. Mr. Fingar stated for fire protection, nothing worse than leaving dead-end streets. Mr. Stenglein stated not against building and can see advantage of having road through but thinking will then be more traffic on Hallock Road than there would be without it. Mr. Fingar stated bad planning for Town to not have provisions to develop future land and thinks it ties together with two developments. Mr. Stenglein asked about piece of land at

corner? Mr. Yankanich stated not to be used.

Mr. Robert Schickler, 64 Wilelen, asked when speaking of paved invert, referring to something similar to Marlands West? Mr. Frazer said yes. Mr. Fingar stated Town has specifications on that for size and width.

Mr. Alfred Brennan, 2806 Chili Avenue, stated would like to back up idea of road going through middle of land between houses on Chili Avenue, would make nice looking approach.

Mr. LeCesse stated was asked about big willow tree, that will stay.

Mr. Walter Sickles, 689 Marshall Road, stated lives on extension, wonders about drainage. Will those lots butt up against him? Mr. Yankanich stated lots 31 and 32 in question. Mr. Frazer stated 31 and 32 are scheduled to be Class A drainage pattern. Drainage comes from back of house down through swales on side of house to road. Setting up so will accept drainage from your backyard, front will go down Marshall Road. Mr. Sickles asked if drainage will go in between? Mr. Frazer stated backyards only. Water comes off hill, goes to road and intercepted by storm sewers. Mr. Sickles stated higher than those lots marked out there. Mr. Frazer stated will accept your drainage.

Mr. William Nurse, 32 Wilelen Road, stated near lots 11 or 12, also have drainage problem. Water has been going out into back field and wonder if they build, what is going to become of that? Mr. Fingar stated up to Mr. Mannara to see it is done properly.

Mr. Richard Weber, 43 Wilelen, stated understood there will be another access off Wilelen to area, could not see on map. (Mr. Frazer pointed out where access would be.) Mr. Fingar asked if on curve of Wilelen? Mr. Weber asked if at vacant lot? Mr. Frazer stated yes. Mr. Weber asked if access is necessary with access on West Side and Hallock? Mr. Fingar stated not approved or agreed upon but speaking for himself, thinks will not bring traffic into Wilelen. Mr. Weber stated lives at intersection, will probably get double traffic. Mr. Fingar stated builder has 6-8 lots to sell on there, didn't want cul de sac. Mr. Weber asked couldn't be sent back into main route in own area? Why dump off on Wilelen? No further than lots further North behind Berna will be from this access.

Mrs. Carol Stenglein, 31 Hallock Road, stated people in Bright Oaks, Westgate and Ranch Mar would liked to have known because they will get drainage. Have own problems without 96 more lots draining into it. Mr. Fingar stated notices are published in paper. Try to send notices to every abutting homeowner and 2-300 feet of area. Would have to send too many letters, reason for public notices in paper.

Mr. Sickles, 689 Marshall Road, asked if going to extend Marshall Road through to Westside Drive? Mr. LeCesse stated no, not feasible because only own one side of road, don't know who owns other side, one reason it is expensive because bad for whole property and this doesn't fit into subdivision. Left out, at some future date may be developed, cannot be developed as one-sided subdivision.

Mr. Robert Schickler, 64 Wilelen, stated not too familiar with zoning, won't commit themselves on type of house put up, is zone in comparison to Lexington tract?

Mr. George Stelljes, 19 Berna Lane, asked what is to prevent low-income housing from going into area? Mr. Fingar stated don't know how we can give definition of low-income house. Know unless he gets variance will have to conform with building codes and ordinances of so many square feet, setbacks, etc. If want to call D zone low-income housing, one definition. Wouldn't know how to define.

Mrs. James Fallesen, 2804 Chili Avenue, stated understands that don't know which contractor will be involved in building of houses. Talked to someone in real estate, 235 financing was mentioned. Will this be used? Mr. LeCesse said his portion does not. Mrs. Fallesen

stated only three contractors in county allowed to use this financing. Mr. Fingar stated have some on Westside Drive and back of Chi-Paul behind Gateway area. Mr. Yankanich stated Lexington has some 235. Mrs. Fallesen asked when decision is made as to what contractor will build houses and specific plans are involved how will we find out? Mr. Yankanich stated when put model up. In all fairness should be able to find out who LeCesse sells lots to.

