

PLANNING BOARD  
January 8, 1974

A meeting of the Planning Board of the Town of Chili was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, N. Y. 14624 on January 8, 1974. The meeting was called to order by the Chairman, Mr. Weber, at 8:00 P.M.

Present: Richard A. Weber, Chairman  
Walter T. O'Reilly  
Robert Nothnagle  
Raymond Bleier  
Leslie Moore

Absent: Frederic Bean  
Selden Crow

Also Present: Patrick J. Pietropaoli, Town Attorney  
Alfred J. Heilman, Deputy Town Attorney  
Stephen A. Chudyk, Comm. of Public Works  
James Mannara, Lozier Consulting Engineer

1. Application of Al Gerwicks, 5 Irving Place, Rochester, N. Y. for approval of sketch layout for proposed subdivision, extension of Marcia Lane. E Zone.

Mr. Gerwicks appeared. Section 4 of Gerwicks Subdivision, consisting of 7 lots. Lots approximately 97 ft. at front setback line. Square footage approximately 16,150 sq. ft. Sewer and water lines put in to stub at time installed for 20 lots in Section 4. Storm and sanitary sewers in. Lot Numbers 66-72. Cul de Sac will be paved and meets 75 ft. radius which is town standard. Recommend leaving center as grass area. Will have to do grading, move 2-3 ft. of dirt to level area. Easements will be required around perimeter of area to be developed, plus easement for access and easement to connect with existing storm drainage easement which runs toward Marshall Road. Lot line easements 20 ft. (or 10 + 10). Access easement may be along right-of-way from Chili Avenue to rear of property to be developed. Approximate value of houses to be constructed \$30-50,000. Drainage District formed for Section 4, prior development in subdivision did not require drainage district. Will tie drainage into existing Section 4. Creek which provides storm drainage goes across Marshall Road to Little Black Creek. Anticipates open swales along back lot lines for storm drainage. Recommend cutting corner of cul de sac on Lot 72 to make curve instead of sharp corner and make center of cul de sac oval. Recommend submitting drawings showing existing contours and final contours after grading - areas to be cut and areas to be filled.

2. Application of Mike Arcarisi, 574 Long Pond Road, Rochester, N. Y. for approval of 42 lot subdivision, Section 2, Mitchell Acres. E Zone.

Mr. Tom Frazer, Engineer, appeared. Backyard swale along east lot lines will be picked up and piped from Lot 51 into road and out through Golden Road to drainage ditch which parallels railroad. Providing 30 ft. easement on east, 25 ft. easements elsewhere in section. Few trees in area that could be preserved. All lots standard size. Existing sewers will be in street, new construction will be outside of pavement. Should be no ponding of surface water if graded according to drawings. Approximate value of homes to be built, \$32-38,000.

DECISION: Based on Public Hearing held on May 9, 1972, after which decision was reserved, final approval is granted at this time. Actual construction will have to be coordinated with completion of storm drainage ditch along railroad and new sanitary sewer trunk.

3. Application of Louis Alati, 1458 Davis Road, Churchville, N. Y. for approval of sketch layout for 5 lot subdivision, Section 2 of Loma Courts Subdivision, located on Davis Road, EE Zone.

Mr. Arnold Carmichael, Engineer, appeared. Lots fronting on Davis Road, approximately 100 x 200, serviced by individual septic tanks. Reserved place for street between lots 12 and 13 so that backland may be developed in future if sewers are installed. Town will require easements across rear, also across backlands to connect to easement for Section 1 and along Salatino property line. Lots must be built up because lower than level of road. Approximate value of homes \$30,000+. Rear of lots approximately 600 ft. from railroad tracks. Culverts for storm drainage along front of the lots. Recommend contacting Town Engineer regarding additional notes to be included on drawings.

Held over from December 11, 1973 meeting:

Application of Gordon Hyde, 79 Golden Road, Rochester, N. Y. for approval of rezoning of property, 125 ft. x 165 ft., a portion of Tax Account #1852-000 from A Industrial to E Residential, located at 79 Golden Road. A Zone.

DECISION: Recommend approval of rezoning to the Town Board.

RICHARD A. WEBER  
Chairman

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PLANNING BOARD  
February 12, 1974

A meeting of the Planning Board of the Town of Chili was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, N. Y. 14624 on February 12, 1974. The meeting was called to order by the Chairman, Mr. Weber, at 8:00 P.M.

Present: Richard A. Weber, Chairman  
Robert Nothnagle  
Ray Bleier  
Walter T. O'Reilly, Jr.  
Frederic Bean  
Leslie Moore

Absent: Selden Crow

Also Present: Patrick J. Pietropaoli, Town Attorney  
Alfred J. Heilman, Deputy Town Attorney  
James Mannara, Lozier Consulting Engineer  
Joan Ginn, Conservation Board

Mr. Weber stated that with regard to the two formal hearings, the legal notice has been properly advertised in a newspaper of general circulation in the Town and affidavits are on file with the Town Clerk to that effect.

#1. Application of Louis Alati, 1458 Davis Road, Churchville, N. Y. for approval of preliminary plat of 5 lot subdivision, Section 2 of Loma Courts Subdivision, located on Davis Road. EE Zone.

Mr. Arnold Carmichael appeared representing Mr. Alati. Mr. Weber stated you were in earlier for sketch approval. Mr. Carmichael stated yes that is right. Mr. Weber stated in the letter indicated enclosed copy of the minutes covering what had required. (Mr. Weber read from minutes of January meeting.) Guess Jim has gone over everything. Mr. Mannara stated complied with all notes asked for. One would like to see on and that is on this, to identify measurements. Mr. Carmichael stated will carry through on that. Mr. Weber asked will you run through that one again? Mr. Mannara stated numbers refer to sanitary notes which should be on main plan that governs all the lots. Series of numbers in there, no one would ever know what they are unless identified. They are in legend but not in correspondence. Mr. Carmichael stated under typical lot detail have series of numbers with arrows and numbers and suggests put note on there that these numbers refer to sanitary notes on lower left-hand corner and that will clarify what they mean.

Mr. Mannara asked did we ask to take 60 ft. right of way in at this time or not? Mr. Carmichael stated no. Mr. Mannara asked do we have it? Mr. Carmichael stated absolutely, reserved for future right of way and can be dedicated up to here. Mr. Mannara stated might as well. Other than that, think very good and complied with what asked for. Mr. Pietropaoli stated may or may not require dedication of that right of way but linen will show it reserved for future right of way. Mr. Carmichael asked could it be worded on linen in case don't want to dedicate? Mr. Pietropaoli stated will advise you.

Mr. Nothnagle asked wonder if would indicate where tie in numbers on this? Mr. Carmichael stated typical lot, that means any one of these lots is this. Will add further note stating this refers to sanitary note.

Mr. Bleier asked any plans for Section 3 development? Mr. Carmichael stated not there isn't. Has land on Union Street but doing nothing with it. Only on Davis Road. First section up to exception on east and second section the rest. Just Davis Road.

# Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

DATE 2-7-74

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

**GATES-CHILI NEWS**

Issue Dated 2-7-74

*Norah Cuiway*  
.....  
Notary:

NORAH CUIWAY

NOTARY PUBLIC, State of N. Y. Monroe Co.  
My Commission Expires March 30, 1974

*Samuel J. Smith*  
.....  
SAMUEL J. SMITH  
Publisher

*Editor*  
N. H.

## LEGAL NOTICE

### PLANNING BOARD

February 12, 1974

A Public Hearing will be held by the Planning Board of the Town of Chili in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on February 12, 1974 at 8:00 P.M. to consider the following applications:

1. Application of Louis Alati, 1458 Davis Road, Churchville, N.Y. for approval of preliminary plat of 5 lot subdivision, Section 2 of Loma Courts Subdivision, located on Davis Road. EE Zone.
2. Application of James R. Liberty, 17 Birling Gap, Fairport, N.Y. for approval of preliminary plat of 37 lot subdivision located on Marshall Road. E Zone.

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

RICHARD A. WEBER  
Chairman

Mr. Weber asked anyone in audience have any questions? Mrs. Ginn asked wondered if gentlemen aware of the policy adopted in Penfield about highway frontage? Presentation given at Association of Towns meeting about it that heard and they are now not allowing any more cuts for private houses into existing roads. Sounds pretty radical at first but Mrs. Gossin went into quite a lot of detail about this policy. Mainly looking to the future of development of land and notice this parcel, rear portion is the same owner as this land and probably will be developed back here and you have put in provision for a road so can get to the property but think how would be developed in Penfield with present policy is to do it now, to imagine what going to be like back there. Plan what it is going to be like by fronting these houses on a road coming back there and not on Davis Road. Mr. Weber stated saying turn these houses, proposed houses we have here? Mrs. Ginn stated said lot of reasons why development not good idea, strip development which fronts houses on road with all driveways going out to road. Realize not developed area now but probably will become so. Mr. Weber asked applies to 100% of these lots? Mrs. Ginn stated right and might like to talk to Mrs. Gossin. Not running into amount of opposition they expected.

Mr. Pietropaoli stated new policy attempting to work out in Penfield. We have in some subdivisions required access roads, such as Marlands. One problem when making blanket ordinance requiring backs to face main road, and don't know if discussed because didn't attend meeting, but encounter extremely difficult problem relative to the health, safety and welfare of children playing in backyard because faces on main road instead of in subdivision. Backs onto main road and extremely hazardous type condition which thinks would have to be looked into. To say all subdivisions have to have this type of development is poor way of planning. With our subdivision ordinance, which spent considerable time on, is much more flexible and allows this board to decide subdivisions on own merits and if had anything to say about it would argue very strongly for discretion on part of this board rather than hard and fast rules of backyards facing highways. In Marlands, problem with too many cuts on Westside. Developer was amenable to constructing access road along Westside and no big problem with accomplishing that in that subdivision. Mrs. Ginn asked what about backyards? Mr. Pietropaoli stated don't face that way, second road. Mrs. Ginn stated that is one of the ways solve it in Penfield, build second road or build another road and turn houses so that face road. Might make area more interesting if the road was in now and face two houses on either side into new road. Mr. Pietropaoli stated does present problem and Town will have to accept dedication and responsibility for plowing and maintenance. If left undedicated and reserved, then taxpayers do not have to bear cost of additional type thing. Mrs. Ginn asked what about private drive? Mr. Pietropaoli stated under our ordinance extremely flexible and each subdivision may be judged on own merits and thinks with this particular subdivision, Mr. Carmichael here earlier and present plan of sketch layout and review procedure in new ordinance and we reviewed, County reviewed and Town Engineer and everything seems to be in order and now back under second procedure, preliminary plat and now to make change at this point would be unfair.

Mr. O'Reilly asked if property in back owned by someone else, what would he do with lots, grow corn on them? Mr. Pietropaoli stated doesn't think question that requires answer, thinks speaks for itself. Mr. O'Reilly stated doesn't believe question has an answer.

Mrs. Ginn stated guess wasn't considered before, Mr. Weber stated no, haven't considered on same basis as Penfield. Pat outlined feelings and thoughts within Town of Chili and new ordinance, on treating of each area on own merits. Doesn't feel in position to take such a drastic step. Appreciate comments. Anyone wish to speak in favor or

opposition to this application? (No one appeared.) Have referred map to County, they have 30 days to come back at which time we will take action based on whatever they might say and our own opinions. Best time you would hear from us would be the March meeting. Mr. Carmichael stated knows one thing they have asked, met with County, says Davis Road 4 rod road, not three, so we have reserved 10 1/4 ft. and Morrow says wishes would make 4 rod road. Same line actually. Mr. Pietropaoli stated those comments will come back to us.

DECISION: Reserved pending comments from MCPD.

#2. Application of James R. Liberty, 17 Birling Gap, Fairport, N. Y. for approval of preliminary plat of 37 lot subdivision located on Marshall Road. E Zone.

Mr. Robert Schoenberger, Sear Brown, appeared along with Mr. Liberty. Stated appeared in December for purpose of conceptual approval of this 37 lot subdivision and see revised subdivision in front of you tonight. Applying for preliminary approval and as a result of first meeting received letter dated December 12th incorporating suggestions. Will go through one by one.

First, slope of 3 on 1 must be provided in the drainage easement. Recall there is major channel along north property line and this was area. As a result made measurements in creek and widened right-of-way to 66 ft. and pulled road slightly to the south. That will accommodate comment #1. Second, request that concept of third private road be used as opposed to a stub on the dedicated road. If you will recall on original plan took dedicated road and stubbed to the south property line and continued with cul de sac and question on maintenance and complied with continuing dedicated road to cul de sac and service lot with private drive as originally shown last December. Third, roadway may have to be moved... We have moved slightly on this drawing and when continue that existing sanitary sewer does fall within pavement on north side between the right-of-way and edge of gutter. Fourth, green area in the center of the cul de sac (150 ft. min. diam.) should be considered. Show enlarged cul de sac from that previously shown, now 80 ft. radius making 160 ft. diameter and green grass area has been shown in center. Requested stone curbing and that is not shown in this plan, doesn't have sufficient detail. Should have perhaps been labeled on this plan, was not. But enter for the record willing to furnish stone curbing around cul de sac. Sixth, 10 ft. drainage easements on south and east lot lines. We have no quarrel about that, not shown on this plan because of scale but on final plan will show easement lines according to what Town Engineer wants and would like entered into record. When made application for preliminary approval for tonight, filing under Sec. 5.020 specifications for Preliminary Layout in new subdivision requirements and contains some 25 points, a-x, and have answered each one of those points in letter-order, numerical order, engineering report submitted at same time drawings submitted. Believe have copies of that. Other than that plans are pretty much the way had. Will request in final hearing, presume planning board has power to grant variances, maybe have to go to zoning. Are asking for 40 ft. setbacks on these 4 lots here, 50 ft. on these two and 60 ft. here. Reason asking 40 ft. to pull houses farther forward to preserve maximum number of trees since front lawn generally disturbed and provide bigger rear yard. Lot very wide in back. Purpose of 50 ft. to provide transition between 40 and 60 so don't have abrupt 20 ft. change. Those are 4 variances, wouldn't feel detriment to the subdivision and feels will enhance character of cul de sac. Everything else remains pretty much the same. Glad to answer questions.

Mr. Weber stated would like to comment, at time of first presentation with regard to private drives, did contact Schuyler Baldwin, apparently on Planning Board in Perinton when developed over there. Comments were in line with what indicated. Apparently worked well. No particular problems and nothing has fallen back on the town that we thought could happen so in that area, thinks good system and certainly lives up to what have claimed. On third private drive, take it serves three lots? Mr. Schoenberger stated probably two, one probably, bottom only, private drive grant easement to this lot here. Probably easiest and cleanest way of handling. Often done that way. Part of terms of easement would have conditions for maintenance so that these two people would be legally bound to share in maintenance of that drive. Easement would run with title to the property so next homeowner could not squeeze out. Would assume obligation with title. Mr. Weber asked same in the other private roads? Mr. Schoenberger stated yes, this would own and these would have easements to each and maintain. Mr. Nothnagle asked when say maintain, what about towns' responsibility for plowing? Mr. Pietropaoli stated none whatsoever. Mr. Weber stated this is tied into deed completely.

Mr. Heilman stated thinks mentioned in past experience and other towns developed these types of subdivision, had no problems as far as maintenance of roads. Said those lots sold first. Mr. Schoenberger stated just not that expensive, about \$150 a year and everybody pays in their proportionate share and expect easier and happy to have done. Might be relief because now have excuse for spending money.

Mr. Heilman asked who labels private roads? Mr. Pietropaoli asked you would label and put up appropriate signs? Mr. Liberty stated drive would have same name as street and signs would give number of houses and street name. Mr. Pietropaoli asked and something that says private road; if board would require?

Mr. Mannara stated understand easement on edge of road at present. Planning to move further south? Mr. Schoenberger stated can if necessary doesn't see any problem. Actually isn't even required because purpose was to give town access to the drainage ditch. Mr. Mannara asked isn't there one on three slope? Takes up whole 50 ft. Mr. Schoenberger stated calculations indicated if move road 6 ft. could make it. If get entire topo and has to be moved 4 ft., will move. Best indications indicate 6 ft. sufficient. If requires more will move it. Will submit topo and details to you at time of final hearing.

Mr. Weber asked Mrs. Ginn, have any comments? Mrs. Ginn stated thinks people have shown great deal of creativity in laying out area. Usual way to run road down middle but this is certainly more interesting and also noted none of the houses will front on Marshall Road so there will be children playing in the back yard of that middle house, children will play where they will play anyway. Thinks more attractive. As far as variances, realize has to go before Zoning Board and cannot have everything and if going to preserve trees will have to put houses further forward. Would like to comment, discussed at Conservation Board and this is really first one of these developments we have put our attentions to. Note in the new subdivision ordinance there is a policy that has been adopted of providing recreational space within a subdivision and policy I believe is for every 100 families, three acres. Or the builder will give so much money. This money is in no way a substitute for the land. Realize once land built on that is it. Money goes into buying some equipment that maybe a few people will use and quickly forgotten. Saving land for recreational purposes is very important we feel. This of course is small subdivision, not 100 families but if this subdivision were to go with spirit of this requirement, feel that the equivalent of two lots set aside for recreational purposes is very important we feel. Also realize have done

all the things asked for at first meeting and complied but this is something throwing at you at last minute. Didn't mean to pick on you. This is first opportunity had to comment. Also space within an individual subdivision is going to become more important in the future with energy crisis, etc. Not so easy to pick up children and take hither and yon for recreation or use central area. Need open spaces they can get to on foot or bike. General statement you will be hearing from us over and over.

Mr. Weber stated doesn't think at this particular time and fact that they have been here before have essentially given them sketch approval as such. Doesn't know that we can pull out two lots now and ask to dedicate in form of parkland. Point well made and sure there will be much more on it. Anyone in audience wish to speak in favor or opposition?

Mr. Eric Smith, 786 Marshall Road, stated lives on land. Wants to make point, what says about land set aside for playground. There is 118 acres I believe directly across the street owned by the school district. That is probably sufficient land for playground area. Mr. Weber stated would certainly say a good thought. Is Mrs. Huck in the audience? (Did not appear.) Again, no further questions at this time and has gone to the County for their review and 30 days is time limit on that. Before the next meeting will be able to advise of the decision. Mrs. Ginn asked how are these houses going to be heated? Mr. Liberty stated gas. Mrs. Ginn asked thought R G & E... Mr. Liberty stated applied for service prior to moratorium.

DECISION: Reserved pending receipt of comments from MCPD.

Mrs. Rena Gordon, Attorney, representing Joseph Schuler appeared informally to inquire as to proper procedure for selling off a portion of client's land on Scottsville Road. Wishes to sell Par 3 Golf Course and retain plot containing car wash. Was advised that would be required to follow procedures as outlined in Subdivision Ordinance.

Mr. Dobbs, Mrs. Jayson and Mrs. Campbell appeared representing Jayson and Jayson, managers of Stenwick Manor Apt. Requesting permission to put 3 dumpsters on property for use of tenants. Now being put in basement areas and causing odors and attracting rodents. Took over management in January. Unable to get cooperation from tenants. Board recommended making stronger attempts to get situation under control, talking to management at Meadowbrook Farms, and report back to board at March meeting.

RICHARD A. WEBER  
Chairman

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PLANNING BOARD  
March 12, 1974

A meeting of the Planning Board of the Town of Chili was held in the Chili Administration Office, 3235 Chili Avenue, Rochester, N.Y. 14624 on March 12, 1974. The meeting was called to order by the Chairman, Mr. Weber, at 8:00 P.M.

Present: Mr. Richard Weber, Chairman  
Mr. Robert Nathnagle  
Mr. Ray Bleier  
Mr. Walter O'Reilly  
Mr. Frederick Bean  
Mr. Leslie Moore

Absent: Mr. Selden Crow

Also Present: Patrick Pietropaoli, Town Attorney  
Mr. Alfred Hellman, Deputy Town Attorney  
Stephen Chudyk, Commissioner of Public Works  
James Mannara, Loziers Consulting Engineer  
Joan Ginn, Conservation Commission

Mr. Weber stated Legal notice concerning the application for townships agenda has been properly advertised in the paper of local circulation and affidavits are on file with the Town Clerk's office on the same.

1. Application of Albert Gerwicks, 5 Irving Drive, Rochester, N.Y. 14624, for approval of preliminary plat review of 7 lot subdivision, extension of Marcia Lane. E. Zone.

Mr. Weber stated Mr. Gerwicks originally, has been submitted to the County, nothing back on it yet. Mr. Gerwicks asked postpone to next meeting? Mr. Weber stated doesn't think that is necessary, County has 30 days to review and comment, formal hearing can be carried on as in past. Would you care to present further on your application what you have done since time submitted sketch? Mr. Gerwicks stated done nothing except submitted sketch. Mr. Weber stated had sketch at last meeting. Mr. William Kelly, Attorney, stated were recommendations at last meeting and recommendations were made on last occasion, have been carried out under new plot created by engineer, changing cul de sac and showing topo surveys. Has other copies of the maps which were given to the board. Mr. Hellman asked was there a letter from the board listing the things? Mr. Kelly stated recommendations of January 18th. Mr. Hellman asked and your map presently conforms to those recommendations? Mr. Kelly stated yes. Mr. Gerwicks stated this is first map brought in and these are changes wanted on it. Mr. Chudyk stated want pavement from 30 ft. to center line. Mr. Gerwicks stated said wanted 75 ft. radius on the road.

Mr. Kelly stated, 7 lot subdivision, approximately 97 ft. frontage, sq. footage approximately 16500, sewer and water lines put into stub storm and sanitary sewers in cul de sac, will be paved and meets 75 ft. radius which is town standard. Recommended leaving center as grass area. Mr. Weber stated 75 ft. radius appears to be in question. Mr. Chudyk stated new subdivision ordinance requires 80 ft. I believe. Secondly road 60 ft. we want 60 ft. to come to edge of 75 ft. radius circle, not whole lot of empty space and circle being squeezed into 50 ft. radius. Cannot go around with big trucks on 50 ft. circle. That is reason for 75 ft. radius. Mr. Gerwicks stated nothing like that mentioned at the last meeting or would have done. Mr. Weber stated circle of 75 ft. was mentioned. Mr. Gerwicks stated have 75 ft. for cul de sac but not the road. Mr. Weber stated road is what makes important, for truck traffic. Mr. Gerwicks stated wasn't made clear. Mr. Weber stated sorry but point to get turning radius for truck traffic to come through there. Mr. KELLY asked show specifically what talking about? Mr. Chudyk stated to get 75 ft. radius from that edge, 60 ft. road right-of-way. Pavement being 30 ft. from edge, 20 ft. wide and 20 ft. grass

# *Gates-NEWS-Chili*

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

DATE *MARCH 8, 1974*

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

**GATES-CHILI NEWS**

Issue Dated..... *MARCH 6, 1974*.....

*Norah Conway*  
.....  
Notary:

**NORAH CONWAY**  
Notary Public, State of N.Y. Monroe Co.  
My Commission Expires March 30, 19*76*

*Samuel J. Smith*  
.....  
**SAMUEL J. SMITH** N. H.  
Publisher

**LEGAL NOTICE**

**Planning Board, March 12, 1974**

A meeting will be held by the Planning Board of the Town of Chili in the Chili Administration Offices, 3235 Chili Avenue, Rochester, N.Y. 14624 on March 12, 1974 at 8:00 p.m. to consider the following application: Application of Albert Gerwicks, 5 Irving Drive, Rochester, N.Y. 14624, for approval of preliminary plat review of 7 lot subdivision, extension of Marcia Lane, E Zone.

All interested parties are hereby requested to be present.

By order of the Chairman of the Planning Board.

**RICHARD A. WEBER**  
Chairman

NOTICE OF PUBLIC HEARING  
MARCH 12, 1974  
8:00 P.M.  
3235 CHILI AVENUE  
ROCHESTER, N.Y. 14624

area beyond edge of pavement. Mr. Kelly asked beyond property lines? Mr. Chudyk stated right, actually has to be 90 according to new ordinance passed short time ago. Required minimum now which is not too much difference.

Mr. Weber stated if anyone here for hearing tonight will hand map on board, welcome to go over and take look at it.

Mr. Kelly stated not too sure exactly what meaning of the board is on requirements as far as paved area and cul de sac. Mr. Gerwicks stated felt doing what was required, not find there is difference of opinion. Would somebody explain exactly so understand what is needed? Mr. Chudyk stated want 80 ft. radius, half of the diameter. Mr. Weber stated looking for turning radius on the roadway. Looking for exactly what limits that radius would be situated, correct? Mr. Gerwicks stated why don't I give pencil and he can mark what he wants. Mr. Chudyk stated all I want is road going around radius. Mr. Kelly asked outer perimeter would be 80 ft., road on outer perimeter? Mr. Chudyk stated saying 80 ft. radius which is 160 ft. diameter. Mr. Kelly asked from where to where? Mr. Chudyk stated diameter. Mr. Kelly stated doesn't have 160 ft. across there. Mr. Gerwicks stated have 150. Mr. Chudyk stated second, want road to go around so that 60 ft. right-of-way actually is the 160 ft. circle diameter. Mr. Kelly asked want on the outside? Mr. Chudyk stated pavement out on outside edge, in center, 20 ft. pavement not on outside edge, in center, 20 ft. pavement, 60 ft. road. Mr. Kelly asked absolutely necessary that we shorten the lot lines to get diameter? Mr. Hellman stated saying here is road and 60 ft. outside and 40 ft. more in there. Mr. Chudyk stated 60 from here to here and road in middle of 60 ft., 20 ft. pavement. Mr. Kelly stated want 20 ft. pavement in center of 60 ft. right-of-way and that to the outside edge of the diameter of circle. (General discussion of map.)

Mr. Kelly asked is there anything else, now at 160 ft. radius as explained by highway superintendent, diameter. Got to do grading and move two or three feet of dirt to level area. Easements around perimeter and provides for these. Any question on map as to what has been provided? Mr. Pietropaoli stated easement fine but will need legal descriptions of them for filing. Mr. Kelly asked would like easement on Lot 72 along the west side of 72 which corresponds to easement shown on the map? Mr. Hellman stated 20 ft. easement. Mr. Chudyk stated same as other ones. Mr. Weber stated indicating would like easement of the west side of Lot 72. Mr. Chudyk stated would say so because of Zollo and Yost not having easements along rear lot areas, no way to drain rear and side of 72. Nothing at all. Mr. Weber asked does that present hardship? Mr. Gerwicks stated just makes more work for Bill. Mr. Weber asked how about lot 66? Mr. Chudyk stated have it on the rear. Mr. Weber stated not along lot line. Mr. Kelly stated drainage flows along north lot line. Mr. Chudyk stated no problem that I can see. Mr. Kelly asked any question about lot 66 at this point? Mr. Weber stated apparently not. Mr. Kelly stated easement for access and to connect with with existing storm drainage easement which runs toward Marshall, 20 ft. or 10 + 10. No problems. Shown in here and will give description. Access easement may be along right of way from Chili to rear of property. Recommend cutting corner of cul de sac from on lot line 72 to make curve instead of sharp corner. Attempted to do that. Make center of cul de sac oval and have done that. Recommend submitted drawing showing existing and final contours, areas to be cut and filled. Done that on this map. Thinks probably have done everything except question of paved area and diameter question of 160 ft. and pavement area. Mr. Mannara stated want signature of licensed engineer on area. Mr. Gerwicks stated it is there, Glogowski. Mr. Mannara stated surveyor no engineer. Mr. Gerwicks stated what is the difference don't know? Mr. Kelly stated requirement is that have licensed engineer. Mr. Pietropaoli stated for filing in County Clerk's won't accept in County Clerk's office. Requires certification by licensed engineer that information obtained from maps on file in County Clerk's office. Mr. Kelly stated not qualified in regard to construction

and drainage problems, will have to work out. Anything else as far as the board is concerned? Mr. Weber asked did you see cut and fill maps? Mr. Mannara stated fine, no problem.

Mr. Weber asked if anyone in audience had questions? Mr. Robert Schroedl, 23 Marcia Lane, asked on the lot next to mine, 65, property about 3-4 ft. higher than mine. Going to be levelling off even with mine or higher than mine? Mr. Gerwicks stated probably lower than yours because the runoff has to be the other way or swale between the houses. Mr. Schroedl stated will have to pan out 3-4 ft. of dirt. Mr. Schroedl stated if not level will get water from two sides. Mr. Gerwicks stated have to pan out 3-4 ft/ because highest spot of the area and has to be taken over to where houses will go. Too much dirt here so entire area requires fill through here and will come from over here. Going to follow road line and natural drainage of road line will all the way around. Road here about a foot lower to catch water and take off. About 3-4 ft. will have to come out of there. When get cellar for lot, dirt will be trucked across too. Interested in making level; Ditch across back to pick up runoff. Mr. Kelly stated apparently Mr. Schroedl concerned that is not lower than proposed lot and lot next to him and wondered how will provide for drainage or protect himself and assume we can work some scheme out to do that. Mr. Weber stated might be necessary to have easement on that lot line as requested on 72. Mr. Kelly stated doesn't see any big problem. Don't seem to understand use of side and rear lot easements as part of drainage program. Maybe should be explained. No Problem providing those easement on our own land. Mr. Heilman stated recommend taking an easement on west side of 66 as on 72. Mr. Weber stated thinks original statement with regard to question was that lot at the lot line would never be lower than proposed line on 66. In that way would not have problem. Might be advisable to provide easements to guarantee that get along the west line of 66 in case anything should turn up that cannot for see so that town could go in and take whatever steps are necessary. Mr. Gerwicks stated 20 ft. easement in here. Mr. Weber stated same as on 72.

Mr. Harry Yost, 2 Myby, stated knows personally right now that water from here drains back toward circle from back here. Back of me and Zollos. If do that we are in trouble too. Mr. Weber asked from area being filled, through lot 72? Mr. Gerwicks stated try to explain where water will go on street layout map. Yost lives here and Zollow here. Picking up 20 ft. swale along back lot line to carry into existing creek which runs here. Have storm sewer through here. 21" storm sewer buried. Get 20 ft. swale here and this could be catch basin eventually to take these lots that come down through here into storm sewer. Mr. Weber asked talking about swale provided here? Mr. Gerwicks stated yes and natural runoff from here to there. Will require 20 ft. easement to the storm sewer. No problem to put manhole here to catch water, into 21" storm sewer. Mr. Yost stated as of right now all drainage off here comes back across mine and over to here now. Not going to change with grading. Mr. Gerwicks stated going to level and bring water along lot line. Mr. Yost stated if put swale through will run across road into my lot. Mr. Weber stated not talking about swale on that lot line. Going to set level approximately the same as this lot, shouldn't get water at that point. Mr. Gerwicks stated have sewer and gutters that pick up water at this point here. Mr. Yost asked saying water runs back this way? Mr. Gerwicks stated yes so put catch basins, will be put in as go along. Have requirements for them. Mr. Weber stated would follow storm sewer. Any catch basins now? Where is the last one? Mr. Gerwicks stated this is one here, must be one along in through here, probably will have to put catch basins along through there. Mr. Yost stated none in front of my house. Mr. Gerwicks stated will

have to probably install one because planned on drainage along back lot lines. That is what it is doing. Probably have to have catch basin in here. Think requirement of every so often. Probably will have to put one in here. Here is one as we come into this tract here. Would have to put one in this area. As we are building, no problem to tie into storm sewer before putting road in. Actually probably wouldn't need one until further down. Mr. Yost stated suggesting because at least this much draining this way now. 3 lots plus this. This guy down here will get drowned. Mr. Gerwicks stated get catch basin. Mr. Yost stated you need another one near my lot line. All the overflow does run down back. Mr. Gerwicks stated goes down from back lot line not from front. Overflow goes this way. Eventually as proceeds further on there is 21" storm sewer and instead of running water to this point, could run through here and pick up in manhole here. Mr. Weber stated doesn't change this situation. Mr. Gerwicks stated no, this is in future when these lots get developed. At present time this is lot spot and the way water runs. Wet spots, in here but will be contoured. Mr. Yost stated back down and drain across this way. Mr. Gerwicks stated right, natural runoff and swale across here and down into this storm sewer which comes and into the creek in back of these lot lines. No water, no drainage problems. Have to take dirt out of here. Intend to have walk-out basements on these 3 lots. Won't change contours very much. Mr. Yost asked are you building? Mr. Gerwicks stated no, selling to individuals. Mr. Weber stated we have generally agreed, Mr. Yost brought up question of drainage across back of his lot, Mr. Gerwicks agreed should be catch basin in this particular area line one at this intersection. Has provided basins on both sides here and agreed to include these on the maps. Mr. Kelly asked on the maps now? Mr. Gerwicks stated just inked them in. Mr. Mannara asked inlets here and here? Mr. Gerwicks asked would you need inlet with granite curb? Mr. Mannara stated seems close, either here or here. Mr. Weber stated one necessary at low point, like point back here. Mr. Mannara stated here should be sufficient and road should be pitched to low point. Mr. Weber stated drainage across this way, being done, natural water flow across there now. Mr. Gerwicks stated with building road now, not going to be problem to put in catch basin, additional cost not that much. If they want catch basins can put in a couple right there. Mr. Mannara stated would like to decide a little more before decide if need or not. Mr. Weber stated we will advise you of that at the same time get comments back from County. Mr. Mannara stated would like to know which drawings are which. Would someone put elevations on these and legend as to what is what? Mr. Gerwicks stated figure only engineers could figure this out. Blue lines are surveyed contours. Mr. Mannara stated taking 547, might be finished contour. Been suggested that 2 inlets be placed. Should study more before making decision. 4 inlets very close together and may be no need for it. Mr. Schroedl stated at present time water held here. Mr. Mannara stated expect to fill this in and grade problems must be solved. Expect to define what contours are what here. Almost impossible to know what is going on here. Has dotted and solid and would like to see legend to define what is what. Most drawings have profile of the road. Mr. Gerwicks stated had separate one. Wouldn't county want separate drawings? Mentioned to engineer and said county required separate. Mr. Mannara stated would like to see on here so when file it is together. Think ought to have profiles of what is going on here of grading and how much cutting you have. Should be on here also. Mr. Gerwicks stated on that map can see actual, just want marked. Mr. Mannara stated I can see it but someone else might not be able to see it. Mr. Gerwicks stated that other map that I have. Mr. Mannara stated would like to spot the houses wherever going in and corner finished elevations. Asking for that under flood plan because has to be submitted. Still required by the town, approved a while back, requested every drawing submitted with elevations. Mr. Gerwicks stated that wasn't mentioned to me last time I was here. Mr. Mannara stated still not final plans. Mr. Kelly stated understand that. Anything else.

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Mr. Yost stated suppose you say storm drainage not needed and later on storm drainage is needed. Will town come in and put in then. Mr. Mannara stated if road draining to this and designed to this elevation lower than here, no more than right, gutter going to pick up water. This being the low point, has to drain here. Doesn't make sense to put inlets within 100 ft. of each other. Waste of good money. Feel town should have more inlets but in case like this not needed. Mr. Gerwicks stated eventual purchaser of lot spends money, not developer. Mr. Yost asked what does this storm drainage consist of now? Inlet? Where is it going? Into sewer? Mr. Gerwicks stated back to the storm sewer for those 7 lots. Mr. Yost asked what is opening on that enough pipe? Mr. Gerwicks stated yes, 12" pipe. Right here on this map. Mr. Yost stated wouldn't want to get drowned out with 6" pipe. Mr. Mannara stated town doesn't allow anything under 12" Mr. Gerwicks stated that Pipe put in with last 20 lots. Same size as others. Mr. Mannara asked know about easements? Mr. Kelly stated no problem with that. Mr. Mannara stated easement all the way to inlet.

Mr. Eisele, 6 Nyby, asked any minimum on the houses that are going to be put on the lots, minimum size and price? Mr. Kelly stated \$30,000 to \$50,000 according to minutes. Mr. Weber stated size would be in line with zoning. Mr. Pietropaoli stated according to ordinance square footage requirements, lot is 15,000 sq. ft. house according to type of house.

Mr. Zollo, 4 Nyby, asked discuss about drainage off the back because I have inground pool near lot line, about 20 ft. Mr. Weber asked wondering about drainage along rear lines? Slope down toward back or completely level? Mr. Zollo stated slopes down gradually. Mr. Weber asked care to comment further, indicated would be swale? Mr. Gerwicks stated at present time slopes down about 3 ft. Mr. Kelly stated providing for easement along 72 and should provide adequate swale drainage to the rear of lot 72. Mr. Weber stated saying would be swale provided and should be no water backed up onto your property. Easement previously requested is at your back lot line on new lot 72 which would enable town to come in and keep open if need to do so. Easement on cloth, if anything occurred to prevent water flow, easement provided on other lot to do whatever work would have to be done.

Mr. Weber asked if there were any other questions, anyone wishing to speak in favor or opposition to the application? No one appeared.

Mr. Mannara stated would like additional notes, town notes which will give to you at later date. Mr. Kelly asked will you furnish those? Mr. Mannara stated yes. Mr. Kelly asked when will that be available? Mr. Mannara stated will mail them to you.

Mrs. Ginn stated noted in ordinance says over-all tree planting plan should be approved by the planning board. At what point is this? Mr. Weber stated should be included from the beginning. Doesn't believe this has been brought out. Mr. Gerwicks stated mentioned foolish to put trees in before lots are developed. Wind up getting killed. After house built and graded and seeded, should be done by either developer, but people come in and put own trees in anyway. Mrs. Ginn stated this isn't saying should be put in before developed, but plan for them. Mr. Gerwicks stated foolish to put in before. Mr. Weber stated did bring up before, would like to add as one other recommendation. Not necessarily to be put in immediately. Mr. Gerwicks stated after ground down and topsoil and everything, before, waste of money. Mr. Heilman stated incorporate recommendations under sec. 4.043 in new subdivision ordinance which indicates what we are talking about.

The Public Hearing was closed at this time.

Mr. Joseph Schuler appeared with sketch layout of 2 lot subdivision

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subdividing gas station from par 3 golf course. Board approved concept.

Mrs. Linda Campbell, Stenwick Manor Apts. appeared to further discuss garbage storage problems. Was advised to appear before Zoning Board of Appeals for variance under sec. 19-25 of Zoning Ordinance.

Mr. Harold Ford appeared briefly to discuss vegetable stand on Chill Ave. Has applied to Zoning Board for variance.

Chill Fire Dept., Inc. Lewis Gracey, President appeared with changes discussed with Town Engineer for drainage at Co. #3 site. Will swale on west side of property, inlet at NW corner into 12" pipe across back lot line to Chestnut Drive, North on Chestnut Drive, North on Chestnut Drive to connect with pipe coming from Chi-Mar Sub. Town will require 20 ft. easement across north lot line.

Mr. Schoenberger, Sear Brown, and Mr. James Liberty appeared re: County review of Sunderlands sub. (copy of review attached to minutes.) Answer were as follows: 1. Statement of fact. 2. Statement of fact. 3. Statement of fact. 4. Assume relief will be granted because of Planning Board made recommendations. Would ask relief because of unusual characteristics of property. 5. Doesn't think valid comment, doesn't feel question of a variation to say high density and low density. 6. Utility pole and pine trees on Garnhams property in the way for sight distance. Felt had adequate sight distance to the south. Wouldn't want house backing up to creek. 7. Doesn't plan to have driveways entering onto Marshall Road. 8. Would prefer 50 ft. setbacks if agreeable to the board. Put deeper lots on north side of the street, still 167 ft. deep with easement taken off. 9. 8" stream that flows through 8" pipe. will properly size to handle flow and submit calculations to the town engineer. Will give whatever easements feel necessary. 10. Propose providing stub to south property line to be picked up when developed and then loop back, no place to loop it to do by themselves, or extend to the south. 11. Will be shown on final plans. 12. No. 13. Data to be included on final plans. 14. To be shown on final plans. 15. Will pipe down Sunderland and pipe to north property line. 16. Will not use ditch, will be piped. Will not use ditch, will be piped. Will submit details on that. 17. Did test borings and has been checked with town engineer. 18. Will try to direct home buyer, but some house styles might indicate driveway onto Sunderland Drive. 19. Spoke to Mr. Chudyk and will make right-of way butt up to easement. May require slight relief on setbacks. 20. Doesn't feel valid comment. 21. Will do as part of final plans. 22. Will conform. 23. Will conform. 24. Will conform. 25. Will conform. 26. Will conform. 27. Will do on final plans.

DECISION: Approved with following comments and/or recommendations:

1. Easements should be included for all utilities within the subdivision.
2. With reference to item #8 in the County's letter the Board will require 60 ft. front setbacks as presently indicated on your layout. The only exceptions will be those lots on the cul de sac.
3. With reference to item # 10, recommend attempt to obtain easements to the water lines to Lexington Sub. to the north.
4. Roadway must be moved back so that it does not encroach on 50 ft. drainage easement and guard rails will be required where the road parallels the ditch.

Richard Weber  
Chairman

PLANNING BOARD  
April 9, 1974

A meeting of the Planning Board of the Town of Chili was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, N.Y. 14624 on April 9, 1974. The meeting was called to order by the Chairman, Mr. Weber, at 8:00 P.M.

Present: Mr. Richard Weber, Chairman  
Mr. Walter O'Reilly  
Mr. Frederick Bean  
Mr. Leslie Moore

Absent: Mr. Robert Nothnagle  
Mr. Ray Bleier  
Mr. Selden Crow

Also Present: Mr. Patrick Pietropaoli  
Mr. Alfred Heilman  
Mr. Steve Chudyk

Mr. Weber stated legal notice has been properly advertised in a newspaper of legal circulation in the town and affidavits to that affect are on file with the Town Clerk.

#1. Application of Sobmac, 1300 Scottsville Road, Rochester, N.Y. 14624 for approval of Preliminary Plat of 2 lot subdivision located on Scottsville Road, Par 3 golf course and car wash/service station. A Zone.

