

PLANNING BOARD
January 9, 1979

A Meeting of the Planning Board, Town of Chili, was held on January 9, 1979, at 7:30 P.M. in the Chili Administration Offices, 3235 Chili Ave., Roch., NY, 14624. The meeting was NOT advertised for no formal applications were submitted this month. However, the notices of the meeting were posted around the Town Hall as usual.

ROLL CALL: Mr. Hunter, Betty Bartok, Ed Rague, Ray Bleier, Bill Corcoran, Dick Weber

ALSO PRESENT: R. Thomas Ward, Bldg. Inspector; Daniel Miller, Dept. Town Atty.; Gary Russell, Monroe County Planning Dept; Russ Bowman, Town Eng.; Walter Bloss, Chairman, Drainage Committee.

APPLICATION NO. 1 - INFORMAL

Application of Perna Homes, Inc., 849 Paul Road, Rochester, NY, 14624, for sketch plan approval for a 31 lot subdivision at the southeast corner of Chili Center Coldwater Road and Westside Drive in R-1-12 Zone.

MR. BERNARD IACOVANGELO, ATTY: Mr. Perna is present and Mr. Donald Avery, Engineer, to answer any questions. We are here before you to speak for approval for a proposed new subdivision on Westside Drive. We are also here with a sketch of the drainage in that area. Mr. Avery would be glad to go over the design with you and discuss his investigation of the drainage and proposals he has made. The proposal is for 29 lots. The total area is approximately 20 acres. Homes will be erected on 15.5 acres. The undeveloped land, a portion of it, will be a detention pond. There will be a cul-de-sac with a turn around. The subdivision is adjacent to Marlands Park by Pride Mark Homes.

MR. AVERY: We have laid this out with a road along the eastern property line. The area raises slightly as it goes from corner to corner. There is very large Birch and other trees. Some are 200 years old. So, we have tried to keep these lots bigger back here to save as many of those as we can. We have a sewer with two water lines. There will be no pump station involved and plenty of water. We have a proposed drainage system out to the present road side ditch along Westside Drive. The rest would drain to a proposed detention pond. There is a foot wide culvert across the road and evidently goes to Black Creek. In the report, I tried to show where we have existing drainage systems within this area. The area is bounded by the railroad. There are no crossings I could find going across those except for one, small clay pipe at the western edge of Golden Road. In no way does any of the water on the other side of the tracks come into here. There is a culvert underneath Westside Drive that is very restrictive that is backing up water. Portions of the rest of the areas drainage culverts are in good shape and some are not. The ditch from Coldwater Road to Little Black Creek is in very bad condition. When we investigated it, we had 7 inches of water. I didn't make my calculations on this because I felt there was enough reports and I know the Town of Gates and Chili have been working on it. We just want to show the situation. We feel these areas have to be considered separately if we are to come to a solution to these problems. We will try to lower the water level and hold back the water. We will have the pond to hold water up to a 50 year storm. We realize the capacity is limited because of the high water that now sits in the ditches. We feel it is the down stream problem not the ditches that are the problem.

MR. BLEIER: You are saying that the Town of Gates and Chili should get together to take care of these problems? Not that Mr. Perna is going to do it?

MR. AVERY: I am sure that Mr. Perna would be willing to contribute to the cost of his share of it.

MR. IACOVANGELO: I feel you run into a legal problem there. Mr. Perna may be willing to aid, but the basic issue is who's land? You need the railroad's permission. It is their land. The joint commission between the Town of Gates and Chili working with the railroad would be the solution. I don't think the railroad would have any objections to your cleaning out their land. Mr. Perna would be glad to join in with the towns.

MS. BARTOK: One of the problems is the drainage channels silt up again over a period of years and will need maintenance. Most of the area that will need cleaning is in the Town of Gates. Although most of the taxes are in the Town of Chili. Can agreements be written between the two towns to decide who is responsible to keep the trenches clean or make an inter-town drainage district?

MR. IACOVANGELO: It can be done. Probably by some kind of drainage district or easement.

A Short discussion followed on the detention pond. MR. BOWMAN said, before the discussion went too far, the detention pond would not help Chili's problem. It would just hold water from going to Gates. We prefer no detention pond speaking as a Town Engineer and I am sure the Drainage Committee feels the same way.

MR. AVERY: I think we can live with that.

MR. HUNTER: Has the Townwide Drainage Committee discussed this?

MR. BLOSS: Yes. We discussed it last night. All these details have already been brought up and discussed.

MR. HUNTER: Do you feel that all this work is necessary before this track goes in?

MR. BOWMAN: Definitely. There is water in Marlands Park that sits there all year long. We feel the downstream improvements are definitely necessary.

MR. PERNA: I wouldn't mind just cleaning the ditches. Especially the one on the other side of Coldwater Road. I don't want to replace culverts. That would run into money. We would also have to be assured of not being liable for any damages.

MR. AVERY: This is an R-1-12 zone and the lots are all oversized for this zone. We have not asked for any variances at this time.

MR. HUNTER: Have you been to the Conservation Board?

MR. AVERY: I have sent my questionnaire in, but have had no response yet.

MR. BOWMAN: Do you feel this will require bringing fill into the area?

MR. AVERY: I haven't gotten detailed elevations, but I feel there will be some.

MR. BOWMAN: I would agree with you there.

MR. MILLER: The Board took a position two months ago for a moratorium on the development of subdivisions in the Golden Road, Westside Drive area. I think these applicants who were turned down, and I think the courts themselves, may not be able to make this distinction here between areas as you have done. If you grant permission to go ahead, a lot of people will be yelling that this Board has not treated them fairly. You should be aware of that.

MR. BOWMAN: The Drainage study findings agree with what Don has found.

MR. MILLER: Are you pretty sure there is no big transfer of water from say area 2 to area 4?

MR. AVERY: I have found no culverts in that area. It is separated by the railroad. It serves as a dike.

MR. MILLER: Does the Golden Area drain to this area?

MR. BOWMAN: Definitely. Golden Road is higher. The work Jim Perna has offered to do will effect other areas.

MR. IACOVANGELO: In this area, we can rectify the problem. There is a difference between the moratorium area where the problem cannot be solved.

MR. BOWMAN: If the improvements are made down stream and the subdivision is developed, there would not be a worsening of the problem and it most likely would improve the drainage in the area. I believe if the Board were to grant approval, they would be in line with the intent of the Moratorium. I think it would be defensible. Don, the house on the northwest of the access road would have a ten foot side setback. The resident next door will find a road running fairly close to him. We think it would be good to either move the road to the west to provide a 60 foot setback, or provide another access point.

MR. PERNA: The reason why I had to move that was because that is the low point and I wanted to keep the houses up.

MR. AVERY: ~~XXXXXXXXXXXX~~ Maybe I could get some buffer in there.

MR. BOWMAN: We would like that and also a 60 foot setback as required in the ordinance. It would mean shifting the road 50 feet. We do need to provide a reasonable setback for that house. Based on standing water, we have reason to believe there is a high elevated water table. We would definitely be looking for test pits at an early stage in the design process.

MR. PERNA: Fine.

MR. BOWMAN: A representative of the Town Engineers office should be present during this. Also, your drainage gradients may be on the flat side. It would probably be best to develop as direct as possible a route from the drainage facilities to the culvert on the Westside Drive. Have the rear lot sewer that runs just to the west of Maranty's property and try to drain everything to the culvert.

MR. AVERY: I will get as much fall as I can in the shortest distance. I still need a little shutting out in the northeast corner.

MR. BOWMAN: It would be better for the Town not to accept dedication of the open lands. It would be better to extend the lots. The Town should have an easement on it for its land that is subject to flooding.

MR. WARD: That 60 foot by 265 foot on Coldwater Road, if that is to remain an open area, the Board should make sure we don't end up with an unmarketable house.

MR. IACOVANGELO: We will contact the Town of Gates to get their initial response to this.

MR. HUNTER: We would like to see a comment from the Conservation Board.

MR. RAGUE: I can see no big objections. (That was the consensus of opinion)

DISCUSSION:

Norman & Nina Ball, 75 Woodview Drive, Rochester, NY, 14624 - map of 18 lot subdivision at 20 wheatland-Chili Town Line Road, approximately 65' west of Scottsville Road in RA-20 Zone.

NO APPLICANT PRESENT - no discussion held.

MOTION MADE BY MR. BLEIER to grant Barbara Girvan the requests in her letter of January 5, 1979, regarding her beauty parlor, to allow advertising in local papers with NO ADVERTISING on premises. All other conditions of her approval will be maintained. Seconded by Mr. Corcoran. UNANIMOUSLY APPROVED.

Meeting adjourned.

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PLANNING BOARD
February 13, 1979

A Meeting of the Planning Board, Town of Chili, was held on February 13, 1979, at 7:30 P.M. in the Chili Administration Offices, 3235 Chili Ave., Rochester, NY, 14624. The Meeting was called to order by Chairman Robert Hunter.

ROLL CALL: Robert Hunter, Richard Weber, Bill Fry, Ray Bleier, Betty Bartok, Ed Rague, Bill Corcoran

ALSO PRESENT: R. Thomas Ward, Bldg. Inspector; Melody Lanbert, Liason for the Conservation Board; Mr. Blsss, Chairman Drainage Committee; Daniel L. Miller, Dept. Town Atty.; Gary Russell, MCPD.

APPLICATION NO. 1

Application of Doug McDanel, 49 Orchard Street, No. Chili, NY, 14514, for conditional use permit to allow customary home occupation for a custom picture framing shop located in rear of garage at above address in R-1-12 Zone.