Mrs. Charles Albert, 6 Wilelen, stated person who would take time, energy and money to develop land and not have any idea who is going to develop homes is not logical. Mr. LeCesse stated has talked to real estate people who said if develop lots, could sell them. Domus homes turned down for developing themselves,

Mr. Joe Frederico, 15 Entress Drive, stated when it comes to laying out a tract of homes, isn't anything in expertise of planning that says it is dangerous to approval a plan of totally uniform lot sizes because this will generate one particular caliber of home? If you get a lot of D size lots or similar lots, chances are you are going to build similar homes. In long-range planning part of thinking should look to accomplish for town is to provide some small homes for the newly married couple and older couples but would think you would want to interweave this kind of thing with mixture of homes so could not wind up with a section of low-income houses.

Mr. Fingar stated no power to tell builder every house has to be different. One problem was roads, didn't like straight roads. Considered that. Builder comes in to find maximum number of lots. Two-sided problem, he wants all lots he can, we protect Town interests according to zoning, this is way it ends up.

Mr. Frederico asked if anything Board as Town planners can do to interject some variety? Mr. Fingar stated they have been in three or four months, changed it around for them.

Mr. Frederico stated didn't come this far without lots of time, effort and thought. One mistake Towns make is establish subdivisions that are planned for given area and house after house instead of nice mixture, blend of homeowners. Generate lots of transient people, coming in for short time until house is too small for them. Mr. Fingar stated seems E's want E's, etc.

Mr. Frederico asked can you as planners change this? If you agree there is danger in establishing this type of postage stamp category for lots why cannot you as planners do something so you don't have every lot 80 feet wide in tract, once developed they are out of it, stuck with pre-established lot sizes sold as on map.

Mr. Pietropaoli stated limited to what we have here as code, all planning and engineers can use as guide. New zoning ordinances in progress, out to people at informal hearing situation next month. Some latitude in that plan which would allow for what you are talking about as variety in planning and subdivision. Mr. Fingar had good point, when you see meeting in area, please come and lend your comments to the Board, that is time to have things put into new plan.

Mr. Frederico asked how that will affect this project? Mr. Pietropaoli stated not this project, will affect future projects once adopted. Mr. Frederico asked is this E area because of land use? Mr. Pietropaoli stated "D" because in 1961 or 63 when they had last Master Plan adopted that is what land use was and stuck with it. Not much longer because hopeful of getting out new zoning map and Master Plan by next year. Whole town on zoning map posted in Town Clerk's Office, can see various areas are planned as D, E, EE, B, A, that as result of zoning map adopted 10-12 years ago which this Board and these engineers have no control over.

Mr. Fingar stated if we told Mr. LeCesse we want E and D sizes and he wanted 96 lots could take to court and probably beat us. Cannot tell him to have D and E, try to protect by road changes, drainage, etc. Bound by what law says. Caldwell & Cook said would not build similar houses next to each other. If builder says wants all alike, not much we can do with it.

Mr. Frederico stated less concerned with price of house than with... most concerned with people, community, what kind of units you will bring into area. Question is, is it too late to do something about it?

Mr. Bean stated this earlier one was done on much less refined basis. Put houses in groups on large scale to mix.

Mr. Frederico stated when moved in, moved into minimum size house could build in town. All houses in neighborhood have not been stamped out of same mold. Generate a community which is pretty stable for one thing and affords variety for community living which is hard to beat.

Mr. Robert Schickler, 64 Wilelen Drive, stated basically engineering concept in relationship to area exists now, definitely going to be advantageous to lot of people. 80 foot zoning is mold, can do nothing about it. Pine Knoll, Saddle Back Trail are D Zone but whether builder will see fit to do this another question. Is plantings within jurisdiction of Town to builder and developer? Are they not required by builder of one tree on each lot? Mr. Fingar stated Lexington has that requirement. Mr. Schickler asked if falls with builder or developer? Mr. Fingar stated with developer, before the plans were approved if required.

Mr. Schickler stated contention is what they have got is basically good thing. Next issue is plantings, in many developments requisite is one tree on front of each lot, correct? Also many stipulate that front shall be seeded up to approximately 12 feet back from catch basin so will not fill up with dirt. Cannot do anything about D residential, nothing wrong with D residential, great many lots built on with \$40,000 and up houses. Can get \$40,000 house in Chili. Will this be done? Depends on builder. LeCesse cannot control. Contention is necessary to make downspouts. Developers go to great expense for storm sewers. No requisite that builder shall hook storm sewer with sump pumps? Is it correct? Mr. Fingar stated checking on it. Did in Bright Oaks, Spring Valley, not done.