No one appeared at this time.

#2. Application of the Norry Company, P.O.B. 51, Rochester, N.Y. 14601 for approval of rezoning of a portion of Tax Account Nos. 1538-150 and 1500-150, from R-1-15 to M-2, located at 797 Beahan Rd, approximately 6 acres in size.

Mr. Norry Levy appeared, stated owner of parcel at corner of Fisher and Beahan. Believes through error of Monroe County Planning, inadvertently zoned residential from previous industrial. Requesting re-zone back to original industrial classification and also has plans on file for 45,000 sq. ft. building which proposing to put on that property. Mr. Weber stated that is included under informal portion of meeting but no reason why cannot tie in. So far as formal application for rezoning back again, so far as can see that will be formally and should be no problem in having error overcome and zoning that correctly again. Will be referred to the Town Board on that basis. Have you gentlemen the drawings? Mr. Mykins stated basically 45,000 sq. ft. building. Providing 49 parking spaces in front. Brick-faced. Located at Fisher Road and Beahan is down here [indicating on map] Railroad and this is Weidner Road. 45,000 sq. ft. building. Mr. Weber asked north of Weidner Road? Mr. Mykins stated right, north side. 45,000 sq. ft. warehouse and office. 49 parking spaces. On topo map have existing drainage situation through the property to the County of Monroe. Mr. Weber asked what would be purpose of building? Mr. Mykins stated believes warehouse, only, plus small office. Mr. Weber asked what type equipment? Mr. Levy stated believes for now electronic equipment primarily. Not our home, for tenant and building will be rented on long term basis for warehouse distribution. Mr. Mykins stated will be non-combustible material. Not gasoline or fuel oil or tires.

Mr. Weber asked will be lasting to more than on tenant? Mr. Levy stated hopefully only one. Mr. Pietropaoli asked could you tell the board what type of construction anticipated? Mr. Mykins stated basically masonry structure at floor level. Steel building. Floor brick. Butler steel. 28 ft. at eaves. Mr. Weber asked any drawings? Mr. Mykins stated didn't prepare elevations but could supply board through these people with elevations which would show exactly what buildings

# Gates-NEWS-Chili

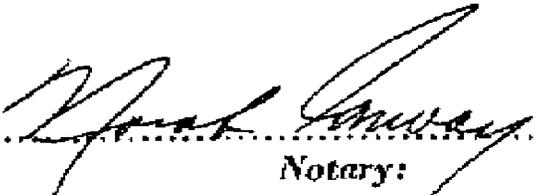
1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

DATE APRIL 9, 1974

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

**GATES-CHILI NEWS**

Issue Dated.....APRIL 3, 1974.....

  
.....  
Notary:

**NORAH CONWAY**  
Notary Public, State of N.Y. Monroe Co.  
My Commission Expires March 30, 1976

  
.....  
SAMUEL J. SMITH N. H.  
Publisher  
Editor

## LEGAL NOTICE

PLANNING BOARD OF CHILI  
April 9, 1974

A meeting of the Planning Board of the Town of Chili will be held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on April 9, 1974 at 8:00 P.M. to consider the following applications:

1. Application of Sobmac, 1300 Scottsville Road, Rochester, N.Y. 14624 for approval of Preliminary Plat of 2 lot subdivision located on Scottsville Road, Par 3 golf course and car wash/service station. A Zone.
2. Application of the Norry Company, P.O.B. 51, Rochester, N.Y. 14601, for approval of rezoning of a portion of Tax Account Nos. 1538-150 and 1500-500, from R-1-15 to M-2, located at 797 Beahan Road, approximately 6 acres in size. R-1-15 Zone.
3. Application of Albert Gerwicks, 5 Irving Drive, Rochester, N.Y. 14624 for approval of subdivision plat review of 7 lot subdivision, extension of Marcia Lane. E Zone.
4. Application of James R. Liberty, 17 Birling Gap, Fairport, N.Y. for approval of subdivision plat review for 37 lot subdivision located on Marshall Road. E Zone.

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

RICHARD A. WEBER  
Chairman

IN COMMISSIONER ELLIOTT MARCH 30 1974  
KORONA LITHING STATE OF N.Y. NORWOOD CO.  
MORNING STAR

will look like. Just have to get from Butler. Not something standard. Combination unit and built to any size. Mr. Weber stated would like to see what you are planning and unless have more description would not be able to evaluate completely. Mr. Mykins stated didn't know exactly how far would go. Will give rendering of this because has to be made special. Could show picture but won't mean anything. Will give rendering of front. All truck traffic at rear of building. Go through here and into back. No trailer trucks in front. Grass strip and landscaped. Thinks if board will consider this will give rendering and landscaping plan. Haven't finalized drainage through here yet. Didn't know where we were at, when turned into residential. Perfectly willing to supply rendering and landscaping and detailed engineering. Wanted to be sure had consideration before went farther. Back to industrial.

Mr. Pietropaoli asked if board were to vote or recommend to rezone this property to industrial tonight, do you have legal description of the property so that could be properly advertised before the Town Board, provide me with that? Mr. Mykins stated provide certified instrument survey and legal description. Mr. Pietropaoli stated just description. Mr. Weber stated if you would furnish us with additional information could certainly better evaluate architecture and landscape conditions on building. Mr. Mykins stated will supply you with it. When would you like it? Mr. Weber stated would not be voting on architecture tonight. Not enough information. Rezoning formal procedure that ...how long will that take? Mr. Pietropaoli stated if board were to recommend rezoning tonight and had legal description be end of this week could recommend public hearing be set at next board meeting and could be public hearing on May 1st. Mr. Mykins stated fine, we could get to architecture in 2-3-4 days.

Mr. John Candileri, 11 Minuteman, asked what road would trucks be using, Beahan? Mr. Mykins stated Weidner Road. Can see driveway entrance. Mr. Weber asked if anyone else wished to speak in favor of opposition to the application and no one appeared.

DECISION: Based on receiving final report from MCPD, recommend rezoning to Town Board. Unanimous approval.

#1. Application of Sobmac, 1300 Scottsville Rd., Rochester, N.Y. 14624 for approval of Preliminary Plat of 2 lot subdivision located on Scottsville Road, Par 3 golf course and car wash/service station. A zone.

Mr. Schuler appeared. Mr. Weber asked apparently map has exactly same detail previous one submitted? Mr. Schuler stated yes. Mr. Weber stated contouring not necessary but to identify various parcels. Mr. Schuler stated yes. Mr. Weber asked would you like to go through again reason for your request and drawing as you have it? Mr. Schuler stated would like to subdivide parcel. Two types of business on this property. One car wash-gas station and other a par 3 golf course. We have tentative customer for golf course which would like to see and have divide this in order to see one part. Mr. Weber stated it is still sufficient time for the county to come back with comments on this. Don't know whether they will or not so until that time cannot finalize on it although we have no further comments than what we have had at last application. Mr. Schuler stated nature of golf course getting into the season now and people are very anxious, in fact had purchase offer from these people for last 5-6 weeks or two months and would like to know where they stand if there is a possibility of getting this subdivided. If no chance then might loose sale. Mr. Weber stated apparently would be between 1 and 2 weeks for the county to respond legally thinks will hold until then, if have no comments then there would not appear any further objection to it. Anyone in the audience have questions on this application? Anyone wish to speak for or against? No one appeared.

DECISION: Reserved pending receipt of comments from MCPD.

#3. Application of Albert Gerwicks, 5 Irving Drive, Rochester, N.Y.

1-624 for approval of subdivision plat review of 7 lots subdivision, extension of Marcia Lane, E. Zone.

Mr. Gerwicks and Mr. William Kelly appeared. Mr. Kelly stated back in again with the revised proposal on Gerwicks Subdivision, 7 lots, Sec. 5. Thinks has made effort to comply with bulk of requirements suggested. Map encompasses virtually all of those. Have one thing that has to be added on legend, 100 gal. infiltration shall be limited to and thinks not included on there. Have not been able to finally review this map with Mr. Mannara because out of town. Mr. Weber asked hasn't seen this then? Mr. Kelly stated no, has not. Would like to review and if everything in order, I have in process of preparation easements, drafting easements that are necessary and will go ahead with drainage district which probably will be extension of last drainage district in that area which would be appropriate way to process. Will check with Town Attorney on process. Mr. Weber stated nothing obvious had problems with as far as request concerned. Mr. Kelly stated seemed to work out quite well.

Mr. Pietropaoli stated very briefly, for the record because this is public hearing, explain to the people, may be people on matter and what you people have done to satisfy those requirements that were brought out at that meeting along with those of Mr. Chudyk and Mr. Mannara. Mr. Kelly stated better go systematically, did furnish side line easements which would enable appropriated drainage to be provided along the boundary of lot 66 and 72, which were suggested by engineering and planning board and provide 20 ft. wide easements to take care of that matter with final drainage program running on down as shown on this map. There is access provided from Chili through right-of-way Mr. Gerwicks presently owns. Also some modification of the circle, thinks last time radius of circle too narrow and widened that to comply with Town requirements. Were some modifications for certain lot drainage which believes reviewed with Town Engineer and met with his satisfaction. Thinks probably better if any questions, could probably better if any questions, could probably try to answer. Most requirements made by the Board last time provided on this map. Mr. Gerwicks stated been to the Water Authority, Sewer agency and County Planning Board.

Mr. Weber stated will have to have engineer review final drawings details to pick up some points that have been made. Anyone in the audience care to speak? (no one appeared) Mr. Kelly stated one inquiry. Obviously would like to move dirt preliminarily as soon as possible. Tough to schedule somebody to move topsoil. If drawings meet with approval of Town Engineer, upon his return, with approval could do preliminary ground movement. If this is possible. Mr. Weber stated might be possible. Doesn't know as we could guarantee that some might not be lost. Doesn't see any particular instance where might come up. If did, would be on your own. Mr. Kelly stated trying to not have somebody running out raising heck because moving dirt on property before should be. Doesn't know time sequence but does have to get people to move ground cover. If can schedule and meets with approval of town engineer and looks as though compiled pretty well and all right with town engineer may we proceed with preliminary ground movement? Mr. Weber stated would appear to be reasonable. Essentially when town engineer reviews and should pretty well close out. Mr. Gerwicks stated ground high and dry and sandy, can get equipment now. If get approval in June or July with wind blowing will create hard feelings. Mr. Weber stated sure you would have approval before June or July, see no reason why should take so long.

Mr. Pietropaoli stated does have one problem and that is Sec. 3.047 of our new subdivision Ordinance indicates before any construction may commence on any new subdivision, letters of credit have to be posted with the Town Board so thinks maybe that may be foreclose that possibility. Mr. Gerwicks asked in what way, letter of credit or cash? Mr. Pietropaoli stated letter of credit would have to be filed. After approval of the application and before filing maps, etc. I would assume if this can move to final approval and get letter of credit, will

be safe all around. Mr. Kelly asked couple of months from now? Mr. Pietropaoli stated doesn't think will take couple of months. Subdivision ordinance quite clear on that particular matter. Mr. Kelly stated some areas of this ordinance raise havoc with development of town and developers. Understand what saying and required to comply and no way to get letter of credit until town board makes determination. Mr. Gerwicks asked how about if I put up deposit until letter of credit comes through? Mr. Weber stated isn't that much legally involved with establishing letter of credit. Mr. Pietropaoli stated thinks will do estimates on road and drainage. Reason included very simply in many subdivisions that have come in past things of this nature did transpire. Grading topsoil and stripped and things got bogged down and because of that numerous complaints presented to the town hall and administration so consequently thinks county planning council was very wise in including this type of provision in their recommendations. From town's standpoint and in touch with town's people, thinks wise provision and should be adhered to and strictly construed. That is opinion as town attorney. Mr. Gerwicks stated notice Gerwicks Subdivision Sec. 5. Started building in 1949. Still live in Chili and intend to. No enemies that I know of. Only thing is would like to get in sooner so would not blow sand in everybody's houses. Mr. Kelly asked some way do mechanically but will make effort to comply to letter of the law and trying to do but would like to not be delayed any longer than necessary. Mr. Weber stated will do nothing to cause delay.

DECISION: Reserved pending review by the Town Engineer.

- #4. Application of James R. Liberty, 17 Birling Gap, Fairport, N.Y. for approval of subdivision plat review for 37 lot subdivision located on Marshall Road. E. Zone.

Mr. Liberty and Mr. Schoenberger of Sear Brown appeared. Mr. Schoenberger stated presently 37 lot subdivision known as Sunderlands, and final plans in front of you. Basically same as colored rendering in front of you on the board. At previous meeting did receive letter dated March 13th from this board and 4 comments. First, easements should be included for all utilities within subdivision. Thinks will find has been provided. Second one with reference to #8 in County's letter, 60 ft. front setbacks, only excepts those lots on cul-de-sac and they are all 60 with exception of cul-de-sac which believes from 50 ft., one 40 ft. Third item Re: #10 attempt to obtain easements to tie the water lines in with the lines in the Lexington Sub. to the north. We responded to that with a letter to Mr. Chairman dated March 25 and offered alternative extending to east and south property, lines of subdivision for future in at two points with remaining lands of Indian Hills and this property to the south when eventually developed. Did not receive response so do not know if satisfactory.

Mr. Weber asked did you indicate did go to Lexington people to try to obtain easements? Mr. Schoenberger stated didn't even try because tried on similar cases and generally want thousands of dollars. Feel developers are Bank of America and you have to go through private property and cross existing street which is expensive and going into private property and working close to the house probably would need two easements, one from each property owner because limited distances between the house and feels from experience probably almost impossible and not economical to obtain easement. If board wants easement should have provided for one in Sec. 3 of Lexington. Mr. Weber stated would have been good move at that time. Intend to make future water supply satisfactory. Better possibility of not being cut off or whole area without water supply, felt would be to your advantage as well. Mr. Schoenberger stated agree in theory. Would be better but doesn't feel practical. Provide two connections, one to the south and one to the east for future and when properties developed will be alleviating problem. Offering that as alternative and hope that is approved. The last item in your letter was roadway must be moved back so doesn't encroach on 50 ft. drainage easement. Occures along north property line where there is existing ditch and notice have moved right-of-way over so up

Planning Board

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against the easement and guard rails will be required, where road parallels drainage ditch. This was also comment by Mr. Mannara about guard rails and in respect to that would like to say that when the final grading is done in this area of road, ditch will not be nearly as deep as now. Only approximately 4 ft deep because going to take dirt off in this area. Would like to say, guard rails will be added after all construction completed if the town engineer so directs. Will be perfectly happy to add if upon fair examination it is determined there is need. Would like you to see finished product. Mr. Weber asked slopes will be less than what previously planned? Mr. Schoenberger stated broader because cutting ground down so that now property line like that and have hill on one on three slopes and ditch 6 ft. deep now. Easements line on either side. Intend to cut down somewhat so that net depth of the ditch is only about 4 ft. and top bank now moves out so have wider shoulder and depth decreases. Roadway going to be 17.5 feet I believe from edge of easement and edge of pavement. That is all green area and feels compensation of 17.5 plys increased shoulder more than enough and only 4 ft. deep safe condition and find conditions much worse on County roads. Asking look at this after complete construction and if determine guard rails necessary will put in. Mr. Weber stated reason for mention of rails really whether ditch 4 or 5 feet depth, if in it still in trouble. Thinks if shoulder widened does have bearing on that. Mr. Schoenberger stated expensive item, look at it and if still needs rails will do it. Note will be on plans binding us to that condition. Mr. Weber stated will consider that point.

Mr. Schoenberger stated several other comments from Mr. Mannara, no written communication but verbal, did talk with him. Comments concerning water mains, storm sewers, guard rails, catch basin locations. Basically not in disagreement with any items, just matter of finalizing, with Jim so that only thing questions was guard rails. Will make changes in accordance with what he wants. Ask approval based on these changes being made. One other thing, street trees. Would like to deviate from required street trees, whatever requirement is and concentrate on all these trees up in the area next to the ditch-end of the street to beautify that area. That would be green shoulder area. Would like to put trees in there. Mr. Weber asked any other trees around other properties then or would that be extinct of that. Mr. Liberty stated on landscape plan which we are submitting as part of plans, designed by Mr. Fischer, landscape architect, would request and know on it, is making request that we provide trees as shown on there only continue further to the east than shown in lieu of the individual lot trees and we could commit ourselves to this plan, size and species called for. Basically involved for several years with providing planting materials for people for nothing and been our experience with landscaping such as trees, if provided by the builder in general not very well cared for by the homeowner. Would like to select something that will do well, native grown in area and have material selected and beautify drainage ditch through the length of this road rather than spot trees like soldiers through the lots. That is primarily what plan shows and would file with the town and comply with plan as shown. Model actually both on the plan and to scale, will leave with you too. Up-rights represent the railroad ties, entry logo and the weed is a tree Major tree shade master honey locust. Mr. Weber asked what is type tree would provide along the road? Mr. Liberty stated specified on here, evergreens such as white pine and willow trees, Babylon willows. Heinrich Fisher will supervisor planting and selection. Russian olive, white pine, ... Mr. Patrick Pietropaoli asked is there something on the map as to how many trees would be planting in that area? Mr. Liberty stated indicated here, would be planted as specified, 37.

Mr. Chudyk asked 23 and 37? Mr. Pietropaoli stated actually more than what is required to plant under subdivision ordinance. Mr. Liberty stated believes what want to do, entry planting would do anyway whether required to plant 37 trees on lots. Would like to take those 37 and do down right-of-way, in addition to entry plan. Mr. O'Reilly asked 60, in other words. Mr. Schoenberger stated yes.

Mr. Hellman asked put 37 trees down right-of-way before determining whether need guard rails? Mr. Liberty stated afterwards. Thinks can look it over when get to point of putting in gutters, if public works director comes, contour down and shoulder graded at that point, town engineers and public works will be able to determine where or if they will guard rail along there. This material would not be planted until next Spring, a year from now. Getting too late for this year. Mr. Weber asked if guard rail determined necessary will that interfere with planting plan at all? Mr. Liberty stated we put in front, have done before, have project with guard rail and job designed and in existence for several years. Guard rail along retention basin in subdivision, did planting in front of guide rail. Chance of hitting rail here at speeds traveling down this street, unless driving illegally, cannot see going that far off the road. Mr. Weber stated talking ice and snow which make any speed dangerous. Mr. Liberty stated 17 or 18 ft. off pavement, doubtful, so would run risk of putting plant material in front of guard rail. People do get off edge of pavement but to allow for snow plow and storage anyway, first 10 ft would have to leave clear for snow storage anyway. Mr. Weber asked if anyone in the audience wished to speak. Mr. Howard Allen, 9 Meeting House, asked is it possible to give physical location of this proposed tract. Difficult to see drawing. Mr. Pietropaoli stated come up and have a look at it. Mr. Schoenberger stated this is Meeting House and Marshall Road. This is Smith property immediately to the south of Sec. 3 of Lexington Sub. Long narrow piece of property abuts other lands that belong to Indian Hills and Thorn property to the south of his. This is existing house and barn right here.

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

Mr. Hellman stated indicated agreed in principal with town engineer as far as whatever conversations have had but will comply with whatever he wants done to perfect this final subdivision plan. Mr. Schoenberger stated provided nothing that deviates much from what has told us so far. What we have seen so far from him presents no problem. Things like blow-out valves, another hydrant. Mr. Hellman asked no major change? Mr. Schoenberger stated no reason to believe that. As far as I know, no problems whatsoever. Fully agree with what he says and will comply.

Mr. Weber stated further question regarding landscaping and trees. This is comment from the Chill Conservation Board. Interested in re-retention of all trees possible on the property now and do make comment indicates a question regarding the size and number of the trees that will be cut down in this land development. Any ideas of what they might be? Mr. Liberty stated indicated on the map there are existing trees and if familiar with the property and walk to the rear, really isn't a great deal of good material back there. Pines which will save in entirety and rest pretty much scrub. Indicating clearing limited for the homes on the plans. No earthwork, just selective clearing to sit the house. Mr. Weber asked what is size of trees, older? Mr. Liberty stated with exception of one or two right on property line, most easterly line and further east probably from 2 1/2 to 3 ft. oaks not in very good shape. Bulk of plant material in 2-6" range. Mr. Schoenberger stated second growth stock. Mr. Weber asked any further landscape plans on the cul-de-sac area? Mr. Liberty stated no but we are going to landscape area. Mr. Weber asked to what extent? Mr. Liberty stated haven't planned it yet. Will be designing something in there. Really didn't have opportunity to walk to rear of property. Wanted to look at existing foliage and select something that would blend in with existing material. Mr. Weber asked what would you think it might be? Mr. Liberty stated probably something in evergreen line, that is

what I would recommend. Have bit of problem in that that is where plows will be sticking snow and would almost like to have personal contact with fellow in charge of plowing to see what things might happen. How much room you need around inside, no sense planting around outer edge so thinks if get together and tell what planting limits might be, might be 4-5 pines in center, flowering shrubs around perimeter would be gone in one year. Plows generally blow to center, snow still be piling in center of cul-de-sac. Mr. Weber stated does limit what you might put in. Mr. Liberty stated seen done before. Generally people in area that live there will start to put tulips and things out in an area like that. Kind of neighborhood pride area which is purpose of it really.

Mr. Weber stated concludes any questions that we had. We will review with Mr. Mannara the points you mentioned made verbally and you have complied with and we will review drawing further with regard to recommendations that have been made. See nothing beyond that at the moment.

DECISION: Approval pending review by the Town Engineer. Stipulate that if Town determines need for guard rail will be installed. All trees will be required as indicated in Sub. Ordinance.

The following informal applications were heard:

1. Arnold Carmichael re: Alati - Loma Courts Sub. , Sec. 2

Mr. Carmichael appeared to comment on County's recommendations on the subdivision (copy to be included in minutes) 2. Lot is 100.81 ft. at front lot line. 3. Possible, could flip garages and enter into future right of way. 4. Over-all layout submitted to Planning Board in 1971. 5. Providing 115 ft. rear yards. 6. Have dug test holes in area, county has not seen Health Dept. records. 7. Water Authority can supply water. 9. Reserved total of 75 ft. for road. 10. Same as 3. Health Dept. Will not allow to build off of traveled road, will not take lots on evaporation-transpiration beds. 12. Health Dept. took tests on 4/1/74. 13. a) Believe s took impregnated pipe off linen. b) drawings originally made in 5/73, made change on linen to comply. c) same as b). d) can be done easily because houses sitting high. Some of the Health Dept. comments have been corrected and others can be easily corrected. 1. Very expensive. Would mean difference between building and not building. Health Dept. would require minimum 2 acre lots. 6. Grading plan basically in contours. Does not show profile of swale in rear. Can meet that requirement. Usually supply with easements on another drawing.

Remainder of parcel cannot be developed until sanitary sewers come in. Drainage ditch behind houses on Union St. has been dug, pipe not in ground. (Referred to Town Engineer for review)

2. Patrick Roncone - site plan and architectural review for professional building at 3253 Chill Avenue.

Mr. Gary Karsten of Sear Brown appeared. Previously had received approval for masonry and steel building but costs have become prohibitive. Redesigning using wood construction. 6400 sq. ft., 32 parking spaces. 60 ft. setback from Chill Avenue, 40 ft. on east because abuts R-1 district. 10 ft. on rear lot line. Concrete block on lower level either 8" scored block or epoxy stucco type coating. Upper floor wood, Cedar board siding, stained. Exits on grade at rear and mid-level entry in front. Parking on front of building. Can save major trees by reducing parking from 41 to 32. One curb cut into Chill Ave. Two modules app. 1000 sq. ft., one 800. Lower level of 800 sq. ft. unit for utilities. Blacktop parking area and small grass area in front of building. Small section has sloping roof, others flat. (Referred to Town Engineer for review)

3. Page Airways - addition, architectural review, 1265 Scottsville

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Mr. Mike Fortier appeared. Common stairwell entrance for Page and Wilmore. Remodel to keep people out of aircraft areas but no control over front door. Want to create lobby and reception area and screen people at that point. Have variance from Dept. of Labor for construction because of egress from 2nd floor. Exterior will match existing buff brick. Will close existing front entrance into Page. Will be some type of sign on face of building eventually. (approval granted)

4. Robert Miller - 2 lot subdivision - Union Street

Mr. Miller appeared. Subdividing for son to build house. Farm belongs to him and brother Charles. 150 x 3233 lot.

5. Mable Coyle - 2 lot subdivision - Morgan Rd.

George Emens appeared representing Mrs. Coyle. Lot 200 x 233. Located between Union St and Wheatland Center Rd.

6. Pantlin & Chananie Dev. Co, Preliminary site plan review for shopping center, Chili, Paul and Chili Coldwater Roads.

Mr. Richard Mayberry, attorney, appeared. Approx. 10,546 acres of land. Building development 120,000 sq. ft. K-Mart - 84, 120 Supermarket, 34,300 bank building - 2400, Garden shop included in K-Mart, for total of 120,780.

683 parking spaces. Negotiating for properties. Only other problem drainage. All to be constructed at one time. Access from Paul Rd. and Chili Center Road. 60° angular parking. Raised islands will be landscaped. Raised dividers in lot. Retain some evergreen trees but will be necessary to remove some because of changing grade. Retain about 50% and will retain landscaped architect. Would like to break ground in May or June to open in October. Propose connecting drainage at NW corner into Spring Lake, pond and weir. Alternately SW and go along back property lines of residences and hook into stream below the weir. ( Referred to County and Town Engineer.)

7. Richard Sylvester - discussion of rezoning proposal, R-1-15 to C-2, 3360 Chili Avenue.

Mr. Mayberry appeared. 16 acres. Purchased on condition that it was zoned commercial prior to purchase. Also application from other 6 property owners on residences in frontage on Chili Avenue.

RESOLUTION ADOPTED BY PLANNING BOARD

Re: Robert W. Miller, 4274 Union Street and Mable Coyle, Morgan Road. RESOLVED THAT the Planning Board grants approval of the 2 lot subdivisions subject to applicant providing the proper linen and copies that are necessary for filing in the Monroe County Clerk's office. Carried unanimously.

RICHARD WEBER  
Chairman

k1

## PLANNING BOARD

May 14, 1974

A Meeting of the Planning Board of the Town of Chili was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, N.Y. 14624 on May 14, 1974. The meeting was called to order by the Chairman, Mr. Weber, at 8:00 P.M.

Present: Mr. Weber, Chairman  
Mr. Nothnagle  
Mr. Bleir  
Mr. O'Reilly  
Mr. Bean  
Mr. Moore

Absent: Mr. Craw

Also Present: Mr. Pietropaoli, Town Attorney  
Mr. Hellman, Deputy Town Attorney  
Mr. Chudyk, Comm. of Public works and Hwgy.  
Mrs. Ginn, Conservation Comm.

Mr. Weber stated that the legal notice has been advertised in an official newspaper of the Town of Chili and affidavits of publication are on file with the Town Clerk.

#1. Application of Mabel Coyle, 879 Morgan Road, Clifton, N.Y. for approval of plat for 2 lot subdivision located at 879 Morgan Rd. RA-20.

Mr. George Emens appeared representing Mrs. Coyle. Stated what we have is piece of property 200 x 200 on Morgan Rd. out of piece approximately 78 acres big. Want two lot subdivision based on that. That simple. Mr. Weber stated when you were in last time, essentially approved sketch layout and this would be preliminary plat as such under subdivision ordinance. You have received a copy also, I gather of list of requirements for filing the maps? Mr. Emens stated yes I have. Mr. Weber stated letter from Monroe County Planning indicates requirements to be met for septic system. Mr. Emens stated that has been taken care of. Mr. Weber asked curb cuts and road reservation? Mr. Emens stated taken through the county, yes. Have a copy with me if you would like it. Building inspector also supposed to have copy of it. Mr. Weber stated what comments from highway, indicates all curb cuts and highway roadway reservations must be coordinated with DPW because of future upgrading plans. Have you seen those people? Mr. Emens asked them? Mr. Weber stated County. Mr. Emens stated sent them forms and got forms back. This is what I sent to the County.

Mr. Pietropaoli stated does have copy of the permit issued by the DPW for the road cut and also copy of the original letter sent by Mr. Keefe, Director of Public Works approving this particular two lot subdivision pursuant to Sec. 239 k of General Municipal Law. Hand up for reference and give back to you. Mr. Weber asked the first article mentioned, requirements for making and filing maps, have you satisfied all of those covering tax search by the county on the property? That was this listing here. Mr. Emens stated assumed that was taken care care of before the County seal was put on the linen. Mr. Weber stated no county seal as yet. Mr. Emens stated assumed it was all done. Guess it wasn't, Mr. Weber stated this would be thing would be satisfying yourself. Before the county can approve it as such. Mr. Emens asked how do I notify the county? Mr. Weber stated notify Dept. of Planning along with road cuts and septic tanks, etc. Mr. Emens asked I have to write letter and tell perc tests done or will he check with his department? Mr. Weber stated if they have record would check and when receive stamps would check if completed. Would think only thing still outstanding, indication of tax search and whether or not that has been completed. Mr. Emens stated would be only thing that would hamper this. Mr. Weber stated would appear to be so. Think we can leave you on that basis with this one item to clear.

# Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

DATE May 18, 1974

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

**GATES-CHILI NEWS**

Issue Dated May 8, 1974

Albert A. Man

Notary:

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

My Commission Expires March 30, 1978

Samuel J. Smith

SAMUEL J. SMITH

Publisher & Editor

MAH

## LEGAL NOTICE

### PLANNING BOARD

May 14, 1974

A Meeting of the Planning Board of the Town of Chili will be held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on May 14, 1974 at 8:00 P.M. to consider the following applications:

1. Application of Mabel Coyle, 879 Morgan Road, Clifton, N.Y., for approval of plat for 2 lot subdivision located at 879 Morgan Road. RA - 20.
2. Application of Robert Miller, 4274 Union Street, North Chili, N.Y. for approval of plat for 2 lot subdivision located at 879 Morgan Road. RA - 20.
3. Application of Harold Ford for approval of Conditional Use to sell produce from May 1 through December 1, 1974 on property located at 1136 Paul Road. R-1-20.
4. Application of P-O Chili, Inc., 3240 Chili Avenue, Rochester, N.Y. for approval of Conditional Use to allow portion of building to be used for athletic programs for pre-schoolers - "Perkins Fit-by-5". C-2.

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

RICHARD A. WEBER  
Chairman

Mr. Pietropaoli stated will consider and decide whether to give preliminary approval as in for tonight on two lot subdivision. Board could decide to waive final and take linen and required number of copies to Mr. Morrow in maps and surveys at county and will make sure satisfy requirements. Pay fee and he will file it. Mr. Weber stated still have to get stamps on the tracing. Will have to get stamps from the county and town will stamp and then can file. Will not have to be another public hearing, before this board. Does anyone wish to speak in favor or opposition to this application? (no one appeared).

DECISION: Preliminary approval granted subject to obtaining any stamps necessary for filing at county. Final public hearing waived. Final approval stamp to be put on linen after county requirements are met.

#2. Application of Robert Miller, 4274 Union Street, North Chili, N.Y. 14514 for approval of plat for 2 lot subdivision located at 4274 Union Street. RA-20.

Mr. Miller appeared. Mr. Weber stated guess everything advised previous gentlemen applies in this case as well. Mr. Miller stated have perc test and permit from the county. Mr. Weber asked from the highway department? Mr. Miller stated yes and said sent Davis a copy as well. Mr. Weber asked how about tax search? Mr. Miller stated thought something the county did. Mr. Weber asked have you copy of the requirements for filing the map? Mr. Miller stated yes. Mr. Weber asked do you have linen with you tonight? Mr. Miller stated you should have it right there. Mr. Weber asked did you get the dimensions, Mr. Mannara? Mr. Mannara stated 152 x 253, not quite an acre. Mr. Weber asked any other comments or questions? Anyone wish to speak in favor or opposition? (No one appeared).

DECISION: Preliminary approval granted subject to obtaining any stamps necessary for filing at county. Final public hearing waived. Final approval stamp to be put on linen after county requirements are met.

#3. Application of Harold Ford for approval of conditional use to sell produce from May 1 through December 1, 1974 on property located at 1136 Paul Road. R-1-20.

Mr. Ford appeared, stated made application to sell farm produce and wants to put up a larger stand. Mr. Weber asked larger than have at present time? Mr. Ford stated yes. Mr. Weber asked did you use that stand last year? Mr. Ford stated yes, didn't use full season, just a couple of months. Mr. Mannara asked is this stand to remain there or temporary affair? Mr. Ford stated want to put up a permanent building. Mr. Mannara asked permanent for what period of time? Mr. Weber stated period to use property as such would be for a fixed period of time. Mr. Ford stated would just use the stand in the summer time and for storage of machinery in the winter time. Mr. Mannara asked intend to set back from the road? Mr. Ford stated thinks have sketch there. Mr. Weber stated cannot locate it, generally how far back, what size? Mr. Ford stated thinks 25 x 30 ft. and about 60 ft. back from the road. Mr. Weber asked same location had previous stand at? Mr. Ford stated yes. Mr. Bleier asked adding to existing building? Mr. Ford stated will replace.

Mr. Heilman asked presently have road? Mr. Ford stated yes. Mr. Heilman asked what does it consist of? Mr. Ford stated gravel with dolomite on top. Mr. Heilman asked will you enlarge that for parking? Mr. Ford stated yes, wanted to put in about 60 ft. of parking. Mr. O'Reilly asked from the stand to the road? Mr. Ford stated approximately, yes. Mr. Heilman asked did we get something back from the county? Mr. Weber stated no, sent down but nothing back yet. Mr. Heilman asked no lights or anything, primarily daylight operation? Mr. Ford stated yes. Mr. Pietropaoli asked when it gets dark close down? Mr. Ford stated right. Mr. Heilman asked no signs? Mr. Ford stated what is permitted by the law. What fits in new zoning? 5 sq. feet? Mr. Heilman stated thinks 2 sq. ft. Mr. Ford asked does that apply to sign on the building? Mr.

Heilman stated on building would be different. Mr. Weber asked have you had sign in the past? Mr. Ford stated yes. Mr. Weber asked how large? Mr. Ford stated a couple of "A" signs, same as the real estate people use. Think they are suppose to be regulated. Mr. Weber asked would you have just one or more? Mr. Ford stated had two of them. Just had one last summer on Chili Avenue. Had two before on Paul Road. Being further out need more advertising. Mr. Weber asked would be looking for larger or different sign or could you use same signs had? Mr. Ford stated could continue with the same signs I had. Didn't go over zoning what the requirements were. Keep within the limits.

Mr. O'Reilly asked referring to "A" sign, mean portable free-standing sign? Mr. Ford stated right / Mr. Moore asked how close are you to the neighbors at that point? Mr. Ford stated nephew lives in house next door and guess probably 6 or 800 ft. further to the nearest neighbor. Only two neighbors in the area.

Mr. Heilman stated asking this board for conditional use during period of May 1 to December 1, 1974 and building won't be used for sale of anything other than that. Storage or something? Mr. Ford stated storage in the winter. Mr. Heilman asked won't sell between December 1st and April? Mr. Ford stated according to new zoning rules can only sell when it is in season. Mr. Heilman stated wondering whether would sell something other than produce. Mr. Ford stated no, wouldn't be interested. Mr. Weber stated conditional use does cover the period of time while in season. Not a year round business on that basis. Anyone in the audience have any questions? Anyone wish to speak in favor or opposition? (no one appeared) We will take under advisement and notify you what decision and limitations on that. Mr. Ford asked about Chili Avenue property, is it required to subdivide it before sell it? Mr. Weber stated can sell in one piece or subdivide. Mr. Ford stated had inquiries and told would have to subdivide.

**DECISION:** Granted unanimously for period from 5/1/74 to 12/1/74.  
Building plans should be submitted to the town engineer and Supt. of building.

- #4. Application of P.O. Chili Inc. 3240 Chili Ave. Rochester, N.Y. for approval of Conditional use to allow portion of building to be used for athletic programs for pre-schoolers "Perkins Fit by 5". C-2.

Mrs. Betty Perkins appeared. Stated fit by 5 means physically fit by 5 years old. Athletically oriented but academic learned through physical. Encompasses sports activities, 2-5 years old for 3 hours a day. 9-12 and 12:45 to 3:45. Using premises teachers arrive around 8:30 and last teachers leave about 4:30. Probably have questions. Summarize program. Doing in Penfield for 3 years, set up same program in Sweden and Norway, received gold medal of Brazil. Leave Thursday to do a paper in Italy and South Africa has requested program for children in South Africa. Europe ahead of us in programs for pre-schoolers. More aware of the concept and eager to introduce to their children.

Mr. Nothnagle asked how many children? Mrs. Perkins stated 34 children in the morning in Penfield, full both morning and afternoon. Irondequoit mornings full and afternoons 20-25. Mr. Weber asked how long operating? Mrs. Perkins stated didn't call fit by 5 when started, Penfield since 1969 and Irondequoit first year this month. Mr. Weber asked what are physical locations? Mrs. Perkins stated Perkins swim club in Penfield and Irondequoit Recreation Center on Titus and Hudson. Mr. Weber asked what are other facilities in old center or occupy the whole place? Mrs. Perkins stated have whole floor and as of June 1st, whole building.

Mr. Pietropaoli asked operate whole year? Mrs. Perkins stated mostly on semesters. Mr. Pietropaoli asked could you identify what space in the plaza you would occupy? Mr. Feuerstein (Hunt Realty) stated this is corner right here in new "O" section of the shopping center. Mr.

Heilman asked licensed by the state? Mrs. Perkins stated no because under three hours. More than 3 hours fall under state. Mr. Heilman asked no educational requirements? Mrs. Perkins stated no. Mr. Weber stated sounds like fits into good place not requiring certification. Mrs. Perkins stated would like to keep out of hands of the government. Sent fellows because new concept in education. Learning academically through doing and feel unless train teachers ourselves area of this magnitude should not be handled in any way. Until more teachers are trained.

Mr. Weber asked wonder if you could elaborate further on physical location in plaza? Mr. Feuerstein stated this is new section (indicating on map). This is corner where it is. In back area. Double door here and two entrances in the back. Mr. Pietropaoli asked how many square feet? Mr. Feuerstein stated 60 x 40, 2400 sq. ft. Mr. Weber asked are there other units on the back side of this building alongside this particular area? Mr. Feuerstein stated no. Mr. Weber asked do front store locations extend to back? Mr. Feuerstein stated going to put stores in different here. Mr. Weber asked store fronts run all the way back? Would not be alongside? Mr. Feuerstein stated nothing planned but will be stores here and all the way back. Mr. Weber asked entrance on north and back? Mr. Feuerstein stated double door on Paul Road side and two entrances in the rear. Mr. Weber asked not within air-conditioned mini-mall area that looked at some time ago?

Mr. O'Reilly asked equipment basic that kids can handle? Mrs. Perkins stated everything but javelin, shot putt and hammer throw in track and field. Miniature equipment designed by Mr. Perkins and teachers husbands. Bow and arrows are very small. Only thing not miniature are hockey sticks but play a super game of hockey. Would like you to see it in operation. Had guest from all over the world. Papers will be started at U of R on Thursday. Getting into handicapped area. Taken Mongoloid children and difficult to pick out after in program for a while. Hyper actives settling down. Withdrawn come out of shells. Doesn't know reasons but cannot be positive. No one has done this before. Getting lots of kids from physicians whose children make up great share of the program. Maybe because more aware of benefits.

Mr. Weber asked wondered why would choose this area in a shopping center Mrs. Perkins stated availability for parents. Doesn't need exposure because strictly word of mouth, great deal is. Doesn't need exposure because program sells itself after children in it. Penfield has a tremendous waiting list and hope to put Greece in September and Buffalo and Syracuse. Mr. Weber asked how soon would you start? Mrs. Perkins stated September 9th. Mr. Weber asked have you area filled? Mrs. Perkins stated waiting approval.

Mrs. Bieler asked only physical? Mrs. Perkins stated learn academic through physical. Gymnastics basis. Teachers will have a triangle or rectangle of square on circle and this is how divide children by ability level. All they know is yellow circle or orange geometric shape and design. Ask fit by 5 what is triangle and he will get on hands and knees and head on the floor and say I am a triangle. Learning through doing. One mother said so delighted because going to be sitting behind a desk for 15 years. Try to teach things actively and terrific. Hold up word, say running all around the gym but don't bump into each other. Hear parents say it. Have word bump. Identification. Sit at teachers feet. She will teach new word. No collisions. Get attention. Explain what it is. Show written on card. Don't have collisions. Doesn't know why but learning tremendously in vocabulary. Teacher calls them lively verbal personalities. All reading readiness.

Mr. Heilman stated recall had seen plans for division of that big area into buildings that ran generally north south direction. Or am I mistaken. Have existing building now? Mr. Hunt stated all stores presently run east and west. These stores in front. Mrs. Perkins will run in back in here. These will continue. All stores probably unless someone else interested in paralleling. with Mrs. Perkins who doesn't want exposure, may run another store here.

Mr. Heilman stated representative from Fire Dept. has problems for ingress and egress since only showing one door. Wondering whether or not will be able to have another door down further. Mr. Weber stated doesn't know if confusing with area to the north where had store areas all laid out. These never really divided before. Mr. Heilman stated this is parking for the trucks. No openings, along back because this wasn't to be area to attract people. Going to get select type of person in bringing child to school. Would be more concerned in future. Guess purpose not to generate traffic through there. Mr. Weber asked will this store enter out directly to the parking lot? Mr. Hunt stated store will face Paul Road. Mr. Weber asked will have walkway in front? Mr. Hunt stated already paved. Other entrance will be to the rear.