MR. MCDANEL: It is the back of my garage, the cement floor. I just want to set up a shop to get into picture framing. I am a member of the Chili Art Group. I do oil paintings and that type of thing. I will be advertising in the Chili News and I will be framing my pictures. I don't know how big it is going to get or anything like that. I can answer any questions.

MS. BARTOK: The size sign you would like is larger than what the zoning permits.

MR. MCDANEL: I will comply to whatever. I don't know why. Tom Ward told me what to fill out. I just came up with the size. I will comply with whatever codes I have to comply with.

MS. BARTOK: It is small, but it gets you a tax break. He does not need a permit for that size. If he is asking for a larger size, he will have to get a variance from the Zoning Board. You say you expect only 1 to 2 cars at a time. If your business were to become very successful, would you still keep it at 1 or 2 a day?

MR. MCDANEL: If I had more than that, I would be looking for a shop. If I have two customers a evening, that would be enough for me to start to make a living.

MR. WEBER: You will be operating this just in the evenings?

MR. MCDANEL: Yes. Part time. I want to go full time, but again, I am going into a regular shop if it gets much larger.

MR. WEBER: Say 5 evenings and Saturdays?

MR. MCDANEL: No. 6 to 9 and I work a regular job on Saturdays so it would be 6 to 9 P.M. also. Right now, I am setting up as a studio for my art work and it doesn't involve much machinery or anything like that.

MR. BLEIER: Is this addition something you're proposing?

MR. MCDANEL: That is already there. It has been there for several years.

MR. HUNTER: Would you do your work with the garage door closed?

MR. MCDANEL: Yes. There is a door on the side of the garage and it is petitioned off already.

MR. HUNTER: Is there any noise associated with it? Would anybody know it is there?

MR. MCDANEL: No. A drill or hammer occassionally, but there is no noise.

MR. HUNTER: How far back from the street is the garage?

MR. MCDANEL: 120 to 160 feet. It is quite a ways off.

*Chili Planning Board
Minute Book*

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date... *Feb. 2, 1979*

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

Issue Dated... *Feb. 2, 1979*

Geraldine C. Snyder

Notary

GERALDINE C. SNYDER

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

My Commission Expires March 30, 19.....

Patricia M. Smith

Patricia M. Smith

Publisher

Legal Notice

Chili Planning Board

Pursuant to Section 271 of Town Law, a public hearing will be held by the Planning Board of the Town of Chili at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on February 13, 1979 at 7:30 p.m. to hear and consider the following applications:

1. Application of Doug McDanel, 49 Orchard Street, North Chili, New York 14514 for conditional use permit to allow customary home occupation for a custom picture framing shop located in rear of garage at above address in R-1-12 zone.

2. Application of Uniland Development Co., 19 Jetview Drive, Rochester, New York 14624 for preliminary site plan approval for the erection of a warehouse addition (90' x 120') at the rear of Rotork Corp. at above address in M-1 zone.

3. Application of Stonehenge Developers, Inc., 462 Haverknoll Drive, Rochester, New York 14606 for conditional use permit to erect an in-law apartment on house to be constructed on Lot No. 11 Ironstone Drive in Walnut Hills Subdivision in R-1-15 zone.

4. Application of John Englert, 14 Indian Hill Drive, Rochester, New York 14624 for preliminary subdivision approval of two lots located on the east side of Union Street, south of 3850 Union Street in RA-5 zone.

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

Robert Hunter,
Chairman,
Chili Planning Board

MR. MILLER: At no time will there be any outside employees?

MR. MCDANEL: No.

MR. WARD: Do you have any contracts with any art studios yet?

MR. MCDANEL: No.

IN FAVOR: Clark CALDWELL, 2328 West Side Drive, I know that area and can't imagine any disturbance caused by this.

NO ONE OPPOSED TO THE APPLICATION.

APPLICATION NO. 2

Application of Uniland Development Co., 19 Jetview Dr., Roch., NY, 14624, for preliminary site plan approval for the erection of a warehouse addition (90' x 120') at the rear of Rotork Corp. at above address in M-1 Zone.

MR. FRANK WAILAND: It is going to be used for warehousing facilities. There is going to be an additional recess dock and all necessary exits. The building will be block, masonry. I really don't know what else to add. One story.

MR. HUNTER: You are planning on putting the block up on the outside?

MR. WAILAND: It will tie in with the existing structure and will be painted.

MR. MILLER: How many additional employees will this generate?

MR. WAILAND: I cannot tell. They just want the additional space.

MR. MILLER: Have you made any arrangements for additional parking?

MR. WAILAND: On the rear of the site there is additional paving.

MR. WARD: Do you (all the board members) have the latest stamped plans? All members did.

MR. WARD: According to the Vice President of Rotork, there is presently 55 employees. The maximum with the addition would be 65 employees.

MS. BARTOK: When you did the last addition, we were asking go for more landscaping. Are you planning to improve that screening?

MR. WAILAND: Yes. It is not indicated on this. We intend on 1% of the total value.

MS. BARTOK: Also, the topo map, are you planning on any major changes?

MR. WAILAND: No. It is flat back there. We are just going to put the slab on grade.

MR. BOWMAN: Does the drainage flow to the rear?

MR. WAILAND: We will have roof drains on the building taking it down at the present swail land.

MR LANBERT: The landscape expert on the Conservation Board said Austrian Pines have been used in the area quite successfully. He suggests 5 to 15 foot trees every one staggered, about 15 trees total.

MR. WAILAND: O. K.

No One spoke in favor or in opposition to application.

APPLICATION NO. 3

Application of Stonehenge Developers, Inc. 462 Haverknoll Drive, Roch., NY, 14606 for conditional use permit to erect an in-law apartment on house to be constructed on Lot #11 Ironstone Dr. in Walnut Hills Subdivision in R-1-15 Zone.

FIORE BUTTARAZZI, Vice President of Stonehenge Developers: The house is well designed to look like a one family house. This is for a mother-in-law, which will be converted back to a single dwelling when she has no use for it. The house is a split level. The existing second entrance is to the side of the porch. You cannot see it. The apartment is above the garage. We are not worried that we won't sell other houses. I

think it will enhance the subdivision due to its size.

MR. BLEIER: How do you gain access to the stairway?

MR. BUTTARAZZI: Through the porch. You go in through the side entrance and upstairs.

MS. BARTOK: That is a beautiful house. Your subdivision is really beautiful.

MR. BUTTARAZZI: Thank you.

MR. RAGUE: You would have no objection if this is nailed down with the mother-in-law name?

MR. BUTTARAZZI: No. Not at all.

MR. BLEIER: Is there more than one entrance into the main dwelling?

MR. BUTTARAZZI: One through a garage and one through the front entrance. There is also a patio door in back.

MR. MILLER: You won't have any objections if we requested that something be filed in the Monroe County Clerks Office that restricts this apartment to use by a member of the family and no one else.

MR. BUTTARAZZI: I would have no objections to that.

MR. RUSSELL: Do you have a door into the second floor of the main house?

MR. BUTTARAZZI: Between the two dwellings? No.

No one spoke in favor of or in opposition to the application.

APPLICATION NO. 4

Application of John Englert, 14 Indian Hill Dr., Roch., NY, 14624, for preliminary subdivision approval of two lots located on the east side of Union Street, south of 3850 Union St. in RA-5 Zone.

MR. MICHAEL REDDY: The engineer will be here shortly. Mr. Englert can proceed and the engineer will be here to answer any questions.

MR. CORCORAN: This parcel is 11 acres divided down the center?

MR. ENGLERT: It is approximately 11 acres. There is an existing pond that is dead center in the lot and it will be divided right down the center.

MS. LANDBERT: Are you going to save alot of the trees?

MR. ENGLERT: Oh yes. We will replant 170 of the trees along to the front for furthur privacy. We are going to get one of those machines that digs the whole tree out. There are about 170 - 8 to 10 feet high.

MR. FRY: Are you building on speculation?

MR. ENGLERT: No. They are for myself. My good friend will build on the other side if all goes well.

MS. BARTOK: You are very close to Black Creek Park. Hopefully, the landfill issue is dead. However, it has been suggested again. You should be aware of that.

MR. ENGLERT: I appreciate that. I have reviewed this and am following it again. That land is awfully pretty and I would hate to see that. The intent is not to build until Spring. I do have the same concerns.

MR. CORCORAN: Have you had any percolation tests?

MR. ENGLERT: That is all done and on the chart. They are really good. The drainage is to the back. Those houses will sit at 556. That is a gradual slope all the way to the pond. I am amazed at the top soil in that area.

MR. BOWMAN: Would you be receptive to maybe cleaning out the swail?

MR. ENGLERT: That will be done and also ditched along to the South line to the back. That is shown on the map.

MR. BOWMAN: Would you be willing to provide a town easement?

MR. ENGLERT: Is it an absolute necessity?

MR. BOWMAN: It is a policy where we are trying to enforce this. We have run into problems in the past.

MR. ENGLERT: If it is written in such a way that the easement was only for cleaning out that swail.

MR. BOWMAN: Sure. That is O. K.

MR. ENGLERT: I talked to the soil conservation people. There is a potential pond site 100 feet up the South side. It looks like there is some natural spring water. So, it will support another pond if we want to put it in. It is loaded with springs.

MR. BOWMAN: A 20 foot easement is standard.

MR. FRY: This means he can't obstruct it?