Mr. Schickler stated from real estate point of view, what are they doing with sump pumps' water but dumping out back window into saturated area. Cannot do anything about D residential, but proffer to Board should be some strings attached to builder that is going to build such as storm sewers on sump pumps tied into storm sewers. Perhaps expense but perhaps little bit of nicities which will go with area, a great deal of which is low and saturated, alleviate obnoxious situations existing east of Wilelen Road. Can this be stipulated with builder to do these things? Mr. Fingar stated check with attorney. Can be restrictions on builder.

Mr. Schickler stated perhaps be hardship on the developer, small item but go long way in real estate. Concerned about what is going in there. Nobody knows. Can fight zoning and what was built. Point is what can we do to upgrade builder that builds in area. Sure 650' two story first floor, no requisite for garage, up to builder or buyer. Cannot do anything about it. Again, no hardship but can upgrade storm sewer, etc., demand plantings in front of each lot done by builder. Feeling would be if people knew more about how to enhance what is built in area to compliment in that way would be lots better. If possible, would like to have included plantings and downspout tied into storm sewers.

Mr. Spring, 2820 Chili Avenue, stated engineer mentioned they were going to level off hill in project. In connection with other gentlemen's comments, how many of the trees and foliage already present will be still standing for developer to work around or completely smoothed over without any foliage remaining?

Mr. Frazer stated not easy to comply with FHA regulations and maintain foliage. Client does not like to take down, costs money to bury, cannot burn it anymore. Within scope of FHA everything possible will be left.

Mr. Joseph Lynch, 12 Entress Drive, asked possibility of recreation area within tract? Believes that Planning Board was going to require builder or developer to provide some area for recreation within tract. Mr. Fingar stated either recreation or pay \$100 per lot into Town recreation fund, correct Mr. Heilman? Mr. Heilman stated correct. Mr. Lynch stated suggests that Planning Board do away with money and start to get recreational areas into tract. Kids have to go too far to Town areas. Would like to see area in Chestnut Heights and their kids have been playing where this is going to be built. Just wanted to know if on books or require builders to do this.

Mrs. Stenglein, 31 Hallock Road, stated that is what had hand raised for. Hill is where children play, taking away playground and adding 96 more homes and no place to play. Great of LeCesse to donate some of land for recreation.

Ann Leggett, 80 Chestnut Drive, stated at corner of Wilelen, agree with Mr. Weber, why have to have exit and entrance on Wilelen.

Mrs. Edward Maher, 683 Westside Drive, stated lot line comes to where road is going to be. How much footage between road and lot line? Mr. Frazer stated approximately 18 feet between property line and road. Mr. Fingar asked 66 foot wide road? Mr. Frazer stated 60 foot wide right of way, pavement runs approximately 12 feet, so 12 from 30, 18.

Mr. Schickler asked \$100 fee for recreation is paid by developer per lot? Mr. Fingar stated right. Believes at time building permit is issued. Mr. Pietropaoli stated correct to his knowledge.

Mr. Schickler stated goes into general recreation fund for Town but we in that area continue loosing areas that would utilize for playgrounds, town has earmarked nothing in immediate area. General recreation may benefit someone in Bright Oaks but not necessarily in that particular area. Have we explored possibility of any recreational plan on behalf of town in vicinity? Perhaps area in back of Brewster Lane, lies between people on one side of Fenton and other side of Chestnut.

Mr. Fingar stated new Master Comprehensive Plan outlines several Town parks, hope you will come out and offer suggestions.

Mr. Spring, 2820 Chili Avenue, asked when is target date to start on developing if this does get approved? Mr. LeCesse stated as soon as permits and approvals are received. Mr. Fingar stated 4-5 months. Has to go to County Health, Water, Sanitary Sewers, etc.

Mr. Washburn, 15 Berna Lane, stated engineer assured that by taking down hill, drainage from springs would be alleviated. Suppose in taking hill down, have more of problem than before, what recourse is there? Go to your people, town engineer, have to go to court? Mr. Fingar stated engineers see that this is not done.

Mr. Schickler asked, water directed toward Westside Drive, where to go? Mr. Frazer stated would be along Westside Drive, county highway problem. Mr. Fingar asked if pipe under road big enough? Going to be giving them more water. Have approval from Gates? Mr. Frazer stated County of Monroe, therefore have to have highway approval.

DECISION: Granted preliminary approval on 57 lots, print No. 71-85-9 dated 4/6/72, part of overall print No. 71-85-10, with the following restrictions: That they comply with building construction ordinance Chapter 4, stipulations for builders and grading requirements. Further required under 16-12 where your building lots abut those outside your project a 20 foot easement will be required. That they will plan one tree of 1" caliber, 6 feet tall per lot, 10 feet outside of right-of-way. That it is the feeling of the Planning Board that it would be advantageous

to Mr. Heiler to have a paved invert gutter installed across the rear portion of his property between Chestnut Drive to Dortmund subdivision to carry excess water caused by development of property. If Mr. Heiler wishes to grant easement across his property to allow placing such a gutter in position, they would be required to perform this requirement. Option shall terminate at end of development of property.