Mr. Pietropaoli stated some time ago did present plans for enclosed mall joining these two buildings. Would this store going into this proposed location effect in any way shape or form future development of that mall should you decide to develop that? Mr. Hunt stated stated Mrs. Perkins entrance would come out and even if were to build mall, 20 ft. corridor here same as before. Expansion whether mall or free standing is limited to the areas within dotted line. Doesn't contemplate unless something wonderful would happen would have to go back and ask Grants for right to expand beyond dotted line. Contemplate no other expansion on Paul Rd. side at the moment other than within the dotted line. Either mall or free standing. Mr. Weber stated wouldn't affect development of that area? Mr. Hunt stated that is correct.

Mr. Ron Brand, MCPD, stated heard comments about what going inside building. Would like to hear what is going on outside to prevent incompatibility of pre-schoolers and larger amounts of vehicular traffic coming into the plaza and especially rear portion where deliveries and pick-ups are made by large vehicles. Around this morning and as came around from Paul Rd., blind spot that any pre-schooler running out could be put in jeopardous position. Another comment would like to address was indication being three hour session, assuming that there will be number of parents coming at that end of the three hour session to pick up and drop off. This being the case, if parking facilities not available in the immediate rear area of that plaza will they have objection to parking vehicles to the rear of the building in violation of the fire roads. Mrs. Perkins stated these are 2-5 year olds. Brought in by the parents. Never released unless to the parent or if car pool is formed, released to the parent in charge that day. No children ever allowed outside building without parent taking out. Drop; off and pick up. Parents not allowed to stay except on visitors day. Never allowed out loose. Have to be taken out by parent and cars only there long enough to pick up and drop off. Staff cars, 4 teachers there all the time. Mr. Brand asked child must be brought to the building? Mrs. Perkins stated yes. Mr. Brand stated leaving car unattended somewhere. If facilities full? Mrs. Perkins stated though would park in front. Wasn't aware wasn't allowed. Mr. Brand stated not saying that. People park close so don't have to walk so far. Fact remains parent that is car pooling would be in effect and release children to grownup for carpool. Putting responsibility on that person to grab all those children and hold while walking to the car and around building, was under the impression coming out front because only safe place I saw. What getting at, aware of Penfield operation and Irondequoit operation. Bringing out those locations, in area where there is not high concentration of vehiclura movement so haven't conflict between pedestrians and traffic. Especially in back. Any guarantee that back exit would be only used in emergency purposes? Mrs. Perkins asked talking about back doors? All children go in and out double doots. Just there. Would not use them, maybe for equipment in or out but children would be coming in only through double doors. If saw Irondequoit and Penfield locations, saw double gates hooked on other side where children cannot reach. Have to come

through double gates to get to gym area. Take very seriously. Did not know about vehicular traffic but single doors would never be used except for equipment. After 4 or 5 days there is no running away from the parents because they are taught that at circle time.

Mr. Brand asked what about advertising sign? Mrs. Perkins stated told all I could have is same as other stores would be having with arrow pointing to around the corner. Mr. Feuerstein stated sign on Paul Road side for her and sure that sign will be visible so that people can see it. Mrs. Perkins stated understood would be same as other stores. Only on the corner. Mr. Feuerstein stated all similar, one pattern. Mr. Weber asked sign advertising this area on east side on the corner? Will it be in line with other signs on east and additional sign at the entrance or have you made that decision? Mr. Feuerstein stated haven't quite finalized that because working on signing program. Mr. Weber stated indicated would be same and in line with other signs. Mrs. Perkins stated on the front of stores, so at end of building and ours would be there in line with the others. Mr. Weber stated will be on the east and on front too? Mr. Feuerstein stated there will be sign on the corner and one at the store, will conform with sign program have for whole center. All the same.

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

DECISION: Unanimously approved for one year period.

#### INFORMAL HEARINGS

#1. Application of Genesee Explosives Sales, 243 Paul Road for site plan approval for Agway Steel Building, 50 x 64, for storage of trucks and supplies.

Mr. Dintruff appeared. Stated for purpose of storage of trucks and magazines. Building similar to DeWitt's and Sands' and Crow's on Union street. Red and White Agway Building. 400 ft. from corner. 15 ft. from west lot line. Intend to sell front acreage and retain 60 ft. easement. Will keep office in present office building and move trucks and loading out into new building. One service door and two overhead doors.

DECISION: Reserved pending receipt of comments from MCPD

#2. Application of Lawrence Norton and Walter Regan for approval of sketch layout for 2 lot subdivision on Stottle rd.

Mr. Carmichael appeared. Lot 405 ft. south of Stryker Rd. 100 x 200 Evaporation transpiration bed and well. Had health Dept. test hole. Found clay. 2 ft. reserve for roadway.

DECISION: Approved.

#3. Application of Norman Ball for approval of sketch layout of 12 lot subdivision located on Golden Rd and Westside Dr.

Mrs. Ball appeared. 12 lots on corner of Westside and Golden Rd. minimum size for the area. # 5 undersized. One lot to be retained as entrance to the interior property off Westside Dr. # 3. Could build cul-de-sac in the future.

DECISION: Reserved pending receipt of additional information.

#4. Application of Rudolph Kaiser for approval of sketch layout of 2 lot subdivision located on Chili Ave.

NO DECISION NO ONE APPEARED

Planning Board

May 14, 1974

Loma Courts Subdivision - Preliminary approval granted subject to stipulations (see attached)

Gerwicks Subdivision - Final approval granted subject to obtaining Drainage District.

Sobmac - Subdivision of Par- 3 Golf Course and Car Wash - approved and granted.

Roncone - Professional Building - preliminary approval granted subject to stipulations (see attached)

K-Mart - See comments from MCPD attached.

Richard Weber

Chairman

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SPECIAL PLANNING BOARD MEETING  
June 4, 1974

A Special Informal Meeting of the Planning Board of the Town of Chili was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on June 4, 1974. The meeting was called to order by the Chairman, Mr. Weber, at 8:00 P.M.

Present: Richard A. Weber, Chairman  
Robert Nothnagle  
Frederick Bean  
Ray Bleier  
Walter T. O'Reilly

Absent: Leslie Moore  
Selden Crow

Also Present: Stephen A. Chudyk, Supt. of Highways & Comm. of Public Works, James Mannara, Loziers Consulting Engineer

Mr. Gregory Maggion appeared. Presented plans for proposed two lot subdivision at 535 Westside Drive. Owns entire property at present time. Approximately 4.5 acres. New lots will be 3.63 and .52 acre plot. Planning to build colonial-style house, approximate value \$30-35,000. Planning to use existing driveway for present time. House will face on Westside Drive and garage will face existing driveway. Sketch layout approved unanimously.

Sunoco appeared for architectural review of addition to building at 3221 Chili Avenue. Addition on south side of building, 14' x 16'. Addition approximately 10-12 ft. high. Entire building will have white brick facade. Discussed possibility of dumpster presently on preoprty being moved behind addition at rear of building. Concrete block construction to be used for storage purposes only. Architectural approval granted unanimously.

RICHARD A. WEBER  
Chairman

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PLANNING BOARD  
June 18, 1974

A meeting of the Planning Board of the Town of Chili was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, N. Y. 14624 on June 18, 1974. The meeting was called to order by the Chairman, Mr. Weber, at 8:00 P.M.

Present: Richard A. Weber, Chairman  
Robert Nothnagle  
Frederick Bean  
Leslie Moore

Absent: Ray Bleier  
Walter O'Reilly  
Selden Crow

Also Present: Alfred J. Heilman, Deputy Town Attorney  
James Mannara, Loziers Consulting Engineer

Mr. Weber stated the legal notice concerning this meeting has been property advertised in a newspaper of general circulation in the Town and affidavits to that effect are on file with the Town Clerk.

1. Application of Lawrence Norton, 11 Mercedes Drive, Rochester, N. Y. for approval of preliminary plat for 2 lot subdivision located at 260 Stottle Road.

Mr. Arnold Carmichael appeared. Stated this 2 lot subdivision is on Stottle Road, 405 ft. south of intersection of Stryker and vacant lot between Norton and here. Now property of Mr. Regan who owns large parcel. Basically lot is 283 x 100. Three bedroom house. Mr. Weber stated believes since last in the size of the lot has been increased. Mr. Carmichael stated yes sir, increased lot originally 233 ft. from the center line or 200 clear and 50 ft. added to the rear of the lot so that sanitary facilities could be placed in the right place and that requirement for rear yard would conform. That is why extra 50 ft. obtained. Mr. Weber asked have obtained approvals from the County Health? Mr. Carmichael stated cannot do until after preliminary approval of this board. Then can take to Health Department. Mr. Weber asked back since in before? Mr. Carmichael stated no, do not anticipate any problem with them. Mr. Weber stated would guess probably wound't in the fact that have moved house back and complied in that respect. Mr. Carmichael stated moved house to 125 ft. setback and balances lot better. On high ground. Better lot all the way around. Mr. Weber asked 125 ft. back to the house now? Mr. Carmichael stated were minimum before with the sanitary facilities in different location and placed sanitary facilities where really belong. Due to the terrain of the lot placed setback 125 ft., lifts building in elevation to much better lot really. Think gentleman will enjoy residence much better than before.

Mr. Moore asked how many square feet do you need for evapo-transpiration bed? Mr. Carmichael stated 4500 because 3 bedroom. Mr. Moore asked didn't have? Mr. Carmichael stated had but in the rear of the lot and the terrain not quite as accompanying as it is now. Better position now. Couldn't put in front with 250 ft. lot because have to have 90 ft. in rear yard and impossible to do it and now possible because depth larger. Mr. Weber asked guess other thing was moved well from front to the rear? Mr. Carmichael stated yes, in much better residence than before. Mr. Moore asked enough room for 4th bedroom in event decided to build? Mr. Carmichael stated set back 125 ft. and have quite a bit more room between street line and evaporation-transpiration bed so it is possible to be done. That reserved land is possible for him.

Mr. Weber asked if anyone had questions or wished to speak in favor or opposition on this application and no one appeared.

# Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

DATE June 13, 1974

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

## GATES-CHILI NEWS

Issue Dated June 12, 1974

[Signature]  
Notary:

*Comm. expires Apr 30/74*

[Signature] N-H:  
~~SMITH~~  
Publisher → Editor

## LEGAL NOTICE

### LEGAL NOTICE PLANNING BOARD

A Meeting of the Planning Board of the Town of Chili will be held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, N. Y. 14624 on June 18, 1974 at 8:00 P.M. to consider the following applications:

1. Application of Lawrence Norton, 11 Mercedes Drive, Rochester, N. Y. for approval of preliminary plat for 2 lot subdivision located at 260 Stottle Road.
2. Application of Louis Alati, 1458 Davis Road, Churchville, N. Y. for approval of subdivision plat for 5 lot subdivision, Loma Courts Sec. 2., located on Davis Road.
3. Application of Gregory Maggio, 535 Westside Drive, Rochester, N. Y. for approval of preliminary plat for 2 lot subdivision located at 535 Westside Drive.
4. Application of Richard Sylvester, etal, c/o R. Mayberry, Suite 701, One Exchange Street, Rochester, N. Y. for approval of rezoning of property located at 3360 to 3370 Chili Avenue, approx. 16 $\frac{1}{2}$  acres, from R-1 to C-2.

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

DECISION: Unanimously approved.

2. Application of Louis Alati, 1458 Davis Road, Churchville, N. Y. for approval of subdivision plat for 5 lot subdivision, Loma Courts, Sec. 2, located on Davis Road.

Mr. Carmichael appeared representing Mr. Alati. Stated 5 lot subdivision called Loma Courts Sec. 2. First development was 9 lots on Davis Road and this one 5 which uses all of the frontage of Louis Alati that is on Davis Road. Has the approval of the Town Engineer, Water Authority and by the Health Dept. also. Thinks had preliminary approval of this board. Water has given us permission for water service and thinks made all the changes that were mentioned in last letter. Mr. Weber asked go through quickly and point out what steps you have taken. This was letter of May 15th. Number 1 item had asked change rear lot line of 14 to 100 ft. Mr. Carmichael stated Lot 14 squeezes in. Not at 90° with Davis Road. Squeezes to the east and as a result made 100 ft. exactly in the rear and little larger in the front. Mr. Weber stated that is on the drawing. Houses on 12 and 13 should be turned to face on future right of way. Mr. Carmichael stated turned garages so that each garage faces into the at this time reserved for future right of way. Some time in the future if there are developments in the rear and sanitary sewers in the area and develop in the rear these driveways that do come onto reserved strip will be cut off and made into the dedicated road that would come in the future and as a result there will be two less driveways opening on Davis Road.

Mr. Weber stated profile to be submitted of the swale along rear lot line through to Union Street. Mr. Carmichael stated for storm water made separate drawing and submitted to the Town showing plan and profile of the swale that runs along the rear of the 5 lots along the west boundary line of this property and to Niagara Mohawk Power Co. property. Have submitted a separate drawing. Mr. Weber asked Mr. Mannara has seen it? Mr. Mannara stated have seen and copies in the office. Satisfactory and signed already. Mr. Carmichael stated that should be filed with the town. Mr. Weber stated note should be included that future development will not be allowed until sanitary sewers in. Mr. Carmichael stated have in to the rear of the rest of the property of Louis Alati, have placed that note. Mr. Weber stated width of Davis Road should be indicated as 66 feet. Mr. Carmichael stated right. Between Davis and Road have placed 66 ft. and we have reserved two ft. more for future highway purposes as per county highway department. Mr. Weber asked where is the 66 ft. dimension? Mr. Carmichael stated between Davis and Road. Mr. Weber stated all right, looking on road. Check drainage pattern with Town Engineer with regards to permanent outlet into highway ditch on Union St. Mr. Carmichael stated has talked to Mr. Mannara and have been with him and furnished storm water drainage pattern to him. Mr. Weber asked is that included on the map note with regard to the swale? Mr. Carmichael stated yes it is.

Mr. Weber stated check elevations of sub-base? Mr. Carmichael stated since last meeting have taken this to the Health Dept. and had to make two changes. One on lot 14, both requests of their's. On 14 they requested fill be placed before sub-base elevations put in and other one on Lot 10 and 11, stated that the surface shall be, evaporation-transpiration beds will be not on ordinal soil in 10 and 11 but levelled, had levelled a bit and gave permission to do it. Has approved that with those two conditions since last meeting. Mr. Weber stated that covers all points made at last meeting. Any other questions? Mr. Nothnagle stated looks like complied with as long as Mannara satisfied with drainage. Mr. Carmichael stated one other note, Health department explicitly places on this map, that only 3 bedroom houses shall be constructed. No 4 bedroom. Mr. Weber asked how

many people to a room? Mr. Carmichael stated usually designed on bedrooms and do not want large families in these because of sanitary facilities. Mr. Weber stated not looking at number of bedrooms but number of nominal bedrooms. Mr. Carmichael stated right. We put this note on our typical lot layout that only a three bedroom house is permitted in this subdivision. Mr. Mannara stated OK when sewers come in. Mr. Carmichael stated that is different story, absolutely.

Mr. Heilman asked on reserved road, where will driveways face for lots 12 and 13? Mr. Carmichael stated will come into reserved strip which is actually owned by Alati. Mr. Heilman asked what will the access be? Mr. Carmichael stated just two driveways. Mr. Heilman asked gravel or blacktop? Mr. Carmichael stated properly finished, in most cases asphalt covered driveway and fairly close together. Mr. Heilman asked how far back? Mr. Carmichael stated to the garage. Mr. Heilman asked what will happen in there? Mr. Carmichael stated open field, no paving. Eventually this will be given up to the town when sanitary facilities come and this parcel of land could be developed at that time. Cannot be until then but if development, then this will be built to town standards and driveways would be replaced. Mr. Heilman asked how wide? Mr. Carmichael stated 60 ft. dedicated road. Mr. Weber asked did you indicate would pave completely from garage out and then turn and pave to Davis Road? Mr. Carmichael stated if you wish. That is usually the case, they are paved under driveway standards. Probably 6" stone and 2" asphalt top. Not town standard. That would occur later. Mr. Weber stated know last time talked about possibility of bringing two into one and one to the road. Mr. Carmichael stated doesn't think good idea because common driveway and gentlemen might be fighting with each other and may fight as to who will clean in winter and may not get cleared out. Mr. Weber stated only point that for some period of time will have two cuts into Davis. Mr. Carmichael stated very close together. Almost one when coming out. From this point to this point almost one. Mr. Weber stated could angle so that came together as one cut. Doesn't know if would save much or not. Mr. Carmichael stated only thing concerns me is common driveway. If get along well, ideal but if one battles another and put posts up, where are we? See in city on common driveways. Mr. Weber asked will not own land? Mr. Carmichael stated no, Alati, who owns large parcel will. Mr. Weber stated only thinking of one cut instead of two. Mr. Carmichael stated usually cuts about 100 feet apart because lots 100 ft. In this case cuts are so close together only talking of one. Mr. Nothnagle asked like two lane highway? Mr. Weber stated essentially.

Mr. Heilman asked do you indicate on map reserved by Mr. Alati? Mr. Carmichael stated reserved for future right of way. Cannot be built on at all. Mr. Heilman stated more concerned that people who use driveway when town plows don't anticipate town vehicles will go in. Mr. Carmichael stated impossible to do. Haven't dedicated. Couldn't do it.

Mr. Weber asked Mr. Van Gelder, any comments? Mr. Van Gelder stated not at the present. Only in the future expansion we would have question. At this time no problem. Mr. Weber stated cannot say when that will be. May have to wait quite a while. Any further questions? Anyone in the audience have questions?

Mr. James Carter, 11 Beaman Rd., asked are you telling us #13, driveway to that is going to come in north? Mr. Carmichael stated driveways for 12 and 13 will come into as it stands now will be land owned by Louis Alati but in future... Mr. Carter stated questioning when puts access road in will this cut driveway to 5 ft? Mr. Carmichael stated no because must have side line of 60 ft. Mr. Carter asked this will be entrance to garage? Mr. Carmichael stated no, will be corner lots when dedicated and have to have side line requirement as well as front yard.

DECISION: Approved unanimously subject to all stipulations and requirements contained in the Subdivision Ordinance.

3. Application of Gregory Maggio, 535 Westside Drive, Rochester, N. Y. for approval of preliminary plat for 2 lot subdivision located at 535 Westside Drive.

Mr. Maggio appeared. Stated this is parcel of land roughly 500 x 360 ft. Plan to subdivide in upper right hand corner as you see on map into 150 x 150 and plan to build two story colonial home on there. Mr. Mannara asked do you have utilities on Westside Drive? Mr. Maggio stated yes, we have home here. Mr. Weber stated in letter to you after meeting last week on sketch layout, indicated would like tax account numbers of lot in question and names of adjacent property owners and see that has all been added. Mr. Maggio stated understands there will be road on either side of this so son't have immediate neighbors actually. Mr. Weber stated thought only one road on Westside. Mr. Maggio stated heard that there will be two. Mr. Weber stated as recall was only one. Couldn't be Hallock Road because that is south toward Chili and wouldn't extend there. Thinks might be worthwhile questioning before filing map because quite sure it is in error. Mr. Maggio asked this wouldn't be the road? Mr. Weber stated there is Hallock but couldn't extend in that area and would assume Westside Drive, would be access to Westside on the west of you which would be only road in that area. Mr. Maggio stated understands another road here, doesn't recall name. Mr. Weber stated Hallock does exist and in here and could not be extended to here. If there is one, doubt it would have that name. Mr. Mannara stated new road from Chi-Mar. Mr. Weber stated yes, but only one access to Westside. Looks like correct, there is a street on either side. Mr. Maggio stated isn't named though, seems like Ramsgate. Mr. Weber stated won't be for their street. Hallock butts into this property and will extend through and carry north to Westside. Would say leave the way you have it and if no objections, fine. If no official name at the moment, this would serve the purpose.

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

DECISION: Approved unanimously.

4. Application of Richard Sylvester, etal, c/o Richard Mayberry, Suite 701, One Exchange Street, Rochester, N. Y. for approval of rezoning of property located at 3360 to 3378 Chili Avenue, approx. 16 + acres, from R-1-20 to C-2.

Mr. Mayberry appeared. Stated appeared formally on behalf of Richard Sylvester and informally on behalf of owners of 7 other parcels of property fronting on Chili Avenue. Property owned by Mr. Sylvester approximately 13 acres and roughly trapezoidal shape abutting Chili at two points. Other piece of property in 16 acres are 7 residential properties. Mr. Weber stated have one map here. Mr. Mayberry stated only one I have here. Thought supplied sufficient copies. Apologize for inconvenience. This is property that Mr. Sylvester purchased, major portion 13 + acres purchased in 1967. At the time signed purchase offer property zoned residential and will provide copies of the purchase offer that he signed. Last paragraph indicates purchased contingent upon rezoning property from residential to commercial use, and that was effected in early 1968. Represented then the plan for development of the Town of Chili. Mr. Sylvester had no immediate plans for developing property commercially and sat undeveloped and appreciating in value rather rapidly for the last 6 years. Surprised to learn that as part of the zoning ordinance recently adopted and map, zoned back to residential use. Surprised because no notice and because of uses surrounding that piece of property. Fronts on highly travelled

state highway, to the rear is active railroad and power line easement. Next to it in corner created by power line and highway will be power station if present plans followed through on. No further information concerning that. Across the tracks and other side of Chili C or commercial development including Suburban Propane, Chili Lumber and Naums and directly across C-1 which is presently owned by Wegman's Enterprises and undeveloped at the moment.

Next to the property on the west and fronting Chili another C-1 district presently used for animal hospital. Have property oddly shaped and uses and zoned back to R-1-20 classification. Residential property to the north across buffer of the railroad track and power line is R-1-15 district. When Mr. Sylvester was made aware of the property being rezoned by ordinance, contact was made with the other people owning this property who had joined in rezoning application in 1968 and my understanding based on supplemental petition submitted to the board that they also join in this application to have rezoned to C-2. Purchase offer indicates relatively high purchase price obviously based on the fact that only to be purchased if rezoned for commercial use. Because of land configuration and uses surrounding it, suggest not ideally suited for residential development. Not going to attempt to establish that cannot be used because obviously could be. Other residential uses there. This would merely be wrong use of that property and much of the property because of configuration and being adjacent to the railroad tracks and size of the property with limited access, could not be used. Number of oddly shaped lots if developed for ordinary subdivision. Submitting and suggesting that we have virtual island of proposed residential development, highest classification residential, within sight of industrial and commercial uses along heavily traveled highway and that land which should be developed residentially could not be developed by any reasonable method. Appeared informally couple months ago and explained applicants feelings, new application following change in zoning should be telegraphed to the board and given time to examine. Feels sufficient time and time to come up with questions that may be relevant. Mr. Sylvester and other residents are here.

Mr. Heilman stated for the record, during the year 1973 Town Board held 4 informational meetings throughout the town and discussed the new Master Plan and Zoning map proposals and ample opportunities for residents in the town to make aware of these facts. Duly published in the papers. When town did adopt this year, published in the paper and maps available to the citizens and on file in the Town Clerk's office. Would like to clarify this was open to everybody. Mr. Mayberry stated recognizes merely clarification, did not mean to suggest procedural irregularity. Mr. Sylvester not currently a resident of the town and sure ordinances properly advertised and adopted. And time to be here if had had notice. Would have opposed if heard about it. Not necessarily his fault. Other people cannot comment, obviously residents but do not join in application. Mr. Weber stated probably asked question last time, does Mr. Sylvester have any immediate plans for the development of this area within that classification? Mr. Mayberry stated doesn't. Unusual rezoning application. Made that statement part of the formal petition and is not presently proposing use commercially. Did feel in talking with Mr. Sylvester shortly after rezoning became effective that that was time to make known, felt some error had been made in developing comprehensive plan and must contend this was error. If change made at that time would like to have rectified as soon as possible. If remains residential for long period of time more difficulty in having changed back to commercial then than could have envisioned at this time. Mr. Heilman stated copy of this went to the county and have to have an opportunity to review their report. Mr. Mayberry stated haven't heard, assume submitted. Made routine check and no report several weeks ago. Mr. Weber stated haven't seen it either. Mr. Mayberry stated maybe elusive oral report. Mr. Weber stated single page, two separate comments. Mr. Heilman stated thought maybe if could address himself to the points at this time.

Mr. Weber read comments and from MCPD (attached). Mr. Mayberry stated hates to sound critical of County Planning and its staff have been in past occasions and must at this time. Addressing second point, County Planning has indicated that pattern of development and zoning is predominantly R-1-20 and thinks any viewing of this map would indicate to the contrary. Stated property immediately across the street is C-2 and R-1-15 and C-1 over here. Only portion adjacent to R-1 westerly boundary and undeveloped land. Concern about amount of land available for commercial development in this town undoubtedly accurate. Merely pointing out this is parcel of land that up until recently was zoned commercially and no real reason for rezoning residential and basically what was done a few months ago without considering specifically what uses this property is adaptable to. Investment in property since 1968 has proceeded on this particular piece of property and proposed uses and after they have considered and come to same conclusion that Mr. Sylvester and others have come to, best suited for development commercially. Third point and think only three, first point incompatible with Comprehensive Plan of town, really stated nothing. Obviously under law of state of New York that Comprehensive Plan is most recently adopted and amended zoning ordinance. Wouldn't seek amended rezoning if what was seeking was not contrary to Comprehensive Plan and thinks all reports start with that statement. Would like opportunity to obtain report and replay more formally in writing in next couple of days and do think covered most of the points in our presentation.

Mr. Nothnagle asked is all of the property now in compliance with what existed at time it was purchased? Mr. Mayberry stated believes so. If this was subdivided as it is now believe it was previously as it is now. Mr. Miller was party to that rezoning application and might be able to add. Mr. Miller stated yes, existed as they presently do. Mr. Mayberry stated all parties agreed on application at that time. Mr. Moore stated remembers when brought before Town Board asking for rezoning based on purchase offer and would like to ask what went on to reconsider Wegmans' was and still is and other properties have remained as they were. What transpired as far as county planning for them to arbitrarily rezoned back? Can anyone answer that? Mr. Weber stated doesn't know answer. Mr. Heilman stated doesn't think arbitrary, over long period of time, all those meetings based on studies made as to where growth patterns were to be used going to adapt accordingly to those patterns and made recommendations to groups that met with Al Frazier and based on all those things tried to work out new zoning map for the town. This is copy of the map and what saying is that property talking about here and zoned back to R-1-20. All this is residential and all this is residential, R-1-15. Talking about small portion of commercial property here C-1 and C-2 but whole map doesn't reflect it as primarily commercial area. Trying to maintain residential and R-1-15 and MR. One of the considerations that entered into rezoning or making residential. Mr. Weber asked this was recommended? Mr. Heilman stated yes. When look at over all picture, apparently growth pattern is this way. At least that is what county projects, westerly and holding this land in abeyance, whole plans for 20 years. Mr. Moore stated since already zoned commercial Mr. Heilman stated wanted to stop growth of commercialism along Chili Avenue to some degree. Major shopping complex here and one over here and outside of little piece Dr. Rague owns for animal hospital which is for him, only and on this side, just trying to slow it down. Take it that is one of the reasons. It is problem that this board can juggle. Mr. Mayberry stated submit county planning decision might have been different and had someone representing Mr. Sylvester at time map was drawn.

Mr. Weber asked if anyone in audience had questions? Mr. Loomis, 3370 Chili Ave asked why was this rezoned without consulting owners? My property adjoins and went along because thought would make property worth more and want to say commercial. Mr. Weber started to answer first question.... Mr. Loomis stated true Mr. Sylvester lives out of town but we 6 people never notified going to be changed. Mr. Weber stated map adoption of the current zoning code and believe property that is only obvious place would have appeared.

Mr. Heilman stated whole preparation of map and ordinance has been going on for over 3 years. Federal State, County and Town funds applied for and used to draft documents to upgrade the town. Meeting of various groups, Town Board, Highway heads and departments along with MCPD based on studies. Various meetings held for information. Invited public to come to see what was happening. All areas were discussed. Meetings held we attended all 4 and might have been 10 or 15 people to a meeting. In February before adopted new code and map published in paper, copies of map and suggested ordinance on file with the town clerk. Published in the newspaper and that was the thing, couldn't possibly notify every person in the town in any other way than in publishing in the paper. Mr. Moore stated only 6 people. Mr. Heilman stated numerous areas have been changed. Like any town, update every 10 or 20 years. As population or industry changes, have to upgrade to keep up with the times. That is what we have done and notification to whole town done by using newspaper. Cannot send letter to every person in the town. That is what law says you have to do.

Dr. Rague, 3390 Chili Avenue stated doesn't want to quibble but thinks advertising for rezoning poor. Amount of rezoning advertising and after map published.... Would like to see this rezoned to Commercial C-2. Mr. Weber asked owner of the property to the West? Dr. Rague stated correct. Mr. Heilman stated as far as publication followed exactly what was prescribed for publication for this type of ordinance. Dr. Rague stated main thing, if want to tell people tell them. Say legal in the paper. Covered by law and if that is all you want to do you did it. Did not advertise adequately for most of the people. Mr. Heilman asked how would you propose to advertise adequately? Dr./Rague stated several articles. Mr. Heilman stated since 1972 have been articles in the paper all the time. Dr. Rague stated about the meetings. Each time appeared in 2 by nothing space in Gates-Chili News. Mr. Heilman stated handed things out in school for kids to bring home. For most people who have children one of the most efficient ways along with the paper, to get notice across, wasn't just one advertisement. Much bigger. Dr. Rague stated this is my opinion.

Mrs. Margaret Bird, 3378 Chili Ave., asked would like to clarify whether correct, 3360, I am in favor. Mr. Weber stated board was in error, should have been through 3378.

Mr. Gerald Fien, 3372 Chili Ave., stated in favor of having rezoned commercial.

Mr. Heilman asked say at this time Mr. Sylvester has 13 acres, has no plans of what to use if for but wants rezoned to status it was. Mr. Mayberry stated correct, believes stated that directly in presentation.

DECISION: Recommend rezoning to Town Board=unanimously.

#### Informals:

Mr. Stuart Hunt, Pitt-Orchard, appeared with plans for 40 ft. wide addition to Chili Ave. side of Loblaws. Revised from original addition to provide stores facing Chili Avenue. Square footage same as for previous submission. Would have to move underground utilities that might be in way of construction, and will submit those proposals to Mr. Mannara. 10 ft. covered walkway in front of the stores. Mr. Van Gelder would like to meet with architect to increase water supply in plaza. More hydrants will be needed as plaza expands. Construction of addition to be same as Grants building.

DECISION: Approved with stipulation that utilities be moved and location to be approved by Town Engineer.

Planning Board

June 18, 1974

Mr. Rudolf Kaiser appeared re: 2 lot subdivision at 3526 Chill Avenue. Lot 243 x 331. Lines up with lot sold previously. Lot and house at 3490. Entire parcel 134 acres. Approx. 2500 ft. east of Chestnut Ridge Rd.

DECISION: Approved - tax account numbers should appear on linens.

Mr. Zygmunt Czubachowski, 4190 Union Street appeared re: 2 lot subdivision on Morgan Rd. at Union street. 100 X 210 lot facing on Morgan Rd. Portion of Don Taft property which recently purchased. Will check to make sure not filed previously by Mr. Taft.

DECISION: If found that not previously filed board approved proposed subdivision.

Mr. Norman Ball appeared re: 12 lot subdivision on Westside at Golden Rd. Developing perimeter lots only at present time because extremely costly to drain center lots. Access rd. off Westside will be reserved. Alternative plan for 25 lots with Cul de sac. off Westside Dr. if can solve drainage problems.

DECISION: Reserved will discuss further with town engineer.

K-Mart Plaza- copies of both sets of comments attached.

Richard Weber  
Chairman

k1

PLANNING BOARD

July 9 , 1974

A meeting of the Planning Board of the Town of Chili was held in the Chili Administration Offices at 3235 Chili Administration Offices, Rochester, N.Y. 14624 on July 9, 1974. The meeting was called to order by the Chairman, Mr. Weber at 8:00 P.M.

Present: Mr. Weber, Mr. Nothnagle, Mr. Bean, Mr. Moore, Mr. O'Reilly.

Absent: Mr. Craw, Mr. Bleier

Also Present: Mr. Pietropaoli, Mr. Heilman, Mr. Chudyk, Mr. Mannara, Mr. Ward.

Mr. Weber stated that the legal notice for the public hearing has been properly advertised in a newspaper of general circulation in the Town of Chili and affidavits are on file with the Town Clerk.

#1. Application of Rudolf Kaiser, 3526 and 3490 Chili Avenue Lot A 1.56 acres and lot B 70 acres. R-1-15.

Mr. Linderman appeared representation for Mr. Kaiser. Stated purchased property from Mr. Kaiser located at 3490 Chili Ave. Consists of two lots and house on 70 acre farm. Purchaser of property. Lot 253 deep on the east, 331 on the north, 237 on the west and 243 frontage. Mr. Heilman asked what was the address? Mr. Linderman stated 3480 Chili. Mr. Bean asked all public utilities? Mr. Linderman stated yes, they are in. Mr. Weber stated apparently one copy of drawing from last meeting shows account number of adjacent properties. Was that information that you were going to add? Mr. Linderman stated gave this account number. Mr. Kaiser left it with me. Mr. Weber stated probably should be on map before filed. That is what note indicates. Didn't have it on. Not changes on map since last time? Mr. Linderman stated no, original one that was shown. Mr. Weber stated thinks that was only thing added further identification on tax account numbers. Was that straight line back here or does Kaiser property jog? Mr. Linderman stated extends over to here, apparently this lady's property. Mr. Weber asked only back to this line? Mr. Linderman stated yes. Mr. Weber stated might be well to extend line to confirm that this is property line from the edge of this lot across to confirm where he stops and Kaiser picks up. Mr. Heilman asked application is 3526 Chili Ave.? Mr. Linderman stated Mr. Kaiser's home address. Mr. Heilman asked property not located at 3526, maybe ought to amend that to 3490. Mr. Weber asked who is at 3526? Mr. Linderman stated Mr. Kaiser. Mr. Heilman stated lot subdivision referring to is 3490.

Mr. Weber asked if anyone in the audience wished to speak. Mr. Harvey Weber, 3472 Chili asked would like to know what rezoning of 70 acre parcel is about. Mr. Weber stated no rezoning. Mr. Weber asked where does 70 acre parcel come into it? Mr. Weber stated this lot being subdivided from that. Mr. Nothnagle stated just selling small portion of 70 acres. Mr. Weber asked this takes care of part that is left? Mr. Nothnagle stated small parcel selling, nothing changed regarding zoning, only lines.

Mr. Weber asked if anyone else wished to speak and no one appeared. Stated points made about changes on the map should be amde before filing.

DECISION: Approved unanimously.

# Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

DATE July 5, 1974

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

**GATES-CHILI NEWS**

Issue Dated July 3, 1974

Norah Conway  
Notary:

**NORAH CONWAY**  
Notary Public, State of N.Y. Monroe Co.  
My Commission Expires March 30, 1976

Patricia M. Smith N.H.  
~~Patricia M. Smith~~  
Publisher & Editor

## LEGAL NOTICE

### PLANNING BOARD

A Meeting of the Planning Board of the Town of Chili will be held in the Chili Administration Offices, 3235 Chili Avenue, Rochester N.Y. 14624 on July 9, 1974 at 8:00 P.M. to consider the following applications:

1. Application of Rudolf Kaiser, 3526 Chili Avenue, Rochester, N.Y. for approval of preliminary plat for 2 lot subdivision located at 3526 Chili Avenue, Lot A 1.56 acres, Lot B 70 acres. R-1-15.
2. Application of Zygmunt Czubachowski, 4190 Union Street, North Chili, N.Y. for approval of preliminary plat for 2 lot subdivision located at NE corner of Morgan Road and Union Street. RA-20.
3. Application of John Johnson, 425 Fisher Road, Rochester, N.Y. for approval of parking 12' x 50' trailer on property at 425 Fisher Road for a period of approx. 5 months as living quarters for parents.
4. Application of B. R. DeWitt, 1535 Scottsville Road, Rochester, N. Y. for approval of conditional use request to install 12,000 gallon underground fuel storage tank on property at 1535 Scottsville Road.

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

RICHARD A. WEBER  
Chairman

Informal applications are as follows:

1. John A. Baker - sketch layout for re-subdivision of property at Lots 6 and 21 Mile Woods Road.

NY CONGRESSIONAL EXTENSION  
MORNING EDITION  
JULY 11 1974  
Rochester, N.Y.

- #2. Application of Zygmunt Czubachowski, 4190 Union St. North Chili N.Y. for the approval of preliminary plat for 2 lot subdivision located off NE corner of Morgan Rd. and Union St. RA-20.

Mr. Czubachowski, 4190 Union Street, North Chili appeared. Mr. Weber stated understands you are applying for the zoning variance. Mr. Czubachowski stated will be applying for it tomorrow. Want to give land to my daughter for everybody's convenience. Lives in East Rochester and want to come back to the fold. Got lot over there and cannot give 20 acres, if I can I would. Very simple. 100 X 208 1/4. Double level house, driveway and septic water well. Mr. Moore stated on map M1, 2,3,4/M2 and 3 apparently have homes on now occupied. Mr. Czubachowski stated one Martin and one Byer and other one lot. Mr. Moore stated interested in just M1. Mr. Czubachowski stated correct. Mr. Weber asked that is part of the property you bought originally. Other houses built at that time? Mr. Moore asked what about M 4. Mr. Czubachowski stated he has farm area that he is plowing up. Mr. Hellman stated take it taking M 1 out of big parcel. That is two lots. Mr. Nothnagle stated Don Taft neglected to file on one, had laid out like this originally. Mr. Czubachowski stated original map 1 showed you, never filed at the county office. Mr. Hellman checked and no record of it. Mr. Moore asked at this point and time does require a variance? Mr. Weber stated correct. Zoned RA 20 and under zoning requirements would require 20 acre lot and has been brought out impossible on the land has now, to provide anything larger than lot proposing. Map seems quite complete. Doesn't know if have further questions. Mr. Czubachowski stated only problem with map is something about road width that the county wants. So far 40 ft. and after while supposed to have 33 ft. and someplace want 94 ft. and this takes care of width of the road if want to widen, house will be far enough away from the road. Mr. Mannara stated going to 33 ft., 60 ft. right of way. Mr. Czubachowski stated has 33 ft. now. Mr. Nothnagle stated also shows 49.5 width of the road. Mr. Mannara stated there presently. Mr. Czubachowski stated thinking of making wider. Mr. Hellman stated from 49.5 to 66. Mr. Czubachowski stated Union St. only 66 ft. How wide can they go without taking the house? Mr. Weber stated would want to clarify that for setbacks and so forth. Mr. Czubachowski stated someplace along the line something wrong with the records because Mr. Taft must have done subdivision some time because sold parcel. Mr. Weber asked any other questions from the board? Anyone in the audience?

Mr. Brian Martin, Morgan Rd. asked on these 4 lots, does every lot have to be the same in depth? Mine is 208 or whatever it is. Confused about this. Original depth of the lot was 208. Then told 210 and now I am lost. Mr. Weber asked what does original map for the property say? Mr. Martin stated if not mistaken original deed says 200. Mr. Czubachowski stated 208 1/4. Saw map. Saw map Mr. Taft had and when sold 4 to Beyer, told him had two more feet. So when laid out laid it with 2 more feet and at county office, 208.25 county map shows. Mr. Weber stated older map indicates same dimensions. Mr. Mannara asked what is deed? Mr. Czubachowski stated got to talk to him. Mr. Martin stated thinks 200 X 100. Boyle bought #4 lot and thinks was 100 X 200. Mr. Czubachowski stated he has 208.25, that is how laid out. Mr. Mannara stated if deed says so. Mr. Czubachowski stated this is from County office. All red pencilled and had duplicate made.

Mr. Weber asked take it have question on where rear lot line is. Mr. Martin stated wondered if standard or if one lot could be larger. Mr. Weber stated generally no standard, what deed indicates. Mr. Martin stated all RA-20, at present two houses being built, Two on Union and one on Morgan Rd. How do they get around this? Mr. Weber stated might have purchased property before zoning ordinance went into effect. Mr. Martin asked new ordinance actually isn't... Mr. Nothnagle stated not retroactive. Mr. Martin stated was told by someone that RA-20 over rules rest of zoning in this area.

Like Mr. Taft, if had 4 lots divided and built houses on one and told RA-20 comes into effect, would eliminate anything that was taken care of before this. Mr. Weber asked lot purchased but not built upon yet? Mr. Heilman would you elaborate. Mr. Heilman stated if purchased lot before ordinance went into effect, probably issued building permit, wouldn't necessarily have to build right away. Permit good for period of time, wait until bad weather passed. Take it granted building permit at time that area not RA-20. Given permit before new ordinance went into effect and time factor on building has a year to build on it. Would be able to build on it now. Mr. Martin stated now if anybody want to build on it, now not eligible. Mr. Heilman now whatever area is zoned RA-20, person would have to make application in front of this board to subdivide and whether two lots or more lots. Mr. Martin stated but it can be subdivided. Mr. Heilman stated any land can be depending on whether planning and town board approve. Mr. Weber stated basic zoning would still apply. Would have to be changed if the purpose was to subdivide and build houses. Mr. Martin stated under impression anybody had any idea of building had to have 20 acres and that was it. Mr. Weber stated that is principal intent and that is how set up.

Mr. Pietropaoli stated, true, but if deed recorded prior to effective date of ordinance, then RA-20 zoning would not apply and the original permit and individual involved would be allowed to build then provided filed subdivision map pursuant to subdivision ordinance which was passed in September of last year. Zoning ordinance passed in March of 1974 and took effect March 30 1974. That ordinance set up certain zones within the town. One of the zones, RA-20 which you are in now. If deed recorded prior to effective date of that ordinance, then that parcel of land would be subject to the previous zoning ordinance which means wouldn't be RA-20. What it was prior to RA-20. Subject to subdivision ordinance passed in September of 1973 which means that if you want to subdivide any piece of land under 20 acres, still would have to come before this board and get approval and file map with the County if it is a subdivision, of that parcel of land. That is problem we have had with adoption of new subdivision and zoning ordinances. Couple of years from now maybe won't make a difference. Have to look at it one at a time and this application falls within that area that was deeded before the zoning ordinance took effect but after the subdivision ordinance so subdivision map has to be filed.