MR. ENGLERT: You won't want to put a building in it. I thought about putting a row of trees along the side and across Union Street. Those won't live too close to the swail anyway. I really don't want to see anything happen. I don't have an objection if you feel it is absolutely necessary. I intend to occupy the south side lot. Is there any objection if I was to put a pond on the south side, 200 feet from the road?

MR. HUNTER: You won't even be able to see it from the street.

MR. CORCORAN: You are going to have a common driveway?

MR. ENGLERT: Yes. The property line will divide right down the center of the driveway.

The board say no objections on the pond if Mr. Englert decided to put it in.

MR. WARD: Have you applied to D. O. T.?

MR. ENGLERT: Yes.

MR. WARD: You are aware that if the board grants the approval, you will need a variance for frontage?

MR. ENGLERT: Yes. I think I am scheduled for the 20th.

MR. WARD: The back parcel that D. Davis owns, our present tax record shows there is some question on that. Could you shed some light on that?

MR. ENGLERT: That was supposed to be part of this. Then, Dallas took a second look and said no. He was intending to sell that to D. Curtis. I really don't know.

MR. WARD: I am concerned that Mr. Davis might come back and say this is a pre-existing non-conforming parcel and want a variance. I would like it in the record that this is an exception parcel and is actually being subdivided off the larger parcel.

MR. MILLER: Did you buy that from Davis?

MR. ENGLERT: Yes. February 6, 1979.

MR. WARD: The parcel of Ward is no relation to me, for the record.

MR. BILL HEDSELL, 33 Wadsworth Drive: My major concern was proper drainage and Septic Systems.

MR. ENGLERT: It is about 1200 feet deep before it gets to the pond. There is run off there now from the road. The septic systems are designed according to the standards of the County and that. I have been assured that it meets all the requirements. If we throw that pond in there, that will hold alot of water and help. We are not planning on adding water to that area. We will channel it so that it will lessen.

MR. HEDSELL: I would like to go on record as having no objections to it.

MR. ENGLERT: The Conservation is going to plan out something with trees because I had the same problem on Indian Hill and it is amazing how much water those trees absorb. I would also like to ask for final approval at this time, contingent upon Zoning approval.

No one spoke in opposition to the application.

APPLICATION NO. 1 - I N F O R M A L

Concept approval of future development at Roberts Wesleyan College.

MR. CLARK CALDWELL, DIRECTOR OF DEVELOPMENT requested the discussion be off the record and the Board agreed to that.

Number 2

Norman & Nina Ball - 18 lot subdivision at 20 Wheatland Chili Town Line Road in RA-20 Zone.

EDWARD SUMMERHAS: There haven't been any preliminary tests made yet. We are just here about the Boards' feeling. The largest lot is in the Northeast corner of approximately 46 acres. The smallest lots are in front.

MS. BARTOK: Did you plan a dedicated road?

MR. SUMMERHAS: They want to try to keep it private. They want to see what the Boards feelings are.

MS. BARTOK: The Town is having trouble with private drives. Supervisor Powers said they would like to have all roads dedicated and if not, they should be built to town specifications in case they will be dedicated later.

MR. SUMMERHAS: That would be no problem.

MS. BARTOK: Your terrain is hilly and valley, and there is possibly a small stream?

MR. SUMMERHAS: Right. There is a swail coming across the road draining to the north-east corner, which is a wetland area and appears to collect quite a bit of water. There is a culvert from the rear across the throughway. What Herm has tried to do is put the property lines halfway in between the swail so he can take advantage of the crowns and hills to place the houses in higher areas and prevent interference with natural drainage. There are no sewers or water. It will be leach fields and wells.

MR. WARD: Are there designated wetlands?

MR. SUMMERHAS: I believe so. That is why we kept that lot large.

MR. HUNTER: What was the total acreage?

MR. SUMMERHAS: Roughly, 145 acres. I did that very quickly.

MR. WARD: Is there any means for fire protection?

MR. SUMMERHAS: Herm hasn't mentioned anything to me. I will make a note of it and at the next meeting, we will answer that.

MR. WARD: Some of the lots along the front are substandard. It is zoned RA-20. So, you will need a re-zoning.

MS. BARTOK: Is this in the agricultural preservation district?

MR. SUMMERHAS: I don't know.

MR. MILLER: Re-zoning would be one possibility.

MR. RUSSELL: You can also go for a 281 but then you would have to have some kind of public benefit to the town.

MS. BARTOK: The Highway Supt. will need an 80 foot radius circle turn around for the snowplows.

MR. HUNTER: (advised him of the procedures for re-zoning)

MR. WARD: This area was designated as a potential site for a landfill. I think it would be pertinent to have several deep hole tests taken particularly in the area where there has been dumping of debris.

MS. LANBERT: The surrounding areas are all RA-20/ If you make this one different, the surrounding areas may also follow this trend.

NUMBER 3

Mitchell Acres - Section 3

MR. KEN PASSARO: As you recall, we were here in October or September for sketch plan approval for Section 3. The Board denied this along with some other developments because of drainage problems. It is my understanding that since that time the town has reviewed this particular area with their engineering firm and the consensus was certain developments could be reviewed again on their own merit. We are here to proceed with this discussion and to offer the Board some suggestions. We have prepared a preliminary drainage study and percolations, to determine what effect this subdivision would have on the overall drainage pattern of the area. These areas will drain in the railroad ditch. That goes to West Side Drive near Coldwater Road. The railroad ditch and the undersized culverts are the problems. Once those are solved, that would have a significant impact on the relieving the drainage problems. The railroad ditch was cleaned out and deepened by Barlyn Homes. If the rest was regraded and widened, it would certainly help the situation. 3 to 4 cubic feet per second is the flow from the completed subdivision. This is not great at all. I checked with the county of Monroe, who had plans to reconstruct West Side Drive. They have included the expansion and widening of the culvert on West Side Drive. In view of these two things, we feel the overall impact of this will be greatly reduced.

MR. FRY: Is the third section the same as it was when you were in here last?

MR. PASSARO: Yes. Nothing has changed.

MS. BARTOK: The culvert seems to flow to a deep hole. The trenches are all filled in. How will this help.

MR. BOWMAN: There would have to be some work done in the Town of Gates. It is so flat, erosion would not affect this.

MS. BARTOK: We are holding up major parcels because we have an inability to get water out of Chili. That is an unfair hardship. We shouldn't have to sacrifice that potential tax basis.

MR. FRY: How are you proposing to enlarge this?

MR. PASSARO: The County will do it.

MR. FRY: Are you proposing to go ahead now in anticipation of this county improvement?

MR. PASSARO: Yes. And cleaning out that ditch. Barlyn is willing to clean out the rest of that ditch. Denying this is not going to make the problem less severe. You are only talking of an additional 4 cf.

MR. HUNTER: If we grant this, how do we not grant others?

MR. PASSARO: Because of the fact that Barlyn is willing to clean out the ditch.

MR. HUNTER: The position of the Board is taken. We can not approve one and not the others.

MR. PASSARO: What if I would show that there is no further increase? If I can engineer this for no run-off, can I come in with preliminary approval?

The Board would review it again if he could show no run-off.

D E C I S I O N S

MOTION:

MOTION MADE BY Ed Rague that William Woods, be allowed to operate an Adult Exercise class in place of the "Fit by 5" class in the plaza from 9 to 9 Monday through Saturday and for Sundays, if the need be. Seconded by Ms. Bartok. Carried Unanimously.

APPLICATION NO. 1

Doug McDanel for conditional use permit to allow customary home occupation for a custom picture framing shop located in rear of garage, R-1-12 Zone.

UNANIMOUSLY APPROVED - no conditions or stipulations.

APPLICATION NO. 2

Uniland Development Co. for preliminary site plan approval for the erection of a warehouse addition (90' x 120') on rear of Rotork Corp. M-1 Zone.

UNANIMOUSLY APPROVED Subject to the following terms and conditions:

1. A letter of credit for the rear landscaping be obtained for 1% of the value of the addition.
2. The Final approval is WAIVED.

APPLICATION NO. 3

Stonehenge Developers, Inc., for conditional use permit to erect in-law apartment on house to be constructed on lot #11, Ironstone Drive in Walnut Hills in R-1-15 Zone.

UNANIMOUSLY APPROVED subject to the following terms and conditions:

1. A copy of the deed to the buyer be provided to file in the Monroe County Clerks Office listing any and all restrictions;
2. The fees required for the application and permit be paid.

APPLICATION NO. 4

John Englert for preliminary subdivision approval of two lots located east side of Union St. south of 3850 Union St., RA-5 Zone.

UNANIMOUSLY APPROVED subject to the following terms and conditions:

1. The final is WAIVED;
2. The approval is subject to the approval of the Zoning Board, Town of Chili.

Meeting adjourned.

dai

PLANNING BOARD
MARCH 13, 1979

A Meeting of the Planning Board, Town of Chili, was held on March 13, 1979 at 7:30 P.M. in the Chili Administration Offices, 3235 Chili Ave., Roch., NY 14624. The meeting was called to order by Chairman Robert Hunter.

ROLL CALL: Robert Hunter, Betty Bartok, Edwin Rague, Ray Bleier, Bill Corcoran, Bill Fry, Dick Weber

ALSO PRESENT: Daniel Miller, Dept. Town Atty.,; Mr. Bloss, Chairman - Townwide Drainage Committee; Melody Lambert, Liason for Conservation Board; R. Thomas Ward, Town Bldg. Inspector; Gary Russell, MCPD.