Attendance at Executive meeting, 10:45 P.M. following Public Hearing: Mr. Fingar, Mr. Bean, Mr. Craw, Mr. Rakus, Mr. Coyle, Mr. Titus, Mr. Moore (arrived at 10:45 P.M.).

Kathleen Luedke  
Secretary

PLANNING BOARD  
May 9, 1972

A Public Hearing of the Planning Board of the Town of Chili was held in the Administration Offices at 3235 Chili Avenue, Rochester, N. Y. The meeting was called to order at 8:00 P.M. by the Chairman, Mr. David Fingar.

Present: Mr. David Fingar, Chairman  
Mr. Frederic Bean  
Mr. Selden Crow  
Mr. Mitchell Rakus  
Mr. Leslie Moore  
Mr. John Coyle

Also Present: Mr. Alfred Heilman, Deputy Town Attorney  
Mr. Stephen Chudyk, Comm. of Public Works & Supt of Highways  
Mr. James Mannara, Lozier Engineering, Inc.

Mr. Heilman stated that on both first and second applications, they had been duly published and the affidavit is on file in the Town Clerk's Office.

#1. Application of Robert J. Thompson, 2637 Scottsville Road, Scottsville, N. Y., for approval to rezone approximately 19.5 acres from EE Residential to A Industrial, property being part of Tax Account #258-000. EE Zone.

Mr. Mark Adams, realtor, appeared representing the owner of the property, Robert J. Thompson, and the purchaser, Gerald Dill, of Dill Refrigeration Service. Stated Dill has option to purchase. Stated parcel presently located in SE section of Chili. Bounded by Scottsville Road on the east, divided by thruway, cuts through middle, totals 37 acres. Property originally split by Thruway, left 11 acres on South, 5 1/2 acres on North with additional 19 1/2 on North of thruway. Again divided by New York Central railroad leaving 5 1/2 on west and 19 1/2 on east of railroad. Again divided by permanent easement, property easement giving access to land-locked property in rear, from Scottsville Rd. to other part of land. Property very difficult to use as residential, being along thruway on south natural barrier, railroad on east more or less natural barrier, Scottsville Rd. another natural barrier. Would like to have changed from EE to Industrial and put in this parcel a small industrial park. Would have to be done with approval to Town specifications on density. Free-standing masonry and steel buildings with individual buildings with green belt around them. Morrison & Morrison in process of making rendering. Present tax breakdown based on present use, farmland, \$490.00. Anticipate anything being done in area, particularly 12.5 acres, would increase tax income to the Town and County to tune of \$2745.00. At present time Mr. Dill is considering living in the house. This is why would like to get whole thing sold but with permanent easement have to have two separate things going. 1/3 acre on little parcel, gas and electric easements on it, inaccessible, no value. Only way to it is pass under thruway and railroad. No need for anything in here except for storage or something, useless as is except for light farming. This piece limited because of railroad to go across. Only piece left is parcel in here, interested in zoning for light industrial park. Enhance and strengthen tax base of town.

Mr. Fingar asked if he had any kind of plans? Mr. Adams stated tried to contact Morrison & Morrison, didn't complete plans, would have them here if completed. Had awful time getting architect to go down and by the time got down, too late to bring drawings.

Mr. Fingar asked if anyone was here on application. No one appeared. Mr. Fingar stated didn't feel there was much to make a decision on, asked for comments or questions from rest of Board. Mr. Mannara stated felt needed a lot more information. Mr. Fingar stated saw where he would like to change from EE to A but didn't think could make decision on what he has here.

Mr. Adams stated thought this Board decided if there was anything adverse to this application, would present this on to the Town zoning Board. Mr. Fingar stated no, goes to Town Board from here. Could recommend approval but feeling is that working on new Master Plan and not ready to take 20 acres and say make it commercial. New ordinances to be different. Now could put up lumber yard, greenhouse, etc. Want to have some idea of what going to do. Mr. Adams stated thinking about use. Mr. Fingar stated use plus some plans. Mr. Adams stated person who wants to buy will use for refrigeration and air conditioning business, commercial work in this business, 6,000 sq. ft. building for himself. Sign plan which does neon signs interested. Nothing manufactured, strictly

# Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

DATE MAY 3 1972

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

**GATES-CHILI NEWS**

Issue Dated..... MAY 3 1972.....