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

DECISION: Approved unanimously pending receipt of approval from zoning Board of Appeals.

#3. Application of John Johnson, 425 Fisher Rd. Rochester, N.Y. for approval of parking 12' X 50' trailer on property at 425 Fisher Rd. for a period of approximately 5 months as living quarters for parents.

Mr. Johnson appeared. Stated for reasons of health more than anything. Father, chronic heart illness and mother emphysema and asthma, approximately two years to live. Now live in large house in 10th ward. Have to sell it. Cannot handle. Want out where I can keep an eye on them. Mr. Weber asked how large is your lot? Mr. Johnson stated over an acre. Doesn't know exactly dimensions. Mr. Nothnagle asked where is 425? Mr. Johnson stated corner of Beahan and Fisher, right near Paul. Going east on Beahan Rd. South of the railroad tracks on Fisher Rd. Mr. Nothnagle asked on the east or west? Mr. Johnson stated west side, of Fisher Rd. Wickens lives next door, his house, vacant lot and then mine. Mr. Weber asked how did you set time of approximately 5 months? Mr. Johnson stated by time everything gets arranged and sell home, will probably go to Florida for health reasons and probably from June until October. Mr. Weber asked this June? Mr. Johnson

July 9, 1974

stated next June to next October. Mr. Weber asked all you are doing is planning ahead to make sure that what you hope for can be realized? Mr. Johnson stated yeas and trailer would probably be on my property that time and situated well back to the end of the lot, almost to the railroad. Wouldn't be detrimental. Talked to some of the neighbors and all for it.

Mr. Nothnagle asked Wickens, vacant lot, your house and railroad? Mr. Johnson stated no, Doyles, Taylors and railroad. Good deep lot. Mr. Weber asked how deep? Mr. Johnson stated over 400 ft. and it will be sitting behind house most to the railroad tracks. Mr. Weber asked what will you do for water and sewage facilities? Mr. Johnson stated father said whatever it would take he would do. Mr. Weber asked build permanent system? Mr. Johnson stated would put in leach beds or whatever they wanted. Mr. Weber asked when did you expect trailer might be on the lot? Mr. Johnson stated would say September or October. To get set up for when they come back. Mr. Weber asked which won't be until next June? Mr. Johnson stated yes sir. Mr. O'Reilly asked home isn't large enough to accomodate? Mr. Johnson stated no sir and talked it over and two families in one house would not work. Mr. Weber asked about five months out of the year. Mr. Johnson stated yes sir. Mr. Nothnagle stated trailer would be there permanently but occupied only 5 months of the year. Mr. Heilman stated only problem in reading that section any permit so issued shall be effective to and including the 31st day of December next succeeding the date of the issuance unless the permit shall sooner be revoked. Thinks says cannot do something that far into the future. Could grant application for this year, 1974, but would have to come back in December or January and reapply. Mr. Weber stated that would be normal procedure in zoning variance anyway that time limit be set on it. Mr. Heilman stated except not to be under the impression that it will necessarily be granted for 1975. Most could grant for till end of 1974. Mr. Weber stated an then reapply. Mr. Johason asked reapply every year? Mr. Weber stated provided want same facility there, yes.

Mr. Mannara asked want kind of facility do you have to that lot for water and sewer? Mr. Johnson stated all sewer and everything in for my place. Father said would have everything done. Mr. Mannara stated sanitary sewers go by property at present so land talking about would have to support trailer behind house. Mr. Johnson stated either that or leach beds in the back. Mr. Weber stated doesn't know which would be more expensive. Mr. Johnson stated this is where he wanted it and up to him what wanted to spend to be livable. Mr. Weber stated thinks up to whatever County does. Build leach bed or tie in. Mr. Johnson stated doesn't know which is cheaper, will have to get figures. Mr. O'Reilly asked does he have choice if on sewer line? Mr. Heilman stated up to the Health Dept. they will be required. Mr. Johnson stated fine with my father and me.

Mr. Weber asked if anyone in the audience had any questions? Mrs. Wickes 429 Fisher Rd, Stated also owns lot which would be vacant lot at 427 which is contiguous to Johnson property. Not opposed to the trailer if board providing following restrictions. Approval of living in the trailer for no more than 6 months of the year? Mrs. Wickens stated yes. Two to be for use of the parents only and not to rented. Three, when parents are through that it be removed Four, it must be located in the back of the lot not in the front yard. Have talked to Mr. and Mrs. Johnson and say go along with these restrictions. Also talked to most of the neighbors and not opposed to this with these restrictions. Mr. Johnson stated will be right behind the apple trees. Mrs. Wickens stated our lot gets increasingly large as it goes back, about 5 acres. Mr. Johnson's contiguous to this.



Planning Board

July 5, 1974

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

DECISION: Approved for calendar year of 1974 with the following stipulations: 1. That the trailer be occupied no more than 6 months of the year. 2. That the trailer be used for the parents only and is not to be rented out. 3. That the trailer shall be removed from the premises when it is no longer required for parents. 4. The trailer must be located at the rear of the property. This approval must be renewed yearly.

4. Application of B.R. DeWitt, 1535 Scottsville Rd. Rochester New York for approval of conditional use to install 12,000 gallon underground fuel storage tank on property at 1535 Scottsville Rd. F-2.

Mr. Axelrod and Mr. Cartwright appeared. Mr. Axelrod stated believes have map previously filed in the office with respect to this application. Apparently do not have ours. Mr. Heilman asked Mr. Axelrod, would you make comments to the board? Mr. Axelrod stated proposing and request permission to put in 12,000 gallon fuel tank underground and believes necessary to have your permission because property is located in designated flood area. First want to point out that one of the problems or philosophy behind flood area requirements for approval is whether or not any interference with blocking flood waters that might come done and this is under ground and would not interfere with flow of any water. This is B.R. DeWitt and for storage of fuel oil. Not gasoline of volatile fuel. Mr. Weber stated diesel? Mr. Axelrod stated # 2 oil for the furnace. Boiler for redi-mix plant. Want to change because natural gas and because of shortage and increased rates and possibility won't get at all, this is why want to put in. Mr. Weber asked will be changing system from natural gas to fuel oil? Mr. Axelrod stated everything there. Want to change from natural gas to fuel. Mr. Mannara asked will probably anchor this? Mr. Axelrod stated yes. Mr. Pietropaoli asked could you elaborate use at this location, and indicate how in existence prior to the zoning ordinance? Mr. Axelrod stated been there for many years, redi-mix concrete plant. Mr. Weber stated could you define more closely where 1535 Scottsville Rd. is? Mr. Axelrod stated would be probably 1/4 mile north of railroad tracks north of Ballantyne Rd. Mr. Pietropaoli stated where Col provia was. Mr. Axelrod stated still is, directly in front of it, between them and highway. Mr. Weber asked just south of 84 lumber? Mr. Axelrod stated 84 Lumber and Varsity Inn and Altamaura and us. Mr. Mannara asked 12' diameter? Mr. Axelrod stated 12 X 16. Mr. Heilman asked how deep what kind of covering? Mr. Cartwright stated it will be levelled after get in. Mr. Pietropaoli asked how far under ground? Mr. Cartwright stated 4-5 feet under ground to the top of the tank, and concrete on top because of low conditions and water under it. Will have to put concrete around to hole it. Mr. Mannara stated fill pipe and air vent should be above flood plain too. Mr. Cartwright stated right, to be above flood stage. Mr. Weber stated indicated it will be steel tank encased in concrete. Mr. Cartwright stated heavy gauge steel tank. Mr. Weber stated and concrete coverage completely. Mr. Cartwright stated dry concrete around bottom and sides to protect it.

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

DECISION: Reserved pending receipt of comments from MCPD.

Informal hearings:

1. John A. Baker - sketch layout for re-subdivision of property at lots 6 and 21, Miles Wood Rd.

Mr. Baker appeared. Stated transferring property from one lot to another. Portion of 21 to be added to 5 in Mile Woods Sub. Doesn't affect buildings and conforms with balance of lots. Adjacent to the North and South. 6 will be 72 X 357. 21 will be sold to people owning 4 and 5.

Decision: Approved unanimously.

2. Gianniny and Middleton - sketch plans for addition to Gottry Warehouse at 999 Beahan Rd.

Mr. Gianniny appeared. Actually 2 additions. One to the north and one to the west. 80 X 40 (11,200 sq. ft.) 60 X 160 (14,400 sq ft) 41 and 44 ft. in height respectively. Warehousing space only, no offices. Overhead cranes also. Existing building 44 ft. high. Construction same as existing building. Will be able to use present facilities.

DECISION: Reserved pending receipt of comments from MCPD.

3. Mr. Joseph Entress

Mr. Entress appeared to discuss informally the former Evangelist property which has been zoned RA-5 on new map and how zoning will affect future development of area.

5. K-Mart Plaza

Mr. Mayberry and Mr. White commented on Towns recommendations as follows:

2. Fire Lane indicated immediately adjacent to garden shop. Trucks sign proposed for that most northerly exit. Sign facing north and south. Fire lane 12 ft. wide.
6. Re: parking- awaiting engineer's response.
7. Taken position that have center for 4 or more stores. Entirely possible garden shop and K-Mart the same. 4 separate businesses shown on site plan. Indicate absolute maximum size sign would use.
11. Floor elevation 81 on K-Mart and 78 on supermarket. Finished elevations indicated on drawing 2. Propose maximum slope of 4% and less in majority of center. Awaiting final approval of 4% from engineer. Request that board approve 4% if cannot improve slope.
14. Slope not greater than 3 on 1 with exception of area in approximate middle of buildings about 250 ft. in length. Mr. White submitted letter from soils engineer indicating that the solid would be stable at greater slope. If not acceptable will discuss retaining wall with engineer.
15. Junipers 6 ft. on center 3 ft high at planting time. Adjacent property not presently developed and have time for plantings to grow. Also property higher than adjacent elevations. Future 81 ft. Elevations and rear of the adjacent property is 72.
16. Awaiting report from Conservation Board.
21. Resulted in compromise, providing detaining pond; on SW corner. Eliminating 19 parking spaces. 6 ft. hole with 1 on 3 slope. Everything from the site will drain into pond.

10" corrugated pipe out of the bottom. Will not allow all of the flow off the site down under Paul Rd. Maximum retention approximately 1 1/2 hours. Embankments seeded and grassed. Proposing fence around it, chain link. Possible to shrub around fencing. Might be crown vetch instead of grass. Break up length of fence with shrubbery.

County feels inadequate sewage facilities. Will relieve sewer in approximately 1975. County suggested building retention tank to hold flow of sewage in peak hours, morning and evening, and will empty mechanically at night, when lesser flow in sanitary sewers. Size of tank not determined. Have letter of agreement from the county. Will submit copy of letter from the county.

Chain link fence along north boundary, required by K-Mart. To prevent papers and rubbish from blowing onto adjacent properties so that K-Mart can clean it up themselves. Just behind back to their store.

DECISION: copy attached.

Richard Weber  
Chairman

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PLANNING BOARD  
August 13, 1974

A Meeting of the Planning Board of the Town of Chili was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, N. Y. 14624 on August 13, 1974. The meeting was called to order by the Chairman, Mr. Weber, at 8:00 P.M.

Present: Richard A. Weber, Chairman  
Robert Nothnagle  
Paul Duff  
Walter O'Reilly  
Ray Bleier  
William Corcoran

Absent: Leslie Moore

Also Present: Alfred J. Heilman, Deputy Town Attorney  
Stephen A. Chudyk, Supt. of Highways & Comm. of Pub. Works  
James Mannara, Lozler Consulting Engineer  
R. Thomas Ward, Asst. Building Inspector

Mr. Weber stated the legal notice has been property advertised in a newspaper of local coverage and affidavits are on file with the Town Clerk.

Mr. Weber stated before get into business of the meeting tonight would like to welcome Paul Duff and William Corcoran and express thanks of the board and the Town Board for the many years that Selden Crow and Fred Bean have put into the board.

- #1. Application of Robert Nudd, 3610 Union Street, North Chili, N. Y. for approval of request for conditional use to operate trailer rental business in conjunction with service station at 3610 Union Street. R-1-15.

Mr. Nudd appeared. Stated using U-Haul rental trucks and trailers. No more than 6 on the premises at one time. Mr. Weber asked how large? Mr. Nudd stated 16 ft. enclosed trucks, 12 ft. trailers at most. Mr. Weber asked have you enough room? Mr. Nudd stated as indicated on the plot plan there is enough room. Mr. Weber asked take it this is total of your area now extending someplace over here? Mr. Nudd stated this is station itself, parking area here, garage area and all parking lot down here to the road. Parking here and toward Chili Avenue. Mr. Weber asked where did you plan to store trucks? Mr. Nudd stated in back, sits down-hill and tree line so out of the way of people's houses that live behind us. Won't be able to see. That is why designated this area. On NE side of the station. Room for everything within this area. Will hold six vehicles and that is all plan on having. Doesn't want to look like running truck fleet. If more will haul them away. They have copy of the letter from the company stating can only have six there. Mr. Weber asked when would there be more, when dropping off? Mr. Nudd stated right, if get run at one time. Mr. Nothnagle asked U-Haul? Mr. Nudd stated yes. Mr. O'Reilly asked trucks and trailers? Mr. Nudd stated from 4' x 7' to 6' x 12'. Mr. O'Reilly asked would include both in six vehicles no matter what the mix? Mr. Nudd stated right. One local truck and one one-way truck and probably four trailers. Quite a call from the community but basically only want two trucks and rest trailers. Every Monday have to send report in and if more than six, will take away. Mr. Weber asked is this something got into on your own through U-Haul? Mr. Nudd stated on our own. Unaware lease said couldn't rent them and would have to come before the board. That is why letter from Exxon. Want written permission that approval granted.

# Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

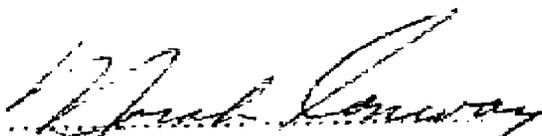
DATE August 7, 1974

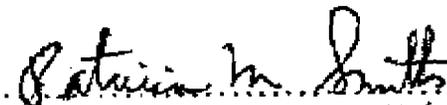
THIS IS TO CERTIFY THAT THE ATTACHED LEGAL NOTICE(S) WERE PUBLISHED  
IN THE

**GATES-CHILI NEWS**

Issue Dated

August 7, 1974

  
**NORMA CONWAY:**  
Notary Public, State of N.Y. Monroe Co.  
My Commission Expires March 30, 1976

  
Patricia M. Smith Not-  
Publisher + Editor

## LEGAL NOTICE

### PLANNING BOARD

A meeting of the Planning Board of the Town of Chili will be held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, N. Y. 14624 on August 13, 1974 at 8:00 P.M. to consider the following applications:

1. Application of Robert Nudd, 3610 Union Street, North Chili, N.Y. for approval of request for conditional use to operate trailer rental business in conjunction with service station at 3610 Union Street. R-1-15.
2. Application of SSC Leasing Corporation, 1280 Scottsville Road, Rochester, N.Y. for approval of request for conditional use to rent and sell camping trailers on premises at 1280 Scottsville Road. C-2.
3. Application of Argonaut, Inc., 3484 Union Street, North Chili, N.Y. for approval of request for conditional use to allow the operation of metal recycling plant to be located at 3484 Union Street. M-2
4. Application of Pantlin & Chananie Development Corp., One Exchange Street, Rochester, N.Y. for a final approval of site plan for K-mart Plaza to be located at NW CORNER of Chili Center-Coldwater Road and Paul Road. C-2.

All interested parties are hereby requested to be present.

By order of the Chairman of the Planning Board.

RICHARD A. WEBER  
Chairman

Mr. Mannara asked plan to house? Mr. Nudd stated out in the open. Mr. Weber asked is the back corner black-topped too? Mr. Nudd stated all black-topped. Mr. Weber asked any trees installed along lot lines? Mr. Nudd stated garage about 30 ft and from there over, rough-graded. To the expressway. Supposed to rough grade and seed. Company hasn't done it. I cannot get them to do it. Station sitting there and grass and shrubs and trees and next door looks like landfill. Piles of dirt from building and such. Nothing to do with us. Strictly the company. Goes back behind the station too.

Mr. Weber asked if anyone wished to speak in favor or opposition to this application? Mr. Willey, Union Street, stated not specifically against what Nudd would like to do. Goes back to when originally granted. Mr. Weber stated Mr. Willey, have copy of your letter. Not aware owned additional property beyond station. Mr. Willey stated part of the agreement was to make sure green area on balance of the land. Never even rough grading. Nudd requested, I requested and contacted people in neighborhood and now going to district manager in Kenmore. Wondering what pressure board could bring to bear to see that this eyesore is rectified. Station and the way business run, very fine, neat job but Exxon let us down. Mr. Weber stated can see that. Not aware until looked at drawings tonight. Point is, this application by Nudd and not Exxon so really have two separate things but appreciate thought on that. Mr. Willey stated any pressure board can bring to bear... Mr. Weber stated this certainly indicates have initial approval on it with conditions to be satisfied. Two years sufficient time to do what had to be done. Mr. Willey stated no financial hardship for the company. Mr. Weber stated doesn't appear would be problem.

Mr. O'Reilly asked would like to ask does Exxon benefit from trailers? Mr. Nudd stated no, not at all. They receive nothing out of it. Something went into on our own to better serve community. Calls from apartments, moving in and out. Mr. O'Reilly stated then it is two separate items. Mr. Weber stated doesn't think can tie together. Mr. Willey's point well made. Would you have objection to trailers in the station? Mr. Willey stated no, wouldn't. Would like satisfaction as to the original approval of the use of the property. Mr. Weber stated can certainly write a letter in that respect.

Mr. Heilman asked any request for a sign with regards to these trailers? Mr. Weber stated normally doesn't think use them. Mr. Nudd stated speak for themselves. Only sign on the garage on the station. No road signs for it. Don't really need them. Provide advertising in yellow pages and everything else.

DECISION: Unanimously approved for one year. Limited to 6 vehicles.

#2. Application of SSC Leasing Corporation, 1280 Scottsville Road, Rochester, N. Y. for approval of request for conditional use to rent and sell camping trailers on premises at 1280 Scottsville Road, C-2.

Mr. Robert Challenger appeared. Stated requesting permission to rent and sell camping trailers on the Shamrock Gaseteria property. Mr. Nothnagle asked is this old B-G Equipment Company? Mr. Challenger stated no. This is plot plan of the service station. Adjacent to the golf course. Part of the property propose using for rental and sale of camping trailers would begin with the location of the building itself. Run back to the property line at the back of the property. Would extend length of the units. Vary from 8 ft. to 26 ft. in larger units. Propose having approximately 20-25 units at any time. Being seasonal business, times in winter when all there and in summer none there.

Mr. Weber asked indicate all in front of the present pumps? Mr. Challenger stated behind pumps. Probably beginning of first unit would be about 100 ft. back from the road or in line with the office building itself. Six islands and seventeen pumps. Location of the vehicles would be from here back. Mr. Weber asked operating gas station at same time? Mr. Challenger stated yes. Mr. Nothnagle asked does this necessitate additional signs and advertising? Mr. Challenger stated it could. Mr. Heilman stated doesn't know if familiar with new ordinance with regards to the signs. Pretty strict and carries condition that within three years free-standing signs will disappear. Wonder if could tell about area talking about when say 26 trailers? Mr. Challenger stated this length, from the property line on Scottsville Road to rear line is 314 ft. Talking roughly about 214 ft. in this direction. About length of the units in the other way. 8 ft to 26 ft.

Mr. Heilman asked need any additional lights in that area? Mr. Challenger stated doesn't think so, station fairly well lighted. Mr. Heilman asked as far as vandalism? Mr. Challenger stated could be, toward back.

Mr. Weber asked do you now operate station itself? Mr. Challenger stated yes. Mr. Weber asked what particular make or model of trailer? Mr. Challenger stated considering two lines. One Lark manufactured by Travel Equipment in Goshen and other Pullman which has been in business quite a while. Doesn't plan to take on any other line.

Mr. Heilman asked all black-topped? Mr. Challenger stated from here back, rest gravel. Mr. Heilman asked trailers will be on gravel? Mr. Challenger stated yes sir. Mr. Bleier asked what is nature of the property to the east? Mr. Challenger stated that is Par Three golf course. Mr. Heilman asked will that create problem for fire department? How close will they be parked together? Mr. Challenger asked for access to what? Mr. Heilman stated in case of fire. Mr. Challenger stated probably room enough for people to get in and look. Mr. Weber asked Mr. Van Gelder do you see any particular problem. Mr. Van Gelder stated no.

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

DECISION: Unanimously approved for one year. Limited to 25 vehicles.

#3. Application of Argonaut, Inc., 3484 Union Street, North Chili, N. Y. for approval of request for conditional use to allow the operation of metal recycling plant to be located at 3484 Union Street. M-2.

Mr. Ralph Esposito, attorney, appeared. Stated application for conditional use permit in M-2 zone for metal recycling plant. Thinks received communication from principals stating background of proposed plant. Members of corporation here to answer questions. Very basically operation which is certainly new to this particular area of the county and would do wonders for the reputation of Chili, especially after ecological problems of the past. Will be forerunner of many other plants in the area. Use certainly consistent with the M-2 zoning of the particular area and rendering we have over here, Penn Central Railroad tracks and Union Street. Area talking about 48 acres. Actual acreage needs for plant about 15 acres. Less than 1/3 of the area and remaining area could lend itself for the use of industrial park. Warehouses or something similar. No more than 50/50 density between buildings and land. Artists rendering might answer reasonable questions relative to noise and attractive nuisance and that type of legitimate inquiry that people might have. As you see location of the plant itself over 1000 feet off Union Street. Shaded by the natural tree barrier presently existing as can see from aerial photos. Clear some trees in this area to build plant. Spur to the Penn Central railroad at back of the parcel 1400 ft. from Union Street.

Shaded on three sides by existing trees. As far as noise for residents, don't anticipate that. Don't anticipate attractive nuisance because of fact that situated over 1000 feet from the road. As far as the actual mechanism of this operation, doesn't find self skilled in that area but there is gentleman from the company to explain benefits, if you will, to the town of Chili. Also ecological benefits of this type of plant. Ask him to tell you about nature of recycling.

Mr. Aroneck stated this particular plant something relatively new in scrap processing business. Sure all watched on TV or somewhere, shredders. Auto flatteners. That is what this will be. Shred automobiles about one every thirty seconds. Develop this in back here. Automobile scraps and chopped into small pieces and impurities separated. Mr. Esposito stated relatively new business but other areas in country have utilized this particular type of metal recycling and done very well with this type of operation. Mr. Aroneck stated 200 in the US. Mr. Weber asked how close is the nearest could take a look at? Mr. Aroneck stated Buffalo, Syracuse. Mr. Weber stated indicated 200 operating. Mr. Aroneck stated roughly. Mr. Weber asked in what form do you get raw metal? Mr. Aroneck stated majority flattened. Cannot transport unflattened bodies any distance. Mr. Nothnagle asked type that come out of Ajax? How do you get to your place? Mr. Aroneck stated railroad car or trucks. Mr. Nothnagle asked how many a day? Mr. Aroneck stated capability for 500 a day. Have to stock pile about one or two days running, get bad weather and have to have back log. Flattened car bodies in pile 10 or 15 high is not a large pile. Relatively neat. If seen Ajax material. Mr. Esposito stated not intended to be scrap area. Have to have certain amount of storage.

Mr. Nothnagle asked is the metal flattened and compacted? Mr. Aroneck stated no, majority comes out size of fist. Magnetically separated and air system further purifies and loaded into railroad car. Mr. Nothnagle asked anything burned? Mr. Aroneck stated no all done by magnets. Mr. Nothnagle asked what about upholstery materials? Mr. Aroneck stated have to get to landfill or ultimately RG&E can use to burn for power. Doing in two locations now. Mr. Duff asked supplemental to County plan where they would recycle to get material that is combustible and quite a way down the road? Mr. Aroneck stated would assume so. Mr. Nothnagle asked have you investigated area to dump? Mr. Aroneck stated guess that's problem. Seems might have to go to Waterloo to dump. If that is the way, will do. Mr. Nothnagle asked put in trucks? Mr. Aroneck stated just like county trucks.

Mr. Weber asked how large an area would be drawing from? Mr. Aroneck stated would hope two or three hundred miles. Majority from county. Mr. Weber stated would seem at the rate you handle, sometime would have pretty much all the wrecks cleared out of the county. Mr. Aroneck stated not really when probably million and a half people in metropolitan area and lot of cars being discarded every year. Probably 75,000 a year. Mr. Weber asked sure you have real good count on how many? Mr. Aroneck stated not good but guess.

Mr. Nothnagle asked only material would shred? Mr. Aroneck stated appliances. Mr. Nothnagle asked any scrap metal? Mr. Aroneck stated not too heavy, not I-beams. Appliances, yes. Mr. Duff asked what is proposed out-put in terms of tonnage per day or in-put in terms of raw material? Mr. Aroneck stated maximum 500 ton but doesn't think area could get 500. Mr. Duff asked based on experience throughout the country at other plants, what percentage would be non-ferrous metals that would be subject to disposal by landfill? Mr. Aroneck asked waste in materials? About 10% by weight. Large quantity of which is dirt. Mr. Duff asked capability for non-ferrous metals? Mr. Aroneck stated aluminum and copper out? Gets them out but all mixed together and have to further separate them. Mr. Duff asked in terms of operation

as you propose now, what percentage of this 500 tons recoverable by this without further processing? Mr. Aroneck stated about 85% without further processing. 10% complete waste, dirt, upholstery, and 5% non-ferrous metals. Mr. Duff asked what would you do with this in the interim? Mr. Aroneck stated non-ferrous will be sorted or sold to people who sort. People who do nothing but sort.

Mr. Nothnagle asked how big anticipate? Mr. Aroneck stated physical size, total machine most of the size and expense in conveyors about 160 or 170 ft. long. Mr. Nothnagle asked sawing operation? Mr. Aroneck stated hammering operation. Mr. Weber asked any people working close to this machine while operating? Question because of noise level. Mr. Aroneck stated nobody really works very close to the part that makes noise. Has been OSHA approved at other installations for noise. Mr. Duff stated if only 90 decibels within 10 ft. proximity OSHA standard 90 decibels for 8 hour period. Mr. Weber stated at 3 ft. This is 10 ft. so noisier at 3 ft. Mr. Nothnagle stated could wear earmuffs. Mr. Weber stated could be done but problem they will have to face. Assume if anyone works that close will not work for full shift. Mr. Aroneck stated or have ear protection. Mr. Nothnagle stated thinks stipulated for benefit of surrounding area rather than employees because will step in anyway. Mr. Weber stated true, will have to satisfy with them. Any idea of sound level at property line? Railroad? Mr. Aroneck stated with trees and everything, doubt if would hear it. Doesn't think could hear at all. Seen 5 or 6 and doesn't think could hear through tree barrier and at that distance. Mr. Esposito stated aerial photo shows tree barrier. Mr. Aroneck stated will leave majority of trees up along tracks. Doesn't believe will be problem. Mr. Duff stated point worth considering because DEC considering standards for noise. Mr. Aroneck stated company that builds machinery has gone through with DEC and doesn't feel problem. Hope they are right.

Mr. Weber asked this is first plant of this type you will be operating? Mentioned one in Buffalo. Mr. Aroneck stated Tonowanda I think. Mr. Weber asked would it be possible for someone from the town to see? Mr. Aroneck stated couldn't tell you that. Doesn't know the people. Older machine and all the pollution controls not on. In order to see machine something like what talking about, considerable distance. One being built in Albany but doesn't know if running. Mr. Weber asked wonder if could firm up if running or where closest would be. Mr. Aroneck stated changed design in the last three or four years. Most in the state small and design different than today. Especially in pollution control and capacity. Mr. Weber stated thinks board would want to if possible take first hand look at one in operation, as close to your proposal as possible. Something not familiar with and not that common in the area and would give more insight at how works. Especially from noise level. Mr. Aroneck stated only thing might have to go quite a distance. Mr. Weber stated if you could confirm, would appreciate it. Mr. Aroneck stated doubts one in Albany in operation. Mr. Esposito stated would find out if Albany not operating what closest is.

Mr. Weber asked who is manufacturer? Mr. Aroneck stated Newell. Built majority of these plants around the world. Mr. Duff asked have you made other necessary contacts with DEC regarding issuance of air pollution permits, etc.? Mr. Aroneck stated have to design equipment around it, obviously. Which they have. Have that information and will have to satisfy them. Mr. Nothnagle asked does machinery require considerable amount of water? Mr. Aroneck stated no water, except for normal sanitary facilities.

Mr. Van Gelder stated said may have stockpiled materials. Is that stockpiling until ample supply to sort? Mr. Aroneck stated ample supply almost every hour. Blown in a hopper and back trucks up and dump right in. Mr. Weber stated understand will require spur from the railroad. Mr. Aroneck stated direct to the Penn Central. Being worked on. Pending results of this. Mr. Esposito stated if receptive to this.

Mr. Weber asked how soon would you like to start? Mr. Aroneck stated soonest could get machine is 7 or 8 months. Longest almost 20 months. Depends on situation as far as availability of machine. Operation couldn't start from 1 to 2 years. Mr. Weber stated indicated in your letter had contemplated an industrial park. By way of date how far down the line? Commence now or following the installation and start up? Mr. Aroneck stated thinks would probably start developing remainder of the land before other project. Time factor, 7 months probably nothing. If two years, probably start industrial park, at least clear land. Mr. Esposito stated there is indication of potential road for the development of the park. Mr. Nothnagle said presently own the land? Mr. Aroneck stated yes we own the land.

Mr. Corcoran asked what percentage of the traffic would be by truck and rail? Mr. Aroneck stated majority by trucks and out by rail. Mr. Corcoran asked what truck size? Mr. Aroneck stated wouldn't be ours, small to large trailer trucks. Mr. Corcoran asked what would be normal load for a truck? Mr. Aroneck stated depends on size of trucks. Mr. Corcoran stated average. Mr. Aroneck stated probably two or three bodies, two or three tons. Mr. Nudd, owner of Exxon Station, stated now have 10-12 bodies on flat bed trailers. Mr. Nothnagle stated 7 high and three deep, 21-24 cars. Hauling to Canada, understacks. Mr. Aroneck stated yes, Hamilton.

Mr. Duff asked possible to supply schematic flow diagram on plant operation, include tonnages in and out, etc. Have sort of schematic here but looks like located next to a canal. Mr. Aroneck stated that is basic plan. Really nothing much more can say. Just about what would look like. Just neglect the barge. As far as tonnages, 100% going in with possible 85% coming out clean scrap. 4-5% non-ferrous metals and 10% waste, dirt and upholstery. As far as schematic, wouldn't show much more but possible if you want it.

Mr. Van Gelder asked what is structure for, office? Mr. Aroneck stated office and maintenance area. Mr. Van Gelder asked what size? Mr. Aroneck stated probably 60 x 150 or something like that. Mr. Van Gelder asked any arrangement for fire protection? Mr. Aroneck stated none as yet. Mr. Esposito stated this area RG&E substation.

Mr. Longello, representing Union Plastics, asked how far south property will extend? Have currently applied for FDA approval to manufacture medical items and if it will, bother my products, would like to find out about it. Doesn't seem to. Mr. Esposito stated goes about 1000 feet from entry to end of property. Mr. Weber asked is that within limits of your property? Mr. Longello stated no, further south than that.

Mr. Gary Russell, Monroe County Planning, stated mentioned something about stockpiling materials because of inclement weather. Will it hamper in winter? Mr. Aroneck stated saying have to maintain minimum inventory of material to take care of periods when trucks don't come in. When you add weather maybe weather bad and nothing came in, so would have something. Mr. Russell asked where do you plan to stockpile? Mr. Aroneck stated in back area here in rows. Move in railroad cars as needed. Mr. Russell asked where is back property line? On the map? Mr. Aroneck stated this outline of picture would be property outline. Mr. Russell asked woods using as barrier on

other property? Keeping some woods? Mr. Aroneck stated about 50 ft. Mr. Weber asked taking most of those trees out? Mr. Aroneck stated no. Mr. Esposito stated trees here and Union Street. Natural tree barrier and all trees along boundaries will remain. Mr. Russell stated might be to advantage to have schematic plan of total industrial park. Might be made part of this application. For the board's discretion. Mr. Weber stated due to the long delay and the development probably coming before it does, would be reasonable thought at this time. Mr. Hall, understand talking to town people for some time. Anything further to add or comment? Mr. Hall stated Director of Area Development for RG&E. We have been over quite a number of pieces of property throughout the area with these people and said when showed this land, fit in because of environmental aspects because of the natural barrier of the trees, railroad and 490 West for traffic entering area. Zoned M-2 and naturally big user of electricity so quite concerned. This is my phase in talking here as planning board of our service area. Just happen to live here but in favor of this.

Mr. Nudd asked how many trucks a day down Union Street hauling vehicles? If putting out 500 ton a day... Mr. Aroneck stated said capable of 500 but doesn't see would get it. Doubt could get half of that a day. Mr. Nudd asked how many truckloads? Mr. Aroneck stated probably 20-25. Mr. Weber asked didn't you indicate looking at around 200 cars a day? Noticed in letter have capability of handling 400. Mr. Aroneck stated right, but about 200 a day. Mr. Nothhagle stated that is 20 trucks. Mr. Nudd asked what would be hours of operation? Mr. Aroneck stated probably 7 or 8 fill 3 or 4. Something like that.

Mr. Willey, Union Street, asked when speak of capabilities of so many a day maximum, could still be within 8 hour period? Mr. Aroneck stated yes sir. Mr. Willey asked would you run through stockpiling thing again? Mr. Aroneck stated asked what talking about bad weather. When said had to stockpile cars, reason gave was bad weather but meant day bad that no other cars came in, and still have something to run machine. Mr. Willey asked Mr. Hall said in favor of project, where do you live? Mr. Hall stated Willet Road. Not speaking as resident of the town but as utility representative.

Mrs. Bernice Wilcox, Stuart Road, asked would like to know how will be landscaped? Understands have frontage on Union Street. Mr. Esposito stated landscaping proposes to utilize existing trees and work actual project within scope of existing trees as shown on this aerial view. Line running through here, trees will be kept as barrier. This will be 1400 ft. back from road and trees around 3 sides. Mrs. Wilcox asked line in front? Mr. Esposito stated yes. Mrs. Wilcox asked mowed and landscaped? Mr. Esposito stated would hope so. Mrs. Wilcox stated we would hope so. Quite a few problems in town recently and thinks stipulations should be put in on this site. Have spectator of Spectors on Scottsville Road which is type of recycling operation and wouldn't like to see this become that type of operation.

Mr. Timmins, NYS Dept. of Transportation, stated wants to recommend people get in touch with highway department for access to Union Street because state road. Mr. Weber asked any comments? Mr. Timmins stated doesn't know drainage through there but thinks channel through there and access has to be approved by the state and would hesitate to think of two access roads off one parcel of land. Mr. Esposito stated for the particular project do only need one. Mr. Timmins stated all one unit as far as state concerned. Only one access. Mr. Esposito stated understands that but this particular road for the industrial park.

Mr. Willey stated would like to point out that town doesn't enforce landscaping or provisions of this type. No inspection on CO for landscaping.

Mr. Heilman stated under new zoning code, 3.095 special provisions providing under M-2 would require them to go through site plan which would require planning board approval. Mr. Willey asked in force two years ago? Mr. Heilman stated took effect early part of this year. Mr. Willey asked inspection before CO granted on landscaping? Usually issued prior to landscaping. Mr. Heilman stated next applicant tonight has been in front of Planning Board on 5 or 6 occasions under new procedure and same would be required of any applicant and the Planning Board and engineers and other technical people will require same thing. Mr. Willey stated wanted to point out not happening. No way for the town to enforce. If there is a way, not doing it. Mr. Heilman stated under new code certainly is on any new thing coming into this town. Mr. Willey stated nevertheless, not happening.

Mrs. Wilcox stated would like to second what Mr. Willey has said and thinks Chi-Paul Plaza a sample. Paul Road side landscaping not finished and flowers planted by garden club and would also like to mention the apartments on Paul Road. Thinks they were poorly landscaped. Mr. Weber stated will take comments into consideration.

Mr. Ron Brand, Monroe County Planning, stated one question in talking with Mr. Russell wasn't brought up in report and seems relevant to Chilli and landfills. What, if any, type of working arrangement would the applicant be willing to entertain with the Town of Chilli as far as taking materials that might be picked up in the town and could be saved from being put into a landfill somewhere and be taken care of at this project? Mr. Aroneck stated believes the price would be paying for materials, little will be landfilled. In Albany, what does go to the landfill people at landfill bring back. Bury no stoves or refrigerators or metal scrap. Probably big help to the landfill. If town wanted to take from landfill and bring in would pay town top price. Mr. Brand asked any other municipalities? Mr. Aroneck stated yes. Mr. Weber stated good point and would think unless find more cars around and more lucrative from the money standpoint, no reason why couldn't be worked out. Mr. Aroneck stated doesn't think would be the case because doesn't think enough cars in area to keep machine busy. Will have to depend on appliances and will always be that way. Make nice scrap.

Mr. William Wilcox, Stuart Road, asked is this going to be, now talking about appliances, wholesale situation or retail situation? Will we have bunches of refrigerators and stoves coming up like Atkins has on pick-ups and falling apart for retail dumping or strictly wholesale trailer-load stuff? Mr. Aroneck stated strictly wholesale and guarantee no resemblance between us and Atkins. Or any other in Rochester.

Mr. William Kelly, attorney, stated thinks should make statement for the record because represents owners of the property that have current contract to sell property to Argonaut, Gerald Ensign and wife, and under contract to sell property pending final determination of this matter by the Planning Board and the Town Board. Thinks might be well as Chairman to ask representative to give price figure on the value of the improvements that would be put on this property. Mr. Weber stated believes indicated in letter we received last week. "Plan to invest two to three million dollars in this plan upon completion." Assume this covers only equipment speaking of now. Mr. Aroneck stated right, not industrial development in the future. Mr. Kelly stated do have school district in need of increased revenue. Definite need for development in this area and would precipitate that development and development of park should add to the tax base in that area. Think sensible and should be seriously considered by this board.

Mr. Brand stated mentioned by-products from the process itself; To your knowledge, are there any industries which you feel might locate in this area that would use the by-products and what type would it be? Mr. Aroneck stated by-products mostly material that has to be buried or landfilled or non-ferrous metals have to be sorted and re-melted.

Already manufacturers of secondary aluminum in this area downtown. Couldn't say that there would be industries attracted. Might be wrong. Mr. Esposito stated wanted to thank board and will get information as soon as possible about closest plant in operation.

Mrs. Wilcox, Stuart Rd., stated wanted to comment on the tax base situation. Few years ago up here considering apartment complex and were going to solve school tax problems. Haven't done so and requires service. Should always be cautious on things that will affect taxes.

Mr. James E. Powers, Comm. of Commercial and Industrial Development, stated at the close of this it should be pointed out that couple of weeks back Bob Hall and I met and analyzed program from Chili's standpoint. One point brought out was revenue. Obviously 2.5 to 3 million dollars is important. Particularly that it is industrial or commercial because unlike apartments or homes, it contributes totally to taxation while does not contribute children to be educated. In terms of economics, indisputable. Got reputation for recycling and long step toward recycling. In terms of land will have to be analyzed by the board. Suggest checking out system. Have discussed a few of you physically visiting a plant which is operating now. Obviously not under their control but machines in operation to analyze from sound and operational standpoint because obviously none of us have had that experience and report back to the board and see if exactly as pictured and as stated and whether green barrier, sound barrier, whatever is agreed to between principals and Planning Board would have to be complied with. One of the reasons have new program because so much was let go. Spector of Spector's would not have that again.

DECISION: Reserved.

4. Application of Pantlin & Chananie Development Corp., One Exchange Street, Rochester, N. Y. for a final approval of site plan for K-Mart Plaza to be located at NW corner of Chili Center-Coldwater Road and Paul Road. C-2.

Mr. Richard Mayberry appeared. Stated attorney for Pantlin and Chananie Development Corporation which is applying for final site plan approval for a shopping center at Paul Road, Chili Avenue and Coldwater Road. As your attorneys mentioned been here many times before with this application and discussed details with the board and resolved many problems. A few changes in the proposal putting forth tonight and note we have outlined the terms of two of the board members so best to have basics of the proposal. Proposal for a currently three unit shopping center which includes a K-Mart department store of 84,180 sq. ft. and garden shop attached which may or may not be operated by K-Mart of 5228 sq. ft. Doesn't know how many members or people in the room familiar with K-Mart. Not currently operating in Rochester area although in general vicinity. Geneva for one. K-Mart operated by Krosge. Hand over 1973 annual report. As recently as a few weeks ago, became second largest retailer in the country. One of a number of proposals for centers in Rochester area and probably first if obtain approval tonight to be built. In addition A & P market of 30,155 sq. ft. and bank for which not current tenant but plenty tenants available, of 2160 sq. ft. Since here last changes that have been made have been primarily in the area of moving the building 30 ft. toward Coldwater Road. At the request of tenant.

Dealing with major tenants and when make requests like that, practice is to jump. In the area of curb cuts or access roads, updated by requirement, obtained approval of state for access roads onto Coldwater Road.