APPLICATION NO. 1

Application of Wayland Homes, Inc., 40 Sunderland Trail, Roch., NY, 14624, for preliminary approval of a two lot subdivision on the East Side of Stottle Road, approximately 1057' from North of Bowen Road in RA-10 Zone.

EDWARD SUMMERHAS: I wanted to review the plan for Herm and get your comments. It is a ten acre parcel with changes in height from approximately 552 to 535. We have run some preliminary percolations. The results were not very good. The water is set in them. The deep holes show a 12 to 36 inch top soil, and clay. It is going to have a 3 bedroom, one-family, house on this lot. It will have a well and a leach field. We have received a letter from the Monroe County Planning Department. Point number 1 on the letter is that parts of this lot are in the 100 year flood plain. The elevations of that is 531 but we show the finished floor of the house at 555. It will be approximately 25 feet above the 100 year flood plain. Also, the invert elevations of the leach field area are 540.60 which is approximately 9 feet above the 100 year flood plain. That was the biggest note. The other notes that we will be taking care of - we haven't gotten around to yet. The 12 inch culvert will be labeled. We will take further tests on the leach field system and Herm may be redesigning that. When our percolation tests are completed, we will be adding some of these other things.

MR. HUNTER: You see no problem on the items in that letter?

MR. SUMMERHAS: No. We will be working on them and straightening them out.

MR. FRY: This piece is cut out of a larger piece. What was that?

MR. SUMMERHAS: 36 acres. It is out of the extreme north end of the larger parcel. There is 26 acres left to the south of that going toward Stricker Road.

MS. BARTOK: What are the plans on the remaining 26 acres?

MR. SUMMERHAS: Last I knew, there were plans for 1 more house. We started working on that but are still waiting for the owner to decide where he wants this 5 acres taken out.

MS. BARTOK: You will want to be aware of the flood plain overlay district in that area. There are many more regulations you have to follow. Also, according to Good, Kind, & Oday, the elevations for the 100 year flood is 535. That is where the discrepancy in the figures comes from. Did any one sit down with the prospective homeowner and tell him that when the water table is really high, they will not be able to wash their clothes, take their baths, and such?

MR. SUMMERHAS: I really don't know.

MR. ERIC SMITH: The percolation tests for the rest of the year will be fine. When you have a properly laid out leach field, it is good ground to perc in. It is just the time of year that we made the tests. The Health Department has already allowed us to retake the tests.

MS. BARTOK: You will need a variance for your front lot width. It is less than 500 feet. This is an RA-10 zone.

MR. MILLER: Are they going to demolish the existing barn?

MR. SMITH: I think it will be left up.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date. *MARCH 7, 1979*.....

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

GATES-CHILI NEWS

Issue Dated. *MARCH 7, 1979*.....

Geraldine C. Snyder

Notary

GERALDINE C. SNYDER

NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 19.....

Patricia M. Smith

Patricia M. Smith

Publisher

PH #

Legal Notice

Chili Planning Board

Pursuant to Section 271 of Town Law, a public hearing will be held by the Planning Board of the Town of Chili at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on March 13, 1979 at 7:30 p.m. to hear and consider the following applications:

1. Application of Wayland Homes, Inc., 40 Sunderland Trail, Rochester, New York 14624 for preliminary approval of a two lot subdivision on the East side of Stottle Road, approximately 1057' North of Bowen Road in RA-10 zone.

2. Application of Rita Tufano, 40 Fenton Road, Rochester, New York 14624 for renewal of conditional use permit to operate a beauty shop in home at above address in R-1-20 zone.

3. Application of Crane-Hogan Structural Systems, Inc., 222 Main Street, Brockport, New York 14420 for approval of rezoning of 20 acres of land from RA-10 to M-1 (light industrial) at property located on the West side of Fisher Road, North of 305 Fisher Road.

4. Application of Nancy F. Kohlman, 211 Robertson Road, Churchville, New York 14428 for re-hearing for preliminary approval of two (2) lot subdivision located between 1891 and 1895 Westside Drive in R-1-12 zone.

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

Robert Hunter,
Chairman,
Chili Planning Board

MR. MILLER: You may have a problem.

MR. SMITH: There are many farms out there that have barns. I don't know what kind of problem.

MR. MILLER: What are they going to use the barn for?

MR. WALTER REGAN, 217 STOTTLE ROAD: Nothing.

MR. BOWMAN: I would like to reiterate one point. The total parcel must be shown on the map when you go to file it so that it is clear where it is.

MR. REGAN AND MR. JOHN GOODBERLET WERE FOR THE APPLICATION.
NO ONE OPPOSED IT.

APPLICATION NO. 2

Application of Rita Tufano, 40 Fenton Road, Roch., NY 14624, for renewal of conditional use permit to operate a beauty shop in home at above address in R-1-20 zone.

RITA TUFANO: I just want to renew this. It was for one year.

MR. WARD: Last year, the Board granted this conditional use with 4 conditions. (which Mr. Ward read off). My office has never received any complaints of any violations of those.

MR. HUNTER: You have been able to meet those conditions?

MS. TUFANO: Yes.

NO ONE SPOKE FOROR AGAINST THE APPLICATION.

APPLICATION NO. 3

Application of Crane-Hogan Structural Systems, Inc., 222 Main Street, Brockport, NY, 14420, for approval of rezoning of 20 acres of land from RA-10 to M-1 (light industrial) at property located on the west side of Fisher Road, north of 305 Fisher Road.

MR. CHARLES COSTICH: What I will do is keep my presentation fairly simple because I am sure there are considerable questions. The location is east of Lexington Subdivision. We are here requesting a rezoning of 20 acres shown as phase 1 on the map. We have an additional option to purchase 20 acres to the rear and options to purchase the remaining land. We presently own the land that is under phase 1. The allowable structures in this are light manufacturing with special use permits, like warehousing. This is also covered by the County of Monroe on their Airport zone. Certain requirements that I believe supercede the Town on the overall approval. The County Planning has already told us no residential would be allowed in this area. There are several restrictions they have, but their main one is a low population. Not labor intensive types of industry. You can get public buildings and other uses in character with the industrial type of complex. We have submitted a drainage report on the property to the town engineer and Drainage Committee. We have walked the property and there is a portion that was a Chili 40 wetlands. We found, with the DEC, they are not going to consider this a wetlands. We have shown a horse-shoe type of road, which is not necessarily where it will be located in the end. Although it would be a circular pattern of traffic. We have also shown an access on to Chili Avenue. We have contacted Niagara-Mohawk, and found they would be agreeable to this. We have not shown any entrances or cross connections into Lexington subdivision. We will not run our traffic through there. There may be ties on water mains. Mr. Hogan, who is intending to be the first owner of the building, is presently negotiating with Carl's nursery to develop this. We have talked to the sewage agency on the availability of sewers. This particular parcel will be, or has been, recommended to the Town Board for rezoning. We are hopefully going along with the wishes of the Town Board on this.

MR. RUSSELL: We had a meeting with Mr. Costich and we discussed the range of possibilities and what we would like to see in that area. It is currently under review. We are waiting for some information before we send out our report to you.

MR. FRY: Would you have to get an easement to have this road in there?

MR. COSTICH: Yes, we would have to get an easement from Niagara-Mohawk.

MS. BARTOK: If the New York DOT land was available, would your client want to add that to his for better access on to Chili Avenue?

MR. COSTICH: It would all depend. We would hope the expressway would be built to give us better access.

MS. BARTOK: I don't know. The access to Chili Avenue is imperative. Your use of the land is rather limited due to the airport regulations. You could not bring heavy truck traffic in through the residential area. You would have to come in through Chili Avenue.

MR. COSTICH: If we could not get an access that way, we would pursue that. We feel the access to Chili Avenue is vital, too.

MS. BARTOK: The Town of Gates would be tempted to put weight restrictions on Fisher Road to avoid this heavy truck traffic, and that may cause you a problem.

MR. COSTICH: We agree.

MR. FRY: Would you prefer to have the entire parcel light industrial or make it residential?

MR. COSTICH: The County of Monroe would not consider this for residential.

MR. FRY: If it were possible, would you go that route?

MR. COSTICH: I would have to get the County feelings on that. The center of the property is where they are interested in the lowest of density. We had discussed that. My clients are not residential developers. If it was a necessity, they would be willing to sell that portion to a developer to develop a residential area as a buffer.

MS. BARTOK: The drainage of this parcel, do you plan to drain it all to Little Black Creek through the culvert under Fisher Road?

MR. COSTICH: Not the entire parcel. There are three drains that go through the Lexington subdivision. We are talking about taking the majority of the drainage to Little Black Creek. We have insufficient culvert sizes going the other way. Maybe 85 to 90 percent will drain to Little Black Creek. We will be replacing that culvert under Fisher Road. We have to keep a 100 foot buffer completely around the property. We have to have an 80 foot rear buffer and this buffer has to be screened and landscaped.

MR. CORCORAN: What type of industry would you bring in?

MR. COSTICH: We have no commitments at this time. The only one that might go there is the owner, who would have his own offices and some inside storage of light construction equipment. Mainly concrete work and concrete coatings and that. Plus, paneling to be used in form work. His storage would be inside storage. They would all be similar type structures as allowed under the zoning ordinance. Each one will have to come before the Board to get approval. Each would have to stand on its' own merits with the Board.

MR. BLEIER: Why are you taking an incremental approach to this. Your plans call for industrial area throughout, yet your plans only call for rezoning?