*Norah Conway*  
.....  
NORAH CONWAY

NOT. Y. P. 3-70, STATE OF N. Y., MONROE CO.  
My Commission Expires March 30, 1972

*Pearl E. Caruso Office Mgr.*  
.....  
SAMUEL J. SMITH

Publisher

## LEGAL NOTICE

### PLANNING BOARD

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, New York 14624, on May 9, 1972 at 8:00 P.M. to consider the following applications:

#1. Application of Robert J. Thompson, 2637 Scottsville Road, Scottsville, New York, for approval to rezone approximately 19.5 acres from EE Residential to A Industrial, property being part of Tax Account # 258-000. EE Zone.

# 2. Application of MikArc Development Corp., 285 Norcrest Drive, Rochester, New York, for approval of Sec. 2, Mitchell Acres, Chili, New York, as per plans and maps submitted for final approval. E Zone.

ALL INTERESTED PARTIES are requested to be present. By order of the Chairman of the Planning Board of the Town of Chili.

LURAINA E. ROBBINS  
Town Clerk  
Town of Chili

May 9, 1972

distribution end.

Mr. Fingar stated talked about buffer zone, how big green buffer? Mr. Adams stated one center driveway from Scottsville, cut road back, cul de sac, individual lots in here. Each building would have to apply for own application.

Mr. Mannara stated have to have elevations, too. Need to judge where flood plains are. Mr. Moore asked if part in front was quite high? Mr. Adams (indicating on map) stated this piece quite high. Mr. Moore asked if other corner is low? Mr. Adams stated grade level, builds up to railroad, above grade level. Mr. Moore stated more low spots in there someplace. Some time ago talking about possibility of knocking down hill. Mr. Adams stated 15 ft. high mound in corner which would have to be taken down to utilize property. This land if below grade, only by a couple of feet.

Mr. Moore asked if any talk about using high part, taking down and merely selling top soil, or going to use on property? Mr. Adams stated going to use on property. Lot less costly to use own dirt, all high land coming in through here in corner. This corner from right of way on up would have to be taken down. Would be used to grade land, fairly level piece of land.

Mr. Heilman asked if anything immediately to the north? Mr. Adams stated another farm, Hauslauer, he thought. Immediately north of him is Morgan Road. With exception of person in back who has easement, Hauslauer only one above before you get to Morgan Road. Thruway definitely affords natural barrier and railroad too.

Mr. Fingar stated normally require topographical map on property plus property within 500 ft. of it. Don't have any of this information. Not going to help himself by having nothing here.

Mr. Adams stated didn't know procedure, if knew, would have brought it down. Mr. Fingar stated Mr. Adams had said architect didn't have time. Mr. Adams stated they thought meeting was scheduled for next Wednesday. Mr. Fingar asked since he has had expense for hearing, would he be willing to take adjournment until the next meeting? Mr. Adams stated purchase contract is somewhat based on this hearing. Mr. Fingar asked if has gone to County Planning with it? Mr. Adams stated no. Mr. Fingar stated asking for parcel in here. Mr. Fingar stated Scottsville Rd. is State Highway within 500 ft. of property. It is for applicant's benefit to get something down to County Planning within the next few days and get feedback to give him a fair chance. Mr. Adams stated will go back to County Planning.

Mr. Fingar stated have to make application through clerk, and they will send them down. Adjourn and hear informally next time. Bring architect and engineer. Do want topographical map within 500 ft. of property, what buffers will be, etc. Mr. Adams stated buffers on rendering, topographical maps will have to be made up. Mr. Fingar asked if any other comments. Mr. Craw asked what railroad was through property? Mr. Adams stated Penn Central. Mr. Craw stated had said New York Central. Mr. Adams stated inactive line, may keep there 200 yrs.

DECISION: Reserved pending receipt of complete plans and maps.

#2. Application of MikArc Development Corp., 285 Norcrest Drive, Rochester, N. Y., for approval of Sec. 2, Mitchell Acres, Chili, N. Y., as per plans submitted for final approval. E Zone.