Mr. Weber stated before you finish, said moved the complete building 30 ft. and 30 ft. less space at the east end of the garden shop than before. Mr. Mayberry stated yes. Mr. Weber asked what have you cut out? Mr. Mayberry stated would have to refer back to older plans. Primarily fire land provided at that side and aside from that no major change. If could compare with earlier plans. Have one approved by Mr. Van Gelder here. Essentially reduced walkway along side of garden shop and 12 ft. fire lane. Mr. Weber asked still room for fire lane or not? Mr. Mayberry stated had brief discussion with Mr. Van Gelder and didn't have chance to go over plan precisely but need for lane seems no longer to exist. Requirement to keep open on chance that would be parking and circulation of traffic. Removed at the request of State the access roadway to the rear of the buildings so that only use for the access road to the back would be to reach the rear of the building for stoking purposes. Trucks primarily and still is room for access on this end of the center and this end for fire vehicles if necessary. Mr. Weber asked Mr. Van Gelder, see any problems with layout as now proposed? Mr. Van Gelder stated questions flow of traffic around buildings as far as delivery vehicles. Original plan thought served nicely. Access will be through main entrances on either side? Mr. Mayberry stated Mr. Timmons here tonight and can comment on their denial of access driveway at this point but little we can do about problem at this time. Certainly sufficient room on either end of the building for vehicles and without access road cannot improve circulation. Adequate for tenants stocking purposes and no other alternatives.

Mr. Weber asked which entrance will be main truck entrance? Mr. Mayberry stated assume Coldwater. Mr. Weber stated looks like with island, could be tight with trucks. Mr. Timmons stated doesn't believe island, chatter strip. Mr. Nothnagle asked what is chatter strip? Mr. Pantlin stated slightly raised concrete with indentations so when run over it, slow down. Mr. Weber asked what purpose does it serve here? Mr. Pantlin stated to separate traffic lanes. Mr. Weber stated assume trailer truck will have room to get around corner. Mr. Nothnagle stated would like to ask Mr. Timmons. Mr. Timmons stated thinks adequate room there. Off that road and completely circle building come up Paul Road and back. No problem. Mr. Nothnagle asked what is State's idea in denying? Mr. Timmons stated too steep to be used in wintertime and putting one-way driveway and two points of access that close, are trying to eliminate that. Mr. Weber asked even if not main access? Mr. Timmons stated on the plans says trucks but who will keep cars out? Mr. Weber stated went over in past and if cars used, signs would be installed and if further used would do something to keep them out. Mr. Timmons stated planning department requested drive be eliminated for safety. Mr. Nothnagle asked what was degree of slope? Mr. Timmons stated, thinks 8 or 9%, hard for trucks in winter. Mr. Weber asked was slope that severe? Mr. Pantlin stated 8%. Mr. Weber asked no way could cut down? Appears to be main objection. Mr. Timmons stated that and two points of access. Main office made that stipulation. Try to eliminate as many points of conflict as possible. Mr. Weber stated spent quite some time going over pattern and now more so because trucks in that entrance too. Mr. Timmons stated should have come before state earlier. Mr. Mayberry stated, understood submitted month or two after submitted application here. Takes as long a time to get through State as Planning Board. Mr. Timmons stated normally couple weeks.

Mr. O'Reilly stated mentioned no problem to get trucks in off Coldwater. Got 15 ft. to turn into this area and then 31 ft. inside that rumble strip. Looks like all of that traffic would be coming across front of the stores. Mr. Timmons stated possible, doesn't know. Mr. Nothnagle stated not if jack-knife and back in. Mr. Weber stated thinks maybe you people can answer that. Doesn't think want trucks across front. Mr. Chananie stated has been acceptable to SS Kresge Company. Their engineering department looked at this and has accepted it. Mr. Nothnagle stated can see accepting if got rid of the area in center. Would give 90 ft. turning area. Mr. Weber asked parking in middle, yes. Mr. White stated standard tractor trailer is 50 ft. long, can negotiate turn considerably better than a 30 ft. truck or bus. Mr. Nothnagle stated depends on where wheels are. Mr. White stated in addition no problem with truck that is coming in here to go this way and can even negotiate this and as you know gentlemen tractor trailers encroach upon opposite movements pretty frequently on your major highways and roads. This will not be the case and think tractor trailers and primarily that is what is coming in and doesn't think will have any problem from traffic view.

Mr. Nothnagle asked what is slope on that drive? Mr. White stated 2.5% I think. Would have to look at plan. Slope not problem there. Problem up there and that was eliminated. Concerned to eliminate and did. Mr. O'Reilly stated before get too deeply involved, if Department of Transportation and K-Mart willing to live with this, doesn't see why we should spend more time on it. Mr. Weber stated thinks reason we are primarily indicated spent sufficient time before going over this and suddenly appeared to be turned around completely and to my viewpoint not very good. Perhaps not but if willing to live with it and state requires it agree with what you said. Mr. Mayberry can continue.

Mr. Mayberry stated other change that has been depicted on two sets of plans required by the Monroe County DPW, Mr. L Franco, traffic Engineer. Have provided to the board older version of the plan indicating access from Paul Road at this location with the drainage detention basin as approved by your town engineer in this area. That was preliminarily approved by this board. On August 2nd received letter from Monroe County indicating its views regarding access from Paul Road and insisted that access be placed in this location 35 ft. from property line on Paul Road with 35 ft. radius on each side and as letter indicates requested other concessions such as reservation of 10.25 ft. for street widening if road widened. County position that drainage detention unnecessary and call initiated by engineer at county to town engineer indicating that. We feel have discussed with town engineer and would prefer to keep detention basin on the site and proposed to relocate it to the right of the new access road. Difficulty we face today is that all of this came upon us very recently from the two agencies and ask board's final approval of two plans showing alternate methods of handling access road. In position where have not obtained town approval and not sure county completely satisfied regarding location of detention basin but insists upon driveway here and town approved that version. Now in position to obtain final approval here before can get drainage district for drainage and board of appeals for parking variance necessitated mostly by revision of lot for detention basin. In order to get in proper time span must seek approval of both versions. Recognize unusual but in position where town has approved one and county another. Mr. Nothnagle stated seems originally requested entrance there and couldn't give because of tenants. Mr. Weber stated first review from the county had been to put the entrance at far west end. Came back with wanted more centrally located. Mr. Mayberry stated haven't obtained tenant approval of that change either and does take time to get approvals but if recall first meetings, originally located access road off Paul at approximately this area next to the roadway off Chili and agreed to move down. Thinks statement County made and was insisted

on by the board that we move to that location and get tenant approval, no objection, but preliminarily obtained approval of this plan so now in position of submitting this one to the tenants. Now in position where LoFranco taking hard position and saying doesn't need detention basin and that existing facilities along Paul Road more than sufficient to handle drainage from our site so doesn't know what LoFranco going to insist on in that situation.

Mr. Weber stated wonder if Mr. Mannara would comment along the lines of this recommendation of the county. Mr. Mannara stated would like to see county's proof submitted and we can review it. Mr. Weber asked have they written anything or verbal comment? Mr. Mayberry stated met with LoFranco last Friday and made statement on Monday or Tuesday; Engineer with him and in his office yesterday when made call to your office and stated to Lozier that the basin wasn't required at all, and asked that the town send proof to the county of those facts and now have request that county submit to the town and sure will comply with in the future.

Mr. James Dunlap, Lozier Engineers, stated party to the conversation with LoFranco yesterday and does not remember making comment that detention basin not required. Mr. Mayberry stated, may well be, made on number of occasions and sure Mr. LoFranco will verify his position and says everything down the road more than sufficient to handle. Mr. Mannara stated based on information we sent him. Received yesterday morning. Mr. Mayberry stated not going to get into that battle. Mr. Weber asked saying sent calculations to LoFranco? Mr. Mannara stated sent proof of our thinking and enough information to arrive at conclusions. Mr. Weber stated apparently no information from LoFranco since yesterday morning.

Mr. Mayberry stated has submitted small copies indicating driveway re-worked without detention area. Although doesn't contain statement does indicate view doesn't need to be shown. Mr. Heilman stated familiar to the board but not sure if people understand what talking about. Maybe explain what area represents. Mr. Mayberry stated talking about creation of what is normally dry indentation that would not be paved and would be landscaped to take storm water runoff from large paved area creating here. It is a pond or basin that would be used only in the greatest storms and not under ordinary weather conditions. Provides for retaining of the water for relatively short period of time so that can be absorbed into the storm runoff system.

Mr. Van Gelder stated would like to ask Mr. Mannara with the erection or completion of this building, what would improve the drainage on Paul and Coldwater? Mr. Mannara stated if you get runoff from Coldwater into this area, yes. Mr. Van Gelder stated thinking back to this spring, spent 40 hours pumping streets due to poor drainage. Mr. Mannara stated such a high concentration of paved area that must receive runoff for 100 year storm. Going out have 10 inch pipe which will restrict flow as this flows out down into the other end. Mr. Van Gelder stated on this basis and what have seen on rain we have had, more inclined to go along with it. Mr. Mannara stated don't want to create another Hillary. Mr. Van Gelder stated feels detention basin would help. Mr. Mannara stated that is my feeling and Lozier's feeling. If anyone wants to dispute... Mr. Van Gelder stated questioning because also doesn't want another Hillary.

Mr. Timmons stated State of New York is in favor of basin in as much as most of the drainage crosses Chill in front of Town Hall. Pipe not too large as it is. Any hold back would be helpful. Mr. Weber stated that was main purpose for it. Mr. Timmons stated county might say Paul Road adequate but downstream concerned.

Mr. White stated wanted to comment, our engineer came up yesterday and identical computations completed with complying with opinions of Loziers. Came up with smaller area and Mr. Mannara larger but no doubt in our minds that detention is required. That is why agreed with Mr. Mannara. Would like very much smaller area but agreed and that is it. Mr. Weber stated thinks can leave that point in common agreement as town recommendation and your recognize as well that is required. This latest map does reflect location of the entrance and detention basin as requested originally. Mr. Mayberry stated basin same size and capacity as preliminarily approved.

Mr. Weber asked how many parking spaces lost? Mr. Mayberry stated from 604 to 580. Mr. Timmons asked what is requirement on parking area? Mr. Mayberry stated taking into consideration areas department store and market devote to storage areas which are not counted, require in neighborhood of 650-680. Mr. Mannara asked that is what K-Mart required? Mr. Mayberry stated no, that is what board required. Have letters for zoning application indicating areas of storage which would not be computed under ordinance for parking requirement. Submit examples. Other question that arose related to plantings and to the vegetation which would be used in detention basin. Drawings submitted to the board in past included indications of what all of the vegetation would be with two exceptions. Submitted single color drawing and copies of that indicating type of juniper which would be used in border plantings and crown vetch in detention basin and subject to Mr. Mannara's approval as plantings. Mr. Weber asked this juniper is at the detention basin? Mr. Mayberry stated doesn't believe so. Thinks along the borders and some plantings around detention basin on previous plans but would comply with previous requirements on other site plans provided and purpose of the drawings this evening only to comply with your request that we give you picture so could approve it. Mr. Weber asked crown vetch will be interior on the basin? Mr. Mayberry stated inside basin itself. Mr. Mannara asked three on one slope? Mr. Mayberry stated believes drawing has been submitted. Indicates slope and contours of the detention basin. Mr. Weber stated what was to be edging on the detention basin? Mr. Mayberry stated some juniper plantings I believe. Change doesn't show on site plan, fencing requested and outside of that juniper plantings. Comply with that although probably greater surface exposure. Mr. Weber asked what kind of fencing? At last meeting not firmed up, were going to propose. Mr. White stated agreed on chain link fence. Mr. Mayberry stated agreed to that but willing to change. Mr. White stated on that three on one slope don't really need any but would rather not have anyone drive in. Mr. Mayberry asked if there are any other questions, have with us two representatives of Pantlin and Chanahle including engineer and representative of developer and our local engineer.

Mr. Van Gelder asked show on new plan future expansion, is this just at this time or future operation? Mr. Mayberry stated indicate 30 ft. expansion area at end of store which A & P did request. Dotted line indicates end of building as proposed last time. A & P likes to reserve room for expansion if store big success. If expansion area would have to be used would be required to come back before this board on it for shot at that one if used.

Mr. Marshall, 836 Paul Road, asked what is distance from lot line to drive on Paul? Mr. Mayberry stated at this point 35 ft. and that is what the county has stated had to have. Mr. Marshall asked what kind of landscape, bushes or such to cut down lights, etc? Mr. Mayberry stated there would be planting in here but never shown previously but would continue principal plantings through that area. Thinks if made plants too tall would probably face another objection from the county. Responding to comment that if plantings too low lights would shine in neighbors windows so would have to file complaints, plantings submitted for approval on inspection when done so high enough above lights of cars and low enough that LoFranco doesn't come personally out and dig them up.

Mr. Bernie Baker, 841 Paul Road, stated understands that in near future Paul Road will be made into 4 lane highway. Big enough from shopping center to center? Mr. Mayberry stated yes according to discussions have had with county recently is that plan in mind, when intend to implement, no one sure. Can only state comments they have made to use in letter, make provisions for 10.25' reservation of land that will have to deed in future. Mr. Baker stated with two centers so close thinks should have planned first the width of the road. Bad enough with tractor trailers in the apartments. Even two cars trying to get by. If widen road, houses on other side there, is that house where access road is off Paul? Mr. Mayberry stated believes houses in this location and church in this location. Doesn't think attempt to fill in development on this side of the road. Mr. Baker stated this is Spring Lake Apartments. What is this? Mr. Mayberry stated this drawing indicates drive at this location. Part of our original proposal done prior to time detention basin planned but detention basin would occupy that space on that drawing. Mr. Baker stated if widen road houses on this side close to that road. Mr. Timmons stated County highway. Mr. Baker asked where do we widen the road? Mr. Timmons stated county highway and up to the county. Mr. Baker stated sitting on people's doorsteps. Neighbor about 25 ft. from the shoulder of the road. Mr. Mayberry stated if County takes land have to pay for it. Mr. Baker stated bad enough trying to get ditch dug than trying to put road in.

Mrs. Holler, 1098 Coldwater Road, asked at what time will trucks be going in and out? Is there a limit? Mr. Mayberry stated there is no legal limit on when stocking at this point that I am aware of. Thinks most people tend to work during ordinary working hours and no restriction at the moment. Mrs. Holler stated traffic there now unbearable. Is Coldwater still going to be two lanes? Mr. Mayberry stated knows of no plans the state has. Mr. Timmons stated knows of none. Mrs. Holler stated traffic backs up miles. Live right there. Mr. Mayberry stated if say not going to send trucks in at 2 AM would get objection. Thinks most trucks would use ordinary working hours. Mrs. Holler asked wouldn't A & P be bringing them in at night? Mr. Mayberry stated some stock at night.

Mr. Marshall asked will it be 24 hour operation? Mr. Mayberry stated knows of no A & P open 24 hours. Only one knows of is Wegman's. Mr. Marshall asked no law that trucks cannot go in at 10 or 11 o'clock at night? Mr. Mayberry stated no law. Mrs. Holler asked have gas station on one side and approximately where will entrance be in regard to gas station across the street? Mr. Mayberry stated would appear opposite rear property line of station. Mrs. Holler asked will be lighting there too? Mr. Mayberry stated no traffic light. Mrs. Holler stated lights going into plaza, Mobil lights on till 11. Mr. Mayberry stated not spotlights but lighting as shown on the plan for the parking area. Lights in access road locations. Mr. Baker stated more or less on timing device anyway, aren't they? Mr. Chandife stated familiar with energy problem and costs of operation, not prudent to have stores closed and lights on all night. Automatic device turns off. Mr. White stated this came up before. Concerned about it and made statement that lights will be installed in such a way that other properties will be shielded from the lights and shown on the drawings.

Mrs. Holler stated another question. Seeing that this is all commercial and I was zoned commercial until just found out not commercial, doesn't think fair. Sitting with gas station on one side, supermarket and shopping center across the street, they have taken my property and made residential and always been commercial with no letter and nothing except legal notice that didn't see in the paper. Mr. Hellman

stated there was legal notice in the paper and after approximately three years of work between Town and County, the new zoning map and code and subdivision ordinance put into effect to hopefully up-date until 1990. Aims of the town and county for this town through that period of time. If you have piece of property and as legal matter is zoned residential and surrounded by commercial property yet there is situation where could apply to Zoning Board of Appeals and because of change in circumstances have variance granted to fall into commercial. Mrs. Holler asked shouldn't I have gotten letter? Mr. Heilman stated no, four meetings here in the town and legal publications filed in the papers and information available at the town for people to come up and read facts, public hearing with regards to adoption of ordinance and map and that is all law required and complied with requirements. Sent out flyer so that people aware process going on.

Mrs. Marshall asked if that is case, why did we receive letter pertaining to this meeting tonight? Was legal notice in the paper? Mr. Heilman stated law requires on public hearing before Zoning or Planning Boards when applying under codes that we publish in the Gates-Chili News. As a courtesy the clerk sends out to people who live on both sides or in the area notification of the hearing. Not legally required but has been done as long as I have been here anyway. Opportunity to come and speak and raise questions. In this situation property zoned commercial. Use applying for is appropriate. This proceeding, and going on for six months, site plan approval to try and make best possible plaza we can for the town. Legally no way to stop because zoned commercial and has been for number of years and use applying for is permitted in that area. Couldn't tell them couldn't do it but do have procedures that can make requirements and make best possible area for the people.

Mr. Baker stated if look at that colored picture, understand apartments and town houses are going behind plaza into Coldwater. Behind that is apartments and town houses. Is there another road coming in between there because only hear of one road in and one out from the apartments. Mr. Heilman stated third phase of the apartments has cut into Coldwater opposite San Mateo. Mr. Van Gelder stated was informed by builder of the project that was as far as they were going for the time-being, no more expansion. Will not build behind the plaza at this time. Mr. Weber stated apparently all approved originally being set up in these three phases. Their option to develop.

Mrs. Bernice Wilcox, Stuart Road, asked who is landscaper that designed this project? Mr. White stated out of New York. Mr. Mayberry stated all landscaping shown on plans will be done before final approval. Mrs. Wilcox stated mentioned fence and juniper trees. Mr. Mayberry stated mentioned fence. That will be on this plan, chain link fence around drainage detention basin. As mentioned, prefer not to have cars driving into it. Outside of that junipers along edges of the property as buffering. Various plantings including junipers. Mrs. Wilcox asked no flowers or lawns? Mr. Mayberry stated difficult to attempt tending to flowers on regular basis, already applying for parking variance because of concession made for buffering, no areas for large lawns. Mrs. Wilcox asked any possibility that detention basin will be trash receptacle? Mr. Mayberry stated made secure and committed to maintenance and discussed at last meeting and intend to maintain property because required part of the site. Have to do for other reasons. Not ideal. Always that possibility. Mrs. Wilcox asked could you tell me relationship of the landmark First Baptist Church on this property? Mr. Mayberry asked Ace Swim Serv? About here. Mrs. Wilcox asked how will you retain colonial atmosphere around this landmark? Mr. Mayberry stated that is no longer going to be there. Mrs. Wilcox asked that is going with this project? Mr. Mayberry stated might point out since interested in landmark preservation, if that is a method of maintaining landmarks, I am surprised. Mrs. Wilcox stated really thinks center needed and will be supported in this area. Knows a couple years ago proposed shopping center at the intersection of Union

and Chili, and because no large department store was interested in coming into the area felt to be failure and wondering how you feel this will affect it? Mr. Mayberry stated not retailer, attorney. Kresge is second largest retailer in nation and they think good site for their type operation. A & P still very large if not largest supermarket operation. Went into decline but can check on number of applications for A & P's in this area and making rapid comeback and interested in site and I trust their judgement. Mrs. Wilcox stated interested in landscaping of these areas because no matter what tax base is if undesirable and sloppy apartments and shopping centers, and industrial areas come into the town will drive other desirable places out and thinks Planning Board ought to get busy and put some landscaping stipulations on this. Mr. Heilman stated we have. Mrs. Wilcox stated hasn't seen. (Mr. Mayberry showed Mrs. Wilcox landscaping drawing.)

Mrs. Diane Celento, Madera Drive, stated thinks have had several accidents on that corner already and traffic like this no good. Had girl killed there and doesn't see how plaza on that site will alleviate any traffic problems. Make worse. School on Chestnut Ridge and Coldwater and can see all those traffic accidents and kids being hit by cars on their way home from school, cannot see it. Thinks plaza worse idea since moved into the town. Mr. Weber stated sorry to hear that. Doesn't think can call moratorium on plazas. Mrs. Celento stated zoned commercial and nothing can do but better things than that could go in there. No laundromat, could be used with apartments. Bowling alley, something recreational. Doesn't think we need another discount store next to Grant City. Don't need A & P, have Loblaw's and Wegman's owns land. Don't need another bank. Need other things. Mr. Weber stated maybe later can start other things.

Mrs. Holler asked am I to understand plaza will take all commercial area in there? Mr. Mayberry stated believe it does. Mrs. Holler asked two stores and bank and parking will take care of that whole ten acres? Mr. Weber stated correct. Mr. Mayberry stated somewhat in excess of ten.

Mrs. Marshall asked who will be responsible for upkeep and maintenance? Mr. Weber stated owner of the property. Mrs. Marshall stated if done right no objection. If done right and kept right. Mr. White stated, ladies concerned. Can we show picture of what planned? Mrs. Marshall stated owner explained to me about maintaining holding basin. Mr. Chananie stated will maintain like rest of project. Cannot point finger and say maintain detention pond and not parking lot. This is our business. Build buildings and own and hopefully for long time. You have home and I have home and real estate my business. As professional shopping center people, maintain our investment as do everything else. Can say will maintain because own it. If don't will deteriorate and value will go down. Mrs. Marshall asked if don't maintain who has control over you to see you do maintain? Mr. Chananie stated assume city will have some control. Assume ordinances with regards to trash disposal. Mrs. Marshall stated live across from trash. Big boulders have beautiful weeds around them and been up to the town to get removed and still there. Would like to find out who will maintain if you don't. Mr. Chananie stated we will maintain it. Mr. Heilman stated that property has been commercially zoned for good period of time. Probably in excess of 10 years. Mrs. Marshall stated when purchased lot EE Residential. Mr. Heilman stated this property has been commercial for good number of years.

Mrs. Celento asked has all property already been purchased? Mr. Mayberry stated there are agreements to purchase the smaller portions and there is a land lease negotiated with Moffet. Mr. Chananie stated has been executed. Mrs. Celento stated nothing we can do to stop them anyway. Just talking for pleasure.

Mr. Weber stated purpose of holding public hearing to come in and indicate likes and dislikes. Fact that area has been zoned commercial for some time pretty well makes it impossible to prevent someone from coming into area that would fall within that category. That is something have no control over. Thing do have control over trying to make best possible commercial development and points can bring up are things that we will take into account.

Mr. Duff asked has problem of physically describing exterior of this building and configuration been discussed? Mr. Mayberry stated not discussed at this meeting. Did cover earlier. Brick facade on the exposures and block construction at the rear. Mr. Weber asked identical for both buildings? Mr. White stated each of these buildings maintains their identity, facade will be done in such a way that they will blend together. Mr. Mayberry stated one building basically and would be identical across the front. Mr. Weber asked would have common roof line? Mr. Mayberry stated right and the rear would be block and the buffering of that rear adjacent property covered at previous sessions but talking about wide buffering area at the rear at the request of this board so moved buildings further forward and agreed to plant substantial plantings along that line noting that property to the rear lower so that with lower level plantings will still get no view of the building and would be evergreens so hedge throughout the year.

Mr. Nichols, Chill Avenue, stated got half acre of property on the east side of Coldwater and this is more or less in the same vein as Mrs. Holler spoke about. For 27 years property zoned commercial. Two or three months ago Planning Board and the Town Board determined to change zoning to residential. Seems very unfair use to me. Mr. Weber stated would tend to agree that some of the changes do not make a whole lot of sense. Property that was zoned particular way at one time doesn't appear should have been changed. Mr. Nichols stated seems considerable property in Center, Pikelet Drive and all, zoned commercial for 27 years and out of ten families not one received communication or notification by mail that property being rezoned residential. Seemed very unfair. Mr. Weber stated Mr. Heilman covered that point in detail with other party in the fact that were public hearings held over long period of time and properly in the paper as well as legal notice. Mr. Nichols stated rezoning supplement came out in Gates-Chill press and out of ten families in center not one person received supplement. Why? Mr. Weber stated cannot answer. Mr. Heilman stated law required publication in newspaper so everyone can have notice. Mr. Nichols stated doesn't seem fair that after 27 years don't send people a letter. Mr. Heilman stated in order to be fair would have to send everybody in town a letter. Mr. Nichols stated everybody not zoned commercial for 27 years. Mr. Heilman stated over period of two or three years Town Board and this board and Zoning Board have with County Planning, through funding by state and federal government, worked many many nights trying to come up with future of the town, where growth patterns are and things of this nature. Certainly nobody more privileged than anyone else. Based on studies of transportation and traffic patterns and projected growth of the town, along Chill Avenue and west. Southern part determined over these years to not be immediate area of growth. Apparently one of the feelings in trying to keep Chill Avenue in residential areas and in effect that people affected in change from Commercial to Residential didn't receive notice, tried in every possible way to make known to people that going on and come and attend meetings and give input. Would have been impossible to send everybody a letter but didn't happen. All I can say. Mr. Nichols asked anything in these plans to definite increase in traffic, plan to widen Coldwater? Mr. Heilman stated not town road. From time lived out here heard people say plans to do some day. Mr. Timmons stated only thing can say have to get new right of way and major construction project and some time in future. Not on the books.

Mrs. Wilcox asked also was plan for traffic circle out there, anybody know about that? Mr. Timmons stated no way. Mr. Duff asked didn't comprehensive plan address problem of that intersection and wasn't there a rerouting and reconfiguration proposed and guess question is doesn't what is being done here lend itself to the restricting of the intersection as proposed in that comprehensive plan? Mr. Mayberry stated stated and county have indicated no desire on plans for change in configuration of the intersection per se. Only change of plans is widening of Paul Road and since state and county highways, any such change would come from those bodies and not town. Mr. Duff stated re-configuration of the intersection was document adopted by the Town Board as planning tool.

Mr. Weber asked could you give us complete up to date set of drawings? Dealt with some out of date and some up to date and apparently only have single drawing. Mr. Mayberry stated will update all drawings and resubmit complete set to the board. Would like to say thank board for its cooperation. Hope this is last appearance on this application and request board approve both of the plans until such time as can resolve dilemma with various bodies from engineering point of view. Ask approve both of them subject to approval of county and town engineers and sit down and resolve that problem if there is a problem. Mr. Weber stated understand from what we have discussed tonight that you and their engineer are satisfied that the detention pond is required. You do not object in fact agree to it engineering-wise. Thinks can settle that and say we would desire it to be left in and entrance the way located as you have shown on last review. Mr. Heilman stated Mr. Mannara indicated would like to see final set of plans. Mr. Mayberry stated frankly problem beyond that of not having tenant approval and this board's preliminary approval of this plan so that would like to be in position of adopting that plan if use revised plans because of change in drainage and can go back and convince county of change in location. Would like to keep option open because in time-bind on our approvals. Mr. Heilman stated also in process of setting up drainage district. Mr. Mayberry stated understands applications have been accepted and hopefully on agenda September 4th. Mr. Heilman stated at which time Town Board would accept drainage system. Mr. Mayberry stated are on agenda of Zoning Board on 27th on parking lot.

Mr. Weber asked any idea how soon might have complete set of Drawings to Mr. Mannara? Mr. Mayberry stated tomorrow, and deliver them to Mrs. Luedke.

DECISION: Approved plan with Paul Road entrance located 35 ft. from the western boundary of the property and including the detention pond to the east of that entrance. Subject to a final review of the complete set of up to date drawings by the Town Engineer.

Mr. Oliver Perry appeared informally to discuss 32' x 124' building, same size as car wash, 40 ft. to the north. Paint and construction same as car wash. Road already in. Half for woodworking business and rest for storage. 8" block and wood roof. Entrance to building on the north. Three overhead doors. Approved unanimously.

Carl Altamura appeared informally to discuss addition behind existing building at 1525 Scottsville Road. Roof line identical. 30 x 40' in line with existing structure. Concrete block construction. Floor elevation will be 525+. Approved unanimously.

Mr. Norman Ball appeared with revised sketch layout for subdivision on Westside Drive and Golden Road. 25 lots with cul de sac. Storm sewer will come down West side of street and angle off to Golden Road ditch. 12" pipe along Golden road 400 ft. from south lot line. Town will require 10 ft. easement on each property line along storm drainage or total of 20 ft. easement.

Application of Glanninny & Middleton for addition approved unanimously.

RICHARD A. WEBER  
Chairman

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PLANNING BOARD  
SPECIAL MEETING  
September 3, 1974

A Special Informal Planning Board Meeting was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, N. Y. 14624 on September 3, 1974. The meeting was called to order by the Chairman, Mr. Weber, at 8:00 P.M.

Present: Richard Weber, Chairman  
Robert Nothnagle  
Paul Duff  
Leslie Moore  
Walter O'Reilly  
Ray Bleier  
William Corcoran

Also Present: Alfred J. Heilman, Deputy Town Attorney  
James Mannara, Loziers Consulting Engineer  
James E. Powers, Comm. of Commercial & Industrial Development

Messrs. DeWolf and Hallock, architects, Mr. Knowles, engineer, and Mr. Cott, 1st Federal Savings Construction Manager, appeared with preliminary plans for site plan of bank building to be constructed in Chi-Paul Plaza. Building to be located in southwest corner of property. Set diagonally with front entrance toward Chili Avenue and additional entrance to the east. 3200 sq. ft. Frame construction. White stucco exterior. Parking to east and south of building. 15-16 ft. porch-like area over front entrance. Drive-in teller on west side, accommodations for 4-5 car back-up and automatic teller for 3-4 cars. Approximately 45 ft. from new stores. 25 ft. access plus 20 ft. parking in front of building. Will relocate storm sewer at nw corner of building to area of divider Island at rear of building. Would like to erect temporary trailer quarters early part of October. Approximate construction time three months. Height of building approx. 13-14 ft. Flat roof. Majority of heating and cooling machinery to be inside. Lighting incorporated into landscaping plan. 8-10 employees. \$180-200,000 investment.

DECISION: Approved unanimously.

Held over from August 13, 1974:

Application of Argonaut, Inc., 3484 Union Street, North Chili, N. Y. for approval of request for conditional use to allow the operation of metal recycling plant to be located at 3484 Union Street. M-2.

DECISION: Approved unanimously with the following stipulations:  
1. Fencing 12 ft. high on west side immediately adjacent to storage area and 6 ft. cyclone fence on other three sides. 2. Hours of operation limited to 7 AM to 8 PM. 3. Location of shredding machinery to be minimum of 1000 ft. from Union Street. 4. Retain a maximum of existing trees on the site.

RICHARD A. WEBER  
Chairman

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PLANNING BOARD  
September 11, 1974

A Meeting of the Planning Board of the Town of Chili was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, N. Y. 14624 on September 11, 1974. The meeting was called to order by the Chairman, Mr. Weber, at 8:00 P.M.

Present: Richard Weber, Chairman  
Paul Duff  
Walter O'Reilly  
Ray Bleier  
William Corcoran

Absent: Robert Nothnagle  
Leslie Moore

Also Present: Alfred J. Heilman, Deputy Town Attorney  
James Mannara, Lozier Consulting Engineer

Mr. Weber stated legal notice concerning this meeting has been properly advertised in a publication of legal circulation and affidavits of it are on file with the Town Clerk.

1. Application of First Federal Savings & Loan Association of Rochester, 320 East Main Street, Rochester, N. Y. 14604, for approval of site plan for free-standing building, approx. 3000 sq. ft., to be located in SW corner of Chi-Paul Shopping Plaza at 3240 Chili Avenue, 60 ft. setback off Chili Avenue. C-2.

Mr. Weber stated since this is a public hearing I wonder if you would review as you did last week the complete plan for the building. Guess some things not finalized last week and bring up to date.

Mr. DeWolf, architect, stated Mr. Cott not here yet with rendering. Should be here any moment. Submit documents to the board. Designer or architect, partner Mr. Hallock and Ted Knowles Consulting Engineer. Have some color sets of the plans which are more descriptive. Property in question at southwest corner of the shopping plaza and occupied this area in the corner. Orange color is proposed building located on parcel of land approximately one acre. Shows approximate location in comparison to Loblaws and shops. They will be on this side of the building facing west. Our building 63 ft. from setback line which is required 60 ft. in town ordinance. Egress and ingress mainly over here opposite drive to the Town Hall. 56 ft. easement for ingress and egress to the southwest corner. Building approximately 3100 sq. ft., one story, 13-14 ft. high. This is shape of our building. Ingress an egress to the southwest and middle, at both ends of the area. Parking for approximately 15-16 cars in front and to side. 3 spaces toward back for employees. Most employee parking situated in designated areas set aside by Hunt and bank. For circulation, have built island for teller which separates and gives proper circulation for teller which is about in this spot. Entrances to the bank oriented toward southeast corner and north east corner. Drive-in teller in this section. Have worked out with Mr. Hunt, and agreeable, that two way access area with no parking maintained in front of these shops. Approximately 45 ft. wide. Access area here two-way also which is 25 ft. wide. 5 ft. wider than normal county road. Room for 4-5 car back-up at drive-in teller. If 5, would open automatic teller. One teller in bank itself for this row and automatic teller on island for that lane. Also bypass lane alongside and island will be landscaped. All one-way lanes. Feels have enough flexibility in traffic circulation to have two-way and ingress/egress this way, if run into problems can easily correct that by proper graphic control

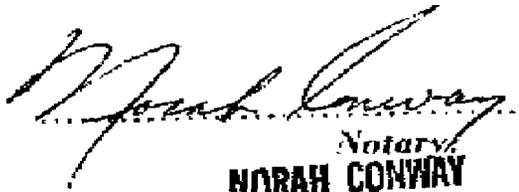
# Gates-NEWS-Chili

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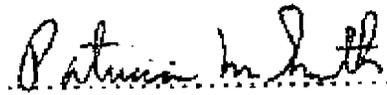
DATE September 5, 1974

THIS IS TO CERTIFY THAT THE ATTACHED LEGAL NOTICE(S) WERE PUBLISHED  
IN THE ..  
**GATES-CHILI NEWS**

Issue Dated September 4, 1974.....

  
.....  
Notary

**NORAH CONWAY**  
Notary Public, State of N.Y. Monroe Co.  
My Commission Expires March 30, 1976

  
.....

Patricia M. Smith

Publisher + Editor

## LEGAL NOTICE

### PLANNING BOARD

A Meeting of the Planning Board of the Town of Chili will be held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, N.Y. 14624 on September 11, 1974 at 8:00 P.M. to consider the following applications:

1. Application of First Federal Savings & Loan Association of Rochester, 320 East Main Street, Rochester, N.Y. 14604, for approval of site plan for free-standing building, approx. 3000 sq. ft., to be located in SW corner of Chi-Paul Shopping Plaza at 3240 Chili Avenue, 60 ft. setback off Chili Avenue. C-2.

2. Application of Harold Ford, 230 Chestnut Ridge Road, Rochester, N.Y. 14624 for approval of conditional use to sell corn on property at 2669 Chili Avenue during growing season. R-1-15.

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

RICHARD A. WEBER  
Chairman

or making one way this way or this way, depends on what we have to live with when start working with it. Again, site line of bank very important. Gave great deal of consideration to this and concern of members of board when first discussed it and most banks place teller toward front of bank to give as much backup for cars as they can. Placed teller back, still giving 5 car capacity which is more than ample. By the time car leaves the teller and reaches the corner of the building has site line of approximately 45°. Concerned that anyone egressing has enough time to visibly be able to discern traffic coming out onto traffic lane. As reaches front of building 80-85° site line and 35 ft. away from front corner of landscaped property. Quite a bit of built-in safety features. As to the traffic area presently, assume this would be ingress and egress traffic here for serving center and especially supplies to the shops. Feels traffic will not be problem. Not traffic expert and seen some assumptions go wrong on that basis. Say going to work and may have to alter. Do have flexibility within this complex and if board feels there is problem after get into it very easily corrected procedure.

Mr. DeWolf continued, building itself somewhat unusual shape and design. Did studies on branch banks we have done and worked with Mr. Cott of First Federal and came up with inovative solutions collectively that feel will make comfortable facility for customers in this area. Plan is designed to be efficient and allows flexible floor space for expansion. Building designed to house customers for many years. Designed to take another teller window and additional desk. Entrance from walkway at side instead of just at front of bank. Some parking along side to take immediate customers, also parking to front. Dotted line prow of the building, like porch. Allow people to get in and out of weather and not just coming into blank door, covered area. Lobby area and teller line with drive-in here. Manager's and conference area. Platform area for desks. Presently only two or three desks but keeping room for one for future use. Waiting area in this area so this becomes separate area for customers seeking communication with manager or assistants. This end is vault area, 14 x 8 ft. vault. Lounge area for employees. Work areas, booths for safety deposit boxes to be opened. Utility room and rest rooms. Finish of the building working on now but would like nice easily maintained but working quite a bit in wood in teller areas and such. Introduce color and artworks. This is perspective of the building. Very clean sculptural statement of what trying to do. Glass areas relegated to certain areas for exposure. Mostly brownish tinted glass. Toying with some type of white surface. Maybe stucco. Still studying. Building contemporary in appearance and this is porch area to receive people. Creates shadows on building to make look like sculpture and not just sterile building. Doesn't intend to just throw up shrubs at will but all landscaping will be done to compliment building to help orient people to and from the building. Lighting kept to minimum but to show off best features. Studying graphics but feel building will demand dignified and limited amount of graphics but enough to describe as First Federal building. Keep sophisticated in appearance. Building does have covered area over teller's area which is projecting out in this area to help add to the shape of the building. Would like to have Mr. Knowles explain drainage system so will be cognizant that have no problem with this and in fact probably easing surface drainage somewhat by addition of landscaping areas. Status of the drainage does not change appreciably.

Mr. Knowles states storm drainage system, property pretty much on a dish now and one existing catch basin about in the center. Propose to bring elevation of this building approximately 6" above highest remaining point which would be here and ridge along here and building will be 6" above that. For purposes of the bank's operation, prefer to have drive-in teller window at the same elevation as the bank itself. Ramp up from this area to a point where the auto-teller will be served and back down again. Plan to install new catch basin

to serve this area and catch basin at the edge of ramp so that essentially catch this area and everything in the front. Remaining will be passed out over the area and served by two or three existing out here. There is existing storm line now from this basin out and will have to be abandoned and brought back to new manhole and back this way and out into the existing. Mr. Weber stated indicated catch basin. MR. Knowles stated manhole here and there is one approximately here. Catch basin existing now. This all pitches this way out to other catch basins further down. Mr. Weber stated basin on front and back along side of the building to the east? Mr. Knowles stated yes. Essentially this is only piece on this property that would drain into existing catch. Everything else to the three new ones. The water line presently serving center is located right through here where building will be and will relocate out to property line and back and tie in again. Sanitary presently from manhole here to another near street and offers no problem. Will make connection directly to that. New RG & E transformer pad going behind new shop area and will feed underground from that pad to serve the building. Telephone line will come from overhead, underground to sub-floor and into the building. Essentially takes care of all services for the building.

Mr. DeWolf stated regarding heating and air-conditioning, doesn't want to put anything on roof so that going possibly to heat pump situation on the building. Definitely will be clean roof.

Mr. Weber asked Mr. Mannara have you reviewed proposed changes? Mr. Mannara stated did yesterday and no problems.

Mr. DeWolf stated would like Mr. Cott to say a little since he is First Federal. Mr. Cott stated doesn't know what else can say. Thinks done thorough job, in engineering and design. Very pleased with it. Likes the way it sits and thinks traffic is going to be no problem. Gave consideration because concerned about it. Thinks can handle any problems. Doesn't think can add anything to building itself unless board would have questions about First Federal, or use of the building. Mr. Weber asked what plans with regards to signs? Mr. DeWolf stated not one for a lot of signs, however every owner must identify building. Opinion strictly personal and not shared by many towns and would like to keep signs off the building and many towns want to put on. Signage will be dignified. Have not projected it yet. Knows what want to do with it and if can convince First Federal to keep everything limited and just enough to identify building; most likely signature letters perhaps on this face over here. Maybe jsut scroll out from the building saying First Federal. No neon sign or big square plastic with First Federal on it. When signage becomes reality will come in and seek Planning Board's advice on this to show what we have in mind and what feel is proper.

Mr. Heilman stated mentioned lighting. Knows of some concern to people. Wonder if exterior or interior and what will consist of and height of the building. Mr. DeWolf stated height 14 ft, which is less than building over here. Think approximately 15-16 ft. Lighting will come under your scrutiny and will work out with you. Doesn't want to light building in garish manner. Feel building has many sculptural qualities and perhaps ground lighting on building in evening to create shadows and give sculptural expression to the building. Do have existing light pole here and want to keep that but whether keep light pole or not, will have to discuss. Perhaps replace with type of lighting pole that would.... Mr. Bleier asked what hours? Mr. Cott stated employees arrive 8:30 or 9:00. Close at 3:00 or 2:30 and Fridays open till probably 9:00. Same banking hours as we run anyplace else. Nothing different.

Mr. DeWolf stated might add refuse and such limited with banking facility and have own refuse within the building until such time as scheduled for pick up and no clutter. Mr. Bleier asked automatic teller only activated when build up in regular lane? Mr. DeWolf stated would like to point out anticipate only use teller window within building itself at first. See how well they are doing. Have capacity for 5 cars without encroaching on traffic lanes. 5 cars quite a bit. Only problem perhaps on pay day and if start to see problem have capacity for auto-teller. Mr. Cott stated will rough in capacity for auto teller so that if business is there and need it, will put in. Without more construction work. Mr. DeWolf stated once in there, experiencing more people come to drive-in window. Once there is backup of three or four cars, people generate to the automatic teller. The would then open during busy hours and schedule automatic teller for that. We have to have additional teller within the building to take care of automatic teller. Guess one transaction every 45 second on drive-in teller.