MR. COSTICH: Because we only own that one small parcel now. This would be an industrial subdivision. We would subdivide into separate owners. We felt the proposal was going to come before the Town Board anyway for rezoning of the remainder of the parcel. As you are aware, it costs us \$10 an acre for rezoning, which is roughly \$3,000 on the entire parcel.

MR. BLEIER: If it were a mandatory condition that you have some access out to Chili Avenue, would that change your plans?

MR. DON HOGAN: We really don't have any idea, about first the road and then rezoning. We chose the rezoning first and then get the road.

MR. WEBER: At the first presentation, you mentioned the fact that the basic area you were looking at is phase one now. The condition of a recreational area as a Golf course on the majority of the property was looked at. What is your thinking in that respect now?

MR. COSTICH: We were unaware of that when we came in that night. My client has talked to Carl's Nursery, and it doesn't seem that is a feasible thing for that area. We did discuss this with the people who are developing a golf course in Penfield.

MR. HOGAN: It costs too much money to build a golf course so they gave it up.

MR. HUNTER: Has this been reviewed with the Drainage Committee?

MR. BLOSS: No, not yet.

MR. HUNTER: Russ, have you reviewed this?

MR. BOWMAN: Yes. I have reviewed the drainage report and it does seem to be complete and comprehensive, and I am not anticipating any drainage problems with this at this time.

MR. HUNTER: Could you tell us what the current use of the land is?

MR. COSTICH: It is a 11 vacant land. It is covered with brush and trees.

BILL - CARL'S NURSERY: I would like to make a couple of corrections. We talked with Mr. Hogan and several times, about this whole issue. We had an additional plan for a public golf course. My sources seem to feel the property is very adaptable. It is a natural for it. We were not able to secure the proper financing or the sources we needed for developing this. Even with the approach to Mr. Hogan and his people, one thing led to another, and Mr. Hogan suggested that perhaps if he were to rent or lease my property with the option of buying it should his proposal be successful, then we would probably look towards what he intends to do there. We haven't been successful in getting together right now. It is not a dead issue. We ~~XXXXXXXXXXXXXXXXXX~~ are still working on the possibility of developing that area with or without Mr. Hogan in the future if we can.

AL OZMINKOWSKI: SUNDERLAND TRAIL: Would you please describe the restrictions that are on the M-1 Zone?

MR. HUNTER read the restrictions in the Zoning Ordinance.

ELAINE SMITH, 35 MC NARE DRIVE: What is the sum total of all the acres?

MR. COSTICH: 156 or so. I believe certain town studies recommend this.

MR. HUNTER: The Town Zoning Ordinance has been under review for about 2 years. Basically, the area we are talking about, it is recommended in the study that has been done, that this be changed to M-1. That has not been done yet.

MS. SMITH: How much is there in the Town of Chili now that is M-1?

MR. HUNTER: There is not very much. Chili Industrial Park is one. We do have a problem in the town in terms of the amount of industrial land. One of the things we are trying to do is come up with more land for that use.

MS. BARTOK: In the comprehensive plan for the development of the Town, we have a map that is color coded. This parcel was planned for light industrial by 1980. The green area was hoped to be a Town Park.

TRACY LOWELL: Has an Environmental Impact been done?

MR. COSTICH: We have prepared a short form.

MR. LOWELL: Please consider the whole thing when you decide on this. The state law says anything over 25 acres is a type 1 action and that requires a full comprehensive environmental impact study be done before the Town can issue the rezoning. There is trillium in that woods. We are not allowed to pick it by state law, so how come bulldozers can go in there and bury it? You mentioned a little bit of wetlands, but there is a pond in there with cattails and that in it so water must stay there year round. When there is a physical change of more than 10 acres and also if the building is more than 12,000 square feet, you need the environmental impact. I think we should hold off.

MR. RUSSELL: I can't say that I know the law fully, however, my interpretation is something different. Our department is reviewing this particular project for airport questions and zoning considerations and are discussing the Seeker Law, which the young lady did mention. We have submitted our report to the Monroe County Environmental Management Council. They will determine whether this is applicable to the Seeker Law, whether it is a type 1 or 2 action. A type 2 action will result in no assessments or environmental impact statements. Type 1 would require an environmental assessment and that must determine whether or not there is an environmental issue, but it is not mandatory that it be prepared by a lead agency.

MS. BARTOK: The Town of Chili has its own Seeker Law. We have the right to be the lead agency. It is the primary duty of the Chili Conservation Board to make decisions. They are the organization you should see on this.

SALLY HAWN, 17 JACLYN DIRVE: Why is it not possible for homes to be built there?

MR. RUSSELL: Your Monroe County Department of Planning has direct approval over certain areas adjacent to the airport. This falls into two zones. Three of the airport is 15 to 20 people per acre; zone 2 - 7 to 15 people per acre. The majority of the land is zone 2. The noise is too high for one. Because of this, the VA and FHA Mortgages would not be allowed in this area. Also, there is the potential for crash hazard in this area. We can't mandate the land be vacant.

MR. WILLIAM BOYKO, MEETING HOUSE DR.: Town Board has to look into more industrial in the Town of Chili. Who mandated this? I would not like to see more industrial.

MR. FRY: There are a lot of people complaining about their taxes, that is why. If we thought we were depreciating your property, we would vote against it.

MR. ROBERT OSTER: Where did you take this noise study?

MR. RUSSELL: This was part of the master plan of the airport. I believe they took certain areas and monitored the amount of noise during the day and night. Other areas are based on the type of aircraft that are flying and the amount of their contours. That is where these two figures have come from. It determines the contour line. The study was done for all around the area including several alternatives for expanding the airport.

MR. DAVID EAGAN, TOWN OF GATES: Are we getting involved in a situation called "Spot Zoning"? You have indicated the factors you should consider. The size of the area, if it is small, leads us to spot zoning. This is a mere 20 acres. The land adjacent to this area is all residential. The community is speaking tonight and they are indicating they do not need this. There are other areas in Chili that are zoned M-1. You have put no planning into this. It is a proposed amendment proposed by the owners of the land and businessmen. This town planned this as recreation and golf club. This is not part of the comprehensive plan. The impact on adjacent lands is more traffic in Gates and Chili. It is devastating. This is one of the most beautiful areas of Gates and Chili that we are talking about. The courts would not approve of this spot zoning upon review.

MR. WILSON, 46 LEXINGTON PARKWAY: One of the major concerns is the drainage. Many people think it is a minor problem, and will be handled very easily, like it has been in the past in Chili. Contrary to that, the drainage problems have not been handled very well. What plan does the Town have for implementing a good monitoring plan to monitor the drainage problems and there are other areas besides Hillary Heights. I don't think the people feel too comfortable anticipating the water table will be upset.

MR. HUNTER: The Town is concerned with drainage. We realize there are serious problems. The Town Board requested a Town Wide Drainage study, which was published January, 1979. The Town is concerned and are trying to look at it from an overall point of view.

MARLENE KREZTNER, LEXINGTON PKWY: How are they going to connect with Chili Avenue when they don't own the land?

MR. COSTICH: We did not propose the Chili Avenue connection in Phase 1. This would be at a later date.

MS. KREZTNER: They would have to use Fisher Road then?

MR. HUNTER: Yes.

MS. KREZTNER: Is this storage coating flammable?

MR. COSTICH: We have not proposed this yet.

MR. HUNTER: These questions would have to be answered when we have a definite application.

MR. ROBERT AUSTIN: Why did you say you didn't want to see this land stay empty?

MR. RUSSELL: It is the Department of Planning's feeling that land should be used for a purpose. It can also be used for speculation. If the land becomes such that certain uses are not allowed on that land, the County may be subject to taking over that land because of too many restrictions. The County does not wish to purchase areas of land they have no need for.

R. L. WELD, 8 MARITA ROAD: Since you are so concerned about the noise level in this area, why did you permit the MacNare track? We get noise in Gates from the airport.

MR. RUSSELL: That portion of land was developed prior to the time when the Monroe County Department of Planning had the powers to review in that area. We would not have suggested housing be put in that area.

MR. GARY DERMANY, 2778 CHILI AVE: Do you want to live next to a warehouse and see 4 or 5 shrubs? Do you think I would have spent \$50,000 on my home if I did not anticipate taxes?

MR. FRY: Maybe taxes are not a problem to this group. It is a concern to some.

MR. COSTICH: The expressway is very desirable. That was a factor in our favor.

WESLY PONCE, 17 JACKLYN DR: What is more important? People or taxes?

MR. HUNTER: I don't think that was the impression of this Board - that taxes were more important.

BRUCE KOLEMAN: You stated 90 percent of the drainage will be under Fisher Road. Has any impact been done to see what will happen to all the houses on Black Creek?

MR. COSTICH: There is a Corp. of Engineers study that shows the flood distance considerably far from Fisher Road.

JULIE PITMIER, TOWN OF GATES: What about the rest of us? We get flooding every spring?

MR. HUNTER: I think it is already been stated there are no proposed tenants and that is not unusual. It is not necessary. We know what the conditions are that we will allow in that M-1 Zone.

MR. HOGAN: We have done housing developments in the past. We have done 2 in Brockport and that is where your business is located now. The whole idea is to first get something and build it and try to sell it for its' value. Nobody knew who was going to live in Lexington when it was first created. It is the same approach as a subdivision. First we will try to get the land rezoned. It makes no sense to plan or sell it to clients when you may not get the zoning for the land.

MARY RANDALL, 26 MACNARE DR: I have lived there for 12 years and think it is a pretty nice area. We are already surrounded by empty area, part of which is already zoned M-1. We have been fighting on and off to keep our little community. I am getting tired of it. I would like to have you please consider the people that live there and not have us spend more money for a lawyer and then have it zoned industrial anyway.