Mr. Samuel J. DiGaetano, attorney for the applicant, appeared. Stated presentation should be preceded by report from Engineer, Mr. Tom Frazier. Mr. Frazier referred to large plan, originally approved by Planning Board in 1965. Subsequent to that Sec. 1 developed which involved a number of lots coming in off Westside, extending along this street now Weatherwood Lane. Sec. 1 involved about 27 lots. After completion client requested that he do design on Sec. 2 which you see here. Done in 1967. Did obtain all approvals at that time, obtained approval of Planning Board in June, 1967. Conditional approval based on letter client received. Since then property is in process of being changed. New clients requested that we present since approval originally granted did expire. Sec. 2 fits on continuation of Weatherwood Lane out to Golden Road, continuation in with connection to stub that exists on south side of Weatherwood Lane. Drainage is now according to requirements, to be piped down along east side of Golden Rd. through railroad ditch and out to Westside. Sanitary sewers for most part are in. Constructed to service Sec. 1, in this street will be extended over and up to service Sec. 2. Water mains straight forward, shown here and here (on map)

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making loop connection out to Golden Road. Sec. 3 will be remaining lots when we come in with continuation of street and cul de sac to existing road. Looking for approval again.

Mr. Fingar stated sees changes made, 10 ft. on pavement now. Mr. Frazer stated only two items changed, before setback was 20 ft. on side, have changed map to conform to 60 ft. Anything else in subdivision codes since 1967 have not been made on that plan. Mr. Fingar stated will want 20 ft. easement, 10 ft. on each lot. Not two common neighbors, will have to have 20 ft.

Mr. Mannara asked if sewer and water on one side? Mr. Frazer stated sanitary 7 ft. off right of way line, storm sewer 12 ft., water 18 ft. off center. Mr. Fingar asked if roof drains will be connected to storm sewers? Mr. Frazer stated hasn't changed it. Mr. Fingar stated will be building under Code, Chapter 4. Mr. Frazer stated storm sewers provided through entire length of subdivision.

Mr. Fingar asked what about Mitchell Acres I, is work completed? Mr. DiGaetano stated entirely new people. Have purchase offer on Sec. 2 and 3. Conditional on approval of plans by Planning Board.

Mr. Fingar asked if these people knew anything about Sec. 1? His understanding still have letter of credit, roads not dedicated. Mr. Frazer stated didn't know. Mr. Fingar stated town plowing, never has taken ownership. Who is owner of Sec. 2? Mr. DiGaetano stated they will be owners of Sec. 2. Mr. Fingar asked who owns Sec. 1? Mr. DiGaetano stated Mitchell Acres. Mr. Fingar asked if selling to applicant? Mr. DiGaetano stated selling remaining portion of land, Sec. 2 & 3. They are owners of 1, 2 and 3 as of this date. On the letter of credit and bond that town has.

Mr. Mannara stated Mr. Frazer indicated have storm sewers in sub, how about 2? Where are they going to put it? Mr. Frazer stated take out 33" out this street, south on Golden with 36", stop short of railroad ditch, that is drainage pattern, goes over to Little Black Creek through channel. Mr. Mannara stated have problem with Little Black Creek, whole area hard to drain at this time. Mr. Frazer asked regarding water? Mr. Mannara stated standing water in two subdivisions already, in ditches existing now. Mr. Frazer stated ditches are maintenance problem.

Mr. Heilman asked if Mr. Frazer had gone to County on this? Mr. Frazer stated never been to County, 1966 approval. Mr. Heilman stated thought had talked to Mr. Frazer one time, wondered if submitted Sec. 2 to County Planning? Mr. Frazer stated if done, done recently.

Mr. Moore asked if Mr. Frazer was engineer for Sec. 1? Mr. Frazer stated yes. Mr. Moore asked if he remembered any conditions that perhaps then Planning or Town Board set up concerning right of way, railroad right of way and ditch? Apparently outfall goes right to railroad right of way? Mr. Frazer stated runs Northeast along railroad. Mr. Moore asked if letter obtained from railroad for permission to clean out? Was it cleaned out? Mr. Frazer stated didn't believe it has been cleaned out. Tremendous amount of negotiations between his clients then and railroad.

Mr. DiGaetano stated thinks have solved problem, seeking to purchase right of way from railroad. Mr. Moore asked how long is easement along railroad? How far purchasing since apparently runs length of railroad. Enough to get water out, that is what thinking. Mr. DiGaetano stated have easement and title right through so drainage can be made to proper receptacle.

Mr. Moore asked where it goes under railroad? Mr. Frazer stated in culvert alongside railroad on east side. Parcel of land that continues from Golden to Westside. Mr. Moore asked basically negotiate for 40 ft. easement to carry under railroad? Mr. DiGaetano stated yes. Mr. Moore asked if that has been consummated? Mr. DiGaetano stated subject to everything being in order. Would not proceed any further until find out what happens here.

Mr. Fingar asked if all lots will meet E specifications for size? Mr. Frazer stated yes.