Mr. Duff stated alluded to plans for landscaping, signs, exterior and lighting. Site plan approval would be contingent on submission of that. Mr. DeWolf stated would be contemplating site plan approval as far as bank and as develop working drawings will develop landscape plan, signage and such like that. Feel premature to try to develop these ahead of start of working drawings. Phase in now to get approval for the specific site as we have it. To present at this time would be taking short-cuts and do not want to take short cuts. Present quickly so can approve with over-all site plan. Requesting site plan approval of the building based on contingents and landscaping and signage and exterior lighting and exterior finish. Mr. Weber asked how soon? Mr. DeWolf stated develop working drawings in about two weeks. As develop working drawings sometimes find other areas of the design want to refine and may want to locate our shrubbery or landscaping to help orientate that. Mr. Duff asked isn't that going to be expensive to have 25 ft. trees in there? Mr. DeWolf stated agree. Mr. Duff stated logistically difficult also. Mr. DeWolf stated perhaps spend 1 1/2% of the project on that tree. Architects always look ahead. That is like 5 years off. Doesn't believe in planting 1" caliper trees. Will go into good size trees. Will be reviewed by this board.

Mr. O'Reilly stated last week indicated white stucco, now indicate may be something else. Mr. DeWolf stated would like white stucco but looking into possibilities. Problem to get brick. To get good brick anywhere from 10-16 weeks delivery. Just like steel. Got to look at the building in economical gashjon but also more important how fast can get delivery on material. Looking at ramifications of using stucco, staining, maintenance, water-proofing of materials. These things will be done in working drawing stages which start next week. Mr. Mannara asked stucco with wire mesh? Mr. DeWolf stated yes with metal lath. Alternative would be brick and if find that stucco not the material for longevity and maintenance that we want, will look at brick.

Mr. Duff asked only have temporary structure up for 60-90 days? Mr. DeWolf stated gearing all materials for fast construction. Trailer more of a banking expedient but at the moment going into steel trusses but wood top members with steel corners to them. Using successfully and meets all codes for this type facility and finding it to be quite an expedient. Shortens time by 40%. Mr. Duff asked conforming to RG & E's new standards for insulating? Mr. DeWolf stated very definitely. Exceed RG & E standards on all buildings for the last 8 years.

Mr. Weber asked have you or Mr. Hunt made any further decision on the general parking areas on the east side of the building? Utilizing two or three traffic lanes on each side of your building? Mr. Hunt stated not going to permit parking in front of the new shop section. Mr. Weber asked only parking in the area will be around bank building? Mr. Hunt stated there will be no parking in those lanes in front of the new section by the end of the bank. Now those are used for parking but will no longer be. Mr. Weber asked no parking west of the corner of Loblaws? Mr. Hunt stated no. Mr. Weber stated concerned about area between traffic lanes. Triangular area behind parking to the east of bank. Mr. DeWolf stated there will be parking in this area. Mr. Hunt stated last week addressed myself to area where traffic lanes are. Area mentioning tonight have considered to be still regular parking. Mr. Weber asked will have parking in that triangular area? Mr. Hunt stated would also say that thinks people who will be occupying new shops and conducting banking business will be desirous of parking in that triangular area. Mr. Weber stated only question is fact that with two lanes, concerned with people coming through and rather than continuing and problems across that point, perhaps won't be any. Mr. Hunt stated as basic principal, if it is possible for us to preserve that parking would be highly desirable. That would be our request and certainly will work with you any way that we can to help. When visualize shops facing out toward Chili Avenue, most of those are hoping and planning on parking in front even though will not be right in front of the store. Mr. DeWolf stated there will be 45 ft. free access area in front of the shops. There will be this area for parking area. May be have to have planned as controlled parking. Mr. Weber stated might be good thought to continue parking spaces at the front of your building beyond the spaces you have. Define 25 ft. lane to avoid people cutting across posted parking area in center section. Mr. DeWolf stated take under consideration.

Mr. Van Gelder asked the area talking now and west entrance, are these proposed passage-ways or roadways to lead into the automatic teller? Mr. DeWolf stated these areas ingress and egress to the property. Only ingress to these lanes here would be from the back. No ingress from this area. Mr. Van Gelder stated with the influx of traffic coming in here is there or have you considered possibility of road blockage due to excessive amount of cars and if so, in anyway possible that both entrances could be blocked to fire vehicles eliminating access to the back of the building? Mr. DeWolf stated cannot really answer that. Mr. Hunt stated have four entrances to the center. This will not be changed. Two other entrances from Chili and one from Paul and all can funnel into the back, front or any part of the plaza. Mr. Van Gelder stated understands thinking but question because brought up to me by officers and business officers of the department, did see plans. Try to take most expedient route along south end of Loblaws and if this traffic lane should become crowded or filled, now forced to go longer route out around whole Grant's complex. Would facilitate reaching back of building if know at least one lane of this would be left open for access to the back of the buildings. Mr. DeWolf stated only submit opinion. 56 ft. wide very wide ingress and egress. Situation of blockage there thinks would not exist. Believes by placement of this building would have more controlled access to this and perhaps divert people to start using entrance over here because of facility being here. Feels essentially more controlled usage rather than helter skelter of people coming across as they do now. Controlled in much more orderly fashion and situation almost like in essence, traffic light. Mr. Weber stated appreciate point but bringing in additional traffic. Mr. DeWolf stated more designated locations. Turn going to the back and now not going to be helter skelter across. Feels will be more controlled but have flexibility and at first sign of problem will re-evaluate right away.

Mr. Weber stated wondering with that width drive would it be possible to separate into three lanes and make one no parking for fire lane. Mr. DeWolf stated that has been done. Mr. Weber stated essentially what could be looking for.

Mrs. Grover, 3250 Chili Avenue, asked where does 56 ft. begin and end? Mr. DeWolf stated from the property line and thinks about 10 ft. into the property. Looks like about 20 ft. Mrs. Grover stated first line there is compact hedge. Lot line about 6 or 8 ft. in from that hedge. Are you including that in the 56 ft. because couldn't use for highway and that isn't 56 ft. wide. Mr. DeWolf stated easement 56, however width of the road approximately 40 ft. Mrs. Grover asked mean easement using part of our property? Mr. Weber asked hedge belongs on plaza ground? Mrs. Grover stated on the edge of the blacktop. Property line further in. Mr. DeWolf stated nothing will change here. Mrs. Grover stated talking about 56 ft. entrance there. Being able to handle traffic. Narrower, about as wide as one of the two entrances down further. Mr. DeWolf asked to you remember width of actual pavement? Mrs. Grover asked is it 56 ft? Mr. DeWolf stated talking about easement. Made assumption that pavement was 56 ft. and incorrect about that. You are right. They are trying to determine what the pavement is, I thought 40 ft. Mr. Hunt stated 42 ft. Mr. DeWolf asked and you say bus and car cannot pass? Mrs. Grover stated cars have to wait until bus comes in. Mr. DeWolf stated twice the size of a county road. Mrs. Grover stated then it isn't 42 ft. Mr. DeWolf stated that is why say all helter-skelter area now. Been sitting here with traffic passing me at 30 mph. This will help to control.

Mr. Grover stated two years ago shopping center promised us either a yield or stop sign and haven't seen it yet. Mr. Weber asked at the exit from the plaza? Mrs. Grover stated where talking about. There is cross-over allowed on Chili coming east so that after pass intersection of Scottsville-Chili people can legally cross and pass someone and seen people coming out with someone passing and one time did have double yellow line and next year repaired and not put back again. Mr. Duff asked any conversation with RTS regarding rerouting of the bus loop? Mr. DeWolf stated assume bus loop would have same route that they did, pull in at that point. Not sure if scheduled route or not. Doesn't know working agreement. Mr. Weber stated thinks made suggestion at last meeting, could enter at center and turn. Mr. DeWolf stated have not addressed that problem and assume would be between Mr. Hunt and RTS. At moment cannot answer. Any comment on that? Mr. Hunt stated has no knowledge of any agreement. Mr. Weber asked some reason why come in far west entrance instead of center? Mr. Hunt stated honestly doesn't know.

Mrs. Grover stated believes Marine has all-night spotlight on building, are we to expect this? Mr. Weber stated understood no high exterior lighting. Mrs. Grover stated not high but lights up whole area around building for safety reasons would presume. Mr. Weber asked lighting of spotlight or architectural nature? Mr. DeWolf stated subdued. Mrs. Grover stated their's on all night, for safety reasons. Anticipate you will need also? Mr. DeWolf stated will look at tonight and look into it. Help alleviate the problem. Mr. Cott stated lighting would not be high intensity. Would not light facility any more than needed for normal security reasons. Do not need spotlights for that type protection. Can assure you will not be spotlights shining in your direction. Mrs. Grover stated other lights out at 10:30 or so. Mr. Cott stated trend with all buildings to turn lights off because of cost of electricity as much as possible so minimum lighting can get away with. Mr. DeWolf stated also enough general illumination in area.

Mrs. Grover asked just wondering why this project squeezed into this area where they have to have 40 ft. buffer zone because we are residential rather than on other side where more room and commercial from their all the way down and doesn't require buffer zone. Why squeeze in and cause these problems. Loblaw's promised us when built building would be nothing closer than their building to our property. Doesn't know who represented. Mr. Weber stated doesn't know if they are in position to promise that. Mrs. Grover stated told us to help our fears and thought meant it sincerely. Doesn't even mind addition to the Loblaw store. Mr. Hunt stated we purchased property from Loblaw's. Never advised of any agreements about where buildings could be placed so were free to place buildings on property as saw fit. Question of putting building to the east and plot plan at the time Grants built all outlined and on file with the town that propose that area for expansion of center. Never any restriction on this location. There are restrictions on other parts of the center. Mrs. Grover asked why not on east side? Mr. Hunt stated because in negotiating leases with tenants have to negotiate locations of other buildings. Location of buildings within the center part of it. Mrs. Grover stated bank not undesirable building to have placed near us if this is what has to be but also was concerned about real problems of traffic and noise and all these things that will come up. Cannot tell me intersection isn't going to be a big mess. Mr. Weber stated thinks points made previously, would appear should be some changes made in that. Not sure, but are there stop signs at exits now? Mr. Hunt stated entrance and exit signs only. Mrs. Grover stated lots of stop signs painted on pavement. Mr. Grover stated no signs on Chili Avenue. Mrs. Grover stated many near accidents at that intersection.

Mr. DeWolf stated would like to point out that building itself approximately 400 ft. from property line. Just what line is not sure. Looks like 20 ft. from edge of grass area which is here. Mrs. Grover stated isn't that much. Happen to be two hedges there. Bridal wreath there when moved there and this is almost on property line. Just room enough to walk through and mow grass between. About 8 ft. maybe. Mr. Knowles stated existing road now approximately 12 ft. from their property line and trees approximately 6 ft. Mr. Weber asked how much pavement area now and how much would propose from edge of island to edge of pavement area? Not closer to trees? Mr. Hunt stated will not change. Mr. Weber asked how much from west edge to island? Mr. DeWolf stated 40-42 ft. Mr. Weber asked can we crowd three lanes into 42 ft. and reserve one for fire access? Mr. DeWolf stated fire usually requires minimum of 10 ft., preferably 12. Mr. Van Gelder stated most trucks 13-14 ft. wide. Mr. Hallock stated most 8 ft, anything wider requires special permit. More radius of turn type thing. Mr. Van Gelder stated thinks 10 or 12 ft. should be adequate. Mr. Weber asked could divide into three lanes? Mr. DeWolf stated very possible. Wouldn't say for sure. Would have to study. Imagine Mr. Hunt would have something to say as to how could be worked out. Sure would have to talk to fire department also.

Mr. Hunt stated not sure understands fire lane. Mr. DeWolf stated provide fire lane where marked and no parking and usually designated by lines but this isn't too successful and otherwise by stanchions or some physical barrier that would make lane accessible in case of fire. Never used for anything else except pedestrians. Mr. Hunt asked no cars at any time? Mr. DeWolf stated yes. Mr. Hunt stated from standpoint that only have 4 entrances to plaza and there to do business, doesn't want to give up ingress and egress unless absolutely have to. My point, have plenty of access to that plaza in case of fire. Second entrance 45 ft. wide and would hate to set aside this if didn't have to. Mr. Van Gelder stated if Planning Board should

Planning Board

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decide flow of traffic would not cause congestion mainly with people in drive-in teller area, keep traffic moving and no congestion, probably could get trucks at both entrances. Mr. Hunt stated would find hard to envision all three of those entrances would be clogged up and you can use any of those three entrances. Mr. Van Gelder stated just looking at roadway between buildings. Mr. DeWolf stated this would be 45 ft. and continuous traffic here. This has no stopping so no reason for traffic congestion in this area. Less of problem here than any other area as long as parking restricted in this lane. If parking in front of those shops would say definitely have problem.

Beverly Longbine, 3249 Chili Avenue, stated blind spot already. Traffic coming west on chili and have cars turning out of center to go east cannot see traffic even if stopped. If other traffic going in here, more or less main drag in front of shops. Corner in front of Loblaws nice right angle crash place. Doesn't think anybody has spend much time watching traffic flow and none have seen trailer trucks going in and out of Loblaws at 4 AM. Traffic at that time also. Mr. Weber asked what would you recommend to improve situation? Ms. Longbine stated thinks way things are now very botched up thing. Grants in back and stores up here and this in middle. Best way to put all the shops there and eliminate all the cars. How many cars will park in back of Grants where open? No rear entrance. How many people will park and walk here? Mr. Weber stated not very many. Thinks main reason for that is future movie house and stores that will be on NW CORNER THAT WILL HAVE ACCESS ON THAT SIDE. Mr. Hunt stated plans call for expansion toward Paul Road. ~ 20,000 ft. of stores planned and parking planned that would service those stores. Also encouraging all employees of center to park north and east of Grants to keep area in front of stores clear for customers. Ms. Longbine asked do you feel by doing this that Chili Avenue has less traffic than Paul Road? Mr. Hunt stated no. Ms. Longbine stated especially with turning for big cars these days, especially the full-sized, have turning diameter between 40 and 44 ft. Certainly trucks have much greater space than that. In blind area isn't this cutting things too close? Mr. Weber stated trucks would not be using front facilities, going in back and behind stores. No truck traffic through this area for greatest part. Ms. Longbine stated during the day but trucks use that entrance more than others. Mr. Weber stated do because deliveries there and if I were driving truck would do same thing. Thinks once developed will not use that area. Mrs. Grover stated use because delivering behind the stores. Mr. Weber stated that was first point. Using entrance to come across to front. Ms. Longbine stated no, the back. Mr. Weber stated back won't change. Ms. Longbine stated won't change trucks to use another entrance. Mr. O'Reilly stated no problem if trucks continue to use entrance. Ms. Longbine stated that is whole thing. Changing and adding traffic to congested area. Mr. O'Reilly stated thinks people consider this will generate continuous influx of traffic all day long. May well find that obstruction, if you like in this corner will greatly enhance traffic situation because like rat-race now. Contrary to your opinion a number of us have observed traffic and terrible.

Mrs. Grover stated at rush hour east bound traffic backed up to Scottsville-Chili standing waiting for someone to make left turn into this entrance discussing and holding up traffic. Have problem all the time. Mr. O'Reilly stated talking of existing problem. Mrs. Grover stated should expect more traffic after this. Mr. Hellman stated bank probably only open Friday, closed Saturday. Mr. Grover stated seven days lighted up. Mr. Hellman stated bank will be closed by 3:30 four days a week so if increased traffic will be one day a week because closed Saturday. Truck traffic wouldn't be significantly affected. Mr. Weber stated thinks with corner not being open to drive straight to the corner of Loblaws people will not use it, will come through to the center entrance. Mr. Hellman stated not so much

that people park here. Come in and drive across. But with this blocking it people will stop coming in unless going to bank. Probably use this entrance. Mrs. Grover stated fair amount of parking there now. Just cut down and if see nobody coming east, go right out. Mr. Heilman stated this will stop that. Mrs. Grover stated just pointing out traffic and the way it goes now.

Mr. Weber stated other point, beyond the bank there will be additional shops at same time which will generate more traffic. No the bank completely which will increase traffic. More of a problem than in past. Just quantity of cars. Mr. DeWolf stated in East Rochester, Country Club Plaza, designed bank there in similar situation. Wegman's over here. Almost the same. I live there and use it. Before that time was lot of traffic just helter-skelter. Great deal of accidents. Same situation now. Not going to say will change but very strong feeling that what did there was to create control with this area. Like putting blockade in area and control people around it. People by nature follow certain rules because force them. Worked out there. Less accidents in that corner of center and sure if would like that validated, Mr. Wegman and bank would be willing to state that. Has diminished traffic problem out there a great deal. Mrs. Grover stated really more concerned about traffic in and out. Cannot see solution by continuing problem and increasing problem. Mr. Duff stated isn't ultimate solution to the problem irrelevant? If as aggravated as say and bank and shops aggravate further isn't it county's or somebody's traffic problem to install light which is devoid of these proceedings. Mr. DeWolf stated philosophy told to me when trying to get road cuts and such, problem has to occur first. Has to be intense enough. Aren't going to anticipate it. Therefore, once problem created to point where they will do it, solution is there. Can go to county or state engineers and try to get solution and say wait till problem occurs. Not very satisfying answer but what you get.

Mr. O'Reilly stated normally first to say get back on subject but in this case, concerned people who are immediate neighbors. Legitimate questions. Think looking toward solution of traffic situations. Mr. Corcoran asked Mr. Hunt is it possible for trucks to reach back loading areas of Loblaws by coming into Paul Road entrance? Mr. Hunt stated no problems and never will be. Mr. Corcoran stated might generate change in that traffic pattern. If problem to get in might go up Paul Road.

Ms. Longbine stated fortunately not heavy winter but have been in position where have had heavy snow. Manytimes trucks over there clearing snow during middle of night, by time get piled up might be 30 ft. out from fence over there. With all the buildings and snow and cars supposed to park, where will they put the snow? Mr. Hunt stated fortunately have land on which snow to be deposited in winter. As matter of fact this point should be emphasized. More than twice required parking in center and plenty of lanes. Ms. Longbine asked would expect to have snow moved? Mr. Hunt stated will have no problem.

Council Gray asked wonder if explored possibility of making just entrance or exit rather than two way traffic. May solve some of problems that fire department mentioned and maybe from standpoint of traffic problems mentioned. Mr. DeWolf stated have explored it and frankly not traffic engineer and doubt if traffic engineer could really be clairvoyant enough to know the problem. Took perhaps most clearcut way to our advantage to let stand as it is and see what we have. Does have flexibility, not closed in, open on all sides and have flexibility if should have problem and see answer, feel this is perhaps best way. Cannot really tell what good solution would be. As people stated don't live here and could sit all day and still wouldn't know what problems are and nor could engineer. Again,

advocating going with what we have and see what results and address problem after it occurs. Mr. Weber stated indicated that last week and did take little exception to statement that traffic engineer would know nothing more. Mr. DeWolf stated would say knows more than I do. Mr. Weber stated no reasonable solution or recommendation. Saw no purpose in going to traffic engineer and would think while wouldn't gain as much as would like to, thinks could add something to our dilemma and thinks we have one. Mr. DeWolf stated very possible. Mr. Weber stated would be inclined to think that perhaps next step would be to consult with one with regards general layout and actual specific roads, intersections and areas speaking of and if could give any help, quite a step beyond what we have. Mr. DeWolf stated would be willing to consult with engineer and can only see one or two solutions. Either one way ingress or egress or two way. If traffic engineer would recommend one way ingress or egress would have to be tempered with problems of center itself. Would have to be influenced by operation. Mr. Weber stated thinks engineer would have to be advised of whole picture, all traffic in immediate area. Mr. DeWolf stated sure Mr. Cott will follow through.

Mr. Weber stated Mr. Van Gelder, left the fire lane rather abruptly. Anything further in what you feel might be required? Mr. Van Gelder stated not really, as long as no congestion. Brought to my attention by the chief also, distance between two buildings and flow of traffic, and if parking. No parking. As long as 40 ft. in there, doesn't think problem. Just so doesn't end up with standing traffic due to teller window there. Mr. Weber asked not considering main entrance from Chili? Mr. Van Gelder stated did look at west entrance and doesn't know if one way and again doesn't really matter. Probably does if changed to one way traffic would be easier for us. Mr. Weber stated with two way traffic main entrance appears satisfactory. Mr. Van Gelder stated not concerned about possible congestion at either entrance, with standing traffic waiting to go through. Think width of road would be more than enough should they have to separate or move to one side, could get trucks through with no problem.

Mr. DeWolf stated have had experience at time, does this entrance have center island? Mr. Weber stated believes it does. Mr. DeWolf stated on occasion placed center island back far enough so does control ingress and egress and had backfire and work. Depends on locality. Engineer suggested we have this and people end up bringing lawsuits with broken fenders and transmissions because not good maneuver. Had same situation where really quite successful because did control traffic and ingress to the site and egress. Mr. Weber asked how high are separators now? Mr. Hunt stated about 8 inches. Mr. Weber stated perfect height for problems pointed out. Mr. O'Reilly stated guard rails too. Mr. Weber stated to the plaza side. No problems with those. Mr. Hunt stated no problems. One knocked down right now. Have replaced entrance and exit signs again.

Mr. Weber asked signs do exist on other entrance? Mrs. Grover stated narrower entrance. Mr. Weber stated doesn't think others exceed 40 ft. Mr. O'Reilly stated 40 ft. one way driveway awfully wide. Mr. DeWolf stated afraid would get side-scraping. Think saying best of us, engineer or architect, can take calculated study and come out either dead right or dead wrong. Mr. Grover stated home all day and see traffic. When bus and car there, somebody has to back up. Mr. Hallock stated something overlooked. This is controlled traffic. Spoke of highway engineer. All agree that when bus comes in, overlap of traffic. This is directing it. Not changing pavement width or opening here. Controlled traffic at low speeds. Thinks lost sight of that. Mr. Weber asked have we determined width of entrances? Mr. Hunt stated this is 40 ft. paved area. Middle one 60 ft. with 8 ft. island. 26 ft. on either side of island. Drawing shows easterly entrance to be 40 ft. Mr. Weber stated that would be same as this one. Mrs. Grover stated widened last year and does have island. Mr. Weber stated trying to determine if 40 ft. wide enough to allow that.

Ms. Longbine stated as it is now, where this bank would be, when it rains, there are puddles. Mr. Weber stated Mr. Knowles pointed out it is basin and will be built up and drained away from the bank. Ms. Longbine stated also talking about catch basins. Where will they drain? Into drainage ditch? Mr. Mannara stated into drainage ditch. Can go into field. Mr. Longbine stated no ditch there now. All blocked up. Mr. Mannara stated thought ran well. Eroded in several places but drains quite well. Mr. Longbine stated blocked up. Mr. Weber asked creek on this side of town hall? Mr. Longbine stated stones and dirt and everything else and all clogged up in bottom of ditch and still in there. Mr. Mannara asked where did it come from? Mr. Longbine stated when built Grants and apartment houses and all the way back down through. When get 14 acres blacktopped up there will all come through there. Mr. Mannara asked suggesting needs cleaning? Ms. Longbine stated when nice dry weather maybe a foot wide but when it rains, 20' ft. wide. Mr. O'Reilly stated that ditch is present drainage for this area. At least one catch basin now. Mr. Mannara stated there is one and will be two or three others. Mr. Knowles stated draining same area and actually little bit less area with the green in middle of pavement. Mr. DeWolf stated pointed out would not be contributing more to surface drainage. Maybe lessened to small degree. Mr. Weber stated not great change and certainly nothing added. Thinks Mr. Mannara would agree possibly ditch needs cleaning and regrading or whatever. Ms. Longbine stated thinks would be adding to it somewhat because solar system by process of evaporation takes care of some of it which would be funneled off. Mr. Weber stated Mr. Mannara has indicated size and facility of that drain sufficient to cover area. Mr. Mannara stated if built correct and needs cleaning, probably should look into it. Mr. Longbine stated contact me when you come across there. Mr. Mannara stated send Mr. Chudyk out and if needs cleaning town will clean it. Mr. Longbine stated town came over two years ago to have me sign paper that would get in and clean it. Mr. Mannara stated have no easement. Mr. Longbine stated signed paper two years ago and nothing done. Mr. Mannara stated will see to it something is done.

Mr. Corcoran asked regarding interior of building, would this be wood to any great extent? Mr. DeWolf stated take great deal of pride in interior. Does own interiors. Feels goes hand in hand with the building. Particular with window areas and such to bring in certain lighting on walls and color key to have good color reflectants. Looking to have surface of good maintenance quality. Have teller area and platform area for offices lots of opportunities to use natural wood and very successful in using. Looking toward white oak and such. Use of colors and in the carpentering will get into very warm bright colors. Mr. Corcoran asked overall frame building as opposed to concrete? Mr. DeWolf stated at this point going to frame building. May change as develop problems of material accessibility and deliveries. Generally have gone to frame buildings as well as masonry. Really dependent upon our delivery times. Used to be purely economics. Mr. Corcoran asked haven't really zeroed in on the frame or masonry. Mr. DeWolf stated leaning toward frame building. One of the reasons for this is able to accomplish all fire codes with the frame building. Able to accomplish insulating more easily. Because of moratorium on gas have to go to another system, feel heat pump is probably most effective and keeps fuel costs down the most. Have to insulate building much more than normally. Frame building gives this opportunity.

**DECISION:** Conditional approval granted under Sec. 5.032 subject to submittal of final plans for landscaping, lighting, signs, traffic control and exterior structural material.

2. Application of Harold Ford, 230 Chestnut Ridge Road, Rochester N. Y. 14624, for approval of conditional use to sell corn on property at 2669 Chili Avenue during growing season. R-1-15.

Mr. Ford appeared. Stated has moved operation down on Chili Avenue because blocked road on me. Mr. Weber asked how long ago? Mr. Ford stated moved in middle of August. Mr. Weber asked have been selling at Chili Avenue since that time? Just corn? Mr. Ford stated no, regular farm products. Had no other choice. Mr. Weber stated want us to recognize your move. How much longer would you expect to operate? Mr. Ford stated just during growing season. Mr. Weber asked end of September or October? Mr. Ford stated probably middle of November. Mr. Weber asked you will have something beyond corn at that time? Mr. Ford stated squash and pumpkins, of course pumpkins finished at Halloween. Mr. O'Reilly asked would like conditional use till about November 15th? Mr. Ford stated yes. Tried to sell this property and so far haven't had any success. Spent quite a bit of money advertising. Had listed and have had very little response to it. Had one pretty interested in it but when came to the filing of subdivision plan and so forth didn't want any part of it. If could sell the whole unit without subdividing it. Mr. O'Reilly asked how big? Mr. Ford stated 380 ft. frontage. Includes house too. Mr. O'Reilly asked how deep? Mr. Ford stated probably 200 on west side and 300 on east side.

Mr. Heilman stated Mr. Ford has earlier been before numerous boards and refused permission to use that property to sell produce and operating in violation of code at present and are in full knowledge of that. Mr. Ford stated yes. Mr. Pietropaoli asked what was reason gave for starting operation before coming before board first? Mr. Ford stated blocked the road off. Mr. Pietropaoli asked open now? Mr. Ford stated first day had flagman and wouldn't let anybody through. Thinks that day had two customers all day and couldn't possibly maintain business under these conditions. Mr. Pietropaoli stated saying road not open to any traffic at this time. Mr. Ford stated open to local traffic now but with barricade in the road, stops all the people that would come up. Mr. Mannara asked is this for gas line? Mr. Heilman stated cutting hill in front of St. Christopher's and open but rough and working on problem. Open to local traffic. Mr. Ford stated very little traffic on road. Just getting started and had some when first started. Most of my business in area where operated last year. Has been getting little bit of trade from North Chili but with road blocked had nothing.

Mr. Weber asked any idea how long road will be blocked? Mr. Ford stated wish could sort out. Been blocked for three years. Delayed opening this up there this summer, didn't open until middle of July because working on the road. Mr. Weber asked blocked off at that time? Mr. Ford stated not blocked but resurfacing. All the equipment there and didn't figure would pay to open up until they got finished. Shortly after finished started in up on other end and blocked me off. Mr. O'Reilly asked also fact that cannot find out when might be opened? Mr. Ford stated put up new building so would have nice place to operate out of and when applied for variance for Chili Avenue they informed me road was finished and going to be open. This is disappointing and costing several hundred dollars in loss of business. This type business takes long time to get established and built up. Cannot just move into area and expect to draw lot of trade immediately.

DECISION: Conditional Use granted under Sec. 3043 for period to expire November 15, 1974.

RICHARD A. WEBER  
Chairman

PLANNING BOARD  
October 8, 1974

A Meeting of the Planning Board of the Town of Chili was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on October 8, 1974 at 8:00 P.M. The Meeting was called to order by the Chairman, Mr. Weber.

Present: Richard Weber, Chairman  
Paul Duff  
Leslie Moore  
Walter T. O'Reilly  
Ray Bleier  
William Concoran

Also Present: James Mannara, Loziers Consulting Engineer

Mr. Weber stated the legal notice concerning this meeting has been published in a newspaper of local circulation and affidavits to that effect are on file with the Town Clerk.

1. Application of Bethany Chapel of the Free Methodist Church, 692 Paul Road, Rochester, New York, for approval of conditional use to operate nursery school in building at 692 Paul Road. R-1-15.

Mrs. Joyce Lee, 1303 Manitou Road, Hilton, New York, appeared. Stated acting as chairman of the board setting up nursery school for church and fees have adequate facilities. Large area in lower part of the church, fully carpeted and large area intending to use for nursery school with bathroom facilities for children right outside the doorway in separate room and also have another room for accessibility to full size gym. Feels pretty well adequately supplied in all areas to operate such a school. Mr. Weber asked how many children? Mrs. Lee stated depending on age, Monday, Wednesday-Friday no more than 20 four year olds at one time. Each morning session 20 four year olds and Tuesday and Thursday 3 year olds which would not exceed 15. Adheres to state regulations for day care centers and size and capacity and also having teacher and aid for every 7 students for 4's and 1 to 5 ratio for three year olds. If exceed enrollment would like to have open session for afternoon as well but that would be separate group of children. No child within the building more than 2 1/2 hours per day.

Mr. Weber asked when would you plan to start? Mrs. Lee stated as soon as possible. As soon as get your approval to go ahead, start registration. Would hope to get to people and advertise and have handbills and registration this Monday if we could and open as soon as possible depending on number of children could have and willing to start at that time. Mr. Bleier asked planning to provide any bus transportation? Mrs. Lee stated no we are not. Just have parents responsible to bring child and pick up child at the church. Mr. Weber asked Mrs. Lee's qualifications? Mrs. Lee stated certified teacher, nursery through 6th grade and had 8 years elementary school primary experience. The board has approved me as chairing and organizing the nursery school and have helped in nursery schools in Hilton. No longer connected with that at this time. Mr. Bleier asked planning out outside facilities? Mrs. Lee stated yes, in springtime do have lot of yard connected with church parsonage that is beside the church and area in back that is protected away from road and driveway and would like to have children have skill games and organized activities but would not take place until springtime and hope to use gym area. Large gym area that church has for large muscle activities and running and games of this nature.

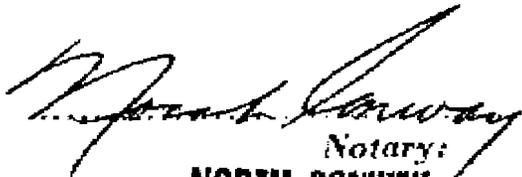
# *Gates-NEWS-Chili*

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

DATE *10-3 74*

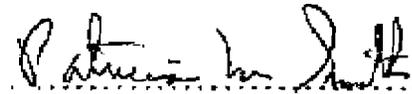
THIS IS TO CERTIFY THAT THE ATTACHED LEGAL NOTICE(S) WERE PUBLISHED  
IN THE  
**GATES-CHILI NEWS**

*Issue Dated* *10-2 74*

  
Notary:

**NORAH CONWAY**

Notary Public, State of N.Y. Monroe Co.  
My Commission Expires March 30, 19*76*



Patricia M. Smith *PH*  
Publisher + *EDITOR*

## LEGAL NOTICE

### PLANNING BOARD

A meeting of the Planning Board of the Town of Chili will be held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on October 8, 1974, to consider the following applications:

1. Application of Bethany Chapel of the Free Methodist Church, 692 Paul Road, Rochester, N.Y. for approval of conditional use to operate nursery school in building at 692 Paul Road, R-1-15.
2. Application of Fallone Construction Co., Inc., 7 Wood Acre Drive, Pittsford, N.Y. for approval of rezoning of 48+ acres of land located at Chestnut Ridge Road and Paul Road, Tax Account Nos. 1491-000 and 1834-500 from R-1-20 to MR.
3. Application of Domenic Peres, 9 Phyllis Lane, Rochester, N.Y. for approval of rezoning property at 367 Paul Road Tax Acct. #1474-405 from M-1 to M-2 for purpose of operating auto repair shop.
4. Application of Richard P. McKibben, 26 Hitree Lane, Rochester, N.Y. for approval of conditional use permit to convert a portion of existing residence to "in-law" apartment, located at 26 Hitree Lane. R-1-15.
5. Application of Robert M. Lipshutz, c/o F. Webster, 1 East Main, Rochester, N.Y. 14614 for approval of rezoning of property at 1180 Scottsville Road from C-2 to M-2.
6. Application of Standard Builders Supply Co., 1064 Scottsville Road, Rochester, N.Y. for approval of architectural review of addition to rear of existing warehouse, 30' x 81' and 12' high, on property at 1064 Scottsville Road. C-2.

All interested parties are requested to attend the proceedings which begin at 8:00 P.M. By order of the Chairman of the Planning Board.

RICHARD A. WEBER  
Chairman

Mr. Duff asked does state have minimum requirements regarding qualifications for teachers? Mrs. Lee stated not for nursery. When checked into state requirements, they are not really worried or looking into them at present time. So involved with day care centers and thinks if have children for more than three hours a day, then they have guidelines that have to follow. Do have system and trying to use as guidelines because feel set up for that. Does say need to have certified individual in charge of school but person doesn't have to be teacher and therefore using my certification and experience in this regard and will be guiding them in curriculum for child at this age level. No specific educational requirements and because not providing lunch do not need to fill requirements of having dietician and cook with all the other needs. Also have nurse who is going to be on call at her home. She lives in Gates-Chili area and willing for us to call her at any time that we have need so children taken care of medically.

Mr. Mannara asked outside area where children playing, fenced? Mrs. Lee stated no fencing around and in back of building and there is a hedge, house and yard and then hedge or small bushes around and could be easily fenced in if felt necessary. Mr. Weber asked area on the north of the building? Not toward Paul Road? Mrs. Lee stated to the back and west side behind the parsonage. Church on corner of Paul and Archer, right behind parsonage, is area between church and parsonage, grass lot goes right into lawn behind the house.

Mr. Weber asked if anyone in the audience wished to speak. Councilman Gray asked what hours of the day intend to have open? Mrs. Lee stated 9-11:30 and from 12:30 to 3 in afternoon. Councilman Gray asked will children come at different time or all at same time? Mrs. Lee stated if have 20 children, 4 year olds, signed up, will register for morning, those 20 children will come from 9-11:30 Monday, Wednesday and Friday and if have 20 other 4 year olds who would like to have advantages of nursery school would ask them to come from 12:30 to 3:00 on same days but would come at different time slot. Three year olds would be same hours only Tuesday and Thursday. Would not mix ages, keep separate.

Mr. Mike Wimer, 12 Gary Hill, asked would like to know how big grassy area behind parsonage is? Accomodate 20 children at one time? Seems awfully small. Mrs. Lee stated Reverend says about 100 x 150. Mr. Wimer asked that is lot size? Parsonage big house. Mr. Weber stated thinks indicating area using for outside play. Total lot much larger. Mrs. Lee stated yes, not too familiar.

DECISION: Approved unanimously with condition that outside play area be fenced and facilities be subject to inspection by and recommendations of fire department representatives.

2. Application of Fallone Construction Co., Inc., 7 Wood Acre Drive, Pittsford, N. Y. for approval of rezoning of 48+ acres of land located at Chestnut Ridge Road and Paul Road, Tax Account Nos. 1491-000 and 1834-500, from R-1-20 to MR.

Mr. Bob Pliekash, of Sear Brown appeared representing Fallone Construction Co., Inc. Stated have site plan for proposed project. Duplicate plans of that and rezoning plan which more precisely show boundaries of parcel. Basically have 48 acres of land bounded on north by Paul Road and on east by Chestnut Ridge Road. Proposal for rezoning of this property from R-1-20 to MR zoning to allow development somewhat of this nature to occur. Proposing on this parcel 480 dwelling units in quadplex building style. Each of these rectangles indicated structure composed of 4 dwelling units. Basically linear development with private road throughout, individual clusters and linear arrangement with access at one point each on Chestnut Ridge

and one on Paul Road in this location. As mentioned, private roads. Not dedicated to the town or liability relative to maintenance. Plan quad units for sale with the use of homeowner's association for maintenance of common lands and roads. Liability to the town at absolute minimum. Few words about utilities. Water no problem. Main in Paul Road and Chestnut Ridge operated by Monroe County Water Authority. Simple matter to extend into the site and serve all units. Storm sewers, are faced with relatively significant channel which crosses Paul Road in this location, transverses site and exits over here. Would maintain open channel system to carry main runoff from here with possibility of providing retention in this area. Hasn't done detailed studies on site with development of this nature and flexibility of building basin retention frequently easy to do and beneficial to downstream properties. Sanitary sewer somewhat of a problem. Nearest in adjacent subdivision. Topography on this site such that not available to serve these units due to fact that this area considerably higher and would not provide service without use of lift station. Hillary Heights approximately 1/4 mile southwest does have adequate sanitary facilities. Somewhere in this vicinity if map widened, 10" sewer in there which is of such elevation and capacity that this project could be served by it. Aside from necessary extension within project to build trunk sewer through this property and along railroad right of way, across railroad and use facility in subdivision. Very quick description of our proposal. Would be happy to entertain questions from board or audience.

Mr. Moore asked mentioned some units for sale. Basically talking condominiums? Mr. Pliekash stated probably homeowners association, not necessarily condominium ownership. Really legal form of ownership and nothing to do with bonding type. Whether or not actually adopt form of quad approach and go through attorney general's office or handle strictly on homeowners association basis, have not yet decided. Mr. Moore asked still if you are to sell have to go through attorney general's office? Mr. Pliekash stated two different procedures. Again not certain of legal form of ownership. Units would be for sale with some provision for common maintenance either through condominium or homeowners association.

Mr. Moore asked no rental units as such? Mr. Pliekash stated no. Mr. Moore asked feel can overcome any liability to the town by one of these suggested approaches either condominium or homeowners association? Mr. Pliekash stated liabilities to town would be much less in development of this type. Utilities would be dedicated merely because do serve areas upstream. Storm sewer, town would want dedeed and sanitary facilities if were to extend to Hillary. Sure areas upstream would very much like to make use of whatever facilities we install. For that reason would think town would want that dedicated. Water main could be private and roads would be private. Liability to the town relative to the utilities restricted to storm and sanitary sewers.

Mr. Duff asked how many units? Mr. Pliekash stated 480. Mr. Duff asked 48 acres? Mr. Pliekash stated 10 dwelling units per acre as allowed under zoning. Mr. Weber asked all same size? Mr. Pliekash stated mixture. Certainly not exact same unit 480 times on this site. General approach will be similar in every unit. Mr. Weber asked all single unit dwellings? Mr. Pliekash stated quads. Each rectangle 4 units and arrangement may vary from unit to unit. May have double up and down or double in center with ranch on each end. Probably mix those types in this sort of development. Mr. Duff stated in the Zoning Ordinance, Sec. 3.054 b) "...The number of units allowed, when constructed as a linear series of non-communicating units with no common hallways or entrances, shall be computed using as a maximum ground area of eight units per gross acre..." Mr. Pliekash stated not configuration. Your zoning ordinance describes two types of MR. Town house, or at least what I would ... Mr. Duff stated

Planning Board

October 8, 1974

thought described other type and that allows 8 units. Mr. Pliekash stated zoning code doesn't mention anything under MR applicable to quad. 8 unit description refers to town houses. Mentioned linear arrangement with private entrance to exterior and believe under 10 dwelling unit MR talking garden apartments which have common hallways and arranged on top of one another. Doesn't represent either of those. Suggesting in this proposal that with that sort of structure 10 per acre would be more appropriate. Realize gap in your code with respect to this type unit.

Mr. Duff asked have you investigated plans relative to the installation of sewers, county's long range plans? Mr. Pliekash stated Pure Waters long range as understand is for sewer within right of way of Chestnut Ridge. Purpose of that installation if correct is merely to serve units already existing and relieve problems experienced with septic tank use. Doesn't think their intention to provide trunk sewer service for purpose such as this. Perhaps looking far into future trunk sewer along Chestnut would be possibility. Doesn't think pure waters will be doing anything for us in near future relative to this project. Mr. Duff asked have you read comprehensive plan relative to proposed nature of that area? Mr. Pliekash stated realizes this is not in strict compliance with comprehensive plan. Proposal for this type development basically in view of current market conditions in view of need for this type house. Find people no longer can afford home on 20,000 sq. ft. lot which is called for in R-1-20 and propose this is viable alternative. Mr. Moore stated really no different than apartment project except selling instead of renting. High density. Mr. Pliekash stated typically apartment project would mix more dwelling units in structures. More variation than in apartment project. Mr. Moore asked 4 plex more detachment the way designed in construction than 4 plex in apartment, town houses or whatever? Mr. Pliekash stated what would call apartment project if building would have more than 4 units. Matter of interpretation and who is to say what is what. Mr. Moore stated still high density housing relatively speaking. For that area this is non-conforming. In that 48 acres if complied with town ordinances probably would end up with 96 homes, roughly, as opposed to 480 you are suggesting.