STEPHANY MC CORMICK, MCNARE DR: Are there some wetlands in the field? If there are, they have been abolished?

MR. RUSSELL: I was in discussion with a member of the Environmental Management Council. The D. O. C. has reviewed the parcel, and it is not a wetlands and it is being taken off the map as of today at noon. This was brought to their attention by us as of last week to see if they would review the project to see if it indeed was a wetlands. It was not anything underhanded. I am not a member of the state D. O. C. But I believe they have indicator plants that indicate wetlands. It also has to do with the size. If it is less than 12.4 acres, they won't consider it. I am not enough familiar with it to make a determination.

BRUCE RANDALL, MC NARE DR: Are you referring to the 20 acres or the 100 acres with respect to the Wetlands?

MR. RUSSELL: When I review a project, I look at the total area. My map did not show a wetlands on it. It was brought to my attention by a woman in the area. I called the Environmental Council to see if they knew and that is how they came out and surveyed the site.

MR. RANDAL: The driveway is using up the area for a very nice pond. If you take that away, you might as well load the pond up with dirt and destroy the area. There are real serious questions that come to my mind about the access to Fisher Road. The road is narrow. I see quite a bit of problem in getting a right of way through Gates. Without rezoning the remaining property, how do you justify an access to Chili Avenue?

MR. HUNTER: I can't answer that at the moment.

MR. JERRY BRIXNER: I would like to show a few slides if I may. I would like to make a presentation. It will take about ten minutes. (He showed slides of Fisher Rd. where it curves and dips. He offered a statement from Theresa Manyano of Fisher Rd. in opposition to the project.)

MR. RAY MCCORMIK, 27 MC NARE DRIVE: I am thinking of the town, county, and state plans for tax dollars. The money we are going to spend on this project, to improve Fisher road, which is hardly able to handle the traffic it now has, so it is going to cost money out of our pockets to improve that situation. We are going to pay big money in terms of the depreciation of our homes. This rezoning makes McNair Dr and Jacklyn an island surrounded by industry. This is very poor planning. Our children are going to pay in increased danger from traffic. I don't want to see any security problems develop in our neighborhood. Where you have industry, you have security problems. That meadow land is a sanctuary for deer, birds, and others. If this place gets rezoned, that goes down the drain and we all suffer. There is also some birgin beach in there.

Petition submitted with 250 names opposed to the application.

Show of hands showed all persons opposed to the application and no one in favor.

MRS. SMITH: There is vacant M-1 property in Chili. (She submitted pictures of other industrial parks and said they were a poor example, and we should make the other parks a good example so people would want more parks.)

MR. CRABBS, PASTOR: Presented a petition from people in his church opposed to this. He sympathized with the people present.

JULIE RITMIER: 35 kids get on the bus on Fisher Road not including ones that are sick. There was a fatality on Fisher Road 13 years ago. I don't understand the compulsion to develop everything. Why can't we leave a little bit of this beauty?

DAVID BROWN, 63 LEXINGTON PKWY: I think the Town of Chili has spoken out.

MR. HUNTER: Since there has been so much expression of your feelings, the best thing would be to have a count of ~~xxxxxx~~ hands, since we have so many petitions.

SALLY PONCE - presented petition with 248 names opposed to the application.

MARLENE KRETZNER presented petition with 176 names in opposition to application.

MR. HUNTER told audience they were welcome to come to meeting next month for the vote.

APPLICATION NO. 4

Nancy Kohlman, subdivision - 2 lots - in R-1-12 Zone.

FRED ATEN, ATTORNEY: We are here tonight for a rehearing on the application that has already been before the Board. I want to thank Attorney Miller. Mrs. Kohlman is here, her husband, and the engineer, Dave VanLare. We are asking for preliminary approval of our plan. We will cooperate any way we can, reasonably, with the Board. If we can do some things with regard to this property, if there are some drainage problems, we will try to solve them. I have some pictures I would like to submit to the Board as additional evidence of the area we are talking about. Mr. VanLare was out there following the heavy rains and snow run off.

MR. VANLARE: (Lewis-Kohl Engineers) We were there today, and walked the entire parcel. There did not appear to be anything outstanding water nor any sign of a great deal of water on the property. We have talked to the Town engineer and it appears we should be able to work out some kind of design to make sure no water goes to the adjoining property owner.

MR. ATEN: We will answer any questions the Board has tonight. Again, we are asking for preliminary approval. If I might add one thing, the Board should be aware that the sale of this property comes about for a family matter. The sale is to supply funds for the mother's support and maintenance in her declining years. That word "subdivision" makes me thing of acres and acres, and that is not what we have here. We just want to sell 2 lots.

MR. HUNTER: I would like to hear from the Deputy Town Attorney and Town Engineer in regard to their understanding of the situation.

MR. BOWMAN: Did you get a copy of the memo that was written a couple of weeks ago?

MR. HUNTER: The two page one?

MR. BOWMAN: Right. This water shed in particular is our conclusion that the existing problems in that water shed are not such that further development should be held up at this time. It does appear that we do not have the best possible drainage provisions in that area and we have the same limitations that we had with the areas south of the railroad. The area north of the railroad the problems have not manifested themselves as they have south of the railroad.

MR. HUNTER: Are you saying it is not that anything has changed in terms of your understanding of this property, but the area that it is draining to that this small project would not create a problem?

MR. BOWMAN: No. I would say at this time with the exception of a very large development north of the railroad tracks, that would have a significant effect, I think we should be considering mostly any development such as 8 or 15 lots.

MR. BLEIER: Are you willing to put a number on the amount of lots for future applications?

MR. BOWMAN: It is not the situation for detention. It is too flat. You would have a pond filled with water.

MS. BARTOK: Did you know, the water goes another 100 feet and that is a very important improvement. Also, since this was originally voted on, we have a commitment from the County of Monroe to improve the culvert when they improve West Side Drive. That is two major improvements that we have.

MR. WEBER: What is the time table for the West Side Drive rework?

MS. BARTOK: Right now, it is indeterminate. It is going to be a few years.

MR. WEBER: We could be saying 5, 10, or even 15 years. I don't see how that is significant at this point.

MR. BOWMAN: Originally, when we first turned down the 5 applications and started the "Moratorium", my thinking was we were not talking about two separate water sheds. I thought, if there were some culverts under the railroad, I felt there was one water shed. Therefore, development on one side of the tracks could be detrimental to the other side of the tracks. Since then, we have had surveyors and a couple of developers have done some studies and the result is there are no through culverts underneath the railroad. We are talking about two or three small culverts that go under the railroad and are all partly silted shut. We are talking about two separate water sheds and so the south side of the railroad tracks should not be considered with the development on the other side of the tracks. We really do not have, in the Town of Chili, any serious problems north of the railroad at this time. We have got water standing in a ditch, but it is not in somebody's back yard. It is not the situation we have on the south side of the tracks. What really prompted my rethinking was when I got a call from Dan in regard to the Kohlman subdivision and talked to other engineers in the firm and came to the conclusion that to vote down any developments north of the railroad at this time would not be something that would be legally enforceable should we go to court. It looks like we may have problems in the future. It is in the memorandum and it is important enough and covers all the points I am making now.

MR. HUNTER: I can understand your saying this looks alright, but where do we draw the line?

MR. BOWMAN: I would say at this time, until such time that we have an identified problem, we should not vote down any reasonable application. Something I would determine unreasonable would be say a shopping plaza with 90 percent impervious surfaces or a multi-residence. But, residential development I would think, my recommendation would be, there are not enough problems there now to warrant a recommendation that a development be voted down.

MS. BARTOK: Mr. Whely is not going to sit still for having the rear portion of his land submerges periodically. He will ask that you buy it and declare it a detention pond. Are you going to disregard spring until he is badly flooded and then say "Boy, we have another problem here. Isn't that a shame!"

MR. BOWMAN: I don't know. He was in here in favor of Jim Stuehler's subdivision.

MR. FRY: Are you saying, if Stuehler's were resubmitted at this time and if drainage was the only problem, are you saying your position would be longer be as it was. You would approve it on the drainage and this would apply to Mitchell Acres?

MR. BOWMAN: Yes.

MR. MILLER: Once again, as you recall, back in October, we turned down at least 3 subdivisions that were in this area. Stuehler took us to Supreme Court and they sustained the position we took on that case. I asked for a special caucus and we decided we would answer the action brought by Kohlman. I talked to Russ and Mr. Aten on the matter. Mr. Aten indicated his client would be willing to put certain deed restrictions to eliminate any possible flooding of a new homeowner, gravel driveways, and that the houses be raised 4 or 5 feet above grade and I talked to Russ about a gravel driveway, and it is hard to enforce. There are things that can be done through deed restrictions. I discussed with Mr. Aten that if we were to go into court on this thing, they are attacking our decision and the whole ordinance. The other thing is to this client, it would cost her a lot of money and Mr. Aten's law firm would probably end up owning the land. If we go to court, we can win, or lose, or tie. In all likelihood, we are going to tie and we would have to re-hear this. If we lose . . . in this way, by compromising and arranging with Mr. Ward to come back here, I figure if we were to grant it with certain restrictions, it would be to the benefit of the potential owners of these two lots. This particular subdivision is on West Side Drive, but is not contributing to the overall situation. I suggest, rather than go to court, to come back here tonight. That is why they are here.

MR. FRY: Are you recommending any restrictions?