Mr. Moore asked if they knew if all water flowed easterly? Or is there breaking point somewhere where part flows to the west? Mr. Frazer stated low point in center of subdivision. Presently drains down on Fitzsimmons property. Going to cut majority off. Cannot stop backyards from draining onto Fitzsimmons. Mr. Moore asked what direction they are going to divert? Mr. Frazer stated storm sewer that will exist in this road.

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sewer that will exist in this road. Size large enough to actually go here and pick up this street ultimately and that is in Sec. 3.

Mr. Moore stated that is Sec. 3, get another shot at you. Seems there was problem with water breaking both ways in drainage in over-all 1, 2, 3 complex. Really what trying to get at. If does break in two and go both ways. Mr. Frazer stated even drainage for Sec. 3 will go this way and into railroad ditch. Mr. Moore stated going to have to have good deal of easement.

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

Mr. Brian O'Connor, 9 Weatherwood Lane, appeared. Stated recipient of letter from Board. Position is not so much from negative standpoint as it is one of questioning of policies. Should also tell Board he is member of Chili Environmental Council. Objection at the present time, outside of fact that loves to look out window and see field there, in three areas. One, sewage problem that is apparent in this side of town. Mr. Fingar asked sanitary or storm? Mr. O'Connor stated sanitary. Storm drainage second and third is unknown builder. Taking sewage aspect first, understanding from investigation he has been able to do since received notification, only 18" main sewage disposal pipe through that section of town - Westside Drive. Have reason to believe that even that is disputable, if 18" or 14". Also been told unofficially that at high water along Black Creek, which is well documented by U. S. Army Corps of Engineers Report, have copy, definitely problem of back up of water. Has seen maps of projected flood stages along Black Creek and tributaries. Cannot verify fact because has not had time to do so. Even at present time based on past experience with water flow from Black Creek and tributaries already witnessed problem in Westwood Hills in that they have had sewage back up. Understand case of family by name of Dent who have already filed formal complaint, one year ago, based on this problem. Further understand, cannot verify, that County does indeed have plans to increase capacity of sewage pipe line throughout area.

Further going on to drainage, attention is invited to two documents on entire area, U. S. Army of Engineers report and Comprehensive Plan for Town drawn up by Monroe County Planning Council. In figure 3 of Comprehensive Plan of Chili, area surrounding proposed developed land is, water table in that map shows definitely above ground level water accumulation. If any of Board members have driven on Westside Dr. during rainy period of run off because of snow, on both sides of tracks has been considerable accumulation of water in both areas.

Mr. Fingar asked what page in Comprehensive Plan? Mr. O'Connor advised Page 12, figure 3, actually after page 12. (Indicating) This area right here. Westside Drive, Weatherwood Lane as constructed today, New York Central tracks. This area coming up into what I believe is Sec. 3, low portion.

Mr. Frazer stated doesn't come up into Sec. 3. Existing right of way or driveway, working over to that end of property. Mr. O'Connor stated again, drainage problem involved in this area.

Mr. O'Connor continued, taking report as written and further developing into whole area understands he has distinct honor of being highest piece of property on Weatherwood. From his area on back towards corner of proposed area, understands there is 8 ft. drop. This leads to two possible problems. One is erosion and sediment control and two is run off. On page 12 of Comprehensive Plan you will note requirements stated dealing with projects of soil and erosion control. There are about 8 different principals involved in control. One is making sure that if you develop land you do so in orderly fashion rather than going and stripping off top soil. In Chili, as understands, really do have problem. Thanks all have seen in certain areas where developers have come in and ripped off top to develop feasibly. Economical manner but before long sediment in sewage systems, drainage ditches, etc. From own standpoint, and not as spokesman for rest of them, feeling is would not have so much objection if builder is completely willing to abide by these recommendations.

Further, stated Mr. O'Connor, on page 76 of Comprehensive report is drainage data for this area, technically referred to as Tributary 0-117-18-5aa, Westside Drive, Golden Rd., and Confluence 18-5aa-1. Total drainage area is approximately 2500 acres and design flow is around 915 cu. ft. per second. According to report, cannot verify, have no access to engineering reports, channel width is only 75 ft. with easement of additional 165 ft., combination of all three of these.

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If interpretation of report is correct, rate of flow which is produced of drainage for this property is less than capacity of drainage capacity of system.