Mr. Weber asked what is price range? Mr. Pliekash stated very difficult in this day and age to project. Trying to reach medium price market. Not going to build units tomorrow. Difficult to project costs. Hope to hold within medium price range.

Mr. Mannara stated have had downstream problems. Feel have sufficient area for ponding? Mr. Pliekash stated realize development does increase runoff and feel easy to provide storm water detention and feel could be accomplished in this site with few problems.

Mr. Wimer, 12 Gary Hill, asked what do you feel is sufficient in size? Mr. Pliekash stated this area open and available for development of that nature. Mr. Wimer stated talking runoff of all this area on Gary Hill and Chestnut, not only 48 acres. Mr. Pliekash stated would feel our responsibility if had to provide sufficient runoff or retention to create situation no worse than presently exists. Mr. Wimer asked whose property will you run water into? Mr. Pliekash stated existing stream. Mr. Wimer asked who owns this property? Mr. Pliekash stated had no contact with this particular property owner. Mr. Weber stated if people will hold up for a few minutes, let board members ask their questions first.

Mr. O'Reilly asked will you have to dam to accomplish retention pond? Mr. Pliekash stated excavate portion of this area and provide controlled outlet either in form of defined conduit or something similar with weir or dam. Several ways to do and depends on actual situation. Grades, elevation and capacity of downstream channel. Mr. O'Reilly asked how deep and how long-standing might it be? Mr.

Pliekash stated great deal of flexibility. Mr. O'Reilly asked ever dry? Mr. Pliekash stated either way. Would suggest that it be dry. Suggest try detention area rather than permanent retention area in this application could be done either way and typical maintenance-wise and esthetically better to have dry. Mr. Weber asked would this be completely enclosed within lower boundary? Doesn't appear to be great area. Mr. Pliekash stated didn't define retention area and have flexibility there and keep facility on this property. Exact size cannot tell right now although may be somewhat larger on smaller. If 10 per acre density certain can provide facility which will do the job. Mr. Weber asked seem reasonable? Mr. Mannara stated thinks will have to study computations. Just preliminary. Might end up with testing area. Mr. Weber stated would appear might require greater area than map shows now. Mr. Pliekash stated possibility we recognize.

Mr. Duff asked do clay soils, assume clay, have soil inventory, and do they run into problems in terms of surface runoff? Mr. Pliekash stated didn't run detailed investigation. Generally encounter same conditions throughout the county and although reports say difficult to work with, find nothing of extremely serious nature that cannot be overcome. Think will find that soil that may be problem will be confined to this channel but do plan if there is some reasonable degree of assurance have viable project here after determination from this board and Town Board, will conduct extensive soil investigation on this site.

Mr. Duff asked at this juncture have you bothered to calculate excluded areas that will not be available for absorption and come up with projected load in terms of surface runoff? Mr. Pliekash stated have not done as yet. Would be part of normal procedure. Do complete topographical survey and how affects properties here and services to upstream properties. Soils and permeability would be part of that. Mr. Duff asked ultimately drainage ditch and discharge into what? Mr. Pliekash stated discharge at same point presently discharges.

Mr. Mannara asked has Sear Brown contacted Pure Waters to see if this can be absorbed into the sewer district? Mr. Pliekash asked mean in legal fashion? Doesn't believe have talked about that. Talked about capacity and possibility for service. Mr. Mannara asked will existing sewer take this? Mr. Pliekash stated our investigation shows it will. 10" in Hillary. Haven't talked to Pure Waters about existing situation and talked about future proposals in here and whatever long range future possibilities there are for a main trunk line in vicinity of this property. Mr. Duff asked short term solution would be hook up into Hillary? Mr. Pliekash stated correct.

Mr. Corcoran asked has Fallone done any other projects in Chili? Mr. Pliekash stated Mr. Fallone here this evening, really not familiar with building program in Chili. Doesn't know. Mr. Corcoran asked any other areas? Mr. Pliekash stated not certain. Not associated with Mr. Fallone for that long to be familiar.

Mr. Mannara asked will you give information on what type structure, brick, masonry or what? Mr. Pliekash stated cannot at this point. Certainly as travel down legal approval process would be happy to provide whatever details you want. No details at this point. Mr. Moore asked this is preliminary? Mr. Pliekash stated here this evening to get board's input and ask board to recommend to Town Board that public hearing be held for rezoning. If that were done would certainly come up with more detailed descriptions and better pictures of our exact proposal for that public hearing.

Mr. Moore stated guess misleading on the agenda have here it is request to rezone to MR and your suggestion is that it is not MR at all. Tri-plex situation tantamount to condominium which you are going to be selling. What amounts to to me is very high density building in area which our zoning permits low density and in that way only does it resemble MR. Mr. Pliekash stated correct, if you would rezone to permit MR density with this type dwelling unit which is not defined in your code. Mr. Moore asked so what would keep you from in event not denied to rezone MR what would keep you from putting apartments in there? Mr. Pliekash stated not our intention to do so and generally when rezoning accomplished the Town Board can impose conditions upon that rezoning. Would expect those conditions would be such that development were confined to the type of building program described in rezoning process.

Mr. Bleier stated open areas seem to presume drainage pattern through the area. Any other open areas? Mr. Pliekash stated not a significant amount. Scattered areas. Don't take this as concrete plan. At this stage in process there are opportunities for providing smaller open areas for playground use. Main area that is to be left open along this channel where it would provide not only useful space for recreation but also some degree of safety if you would or provide better hydraulic situation through the site itself.

Mr. O'Reilly stated shows lot of blacktop. Clusters of three each cluster surrounding apparently blacktop area. Is that really plan? Mr. Pliekash stated cluster similar to courtyard would serve as access to each unit as well as for exterior parking space for each unit. Mr. O'Reilly asked it is unrelieved blacktop? Mr. Pliekash stated certainly will provide landscaping with this development. Haven't shown any here. Certainly possibility exists to break up with planting islands. Wouldn't expect although plan shows that way to have one huge rectangle of asphalt without any esthetic treatment. Trying to get picture of land use. Details premature at this point.

Mr. Martin Wehle, 46 Stottle Road, stated amused because Sear Brown here with another client several years ago. Stanndco, now in process of building apartment project and think still the engineer. Mentioned that Town Board would be able to put limitations on this project and this would be it. One of the limitations put on the project by you is that there shall be no panning below 535. Area behind it which was 531 now have 11 ft. of soil there at present time and debris pushed over the top. Sear Brown talking about runoff into ponding area that the engineers in the Town of Chill have been talking about since inception of Hillary and sure realize as much as Mr. Mannara and everybody, 12" or 18" tile goes under railroad crossing. Mr. Mannara stated 3 ft.

Mr. Wehle stated Mr. Duff asked question is there proper facilities for the sewer. Is sewer main large enough that runs across to other project on Beaver Road and Stottle? Assume think it is. Isn't it procedure for Planning Board to make sure adequate facilities first and get concrete plan before rezone MR? Mr. Weber stated thinks what indicating true, before approval made would have resolved more definitely. Mr. Wehle stated person comes in and lot of people interested who live in area. Then comes formal hearing and then informal hearing another time because adjourn which most people don't have word of. Doesn't reflect thinking of the town. On facilities of the town... Mr. Pliekash stated spoke of limited liability. Mr. Wehle stated great liability for the school. If talking about one child per unit, 480 children. Every year it goes up. What will you do for that? Think enough MR and nothing at the other end, these are all in Churchville-Chill School District and on other hand have master plan passed several months ago which does include whole area to the west of this that is already zoned MR. All goes into the same trunk sewer.

Mr. Wimer asked where does he get information that feels single dwelling houses in Chili do not sell? Living in basically new tract and no empty houses. Where does he get information that don't sell in Chili? Mr. Pliekash stated saying looks as though house market turning. Perhaps certain individual areas and towns still very popular. Market just shrinking very quickly. Most people today couldn't afford to buy home living in right now if had to start looking for home at this point. Feels viable alternative in view of current mortgage and market condition. Mr. Wimer stated president just told us will free more money. Mr. Pliekash stated hope he does. Mr. Duff stated talking about existing single family housing market in Chili and drawing analogy how well it sells. How can you do it to group such as this without giving price of proposed units? Mr. Pliekash stated in view of not knowing how long will take to build and costs escalating daily, doesn't feel projection would be accurate. Mr. Weber stated supposing approval had been given and breaking ground tomorrow, sell within two or three months. What would price be so could compare these to what can say would be list for single unit dwelling? Mr. Pliekash stated near \$40,000, or slightly under.

Mr. Arcieri, 5 Pine Ridge, stated has in possession a petition with the disapproval of the application of the rezoning of the 48 acres. Have 138 signatures. Wives went out in last couple days and got signatures in area of Pine Ridge, Paul, Chestnut, Gary Hill, Andony. According to town master plan said zoned R-1-20. Referring to article in Times-Union October 3, 1974. Greece studies bid to rezone 113 acres. This concerns Fallone Construction. (quoted from article) Should support new law. Made statement that because of high prices of houses wanted to go in there with what talking about and say just under \$40,000. Didn't pay \$40,000 for my house two years ago. Thinks way off base. Mr. Pliekash stated lot has happened in two years. Only comment that different area and town and does believe that article written after public hearing for rezoning. Not even approaching that stage yet. Mr. Arcieri stated according to agenda, proposal to rezone property. Mr. Pliekash stated there is proposal, however official public hearing would be before Town Board at which time would have more documentation and then would give citizens right to offer position. Here to ask board to recommend that Town Board hold it. Mr. Arcieri stated would like petition entered into record. (copy attached)

Mr. Arcieri stated point came to my attention today concerning Paul Road. Was told that there are some lots fronting that have been sold and will be single family housing going up there. The way looks, talking about 12 building lots. Mr. Weber asked could you locate those lots for me? Mr. Arcieri stated homes fronting right on Paul Road. Son south side. What would happen if homes built on those lots and then have these going in behind them. Know I wouldn't want to own a home there. Has Fire Department been contacted? Mr. Pliekash stated not as yet. Mr. Arcieri stated knows nothing about building materials or height restrictions. Mr. Pliekash stated don't expect to ask for any variance relative to building construction. Mr. Arcieri stated area live in beginning to feel in a way, like living on island and talking about Chili and Stottle, Spring Lake, Chili and Union, Plaza and K-Mart, RG & E, metal shredding plant, etc. This land zoned R-1-20, let's keep it that way and use it as zoned to be.

Mr. Pappert, 11 Gary Hill, asked what about traffic pattern. 480 residences with two cars, how in and out of streets? Enough traffic now. Mr. Weber asked could you go through ingress and egress? Mr. Pliekash stated proposing one access at each street. Not going to try to tell you would not be increasing traffic volume. 480 units sounds like a lot. Doesn't feel would be over-taxing arterials here now with that amount of volume. Mr. Wimer stated bridge on Chestnut Ridge single lane bridge.

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Mr. William Gray, 26 Andony Lane, asked can you tell me who owns property? Fallon? Mr. Pliekash stated doesn't believe so. Map does list the names. Mr. Gray asked is Mr. Fallon here? Would you answer? As far as know doesn't own? Mr. Pliekash stated believes that is true. Mr. Weber asked if Mr. Fallon here, could he answer? Do you own? Mr. Fallon stated has contracted. Mr. Gray asked contingent on rezoning? Mr. Fallon stated yes. Mr. Gray asked would you be builder or other principals? Mr. Fallon stated other principals. Mr. Gray asked you will file those with the town? Mr. Fallon stated yes, sir. Mr. Gray stated believes in addition to our number of units per acre in our ordinance there is also requirement that no more than certain amount of square footage of any parcel of land be used and believes 25% but suspect that this plan with 480 units will exceed total square footage permitted by ordinance. Next point is that if you use ponding area will have to be definite defined area. That land will not be usable for any other purpose than ponding. Mr. Pliekash stated not true. Ponding areas of this sort have been developed for recreation. Would be possible to create baseball fields or something in that area. No buildings. Mr. Gray asked would you feel that acreage would be deduced from the parcel of land and not calculated when counting density? Mr. Pliekash stated not appropriate. Could be used for recreation purposes. Tennis courts, football, baseball. Mr. Gray asked studies indicate sewage facilities in Hillary would be adequate to handle project? Mr. Pliekash asked if talking sanitary? Mr. Gray stated sanitary, yes. We have determination that no building go into this area until trunk line comes down Chestnut Ridge. Would this alter plans? Mr. Pliekash stated if that were condition would respect whatever problems do exist now and look at other solutions. Doesn't feel that is the case. Mr. Gray asked do you feel with ponding area can stop increased runoff through Hillary which is major problem. Mr. Pliekash stated feels whatever additional runoff created by this site could be retained in our pond so that discharge not greater than what presently exists. Mr. Gray stated this land set aside on master plan for 20,000 sq. ft. lots. Reserved this property for prime building sites. Two other zones, 12 and 15,000 sq. ft. lots. Also have land zoned for MR in other parts of Chili and guess would like to go on record as being opposed to the rezoning on basis of inadequate sewers, drainage and conflicts with master plan.

Mr. Duff stated under 3.054, dimensional requirements, Mr. Gray almost correct. Maximum coverage by all buildings and structures 30%. May be problem there. Mr. Gray stated also suspect intention of master plan was for this type construction to be covered and designed at 8 units per acre not 10 for reason that this type construction does cover more square footage. Mr. Duff stated problem is specific language not included but does exclude from 10 units.

Mr. Brook, 8 Pine Ridge, asked is Fallon Company's idea of buying based on them owning it now? Mr. Pliekash stated no. Mr. Brook asked do they own it or only own if get rezoned? Mr. Pliekash stated believes answer already. Mr. Weber stated apparently option to buy based on zoning. Mr. Brook stated would like to go on record as against.

Mrs. DeBruyn, 11 Pine Ridge, stated more than anybody here can speak of past experience. Two years ago sold house because of apartments. People moved in and apartments looked lovely. After 1 1/2 years owner sold and next guy did not select clientele and apartments went down, to a point where had entertainment. State police, drug raid. To point where superintendent not taking proper care and called health board. Rats in garages. Overflow of children using our backyard. Heard nothing mentioned about recreation in these plans. Are our backyards across the street going to be the playground for the people from these apartments? Both work to live in Chili and pay way and enjoy my island and doesn't feel need this now. Feels plans very

vague, doesn't think answers questions. What are we going to get, something like UDC? Mr. Gray showed me pictures of those in Lyons. No idea what will be. Would like to go on record opposing because of past experience. Moved to Chili because didn't want apartments near me. Almost on top of me. Entrance on Chestnut Ridge almost directly across from my street. Come down my street to Paul Road. Only one child per apartment. When those apartments first went up by me one per apartment and when left four to a two bedroom apartment. When come in fine, but sell because want to make money. Not so selective. Prime reason keeping rented or sold. Opposed because doesn't feel can afford more taxes than pay so somebody else can live better. People can buy house lot cheaper than 40,000.

Mr. Pliekash stated relative to unhappy experience. Sure rental project. Not proposing apartment project. Second not rental. These will be for sale and people who live here will have pride of ownership. Will keep up properties. No valid comparison with standard garden variety rental project. Mrs. DeBruyn asked where do you plan to have children play? No recreation area, club house. Don't have all these things. Haven't told us where children will play. Mr. Pliekash stated certainly don't want in your backyard. Did mention possibility for recreational possibilities on the site.

Mr. Robins, 3 Pine Ridge, stated originally came with question regarding resale of this land once plans made. My understanding that if this particular parcel was rezoned and resold that the restrictions on plans presented here tonight not in affect and by land being rezoned, just about anything that complies with Chili standards could be built. Mr. Weber stated generally true if rezoned. Mr. Robins stated originally worried about this but not now. Representative has not shown an existing plan. Feels that the town shows a certain courtesy in presenting plan but at same time feels you owe us courtesy to present viable plan to Chili and feel you have insulted my intelligence and others in this room. Think prostituting master plan and putting another parcel of apartments although choose not to call apartments. At one time asked what building supplies go into the apartments, said didn't know but will comply with Chili standards and standards wouldn't affect type of building put in. Know definitely what it might be. Would like to go on record opposing the plan and feel planning board will also. Question really have is for planning board, gentlemen asking for hearing before Town Board. My understanding that unless favorable plan presented, you will decide as to whether should proceed not not and that this is based on facts presented at this meeting. Doesn't see how planning board can move up to public hearing based on facts as presented, nothing on which board can act. Mr. Weber stated this is public hearing held by planning board to decide on the application. If decide application be approved, that is recommendation made to Town Board and action taken by Town Board.

Mr. Waters, 468 Chestnut Ridge, stated seems a while back interested party in this room tried to float through 20 some houses along that way and denied because of sewers. Now have to sit and look at 480 units and no sewers. This is incredible. Denied same principals 24 houses last year and review 480 units tonight. Mr. Weber stated only being reviewed. Keep in mind.

Mr. Simons, 7 Girard, asked what is size of these units? 1, 2, 3 bedroom? Nothing presented as to size of units or approximate size. Mr. Pliekash stated expect to have mixture of 2 and 3 bedroom units. Mr. Simons asked mixuter of 2 and 3 with preponderance of which? Mr. Pliekash stated cannot say. This is really pretty much in order of what would expect at public hearing for rezoning and not prepared to answer these details at this level. Mr. Simons asked don't feel that land access to this tract because of geography and roads and one closed

bridge and another that may be closed later which would snarl traffic onto one road? Mr. Pliekash stated feels adequate. Talking about long-range program. Mr. Simons stated said no additional liability to the town except main access roads which you expect us to build to handle as much traffic as already in area. Roughly double the volume of traffic on Paul Road which is already marginal. School which children attending not available because roads not adequate yet want to put 500 units in this area.

Mr. Turechek, 493 Chestnut Ridge, asked regarding holding pond, have you been out and walked around on that property? Mr. Pliekash stated personally have not walked property. Design personnel and others in our office have. Mr. Turechek asked got information for this holding pond from your engineers and design personnel? Mr. Pliekash stated no, from examination of topographic maps which are available to use. Mr. Turechek asked all the water from these housing areas will be draining into this holding pond? Mr. Pliekash stated yes. Mr. Turechek stated thinks will find that between 30 and 40% of that land doesn't drain into that holding area. Mr. Pliekash stated right, goes out here. Mr. Turechek asked what about water that goes out there, doesn't drain into the pond. Mr. Pliekash stated could design interior so that both could discharge same amount of runoff as though project never built. Provide additional retention. Mr. Turechek asked divert that water from west and to other area? Mr. Pliekash stated offhand cannot say. Would only be guessing at this point. Saying can be done.

Mr. Donald O'Connor, 4 Sunridge, stated many valid points have been brought out on why shouldn't have apartment project or MR zoning in this area. Thinks lot goes back into town history. Probably when master plan was originated this area was pretty well kept away from MR zoning primarily because of drainage problems that it would create to the areas south of that. Area on south is Hillary which has always been drainage problem for the town ever since built nine years ago. Reasons for flooding in that area not water in that area but comes into the area. Two major ponding areas and think you call those retention basins or detention basins. One just north of expressway NW of Hillary and other directly north of railroad track which is Oliver property due south of this property discussing tonight. If you want to see detention pond, have 3-4 acres of it right there. Adequate to hold water but May 16th after spent \$10,000 to relieve one of the two ponds on the west side of the expressway, this one which your drainage would go into, was the one that overflowed a damed culvert 5 ft. high with sandbags, right over the top and flooded the area. Going to take a lot of convincing to me engineering-wise to be able to say detention pond not going to allow any additional water to be added to the Hillary area. Doesn't think could convince residents that if one more drop added that this area would be ready to hang people. Basements filled to rafters. Thinks Planning Board will have to consider engineering point of view on drainage of all of that area north of Hillary until can be engineers properly where water can be routed directly to Black Creek and not affect them. Talk about master plan and children and school taxes, all valid but right now have area of 204 homes in there, \$35-45,000 homes; and by golly, going to stop them from getting flooded somehow or other. This doesn't convince me will stop them from being flooded.

Mr. Duff stated one of the documents don't use as often as should has natural factors affecting development, map showing about 1/3 of the property proposed being subjected to severe flooding so that this planning inventory generated by Monroe County Planning Department some four years ago and presented to the Chili Town Board does corroborate your statements.

Mr. Piquet, 1020 Paul Road, stated appreciates management association which would assume would be financed by monthly payment of residents would maintain roads but what assurance would town have that management association would be continued after last unit sold? Mr. Pliekash stated doesn't see why residents living here who are management would not plow roads.

Mrs. DeBruyn stated our street was access street to the apartments. People not getting roads plowed and parking lots plowed and cars stuck in front of our drive for three days and couldn't get cars out. Had to wait for people from apartments to get cars out so could plow our road. Police couldn't even get out.

Mr. Simons asked what assurance do we have that would be sold as opposed to rented if approved? Say build for sale, nothing can stop from building as rental units. Mr. Weber stated doesn't think there would be.

Mrs. Carla DeMeco, 25 Andony Lane, stated one thing nobody mentioned is suppose somebody in there needs ambulance. Only have two in this town. So far done great job for people here. Bring in 480 more families, are they going to pay for new ambulances or fire engines? Will need these things if have another project. Mr. Weber stated point whether this 480 over period of time or individual homes might be developed in town, changes will have to be made to satisfy those requirements in any case. Mrs. DeMeco stated but if individual houses, not so many people at a time. Mr. Weber stated probably wouldn't be doing in such a short time. Wouldn't think this thing would be completed in year's time. Much longer period.

MR. Ostrye, 1035 Paul Road, stated take people who own own home and support ambulance and then project where people in multiple residences don't. Don't feel have stake in town that individuals have. Also regarding Planning Board, thinks understands master plan and board had allowed for this. Going to be procedure for somebody to come up and want to rezone. Do they always have to get their hearing? Realize democracy, seems Planning Board should do planning. Mr. Weber stated generally true and zoning ordinance and master plan adopted. As you indicated, anyone's right to come up and ask for change if feel have good and proper reason. Doesn't think something can avoid completely. Mr. Ostrye stated happened to have purchased large farmhouse for family and like the area and wanted to live here but if area zoned MR, does this mean I can apply for MR for my house too? Mr. Weber stated have that right.

Mrs. Bernice Wilcox, Stuart Road, stated live in this school district and don't have Spring Valley finished. Have UDC, Stottle Road not finished and some property for sale, about 100 acres, already zoned MR in West Chili. Also many of these projects seem to change ownership and buildings and landscaping change with it. Thinks this board, and said so before, had better take a long look at the landscaping because none of the presently completed projects are very much to look at. Mr. Weber stated board will certainly do that. Mrs. Wilcox stated some of the people that came up here and have property rezoned say going to have private roads and won't be taking school busses into the area and not too long ago Meadwobrook people came to the Town Board and wanted school buses into there streets because children standing on that busy road and very upset about it. Doesn't think people realize what getting into and interesting too, concern about MR all of a sudden because I have been talking about this quite a while.

Mr. Vining, 1033 Paul Road asked are they going to contact board and us not notified again? Don't have plans. Just wanted to know if could have approval and then dig into it and tell everything? Mr.

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Weber stated that is what is indicated. Mr. Vinings asked are we going to be told at this next meeting? Mr. Weber stated as indicated previously. Planning Board would decide on recommendation one way or another and pass on to the Town Board and they would conduct public hearing. Mr. Vinings asked would be notified? Mr. Weber stated you would be. Mr. Vinings asked number of exits for all 48 acres, where will they be? Mr. Pliekash stated here and here. Paul Road, approximately center of frontage on each road. Mr. Vinings stated leads to another question. You say have no liabilities for the town. Live in the town and four kids. Children from that acreage, where will they stand? My children crossing the road now. Who will take responsibility of that? Mr. Pliekash stated not sure know what responsibility. Said town's liabilities limited in the amount of maintenance which would be done by the homeowners association. Not saying divorced from the town and forget about it after built. Mr. Vinings asked said 480 units? Mr. Pliekash stated 480 dwelling units, structure that contains one family. Mr. Vinings stated still 480 familys.

Mr. William Wilcox, Stuart Road, stated said would have to go to Town Board next. Do they ever come back to the Planning Board with the final plans so people can look at them? Mr. Weber stated part of our decision tonight will be on how much of an engineering and complete presentation has been given. If find sufficient facts have not been presented. Mr. Wilcox stated do not have plans that show what structures are or plot plan, says rough, so in other words not even public hearing. Mr. Weber stated information lacking. Mr. Wilcox stated informational meeting so can go to the Town Board for the variance. Then should come back to the Planning Board. Mr. Weber stated this is first of lengthy series of steps. If it were approved there would be subdivision ordinance to be satisfied and series of public hearings to be heard on that. Mr. Wilcox asked there would be another advertised public hearing in front of Planning Board if Town Board passes it? Mr. Weber stated if Planning Board recommends rezoning would be public hearing on that at the Town Board. There would then be further requirements that the developer and builder present further plans to satisfy subdivision ordinance. Public hearings associated with each phase of those requirements. Mr. Wilcox asked would that be Planning Board? Mr. Weber stated Planning Board at that time.

Mr. Robins asked wonder if would be helpful since democracy and Planning Board needs input, whether appropriate to have show of hands of those people in favor or disagree with proposal and have made part of record. Mr. Weber stated might be simpler, if perhaps had show of hands for those who favor.

Mr. Woodward, 9 Pine Ridge, stated if want to take hands of those people in this room, many more than that because many opposed. Feel you have better things to do and even suggestion like this ridiculous. Got sign on my street asked to be put up three weeks ago and sign not up yet. Cannot see how can consider when so many people opposed. Mr. Weber stated show of hands really has no legal implications and sure other people who are not here for or against. Mr. Woodward stated circulated petitions and out of 140 people, roughly only two were opposed. One Mrs. Oliver. This is just surrounding area. People couldn't be here. Didn't even hit Hillary but will if need be.

Mrs. DeMeco stated doesn't want another Henrietta. Look at Chili Avenue, looks like Ridge Road. Chi-Paul and Naums and K-Mart. Haven't widened the road yet. Will be just like Ridge Road or Henrietta. Has business and junk and apartments. Doesn't want that. Mr. Weber stated take it don't want public facilities, want to travel to Greece, Henrietta, etc. Town for years has been farming community and grown gradually. Needs some commercial growth. Mrs. DeMeco stated yes but not all at once, not ready for growth.

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Mr. Andy Oliver, 575 Chestnut Ridge Road, stated lady said Mrs. Oliver did not sign petition. My mother. Reason why didn't, if you have land which is being swamped, would you want it?

Mr. Jim Perna asked would like to know what if cannot build apartments on that land, what can we build? People who own would like to build and would like to know what. Mr. Weber stated zoned residential now with requirements for lot size. Mr. Perna asked if wanted to build houses, could? Mr. Weber stated certainly. So long as heeded zoning requirements.

DECISION: Recommend disapproval unanimously per MCPD review (attached) and existing drainage problems in area.

3. Application of Domenic Peres, 9 Phyllis Lane, Rochester, N. Y. for approval of rezoning property at 367 Paul Road, Tax Account No. 1474-405, from M-1 to M-2 for purpose of operating auto repair shop.

Mr. Peres appeared. Stated have talked all night about liabilities and want to perform a service for the Town of Chili. Lived here 15 years and experiences in automobile collision repair service for 18 or 20 years. Something would like to bring to the town and have in nice order. Would like nice service with waiting room, TV set for mothers while waiting for cars to be repaired. Wouldn't propose to put collection of signs in front of building. Just a single sign to show where it is. No collision shops can think of in town. Thinks would provide significant service to the community. Lived for 15 years at 9 Phyllis Lane off Paul Road. Doesn't propose to have any junk yard to accumulate as so often in these shops. Will have no damaged cars visible from road, also provide service for general repairs, shock absorbers and mufflers and things of that nature. Will not be huge building. 42' wide and 62' long. About a mile from my house. Propose to put building about 60 ft. from lot line and about 15 or 20 ft. from one side and about 43 from the other. Lot about 200 x 200. Will have little horseshoe driveway with crushed stone. Garage in middle. Fix up and look nice. Plans for the building. Thought land was zoned good enough with limited industrial and told has to be general industrial or wouldn't be here, but does like piece of land because nice runoff, site doesn't present problems. Storm sewer there, know sanitary sewer there and fire hydrant in front. Nice piece of land. This is how would set up. Office, waiting room, paint booth. Doesn't think would present any problems with fumes because shop this small wouldn't be doing that kind of work. Not like factory where constant flow of fumes. Thinks automobiles present more problems with fumes than spraying. Start cars up in driveway and have bushes around, bushes killed.

Mr. Duff stated there are some fairly stringent requirements imposed by the State Department of Labor with regards to paint booths and ventilation and they are concerned and DEC concerned so that prior to your initiation of any operation, would have to secure permits from both of these agencies and satisfy them in terms of ventilation and if any emission cleanup necessary, but have stringent requirements and to have to submit to both agencies. Plans and type of ventilation and amount of air turn-over per hour. Mr. Peres stated this was why restricted spray booth to small area so turn-over would not be so great.

Mr. Weber asked do you own land presently? Mr. Peres stated waiting for approval and then purchase land. Mr. Weber stated see on map lots A and B. Mr. Peres stated at this time only planning to put building on one side of the land. Mr. Weber asked but rezoning total area? Mr. Peres stated yes.

October 3, 1974  
Zoning Referral CI-132  
Chili Town Board

Subject: Application of Fallone Construction  
Co. Inc. to rezone property located  
at the southwest corner of Paul  
Road and Chestnut Ridge Road from  
R-1-20 to MR.

This application has been reviewed by the Monroe County Department of Planning pursuant to Section 239-m of the New York State General Municipal Law. We recommend disapproval of this application for the following reasons:

1. The introduction of multi-family dwellings is inconsistent with the character of the neighborhood and the Town of Chili Comprehensive Plan.
2. This area is not currently sewerred and sewers will not be available for at least another two years. The Division of Pure Waters currently has this area preliminarily designed for a maximum density of three to four units per acre, thereby making a multi-family approach inconsistent with the capabilities of the system.
3. The soils analysis of this site indicates a high seasonal water table between 18 to 24 inches from the surface, a fairly high clay content, and the surface soils are subject to erosion and compaction. This represents limitations to development.

In conclusion, we would like to state that this area could be developed (when sewers are available) in a P.U.D. approach and be limited to four plus or minus units per acre. This would insure that the integrity and character of the neighborhood would be intact, and the soil limitations put on the development could best be handled. In addition, this approach could adequately protect and insure proper development of the small parcel of land adjacent to and immediately to the south of this property between this property and the railroad.

WEU:CWR:pm  
CC:MCDPW  
EMC  
Chili Planning Board  
Division of Pure Waters  
Applicant

Mr. Weber stated indicated originally no cars visible from the street. How storing? Mr. Peres stated it is hilly and will take advantage of the hill. Put shrubbery around the area, back will use for storage. Only have two or three cars. Mr. Weber asked would they be at rear of the building? Mr. Peres stated yes to the rear of the building only, they will not be stored in front. Mr. Weber asked indicated maximum of how many? Mr. Peres stated probably two or three outside. Mr. Weber asked cars waiting to be worked on? Mr. Peres stated right. Mr. Weber asked what would future plans be for lot A? Mr. Peres stated in distant future, not large businessman and no long term plans. Might put car wash in to meet zoning requirements or shop wing that would do more general repairs probably. Mr. Weber asked do you own own business now? Mr. Peres stated no. Work for Durfee, Chevrolet, and worked for four years on University Avenue but out of business now and Heinrich Chevrolet for 12 years. Would like to take that experience and give as service to the town because need it. Have to have touch-up, repair job, have to go to another part of the town, leave town, don't have it.

Mr. Mannara asked how close are you to Bausch and Lomb? Mr. Peres stated .4 mile. Would be looking forward to some trade there. People could leave cars off and come pick up after work and cars would be ready. Lot of those people probably live in the city. Not far from my house, only a mile.

Mr. Weber asked any idea of kind of construction? Mr. Peres stated hope to put up cement block building. Mr. Weber asked any kind of facing? Mr. Peres stated in beginning will have to be painted and in future, would hope to put stone facing on front. Shrubs. This is reason if you notice that have lot of grass here. Want to make look nice. Doesn't want to put asphalt all over. Wants to look nice. Grass line at an angle so will have more visible frontage and when go by place will be pleasant to look at.

Mr. O'Reilly asked who are immediate neighbors? Mr. Peres stated Bausch & Lomb and Navy building on the one side and Hunt's own house on the other side of the poplar trees. Mr. Weber asked how far is that from property line? Mr. Peres stated Hunt's property line probably next to these trees. Mr. Weber asked that would be adjoining property? Mr. Peres stated that would be adjoining property. This house big white house on hill and think people renting there now. Mr. O'Reilly asked immediately concerned neighbors would be perhaps across the road? Mr. Peres stated don't think houses across the street.

Mr. Pudup, 330 Paul Road, stated would rather see industrial than that.

Mr. Hunt, stated owns property next door and own auto repair shops in Rochester. Went through before in Rochester to get rezoned. Try to keep spotless. Impossible to keep spotless. Look at Wilcox, only reason no complaints because sits down in hole and fenced, don't see garbage. Impossible when you take car apart, fenders or quarter panels off of it, have to do something with them. Put outside the building. Have to. What do you do when tow car in and cannot move it. Cannot put inside. Always wait for parts. Don't think neighborhood on Paul Road, see property values the way they are, every house well kept, maintained and do not need collision shop out there. 9 out of 10 shops fail within first year because competition in town. 250 shops in immediate area. Different owning than working for somebody. One after another goes out of business. When put building up, two years from now when not there, what will happen? What happens to gravel driveway when trucks tow car in on skids. Where do you put them? Only 200 x 200.

Mr. Peres stated appreciate negative attitude. I have positive, and it will be good. Mr. Hunt stated concerned because \$100,000 house next door. Mr. Peres stated appreciate concern.

Mrs. Betty Gartland asked who buying land from? Mr. Peres stated William Eber. Mrs. Gartland stated thought Bausch's property clear to the railroad. Mr. Peres stated doesn't know how much Bausch owns but according to everything legal, don't own this piece of property.

Mr. Pudup asked what kind of restrictions will town put on him to make sure will house everything? When put in Gottry said putting up big enough building to house everything. Have yet to see everything housed. If Gottry can do it and town never done anything, what will we do with this guy if approve? Mr. Weber stated set restrictions up. Mr. Pudup asked who will enforce? Mr. Weber stated up to the Town Board. Mr. Pudup asked if violate, then what? Mr. Weber stated legally would be made to comply. Mr. Pudup asked if doesn't then what? Still have piece of junk across the street. Worried about making a buck and I am worried about saving a dollar. Lived there 20 years, got investment. If so proud, put on Phyllis Lane. Mr. Peres stated all can say to that if a penny saved is a penny earned, you work for your and I work for mine.

Mr. Sponn, 300 Paul Road, asked this plot A and B, is that whole 200 x 200? Really going to build on 100 x 200? Mr. Peres stated that is where structure will be. No negative attitude. Envisioning large operation. In that will have 50 cars. Mr. Sponn stated understanding what is proposed. Years ago when changed area to industrial knew pocket of land but didn't realize 3 lots involved. My personal opinion, what trying on that small lot is really inadequate.

Mr. Pudup asked what is restriction of how far back from the road he has to be? Mr. Duff stated minimum is 50 ft. front yard. Mr. Pudup asked what is it on residential? Mr. Duff stated 60. Mr. Pudup stated my house back? farther than his.

Mr. Sponn stated most of the properties setback about 100 ft. from the road. Proposing bringing building closer than average. If notice Bausch and armory sit well back for adequate landscaping. Mr. Peres stated doesn't think Bausch too far back. Mr. Sponn stated lot of the property out there runs about 280 to 300 ft. deep. Basically farm property. When get 200 ft. deep lot it is minimum lot. Mr. Peres stated it is minimum, go along with that. Have seen businesses on much smaller land than this.

Mrs. Burgess, 436 Paul Road, asked in general plan referred to there and sizes that have been designated for general industrial or commercial properties, which would apply? Mr. Weber stated that area zoned limited industrial. Mrs. Burgess asked asking would person who is applying for this variance have to apply regardless of any site in Chill or in the Master Plan are there sites zoned M-2? Mr. Weber stated there are sites zoned M-2. Mrs. Burgess asked there are other places could be located and within master plan? Mr. Weber stated correct. Mrs. Burgess stated lived there 16 years and not obviously oldest resident but there a while. Totally farmland when moved there. Since then had opposite side of the road zoned industrial. Property Jetview now on rezoned industrial from residential. Thinks most of us have accepted and Bausch and Lomb made contribution. Lorel building. Cannot see this rezoning would make contribution to our road when are other sites that could be used for that purpose.

Mrs. Bernice Wilcox, Stuart Road, stated this was my old neighborhood and my husband took up petition to get Bausch & Lomb into the community and received several communications from old neighbors and friend down there and one of the things that disturbed me, seems to be fact that change in way people notified at the end. Would you tell me procedure for notification of people on planning board public hearing? Mr. Weber stated by current zoning ordinance any residence located within 500 ft. of property involved is notified by town. This notice is published in local newspaper. Mrs. Wilcox asked suppose no one lives within 500 ft., not notified? Mr. Weber stated by letter of the code could be. Would think limit to that in that particular case. Mrs. Wilcox asked would you tell me procedure from public hearing from time application comes to this board right through. Mr. Weber stated public hearing being held tonight because of request by party of rezoning of property in the town. Either approved or disapproved by the Planning Board. That approval or disapproval recommended to the Town Board who then have public hearing on the same point. Following that if approved, if not approved that is the end of it. If approved the developer has to meet the subdivision ordinance requirements which generally involve three steps and at two of those three steps a public hearing is required. Mrs. Wilcox asked are the people notified at the time of the Town Board public hearing. Mr. Weber stated yes. Mrs. Wilcox stated not necessarily. Mr. Weber stated if Planning Board did not approve and recommended not be approved to the Town Board, only way could be to the Town Board if appeals to the Town Board. Mrs. Wilcox stated recently had application for shredder. Gave that preliminary approval. Mr. Weber stated that was not rezoning. That was zoned industrial which satisfied particular purposes at that location. Mrs. Wilcox stated shredder comes within that. When that leaves your planning board after this public hearing is the public notified that there will be public hearing at the Town Board? Mr. Weber stated only time recommendation goes is in question of rezoning. As indicated property on Union zoned M-2 which would satisfy operation of this metal shredder. No question about rezoning. Two questions tonight involved application on land which is not zoned for particular purpose that wish to use if for.

Mr. David Malt stated tenant at Hunts, how do you plan to get rid of parts from the cars and fumes from paint shop which may kill grass around your building? Mr. Perest stated intends to get rid of parts on weekly basis and fumes won't kill grass and shrubs and trees. Exhaust fumes would do that.

Mr. Jerry Van Gelder stated in reference to what has heard, can see people's reasons for qualms at having such a business located in a mainly residential area. Thinks should bear in mind organization known as OSHA who will have great bearing on this gentleman. If you wish to inquire about this further, many establishments, one being Wilcox Collision and talked to the gentleman as to how much work above to do. Won't say in favor of or against. Looked at from point of view of firematics, have questions have submitted to the Chairman that would like answered but knows OSHA will answer majority. In reference to paint killing grass, no problem because OSHA has reconciled. Can quote almost verbatim on painting. Thinks will find business won't become junk yard. Believes trying to set up legitimate business. Maybe area not applicable to business trying to establish but many regulations that are much more stringent than fire prevention and state codes.

MR. Hunt stated thinks OSHA applies to employer with more than 2 employees. In garage, probably family-run business and then doesn't come under regulations of OSHA. Mr. Van Gelder stated they will step in. Mr. Weber stated will have to satisfy state regulations Mr. Duff indicated some time ago. Mr. Duff stated standards OSHA adopted

essentially those developed by government so in terms of pollution and fumes, etc., really enough legislation on the books without OSHA that is going to severely restrict amount of spray painting and amount he does do will have direct bearing on type of ventilation and air cleaning, procedure ahead is long if approved, must comply with stringent restrictions. In addition to M-2 there is special section in our ordinance which addresses this problem.

Mr. Otto Layer, Laycult Construction, stated owns property immediately across Paul Road from this location. Would like to go on record opposing application. Unfortunate so soon after approval of master plan which provides M-2 zoning that really has to put collision shop where have absolute minimum lot size approved for M-2 zoning. Certainly agree with comments others have made and won't take time to reiterate. One question, in situation like this where boundary line between residential area and industrial area is assume center line of the road, how does that affect requirement for 100 ft. buffer strip between adjacent properties. Mr. Weber stated doesn't know and appreciate thought. Mr. Layer stated would recommend that buffer strip be required.

Mr. Gary Russell, Monroe County Planning, stated purely as design element, not saying for or against project. Has shown two entrances or exits from Paul Road. Thinks should be restricted to one. Doesn't believe County would look favorably on two and if further development should be in line with same entrance/exit road. Mr. Weber stated thinks would have to obtain approval from County in any case. Would like to point out too in matters of rezoning before Planning Board applications, when sufficient information with them, referred to the Monroe County Department of Planning for their recommendations. In this case, not made available until tonight and will be sent to the County tonight.

Mr. Pudup asked how do you plan to get wrecks in back? Mr. Peres stated tow back there. Mr. Pudup stated didn't say anything about road. Mr. Peres stated driveway. Gravel area and tow back there. If do have wrecks, probably two or three at most. Doesn't plan on getting bogged down with lot of wrecks. Mr. Pudup stated if in for business you want, will take every wreck you can get.

Mr. Joseph Gartland, Paul Road, stated resident of Chili roughly 25 years and saw area go from farm to residential and light industrial. Robfogel and Jetview Drive. Not living right on top of it, still noisy. At work but wife tells me constantly trucks back and forth. Operation not problem but mainly noise. Would like to ask applicant how long has he decided to go into operation mainly since ordinance only acquired in March, 1974. Had you any vision of doing this before March? Mr. Peres stated no devious plans or under-cover or sinister business in mind. Just happened to work out this way. Found out about the land and zoned M-1 and thought had it made and could put collision shop up there. Thought commercial adequate and found that not adequate. No snow job.