MR. BOWMAN: Yes. There is mention of a minimum house pad elevation in the memo. We are looking for any new construction within this area be above the intersection of the railroad and West Side Drive. In order to get a nice profile, the railroad should allow for a more substantial culvert size that will not handle a large storm, you are going to have water ponding closer to the road. Therefore, any new constructions in the area should be above what would be a high water table.

MR. FRY: Are the applicants aware of your requirements?

MR. BOWMAN: They may not be aware of it at this time.

MR. ATEN: You made reference to a memorandum - who is it from or who is it to?

MR. BOWMAN: It was an informal memo that is an outgrowth of the town wide drainage study. It was just completed.

MR. ATEN: I would like that to be made a part of the record. I can't say for I have not seen a copy of it.

MR. WEBER: Mr. Chairman, is the Kohlman property mentioned in that letter?

MR. HUNTER: No.

MR. BOWMAN: It is just a general letter.

MR. RAGUE: Russ, I don't see where raising these houses is going to effect the water level.

MR. BOWMAN: It doesn't. It prevents any new development that occurs in the area from being flooded. The old houses may in time deteriorate and will be flooded. We don't have that situation right now.

MR. WEBER: What is that point in time? How many houses must be flooded?

MR. BOWMAN: Right now, we have no houses that are going to be flooded. We have no substantial problems. So, consequently, how can we vote something down based on its adverse impact.

MR. WEBER: When do we start voting them down?

MR. BOWMAN: It is a situation that is going to have to be very closely monitored. We are going to have to be very discriminate.

MR. WEBER: You are saying that there are two water sheds?

MR. BOWMAN: Right. North and south of the railroad.

MR. WEBER: If there were one, you would not have reversed your opinion?

MR. BOWMAN: True. There is farm land that is no longer farmable. There is problems on Coldwater Road and houses that every year have less and less of a backyard. It is permanent water on their properties. We don't have any other problems yet north of the railroad.

MR. WEBER: We are apparently very close.

MR. BOWMAN: Basically, if we took a position that we will not allow further development north of the railroad, that would not be defensible in court. We will be taken to court, and they will overrule us and then where are we?

MR. WARD: But, we have already won the one court case with the Stuehler subdivision, which was denied on the same grounds.

MR. CORCORAN: I have a letter. Mr. Weber wrote this March 6. It outlines the problems in that area. He makes certain recommendations and he indicates the problem and asks if something can be done to solve this problem. One point was the commitment on the part of the State to increase the culvert and the second was the action of the railroad to clean out the drainage. Has the problem been significantly resolved by virtue of these?

MS BARTOK: When Mr. White wrote his letter, he recommended additional developments be held off until action was taken to evaluate these problems. The cleaning of the Conrail trench certainly relieves the situation. It would certainly seem to me that this is more than adequate to take care of two houses. I would be reluctant to say 10 or 15, but it is certainly adequate to take care of 2 homes. Without having County come in to clean out that trench.

MR. ATEN: One comment at this point, what we are asking for here is to divide a big parcel into 2 lots for a couple of houses. The position we have taken from the outset is your objection to the drainage and run-off are the exact same objections you would have if we wanted to build one big house. That is not what we are asking for. A real subdivision. All we want to do is put two houses on a lot that is big enough for them and do all the things we want to do with one house, which we would not even have to come in here for.

MR. HUNTER: In fairness to them, we have to decide what we should do about the others. I am sorry to hold you up here while we debate this.

MR. FRY: Russ, based on what I understand, you have said, I am prepared to cast my vote in approval of this application. Is our approval going to contain some deed restrictions on the depth of the basement?

MR. BOWMAN: I would like to be able to review that and have that information on the plans. All indications are that we have a high water table in the area. Test pits should be done. We would also like to see . . .

MR. ATEN: I think the point here, I am not aware of any specific proposals the Town Engineers made and we would like to have that. At the final stage, we could go over that and discuss it. The second problem is when some one comes in and wants a

building permit. That is the time when this fine figuring can occur. It is more accurate to your concerns and it is more fair to the land owners now and later.

MR. BOWMAN: The point that Fred made is a good point.

MR. FRY: I understand when he goes for the building permit, then all is decided.

MR. BOWMAN: I don't know if we need a deed restriction.

MR. HUNTER: Russ, are you going to propose any conditions?

MR. BOWMAN: At the preliminary stage, I have talked to the engineer and we seem to be in agreement, so I don't think it would be necessary to have conditions on the approval.

MR. MILLER: Aren't we going to get an easement in case of future developments?

MR. WARD: They are all developed.

MR. MILLER: We should get an easement on the north or south side to get in across the back.

MR. RAGUE: Where would you go from the back?

MR. MILLER: If the lots to the east and west are developed.

MR. RAGUE: They are all developed .

MR. KOHLMAN: They are the only two lots left.

MR. BOWMAN: Again, this is the sort of thing that I don't know until I do my final review.

MR. FRY: You won't recommend that we waive the final?

MR. BOWMAN: I think that is a situation the Planning Board should decide. As a Town Engineer, we will still do a final review.

MR. ATEN: Mr. Chairman, would it be possible to do this. We have been out here 3 times. Would it be possible to get that final approval and make this thing more economical for my clients?

MR. HUNTER: You are making no recommendations at this time?

MR. BOWMAN: None.

DECISIONS

APPLICATION NO. 1

Application of Wayland Homes, Inc. for preliminary approval of a two lot subdivision on the East side of Stottle Road, approximately 1057' North of Bowen Road in RA-10 Zone.

APPROVED subject to the following:

1. Chili Zoning Board approval of 300' frontage (500' required);
2. The comments from the Monroe County Planning Dept. be addressed, and the revisions be put on the subdivision map;
3. The subdivision map show the entire parcel being subdivided.

APPLICATION NO. 2

Application of Rita Tufano for renewal of conditional use permit to operate a beauty shop in home in R-1-20 Zone.

APPROVED SUBJECT TO THE FOLLOWING:

1. The permit shall expire 3 years from the date of this hearing and renewal will be required;
2. There shall be no more than 4 vehicles in the driveway at any one time;
3. There shall be no on street parking;
4. The business shall be limited to two (2) days per week.

APPLICATION NO. 3

Application of Crane-Hogan Structural Systems, Inc. for approval of rezoning of 20 acres of land from RA-10 to M-1 (light industrial) at property located on the West side of Fisher Road, North of 305 Fisher Road.

Decision reserved pending MCPD comments.

APPLICATION NO. 4

Application of Nancy F. Kohlman for re-hearing for preliminary approval of two (2) lot subdivision located between 1891 and 1895 Westside Drive in R-1-12 Zone.

APPROVED and final subdivision hearing requirements are waived, subject to the approval of the Chili Town Engineers, Erdman & Anthony Associates.

INFORMAL APPLICATION

Application of House of Fireplaces - Chi-Paul Plaza Shopping Center - Site plan requirements waived.

Application of Kelly's Baskets to change to Pudgies Pizza - amended site plan submitted - site plan requirements waived - no major change.

PLANNING BOARD
April 10, 1979

A Meeting of the Planning Board, Town of Chili, was held on April 10, 1979, at 7:30 P.M. in the Chili Administration Offices, 3235 Chili Ave., Roch., NY 14624/ and the meeting was called to order by Chairman Robert Hunter.

ROLL CALL: Robert Hunter, Edwin Rague, Betty Bartok, Ray Cleier, Bill Corcoran, Richear Weber, Bill Fry

ALSO PRESENT: Mr. Bloss, Chairman, Townwide Drainage Committee; Gary Russell, Monroe County Planning Dept.; R. Thomas Ward, Town Bldg. Inspector; Melody Lambert, Liason for Conservation Board; Russ Bowman, Town Engineer.

APPLICATION NO. 1

Application of Ridings Equipment Corp., P. O. Box 8859, Rochester, New York, 14624, for preliminary Site Plan approval to expand office area in front and warehouse/garage in rear of existing building at property located at 60 Paul Road and in M-2 Zone and FPO Zone.

WILLIAM LADUE, Architect: The existing building is roughly 9,000 square feet. We are proposing to construct the 1652 swaure foot addition to the front of the building, east side, and a 5,000 square foot addition for maintaining vehicles in the rear of the building, west side. The rear addition will be pre-engineered metal, 1 story in height and approximatel- 16 feet with a concrete floor, insulated and heated. The front addition is an office and is shown here on the plan. Basically, that is for 5 offices and a waiting room. They are outgrowing their existing office space. There is sufficient existing utilities so there is no plumbing proposed for either addition. The floor elevation is the same throughout. There is an existing garage, which will be removed at the time the plant maintenance facility is constructed.

MR. BLEIER: What is the nature of the business?

MR. LADUE: Right now, it is selling and leasing construction equipment. It will remain that.

MS. BARTOK: There appears to be a considerable amount of fill near the edge of Little Black Creek. There is no vegetation to retain that fill and it appears to be erroding rapidly. Is there anything that could be included to retain that fill and prevent having the drainage channel or culvert under Pual Road plug up?

MR. LADUE: I did not notice that. There is nothing planned, but that isn't to say there isn't something that can be done.

MS. BATOKK: Also, the Zoning Ordinance requires landscaping to be 1% of the cost of the project.

MR. LADUE: We will comply with the ordinance.

MS. BARTOK: Did you plan to have plain dirt in the front or grass?

MR. LADUE: We will provide landscaping with a combination of Evergreens and Locust Trees, and maybe some grass, but we will comply with the Zoning Ordinance.