MR. Fingar asked what meant by system? Mr. O'Connor stated have talked about easement along railroad tracks and drainage as projected on map. Understands capacity is far exceeded by possible run off. Mr. Fingar asked capacity of what? Little Black Creek? Mr. O'Connor stated whether means Little Black Creek or official designation of tributary, not answered in either plan. Saying that if assured that both sewage problem and the drainage problem were in compliance with what we know to be fact, thinks would have no objection and furthermore as to size of property and type of house, could not have any objection. From standpoint of environmental situation, regarding sewage problem which could be

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runs continuously in spring. If I am on top going down toward end of tract, don't know what we will have at bottom. Even in summer when it does run, looks dead-ended or not clean. If they are going to be changing, wheat will be done while they are changing? Will they have it ready for rain so doesn't back up into basements? Live in ranch, those in splits don't have problem, basements not as low.

Mr. Fingar asked what they plan to do to keep ditch open? Mr. Frazer stated part of first thing to be done on any project of this nature is earth work. Involves construction of swale. Ditch originally constructed as temporary measure. Became semi-permanent. If eroded and filled it will be backing up unless somebody cleans it. Completely eliminated by Sec. 2. Mr. Fingar asked if drainage will be through swale? Mr. Frazer stated believes north down to south and pick up water.

Mr. Aman asked if definitely done before fall because if we have to go into winter with it will be bad. Mr. DiGateano stated cannot guarantee to be done before fall, what if there is a strike? Mr. Fingar asked if they expect to do open ditch now before putting in streets? Mr. DiGaetano stated has to be done first.

Mr. Aman asked roads are going in first? We bought with no roads and lived with no roads for a while. If going to do same thing out here will have to put up with their mess coming through tract. Mr. Frazer stated there will be entrance onto Golden Road. Mr. Aman stated even if know road is there, half will still come up other way. Mr. Frazer stated can be ordered to come into particular section. If all instructed to come in that way they will.

Mr. Aman asked if when housing development started would there be area for playground or would it have to be set aside? Mr. Fingar stated builder requirement is \$100 per lot or 10 % of property. Will take \$100 a lot because not big enough to make recreation area. Mr. Aman asked where will it benefit neighborhood. Mr. Fingar stated having parks around town, when enough money, put up recreation building. Mr. Aman stated ought to work for more local areas for kids to play, play in the street, right now dead-end street, like that idea but dirt problem and water and hoping for recreation area in immediate area. Mr. Fingar stated good idea. Should come to Comprehensive Master Plan meetings. Next one at Churchville=Chili School, writing new ordinances, want suggestions. Open forum next Monday night. 4 people at Wheatland-Chili, sort of discouraging. We want to hear what feelings are.

Mr. Bob Tascione, 20 Weatherwood Lane, appeared. Stated next door to Bob Aman and drainage is more effective in his yard, jump out of pool and into pond. Engineer says ditch for drainage might have been eroded and clogged, living there 3 1/2 yrs, tract 4 yrs. old. Still have all the water in backyard from storms. Does he guarantee ditches until las truck pulls out or will drains be kept open all the time? Mr. Frazer stated earth work first, swales cut in place. Mr. Tascione stated drainage there now eroded and should be cleaned out. Mr. Frazer stated won't be there. Just temporary ditch. That is what constructed for. Turned out to be semi-permanent. Until somebody goes in and develops Sec. 2 or can go in and clean up.

Mr. Tascione stated another question, drainage along railroad, does that coincide with Coldwater? Mr. Frazer stated yes. Mr. Tascione stated in summer like swamp at Coldwater and Westside where railroad track is. Literally swamped with water. Mr. Frazer stated that is on SE side of railroad. This is on NW side of railroad. Drain goes under Westside and continues into Town of Gates.

Mr. O'Connor stated this is one of areas most concerned with, drainage problem is that whole area bounded by Coldwater Penn Central tracks to NW and SW of tracks and SE of tracks and back to NE it is all tied together into this drainage problem. Mr. Frazer stated if tied in together should be culvert underneath railroad, where is it?

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Golden Road. Culvert goes from here to here. No culvert underneath railroad tracks. Mr. Domagalla stated will go over tomorrow and see for himself.

Mr. Fingar stated Gates, Chili and Ogden all studying Little Black Creek. Mr. Domagalla stated walk into fields summer, spring or fall and plenty of water. Mr. Fingar asked if where they are going to build? Mr. Domagalla stated right.

Mr. Mannara stated town has 10' fall there. Mr. Domagalla stated from Weatherwood south to tracks, cannot walk back in there. Always water back there, cannot disappear like that. Mr. Fingar stated builder cannot get occupancy permit until no standing water on lands. Asked if water on his lot? Mr. Domagalla stated no, but in basement, all year round. Other end of tract from Aman and Tascione, house too low. Water has to go someplace, if in my basement, will get mad. Mr. Fingar stated drainage certainly must help situation. Mr. Domagalla stated drainage system. Mr. Fingar stated