Mr. Gartland stated heard two points mentioned about Wilcox and know him. Doe people realize after serious accident, cars not parked in yard but at fire department. Probably public demonstration but still eyesore. Mr. Weber stated believes only purpose of that, pretty well loaded in his own yard. Mr. Gartland stated can see no reason for changing zoning law only 7 months old with the provision there are portions of Chili relegated to M-2. Have you explored any of those areas? On Scottsville Rd. see how some garages have been taken care of. Gottry had variance and supposed to keep everything under cover and in 10 years never any enforcement and expect same thing in this garage. Constant struggle to keep area livable. Across from M-1 still residential and believe Mr. Layer still involved with property behind our area.

Mr. Peres stated if kept everything the way it was would still be milking cows there. Have to change a little bit. Mr. Gartland stated ordinance just enacted in March, 1974 by lot of dedicated people in the town. 7 months later want to change law.

DECISION: Reserved pending receipt of comments from MCPD.

- 4. Application of Richard P. McKibben, 26 Hitree Lane, Rochester, N. Y. for approval of conditional use permit to convert a portion of existing residence to "in-law" apartment, located at 26 Hitree Lane. R-1-15.

Mr. McKibben stated guess if want me to will draw another map, people who are doing work keep walking away with it. House is split level and area talking about half above-ground and half below. Now consists of house approximately this shape with garage out in front of it. Two car garage. Front entrance and entrance to kitchen and back entrance at level talking about. Down half flight of stairs to level, presently large family room with fireplace and opening which goes to an office the previous owner used, powder room and laundry room. What thinking of doing is converting this area to in-law apartment. Don't want to apply for MR but mother-in-law widowed and lived in Rochester, moved from place where lived all her life, came to be near us, to be near someone who needs her and tried apartment life and now living in apartments behind Chi-Paul. Even at that, still has to go home late at night and reads papers as well as anyone else. Have her live with us and still give independence. Thinking of converting room into bedroom/living room, requires addition of closet. Leave powder room and laundry room. Stationary sink, washer and dryer. Thinking of converting island of appliances to stove, sink and cupboard and another cupboard and refrigerator. To be honest, didn't know had to go through with this until person asked to get estimate said second cooking surface makes second kitchen which requires variance. Would close this door with folding door so she would have her area and either leave open or close as she sees fit. Basically what asking for is permission to put stove in. One of our neighbors volunteered to come up tonight and heard they sometimes last a long time and suggested send letter. Two windows at rear and one on side. Window at ground level so not concerned about rapid exist possibility in case of fire.

Mr. Weber asked essentially adding stove and refrigerator to present area? Mr. McKibben stated yes. Mr. Moore stated one problem that comes to mind, about the time that mother-in-law apartment gets in and time passes and owner transferred and real estate salesman advertises it as duplex. Mr. McKibben stated real estate agent won't touch this house ever. Mr. Moore stated happens. Would you have objection if approved it for the present time only and not for any future tenant? Mr. McKibben stated no objection at all. Mr. Moore stated it is residential section. Mr. McKibben stated that is why didn't want to be rezoned and tear out windows, etc. She might get made and leave or if she died, would want to convert back to our house.

Mr. Weber stated if were approved, would be on basis of one year term which is then renewable for those particular conditions. Mr. McKibben asked come back once a year? Mr. Weber stated yes, that is one restriction put upon it.

Mr. Van Gelder asked how many residents does this add? Mr. McKibben stated one, four now. Second level above this has 4 bedrooms, only three occupied.

DECISION: Approved with the stipulation that based on this particular occupancy and to terminate when Mrs. McKibben's mother is no longer the occupant.

5. Application of Robert M. Lipshutz, c/o F. Webster, 1 East Main St., Rochester, N. Y. for approval of rezoning of property at 1180 Scottsville Road from C-2 to M-2.

Mr. Webster appeared. Stated attorney representing Mr. Lipshutz who is here. Mr. Lipshutz purchased Scottsville Road property and would like change of zone to put in Suzuki motorcycle sales and service shop. Changing location from present location on West Henrietta Rd. That is reason for application. Evidently in your new zoning law you have specific section that covers motorcycle sales and service and would like to put under section designated as M-2 for the particular location. Assume most of you probably familiar with the location of 1180. As travel toward the city, Carrolls just before the river and railroad tracks. After Carrolls come to fire academy and B-G Equipment which is heavy industrial equipment which is 1180. Sold about 6-8 months ago. Next to that U. S. Plywood on the south is Kozej and after that Standard Building Supply and after that Hub House. Across the street are oil companies. Familiar with B-G Equipment building. That is building talking about.

Mr. O'Reilly asked would this entail use of the building without basic changes? Mr. Webster stated already drawn proposal for 50 ft. addition to the building running west or generally southwest, 50' x 30' deep. Basically glass showroom for sales facilities. Only addition to the building. If possible would like to join general application for addition of 50 x 30 to this application for addition.

Mr. Corcoran asked understand going to be repair business too? Mr. Webster stated sales and service repairs. Mr. Corcoran asked approximately how many employees? Mr. Webster stated will really be carrying business from West Henrietta Road in Brighton to this location. Mr. Corcoran asked then would be using same employees? How large an organization? Mr. Webster asked Mr. Lipshutz how many employees at peak season? Mr. Lipshutz stated as many as 10 people. Some parttime. In slow season have four. Mr. Corcoran asked limited to Suzuki? Mr. Lipshutz stated Suzuki main line and have couple minor brands we carry. 95% Suzuki. Mr. Corcoran asked are you projecting any growth pattern, say in 10 years? Mr. Lipshutz stated we hope so. Mr. Corcoran asked ultimate aim larger organization? Mr. Lipshutz stated would certainly hope so but only natural in economy to expect it. Land does present adequate room for expansion. Tremendous back lot. After the showroom which is immediate project because showroom area not adequate.

Mr. Duff asked does Suzuki make line of snowmobiles? Mr. Lipshutz stated yes but don't carry, have a few but closing out. Probably none at new location. Mr. Duff stated in application is it implied will have area in back designated for road testing of the vehicles? Mr. Weber stated good point, haven't discussed. Mr. Lipshutz stated minor testing when mechanic finishes servicing rather than on Scottsville Road. Adequate space in back for minor testing. Not making track or anything of considerable noise factor. Should have opportunity to make sure customer's vehicles in perfect running condition and that is only way to do it, by road testing. Mr. Duff stated probably also have new customers who want to try new machine. Mr. Lipshutz stated we are dealer and have dealer plates so people can test it at own discretion on the road. Mr. Duff asked any thought to 3.095 b) which talks about the fact that permitted use in M-2 located adjacent to other zones has to be fully landscaped and

buffered, will be surrounded by C-2. Mr. Webster stated buffer zone in this location and cannot really figure out what applies to this section. That almost appears to be heavy industrial right through there and evidently zoned M-2 in some areas and C-2 in others. Doesn't know what to call these buildings. Big and near the road. Doesn't think best area of Chill for industry. Business generally upgrades the area. Sure no objection as far as beautifying place and cleaning up building with addition and all because trying to sell cycles. Railroad siding next door and U. S. Plywood. Mr. Duff stated just though would mention for the record.

Mr. Weber stated think you will have to figure out how to handle at your discretion. Sure with sales place will have to spruce up.

Mr. Heilman asked what are proposed hours of operation? Mr. Lipshutz stated presently from 10 to 6 three nights and 10 to 8 other two nights. Open Saturday until 4. Chances are will be the same. Mr. Heilman stated sure have been informed with regards to sign ordinance in the town. Will you make request for sign? Mr. Lipshutz stated plan to make request for whatever will be permitted. Request free-standing but not making issue now. Mr. Heilman stated the way code drafted, in three years will have to take down. Mr. Lipshutz stated as matter of record Carrols and Hub House have some standing there. As everything else going, if may have permission to erect for balance of three years period, would be delighted.

Mr. O'Reilly asked how long in business? Mr. Lipshutz stated 4 years. Mr. Heilman asked for the record, have over-all dimensions? Mr. Webster stated have tape map and as far as testing goes, property does run back 670 ft. and 550 ft. Over 550 ft. going straight back. Rather narrow, roughly 150 ft. wide.

Mr. Gary Russell, asked mentioned in height of season 10 employees. How many customers in the building at any one time? Mr. Lipshutz stated does extensive accessory and parts business too, maximum impossible but in present operation as many as 8 or 10 people in at one time. Fluctuating situation. Mr. Russell asked how do you intend to handle parking? Mr. Lipshutz stated plenty on the side of the building. Mr. Russell asked for your information did you mention something about addition in the future. Do you know that Monroe County Planning has jurisdiction in airport zone?

DECISION: Reserved pending receipt of comments from MCPD.

6. Application of Standard Builders Supply Co., 1064 Scottsville Road, Rochester, N. Y. for approval of architectural review of addition to rear of existing warehouse, 30' x 81' and 12' high, on property at 1064 Scottsville Road. C-2.

Mr. Cardella appeared. Stated just adding more storage space. Supplies and equipment now in weather and would like to put inside. Mr. Weber asked to the rear of the building? Mr. Cardella stated this will be to the back. Mr. Heilman asked same materials? Mr. Cardella stated concrete block. Mr. Weber asked any questions? No one appeared.

DECISION: Granted unanimously.

RICHARD A. WEBER  
Chairman

## PLANNING BOARD

November 12, 1974

A Meeting of the Planning Board of the Town of Chili was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, N. Y. 14624 on November 12, 1974. The Meeting was called to order by the Chairman, Mr. Weber, at 8:00 P.M.

Present: Richard Weber, Chairman  
William Corcoran  
Ray Bleier  
Robert Nothnagle  
Paul Duff  
Walter T. O'Reilly  
Leslie Moore

Also Present: Patrick J. Pietropaoli, Town Attorney  
Alfred J. Heilman, Deputy Town Attorney  
James Mannara, Lozier Consulting Engineer

Mr. Weber stated the legal notice has been property advertised in a newspaper of local circulation and affidavits are on file with the Town Clerk.

1. Application of Robert Reynolds, 25 Chestnut Ridge Road, Rochester, N. Y. for approval of rezoning property from R-1-12 to C-1 located at 25 Chestnut Ridge Road, Tax Account No. 1846-360.

Mr. Weber stated would like to remind you before commence this hearing that we have a procedure when we have a public hearing, that following presentation of application the members of the board will question the applicant and bring up any points they feel proper. Following that time anyone in the audience will be given the opportunity to speak for or against or to raise questions and if you will hold to that procedure, think meeting will run smoothly.

Mr. Reynolds appeared. Stated not lawyer and doesn't know how to go about it but was up here before master plan went into effect this summer. At that time this parcel was to be turned C-1 along with adjoining property on the east side. Somehow between time up here and time proposed, seems to have been some change and all asking for is that it be reinstated. Assume passed before, have reinstated the way it was. Second, have been paying commercial rates on electricity, phones, C-1 next to me and cannot see why cannot have it because have store, been a grocery store and that is what C-1 is.

Mr. Weber asked property asking for consists of three lots that were combined at one time, believe 1968. Lot store is on was given variance originally to operate, being zoned residentially. Have any plans after obtain C-1 zoning to either expand business or bring any other commercial business in that would fit zoning code? Mr. Reynolds stated at present time no. Mr. Weber asked essentially trying to clear the record as such?

Mr. Moore asked how long is variance good for? Mr. Reynolds stated live. Mr. Moore asked property never zoned commercial but operated grocery store on this variance? How long in business? Mr. Reynolds stated since 1940. Mr. Pietropaoli stated pre-existing and when destroyed by fire, variance obtained to build present structure. Doesn't know year. Mr. Reynolds stated 1957. Mr. Bleier asked does this include house, lot with house? Mr. Reynolds stated no. Mr. Bleier stated this is strictly from buffer on west side of the store to the east? Mr. Reynolds stated right.

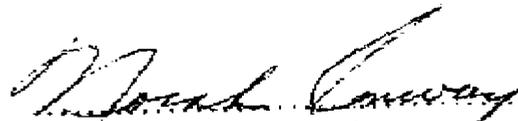
# Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

DATE November 12, 1974

THIS IS TO CERTIFY THAT THE ATTACHED LEGAL NOTICE(S) WERE PUBLISHED  
IN THE  
**GATES-CHILI NEWS**

Issue Dated November 6, 1974

  
Notary:  
**NORAH CONWAY**

Notary Public, State of N.Y. Monroe Co.  
My Commission Expires March 30, 1976

  
Patricia M. Smith  
Publisher + Editor

**LEGAL NOTICE**

**Planning Board**

A Meeting of the Planning Board of the Town of Chili will be held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, N.Y. 14624 on November 12, 1974 at 8:00 P.M. to consider the following application:

Application of Robert Reynolds, 25 Chestnut Ridge Road, Rochester, N.Y. for approval of rezoning property from R-1-12 to C-1 located at 25 Chestnut Ridge Road, Tax Acct. No. 1846-360.

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

RICHARD WEBER  
Chairman

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Mr. Weber asked would you describe what three properties originally combined in 1968? Mr. Reynolds stated believes earlier than that. Two lots presently where store is now. Three lots combined under one deed for tax purposes. Mr. Weber asked indicating store location on two lots? Mr. Reynolds stated right. Mr. Weber asked where is third? Mr. Reynolds indicated it on map. Mr. Weber asked and that property runs through to Chili? Mr. Reynolds stated right. Mr. Weber asked house on west side not being considered? Mr. Reynolds stated no house on west side. Mr. Weber asked there is house immediately adjacent? Mr. Reynolds stated my house, not considered. Mr. Bleier stated property from road that cuts from Chestnut to Chili to the westerly of the store. Mr. Reynolds stated right. Mr. Bleier asked when was variance granted? Mr. Reynolds stated 1956 or 1957. Cannot remember. December 56 or January 57. Mr. Bleier asked how much land does it involve? Mr. Reynolds stated doesn't know exactly. On the map submitted with the application. Mr. Mannara asked do you have map here? Mr. Reynolds stated with the application.

Mr. Heilman stated has letter from 1967 sent to Town Assessor asking that accounts be combined for commercial business. Mr. Reynolds stated that was father, doesn't know about it. Mr. Heilman read the letter as follows: "Re: Howard J. Reynolds Property, Tax Account No. 1846-355-360-370-375. Dear Mr. Entress: In accordance with earlier conversation I had with you concerning these various tax account numbers which are all in regard to adjoining real estate properties owned by me, I wish to hereby request that the foregoing tax account numbers all be combined into one general tax account number effective just as soon as possible....." Have you been paying commercial taxes on all these properties since 1967? Mr. Reynolds stated it is stiff, know that. Mr. Heilman stated the property talking about here also includes triangular piece of land that would run behind some houses that front on Chili and Chestnut Ridge. Mr. Reynolds stated all one piece. Mr. Heilman asked extends further west than house? Mr. Reynolds stated behind the house. Mr. Heilman stated and quite a few other houses. Any idea of the dimensions? Mr. Reynolds stated thinks on the map. Mr. Weber stated runs through to Maureen Drive at westerly end. Mr. Heilman asked requesting to rezone that as all one tax account? Mr. Pietropaoli asked any objection to having that portion that runs behind residential area excluded from the application and just have store, behind the store and east to the road separating from accounting office rezoned? Mr. Reynolds stated no objection. Mr. Pietropaoli stated wouldn't complain about paying residential taxes on property behind residences. The way understand, primarily concerned from what heard to take care of that portion of property where business actually being conducted and over to the road. Mr. Reynolds stated right.

Mr. Pietropaoli asked do you know, and can check in town records, of your knowledge whether variance granted to operate that business covers that triangular piece that runs behind residences? Mr. Reynolds stated doesn't know. Mr. Weber stated apparently granted before properties combined. Would appear probably was not. Just as a guess. Mr. Nothnagle asked property doesn't come out on Maureen? Mr. Corcoran asked what are dimensions? Mr. Reynolds stated on map I made. Mr. Weber stated 340 ft. long and 26- on this length. Hits Maureen on just a point. Any more questions? Board will then hear from anyone in the audience who has questions. State name and address.

Mr. Willard Brown, 20 Chestnut Ridge, stated wasn't aware property in Bob's name. Is it? Mr. Reynolds stated no it isn't. Going for my father. Mr. Brown stated wife was over there and asked her what she thought about zoning commercial. Asked what he had in mind. Spoke of putting in snowmobile shope down there. Is that true? Mr. Reynolds stated as it stands right now, no plans. Still would like to. Big difference between liking and doing. Mr. Brown stated

operating under variance. Switching to commercial automatically gives permission to put anything he wants in there. Mr. Pietropaoli stated no. Clear up. Asking for C-1 and permitted uses are grocery store, barber and beauty shops, clothes cleaning establishments and drug store with soda fountain. Additional uses which are recreational. C-1 known as neighborhood commercial. Not general commercial where could put in snowmobile shop or motorcycle shop. Entirely different use and would have to be subject to another application for another rezoning. Mr. Brown stated at same time zoned commercial would be up against same thing against when originally bought house. Would he be able to apply for zoning commercial? Mr. Weber stated even though snowmobiles not considered under C-1, could come in for application to operate within that zone in future. Mr. Brown stated at same time house accountants in, lived out here 24 years and spent most of my time fighting commercialism at that corner. When accountants went in wanted zoned commercial. Granted variance. Corner zoned commercial, sure he will apply for commercial. Mr. Weber stated is C-1 now. Two lots from intersection back to east line of Reynolds property is C-1. Mr. Brown asked was that automatic for some reason? Mr. Weber stated part of the new zoning ordinance adopted this spring. Public hearings had been held on it for 1-1/2 years. Mr. Brown stated feels that would bring up snowmobiles and zoning commercial, against it.

Mr. Joseph P. O'Donnell, 26 Old Ivy Circle, stated requested to serve as spokesman for neighborhood association this evening. Association respectfully requests that the Planning Board of the Town of Chili deny the application of Robert Reynolds, 25 Chestnut Ridge Road, Rochester, N. Y. for approval of rezoning property from R-1-12 to C-1, located at 25 Chestnut Ridge Road. Extremely concerned about the dangerous traffic conditions presently existing in Chestnut Ridge, Chili Avenue, Bright Oaks, Old Ivy and Fenton area. Believe any change in zoning would encourage further commercialism in the area thereby aggravating an already bad situation. Further believe any change in zoning classification would establish precedent which would lead to situation similar to another business in the area, which after variance granted, evolved from selling beverages in case lots to restaurant to present-day restaurant bar where alcoholic beverages sold. It is impossible for us to understand that need for any rezoning for this area where commercial areas such as Chili Center, Chi-Paul Pixley, Westgate and Westmar plazas in such close proximity to our neighborhood. Accordingly urge planning board to deny such application in interests of preservation of high-tax paying residential neighborhood. Attached hereto are petitions to the planning board requesting rejection of request. 81 signatures. Can I ask personal question? Mr. Weber stated yes. Mr. O'Donnell stated already commercial store operating and if no present plans to change type of business, what is point of being here tonight? Mr. Weber stated as indicated more or less to formalize or put in legal form an operation that has existed for some time. Bring up point also in initial planning for the master plan, that portion of property apparently was considered to have been zoned C at that time. Apparently didn't come to pass. Mr. O'Donnell asked not a fact that was zoned C-1? Mr. Weber stated no, correct.

Mr. Robert DiGiulio, attorney, stated appearing on behalf of Lorenz's. Also submitting a petition in opposition to this request and 18 residents that have signed from 16 Chestnut Ridge to 37 Chestnut Ridge. Not every single resident but substantial number. 13 in all. Mr. Weber asked wonder if you would tell location? Mr. DeGiulio stated 18 Chestnut Ridge which is just west and on opposite side of the street from Reynolds property. They are little west of driveway that goes from Chestnut Ridge to Chili. Homes that are indicating opposition on the petition go east from 18 Chestnut, across and in front of the property. Several homes on same side of street as Reynolds property on Chestnut Ridge. 13 different residences. From legal standpoint, and sure board well aware of this, want to point out on behalf of Mr. Lorenz, in order for the board to grant variance

of this type, applicant has to establish case. Proof that meet minimum standards and want to indicate appears there is no basis to his proof and now aware of all papers provided for you besides map but one of the things has to show is cannot obtain reasonable rate of income in order to obtain variance. Mr. Pietropaoli stated application not for variance, to rezone. No variance to be considered. Mr. Heilman stated tests don't apply. Mr. DiGiulio stated understanding from what Mr. Reynolds stated has no intention of utilizing this property in other fashion than presently. Mr. Weber stated that is as indicated. Mr. Heilman stated if it were rezoned C-1 would be usable for those things indicated as in code for C schedule or apply for conditional use.

Mr. Brown stated still come back to fact that made statement that planned to try to put in snowmobile shop. Mr. Pietropaoli stated cannot do under C-1. That is C-2. Not asking for that. Mr. Brown stated available for other businesses. Mr. Pietropaoli stated just so record is straight, let's discuss legally what is here for. C-1 which includes Grocery, barber shop, beauty shop, dry cleaner and drug store with soda fountain. Some conditional uses that can be put in but nothing in C-1 which says you can put snowmobile business. Mr. Brown stated at any time can apply for others.

Mr. Victor Lynd, 117 Fenton Road, stated asking if explained 5 basic purposes or things that could go on in C-1 but didn't clarify conditional. Asking for clarification. Mr. Heilman stated in C-1 would be entitled without doing anything further, as long as met setback, to put up one of those 5 establishments. If wanted to use for any other use, conditional ones just in that area, would have to come in front of this board at public hearing and make request to obtain conditional use. Residential units not on the ground floor of building, conversion of existing dwelling unit to permitted use, changing house to beauty shop, public and private utility buildings, structures and uses. RG & E thing, but not including storage, repair, such uses. Professional or business offices. Take it could put up medical building or that type. Last, uses of similar character but not specifically listed, could apply. Such permit shall be granted upon finding of the board that said use is indeed of same general character. Gives board some discretion. If has rezoned to C-1 only four uses without going anywhere that would be able to use property for. Anything else would require coming back for conditional use.

Mr. Duff stated thinks hearing what they are saying. Let me ask another question, on their behalf. May be concerned about probably granting something other than C-1 use, probably beyond that and C-2. Maybe this would be easier for him to be granted C-2 if had C-1 if didn't exist as presently does. Is that part of the question? Mr. Pietropaoli stated it wouldn't. I don't think so. Doesn't know what attorney for this board says but I wouldn't think so. Mr. Duff asked would it pave the road to go more easily from C-1 to other use such as C-2? Mr. Heilman stated thinks application would be subject to the same review by the public as this one. If granted C-1 and two years from now came for C-2, people would come in and board would have to decide. Based on ideas and concepts sep'd three years designing, come up with answer. Doesn't believe in any better position whether operating grocery store since 1957 and wanted to come in and put in something else in C-2 because granted C-1 than if not granted and continues to operate store. Take it everybody aware of fact that grocery store on commercial property in use. Take it wouldn't want to see use extended. Doesn't believe would be more advantageous position with C-1 than with present existing variance on residential.

Mr. O'Donnell asked area up there already zoned C-1 and didn't hear a bar of auto rebuilding or repair mentioned in conditional uses in C-1. Think they already exist in C-1. Mr. Heilman stated pre-existing before zoning code. Mr. O'Donnell stated bar wasn't. Mr. Heilman stated went through this last year and spent a lot of time in court and some of you notified have been able to maintain board's denial to Samis of permission to change inside. Went to Supreme Court and that was upheld. Doing in violation of the law because appellate division upheld Supreme Court and said couldn't do it. Question raised that heard that pre-existed and original order will no recourse but apparently that property changed to commercial. Mr. O'Donnell asked how about on the point? Mr. Heilman stated believed changed in 1947 when first code adopted. Colored in commercial. Mr. Weber asked talking about same thing? Two properties and two points. One adjacent to the Reynolds property bounded by Chestnut Ridge and Chili? That is gas station. Mr. O'Donnell stated not station, auto repair or rebuilding shop. Mr. Weber stated doesn't believe board fully aware of that particular situation. Thank you for bringing to attention. That would also be violation of the present zoning code.

Mr. Brown stated thinks whole problem basically all concerned with is fact that definitely own, why say after for father. Store there when moved there. Doesn't want to deprive of livlihood. Think all worried about and definitely against this change is fact that now will have whole end of that area subject to anything want to put in there within area gentleman says can put in. Interested in keeping residential with variance. Mr. Weber stated appreciate your point.

Mr. DiGiulio asked definite reasons as to why wasn't zoned C-1 under master plan? Mr. Weber asked to include present property? Was discussed in some detail at time that map being redrawn. Specific reasons why not zoned, afraid cannot tell you.

Mr. Rook, 2974 Chili Avenue, asked who owns store over there anyway and what is purpose? If man who owns was here, thought Howard Reynolds owns. Evidently Bob has taken over. If he did, when? Mr. Weber stated doesn't know that is point. Mr. Rook stated it is because if rezoned, would like to know who is running store. Then could figure what rezoning is for. Mr. Weber asked Mr. Reynolds wonder if could confirm ownership and on what behalf you are here. Mr. Reynolds stated owner is Howard Reynolds and I am here on his behalf.

Mrs. Rhodes, 28 Chestnut Ridge, asked why did letters come out to us with Robert Reynolds name with the tax number? Doesn't understand if someone else owns it. Mr. Weber stated application presented by him in the name of the tax account number which Howard Reynolds owns. Mrs. Rhodes stated wasn't aware of that. Mr. Weber asked thought ownership had changed? Mrs. Rhodes stated didn't know. Didn't know who owned it.

Mr. Neil Bubel, attorney for Pagluico's, stated would like to ask Mr. Reynolds question. Could you please tell when dad bought property? Mr. Reynolds stated 1940. Mr. Bubel asked what was it zoned? Mr. Reynolds stated not sure. Mr. Bubel asked was it residential? Mr. Reynolds stated believes it was but couldn't say. Mr. Bubel asked did you ever apply for building permit to build residence on the property? Mr. Reynolds stated was on property before bought. Mr. Bubel asked property in question, is any of that bare land? Mr. Reynolds stated unsightly gully, thinks better now. Mr. Bubel asked still bare land? Mr. Reynolds stated yes it is. Mr. Bubel asked has anyone in the area approached you and stated would like small shopping complex in this area. Mr. Reynolds stated no they haven't.

Mr. Bubel asked this is own idea to rezone property to C-1? Mr. Reynolds stated didn't get question. Mr. Bubel stated want rezoned C-1. Why rezoned? Mr. Reynolds stated want zoned for what it is. It is grocery store. It is permitted use. Why shouldn't it be zoned that way? Mr. Bubel asked talking about only the property that is now under the variance? Or talking about additional? Mr. Reynolds stated property all one. Mr. Bubel asked additional property or just under the variance? Mr. Weber stated originally three tax accounts. 6 or 8 years ago combined into one account. It is total of those three lots, all one account now, that is being asked to be rezoned. Mr. Bubel asked is variance on entire parcel they are asking for rezoning? Mr. Weber stated had to be on two of the lots. Two lots presently occupied by store. Land is remainder of that property. One leg runs considerably to the west behind both rows of houses. Mr. Bubel asked two lots under variance plus additional lot for the rezoning? Mr. Weber stated correct. Also indicated portion running at the rear of the properties, triangular portion, would be willing to withdraw from his request for the C-1 rezoning. Doesn't know how much affect that would have on your thinking but that is situation in any case. Mr. Bubel asked have you ever approached building inspector with plans of what you intent to put in? Mr. Reynolds stated no. Mr. Bubel asked no one approached you in area regarding this so for your benefit that you want rezoned? Mr. Reynolds stated yes. Mr. Bubel asked not for benefit of the people in area? Mr. Reynolds stated would like to get zoned for what it is. Grocery store. Has been and always will be as long as pay bills. Want zoned that way. Mr. Bubel asked asking for other property also? Plus the grocery store? Mr. Reynolds stated all on one account. All I want is what is there zoned that way. Mr. Bubel asked would be satisfied with rezoning of just the property covered in the variance? Mr. Reynolds stated whatever property is on the deed I want zoned. Mr. Bubel asked covers property other than under variance? Mr. Heilman stated in order to make application, all one tax account and would have to put that way. Mr. Bubel asked want to use for commercial purposes? Mr. Reynolds stated no plans. Doesn't know what want to do in 10 years. Mr. Bubel asked no one has requested small shopping area in this area? Mr. Nothnagle stated think you asked question two or three times. Mr. Bubel stated want to make sure, answer important. Mr. Weber stated point raised and question asked several times and has indicated no immediate plans. Not approached by developer, builder and so forth for the use of the property. As indicated, will accept rezoning of less than full property. Any further questions?

Mr. Lorenz, 18 Chestnut Ridge, stated lives directly across from where cut road through from Chestnut to Chili. How did that road ever go through? Get traffic lights all hours of the night. Motorcycles park in front, racing up and down. Why do we have to have this all the time? Come up all the time, argue and sit here and try to keep decent. No end to it. 7 or 8 houses involved on Chestnut Ridge. If goes through all the rest of this property will go down.

Mr. Rook stated agree. Doesn't want same thing to happen to this as on Chestnut Ridge. Believes should be left the way it is.

Mr. Neil Giuliano, Hilton, New York, stated owns property at 2975. Chili. One of the best houses in Chili. Paid \$1800 taxes and facing his lot over there. Doesn't feel should commercialize that land. Having lot of trouble on that corner for long time as it is. Doesn't think fair to me.

Mr. Lorenz stated ought to see the trucks that come into that store from 2 to 5 or 6 AM. All hours of the morning. Great big tractors. Asked to bring in at 7 or 8 but starts at two or three in summer and big tractors stand there unloading trucks? Mr. Weber asked how many

and how often? Mr. Lorenz stated one or two a week. Bread trucks and grocery supply trucks. Mrs. Pagluico stated every day. Mr. Weber asked two of them every day or every week? Mr. Lorenz stated at least one a day. Mrs. Pagluico stated every morning. Light shines right on me. Mr. Rook stated if cannot control business got now, why does he want to rezone and in future build bigger one. Mr. Weber stated doesn't know if point has been raised tonight. Doesn't know if question is in place at this hearing. Mr. Rook stated if trucks coming there and headlights and noise complaints, all kinds of traffic and everything else now. Mr. Weber stated majority of the people have indicated not dissatisfied with the operation of the store as it is. Mr. Rook stated not dissatisfied but doesn't think wants to see something bigger like Chi-Paul in our backyards either. Thinks that is what people are trying to tell you.

Mr. Weber stated if no further questions, that concludes public portion of the hearing.

DECISION: Recommend rezoning with the exclusion of triangular portion of property and new subdivision map to be filed. Mr. Corcoran, aye; Mr. Bleier, aye; Mr. Nothnagle, aye; Mr. Moore, aye; Mr. O'Reilly no; Mr. Duff, aye; Mr. Weber no.

Representatives of First Federal and P-0 Chili, Inc. appeared with further information on application. Expect building ready for occupancy April, 1975. Trees 2.5 to 3 inch caliper to be included in landscaping plans. Probably extend lawn area at NW corner of building to depth of parking area to protect parked cars. Three non-illuminated directional signs; drive-in teller, 1.5 high by 3 ft. long, about 3.5 ft. off the ground. Ground cover at covered entrance area. Lindens on island at rear of building. Locusts at NE area. Plantings all specified on landscape plan submitted. Maintenance budget provided for landscaping. No dumpsters. Inside storage of waste paper. Lighting will be adjusted to light building, will not illuminate areas away from building. All lighting at grade level and one existing overhead light. Light underneath canopy at drive-in teller. Exterior will be stucco with metal lathe support. Off-white color. Bronze anodized aluminum trim.

Traffic study presented by Mr. Hunt, done by Dennis C. Murphy, Management Consultant specializing in traffic research. Recommended delineation of incoming and outgoing lanes by means of pavement marking. Dividers in center of west exit if pavement markings not effective.

DECISION: Unanimously approved with grass area at NW corner of building to extend to line of right-of-way. P-0 Chili to install divider at west entrance.

Held over:

Application of Domenic Peres to rezone property at 367 Paul Road from M-1 to M-2.

DECISION: Recommend disapproval.

Application of Robert Lipshutz to rezone 1180 Scottsville Rd. from Q-2 to M-2.

DECISION: Recommend approval.

RICHARD A. WEBER  
Chairman

PLANNING BOARD  
December 10, 1974

A Meeting of the Planning Board of the Town of Chili was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on December 10, 1974. The Meeting was called to order by the Chairman, Mr. Weber, at 8:00 P.M.

Present: Richard Weber, Chairman  
Robert Nothnagle  
William Corcoran  
Leslie Moore  
Walter T. O'Reilly  
Paul Duff  
Ray Bleier

Also Present: Patrick J. Pietropaoli, Town Attorney  
Alfred J. Heilman, Deputy Town Attorney  
James Mannara, Loziers Consulting Engineer

Mr. Weber stated the legal notice has been duly published in a newspaper of general circulation in the Town and affidavits to that effect are on file with the Town Clerk.

1. Application of Joseph Connaughton, 13 Tarrytown Drive, Rochester, New York for approval of conditional use to operate a kennel at 13 Tarrytown Drive. R-1-12.

Mr. Connaughton appeared, stated raised Siberian Huskies for couple of years and female will be 8 and too old to have puppies safely and wanted to get another female. Told in order to get three dogs have to get kennel license. Mr. Weber asked how many dogs? Mr. Connaughton stated has male and female but because female will be too old to have puppies safely wanted younger female. Mr. Weber asked how long raising? Mr. Connaughton stated since 1971. Mr. Weber asked do you have this within confines of your house? Mr. Connaughton stated outside kennel 10 x 10 and 6 ft. high chain link fence. Mr. Weber stated would this be extent of dogs you would be having? Mr. Connaughton stated right. Mr. Weber asked don't plan to expand? Mr. Connaughton stated no, as matter of fact really just wanted another female and don't want to get rid of one I have but told woman just willing to have another female and don't want to have kennel license to expand. That is all wanted. Just that.

Mr. Bleier asked don't want to board dogs? Mr. Connaughton stated no, just my own. Mr. Bleier asked sell puppies? Mr. Connaughton stated yes we do. Mr. Bleier asked how often do they have litters? Mr. Connaughton stated once a year or every two years. Sometimes male will get to the female and sometimes doesn't. Usually in August. Mr. Bleier asked how long does it take to sell? Mr. Connaughton stated 6-8 weeks, usually gone. Mr. O'Reilly asked have done since 1971? Mr. Connaughton stated right.

Mr. Weber asked if anyone in the audience wished to speak in favor or opposition.

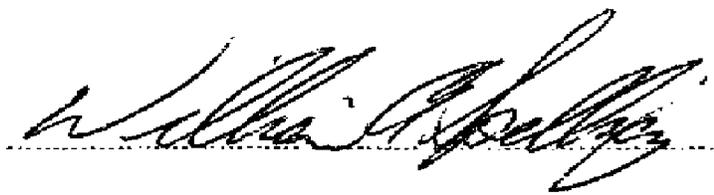
Mr. Kelly, 970 Coldwater Road, stated lives right behind and in support of what he is saying, puppies were no problem. No noise whatsoever and would support him in asking application be approved.

Mr. Caraci, 15 Tarrytown, stated no problem now with the dogs at all. Very cooperative and friendly. Don't bark. Would like you to approve.

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

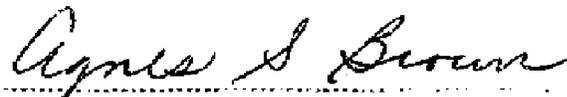
William A. Spellicy being duly sworn, deposes and says that she is principal clerk in the office of the ROCHESTER DEMOCRAT & CHRONICLE a daily newspaper published in the City of Rochester, County and State aforesaid, and that a notice of which the annexed is a printed copy, was published in the said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

December 6, 1974



Sworn before me this 6th  
day of December 19 74

AGNES S. BROWN, Notary Public  
State of N. Y., Monroe County  
Commission Expires March 30, 1976



NOTARY PUBLIC

Board for the first half of 1974

**LEGAL NOTICE**  
Planning Board

A Meeting of the Planning Board of the Town of Chili will be held in the Chili Administration Offices, 3735 Chili Avenue, Rochester, N. Y. 14624 on December 10, 1974 at 8:00 P.M. to consider the following applications:

- 1 Application of Joseph Connaughton, 13 Tarrytown Drive, Rochester, N.Y. for approval of conditional use to operate a kennel at 13 Tarrytown Drive, R-1-12.
- 2 Application of Peter Demigris, 254 Archer Road, Churchville, N.Y. for approval of conditional use to keep horses on property at 254 Archer Road, approx. 1.5 acres in size, R-1-20.

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

RICHARD A. WEBER  
Chairman

KH-Dec. 6-17-DEC

Mr. Johnson, 21 Tarrytown, stated would like to know if application approved, is that extent he can go by law or if gets license will he be able to expand and leave neighbors in lurch. Mr. Weber stated kennel license as such, conditional use would cover limits of license. Would be certainly more than three dogs.

Mr. Roy Harrington, 19 Tarrytown stated approves too.

Mr. Weber stated applicant indicated would not expand beyond three dogs and only way approval would hold that limit would be that set by the board in the approval as conditional use. Mr. Pietro-paoli asked any objection to the three dog limitation? Mr. Connaughton stated no.

Mr. Dohr, 974 Chill Center Coldwater Road, asked how many dogs can he have? Three all right with me but not 5 or 6. Mr. Weber stated three all looking for. Mr. Dohr stated if wants more, against it.

Mr. Weber stated other point made that on conditional use application there is time limit which is one year and at the end of that year, application has to be renewed. If problems after year or reasons to reconsider question, done at that time before renewed. Guess have all the information we need and will advise of decision.

DECISION: Granted for maximum of three adult dogs, no boarding of dogs, for a one year period.

2. Application of Peter Denigris, 254 Archer Road, Churchville, New York for approval of conditional use to keep horses on property at 254 Archer Road, approx. 1.5 acres in size. Rel-20.

Mr. Denigris appeared, stated would like to board two horses on property. Already barn on the property and feels size of property sufficient to keep two horses. Mr. Weber asked do you have horses on property now? Mr. Denigris stated no, doesn't. Mr. Weber asked any horses stabled in these barns in past? Mr. Denigris stated previous owner boarded heifer cows I believe. Mr. Weber asked how long ago did that use exist? Mr. Denigris stated not quite sure, 10 years. Mr. Weber asked would these be for your own benefit or rental? Mr. Denigris stated my own pleasure horses. Mr. Weber stated take it would be kept within cedar fence area you have noted on the sketch. Mr. Denigris stated yes. Mr. Weber stated take it reasonable area for pasture areas and so forth for two horses. Mr. Denigris stated believes so. Mr. Weber asked using any surrounding areas for exercise? Mr. Denigris stated in that area many places that you can ride. Friends with Mr. Harper and on his property places you can ride and behind Monroe Tree Surgeons trails can ride and right around the corner from us.

Mr. Bleier asked would you be doing most riding on other property or transport horses to other areas? Mr. Denigris stated can ride horses to that place. Mr. Moore asked any possibility that some time in future would be interested in three, four or five horses? Strictly family use? Mr. Denigris stated no, strictly my wife and myself. Mr. Moore asked would not mind any restriction that the board may place on you in terms of number of horses? Mr. Denigris stated certainly not.

Mr. Weber asked what is indication of the blocked in area on first sketch? Mr. Denigris stated one story-block building. Mr. Weber asked that is horse stall have sketched on following sheet? Mr. Denigris stated right. Mr. Weber asked would you be adding any other buildings? Assume this is one used for cows. Mr. Denigris stated already there, right. No need to add. Sufficient in size. Mr. Weber asked how many horses will that accomodate now, appears to be two stalls so would be the limit. Mr. Denigris stated yes.

Planning Board

December 10, 1974

Mr. Corcoran asked how far behind the buildings would be the barn?  
Mr. Denigris stated approximately 100 feet.

Mr. Weber asked if anyone in the audience wished to speak in favor or opposition to this application. Mr. Winsor Ireland, 268 Archer Road stated lives second house from Mr. Denigris and does not object to application and would like to speak in favor.

Mrs. Kinton, Archer Road, stated live directly next door and would like to support the application.

DECISION: Granted for maximum of two horses for one year period.

Informal hearings:

Mr. Douglas Smith, 687 Westside Drive, appeared. Has purchased Lots 87 and 88 of Chi-Mar Subdivision at rear of 687 Westside and wishes to combine into one lot. Purchased because does not wish to have people that close in back and plans were to level and fill in and worried about how drainage would be affected if that plan were carried out. Advised to submit linen for final approval.

Mr. Paskie, Planner for Gary Passero, appeared to discuss development of property at SW corner of Union and Chili. Chili Heights Developers were offered property by present owner, Meleo. Asked possibility of rezoning 23 acres to MR and develop 7 commercially. No structures within 100 year flood plain, approximately 9 acres. Feel larger commercial development not economically feasible at this time. Board felt since large MR areas exist immediately west of this property, rezoning would be unacceptable and commercial area of 30 acres will be desirable when MR is fully developed.

Mr. DeSousa of Kohlmertz Realty appeared to discuss installation of Stirling Homex units on Semler property on Chili Avenue. Basically 3 bedroom units. Have option to purchase 500 units. Board has serious reservations on this type construction. Requested he consider other type construction.

Mr. Peraino appeared to discuss possible uses for his property at Chestnut Ridge and Paul Rds. Board recommended it be used for single family homes as zoned and suggested contacting Monroe County Planning and Pure Waters for further advice.

The Board approved re-signing of amended prints for Pantlin and Chananie (K-Mart) which moves buildings 30 feet to the west.

RICHARD A. WEBER  
Chairman

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