MR. HUNTER: I would like to refer to a letter of the Monroe County Planning Dept. I believe you are in receipt of a copy. I gather they have no objections to this from the Airport standards. Are you going to include noise insulation and that? They do point out that this is in the flood plain overlay and the proposed finished elevation is a little bit below the flood plain level.

MR. LADUE: I don't know the exact year of the last big flood. Ridings Equipment has never been under water. We have had water all around but never on the floor. At the time of the last big flood, they moved all their equipment, however, no water entered the building.

MR. HUNTER: I guess that doesn't really answer the question.

MS. BARTOK: With the New flood plain ordinance, the federal requirements are two feet above the flood level. If the town is negligent, we can lose all the Federal funding and our flood insurance program.

Planning Bd. South

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date. *APRIL 4, 1979*....

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

GATES-CHILI NEWS

Issue Dated *APRIL 4, 1979*

Geraldine C. Snyder

Notary

GERALDINE C. SNYDER

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

My Commission Expires March 30, 19*81*

Patricia M. Smith

Patricia M. Smith

Publisher

Legal Notice

Chili Planning Board

Pursuant to Section 271 of Town Law, a public hearing will be held by the Planning Board of the Town of Chili at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York, 14624 on April 10, 1979 at 7:30 p.m. to hear and consider the following applications:

1. Application of Ridings Equipment Corp., P.O. Box 8859, Rochester, New York 14624 for preliminary site plan approval to expand office area in front and warehouse-garage in rear of existing building at property located at 60 Paul Road in M-2 and FPO zone.

2. Application of Donald and Audrey Prue, 131 King Road, Churchville, New York 14428 for preliminary

approval of two-lot subdivision of property located at 110 King Road having tax account no. 128-000; subdivision consisting of a 5-acre parcel from total 164 acres in RA-5 zone.

3. Application of Perna Homes, Inc., 849 Paul Road, Rochester, New York 14624 for preliminary subdivision approval of 32 lots at corner of Chili Center Coldwater Road and Westside Drive to be known as Coldwater Crossing in R-1-12 zone.

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

Robert Hunter,
Chairman
Chili Planning Board

MR. WARD: The building can be flood proffed also. That is another option.

MR. LADUE: I would say it is impossible to take the rest of the structure and raise it 5 feet considering the rest of the structure is already there. It would be very impractical. As I reviewed the flood proofing in terms of making sure the building will stay there, that is a reasonable alternative to raising the floor 5 feet.

MR. HUNTER: You are saying you are willing to meet those regulations?

MR. LADUE: Yes.

MS. LANBERT: What kind of landscaping were you thinking of? Have you talked to a landscape man?

MR. LADUE: No. The soil is moist and around where the plantings are indicated, it is slightly moist.

MR. BOWMAN: Are you proposing any utility services, paving, additional gravel?

MR. LADUE: The only grade change is a very minor one around the southeast corner.

MR. BOWMAN: Presently, where is employee parking?

MR. LADUE: East.

MR. RIDINGS: East side of the building. Some in the front, but no where near the road.

MR. BOWMAN: Is there sufficient area to accommodate the additional employees?

MR. LADUE: Parking is no problem. The back is pretty much left alone.

MR. BOWMAN: When you come in for final approval, we will be looking for some methods of erosion control along Black Creek.

MR. LADUE: Is some kind of ground cover acceptable?

MR. BOWMAN: Yes. It might be necessary to use some jute to establish the back.

MR. RIDINGS: That is a natural condition, the bareness around Black Creek. We have dressed it up to improve the appearance, but that is the way it has been.

MR. BOWMAN: When was that done? Recently?

MR. LADUE: About 3 years ago.

MR. BOWMAN: It just never revegetated. You will probably need some top soil.

MR. HUNTER: I have a concern, going back to September 22, 1970, when this application first came before the Zoning Board for the original building, that was approved with 5 conditions. One, no equipment displayed outside closer than 100 feet from front lot line. I went there Sunday, and there were maybe pieces of equipment parked up there and it seemed to be closer than 100 feet.

MR. RIDINGS: It could be. We have snow problems and we have to move them up there to get them out of the area to get rid of the snow.

MR. HUNTER: I have seen equipment parked right up the front line all year round. Is there any reason why that condition cannot be adhered to?

MR. RIDINGS: No.

MR. HUNTER: Will you adhere to it?

MR. RIDINGS: Yes, we will.

NO ONE SPOKE IN FAVOR OF OR IN OPPOSITION TO THE APPLICATION.

APPLICATION NO. 2

Application of Donald and Audrey Prue, 131 King Road, Churchville, NY, 14428, for preliminary approval of two-lot subdivision of property located at 110 King Road having tax account #128-000; subdivision consisting of a 5 acre parcel from total 164 acres in RA-5 Zone.

MR. TOMER: I represent Mr. & Mrs. Prue with respect to the application. Let the record also show this map has not been submitted to the Monroe County Planning Dept. and does not have the signatures of the County on it. I am apologizing for this and assume there will not be any formal complaints. Very simply, Mr. & Mrs. Prue wish to buy 5 acres of land, including a couple of barns and a couple of buildings. There is going to be nothing done to the property. No sewers or water added. Absolutely nothing added. We wish to transfer this 5 acres of land.

MR. BLEIER: Basically, the use will remain the same.

MR. TOMER: It is all vacant land. No buildings on it yet whatsoever. Originally, there was more land that was sold off and there is a subdivision up there. The rest is all vacant. The Bar-ers (owners of property now) plan nothing at this time.

MR. RAGUE: I assume this is all private property along King Road going west?

MR. TOMER: Those are all dwellings.

MR. RAGUE: What is the access on that property?

MR. TOMER: From the road their property continues on beyond the 5 acres, to the east. However, there also is going to be a right of way reserved along from the driveway all the way into the property. It will eliminate there having to build some type of bridge over the creek into the property.

MR. RAGUE: There is no access to the west of this?

MR. TOMER: No.

MR. HUNTER: Did you know how far that goes?

MR. TOMER: It goes almost to the railroad track.

MR. FRY: This piece, that you are taking off, is the most western-southern part?

MR. TOMER: This is the southwesterly corner of the 146 acres.

MR. BOWMAN: For filing purposes with the County, and in the town Zoning Ordinance, when you are drawing up a map for subdivision, the original parcel should be shown. It won't have to be the same scale. It would be an insert or you could use lines.

MR. TOMER: I will ask Mr. Owens to put an insert in there.

MR. WEBER: Did you know the reason for the very strange front lot line?

MR. TOMER: I haven't the slightest notion. I don't know anything about the property.

MR. BOWMAN: At one time, King Road had a rather abrupt curve in it. In recent years, the County had an improvement project and at that time, they smoothed the curve out.

MR. RON PIKUET, REALTOR: There is access to the rest of the parcel from the Sand Pebble Drive area. It parallels the north lot line of the farm. Part of that parcel belongs to Central Trust Company and has been sold by the bank so there is actually 3 accesses to the property.

NO ONE SPOKE IN FAVOR OF OR IN OPPOSITION TO THE ABOVE APPLICATION.

APPLICATION NO. 3

Application of Perna Homes, Inc., 849 Paul Road, Rochester, NY, 14624, for preliminary subdivision approval of 32 lots at corner of Chili Center Coldwater Road and Westside Drive to be known as Coldwater Crossing in R-1-12 zone.

MR. DONALD AVERY: This subdivision is the corner of West Side Drive and Coldwater Road. There is an existing house and another subdivision to the east. There is about 20 acres in this parcel. We are proposing 31 lots. We have cut it down one lot. Every lot is over 14,000 square feet in area and the minimum requirements here are only 12,000. We had a couple of other proposals here that we and the Board looked at. We found them unsatisfactory for a couple of reasons. When we went the other way,

we found we were taking a great number of large trees, There are some beautiful Peach and Oak Trees in the neighborhood of 200 years old. We then decided to save as many of these trees as we could and changed this road. We are not developing the major portion of this area. We are going to lose some of those trees. This summer, there is a disease coming and they are advising that much of these trees be cut down. We were at the Planning Board meeting the 19th of January and since that time, we have moved the road to come in and have two lots over here facing West Side Drive. We have dug some test pits, 3, in here and we were down 6 feet and did not come into any ground water. We have dug 12 inches of top soil and then got into some clay. We have to keep our basements up above the ground water level. We will be getting some more test holes in here. We were also told to have the drainage come out to the West Side Drive as directly as possible. On the plan, that is there. You will see that it goes underneath West Side Drive and along the railroad ditches. We reappeared before the Planning Board again and some more comments were that this is now in the flood plain zone and it comes to the elevation of 560. We then have to keep our structural openings 1 foot above the flood plain elevation on any homes, which will be done. I checked with Clarence Timmons of D. O. T., and he has O.K.'d the entrances as shown here. We have also appeared before the Chili Conservation Board and we will have this record. We have an Environmental Statement on this. We just had a questionnaire. They did not require a full statement. We have also met with the Drainage Committee. We have some comments here from the Town Engineer, which we have complied with. Basement elevations will be set so that we will be above the ground water level. This project is in an area where you have quite a bit of ground water along these ditches. The suggestion was made that we try to elevate or lower the railroad ditch. We have prepared a drainage report, which is really about the same as the Town Engineer's. We have tried to get some easements here and I would like our attorney to add his comments.

MR. BERNARD IACOVANGELO, 510 WILDER BUILDING: At the preliminary sketch plan meeting, the Town Engineer indicated that a drainage ditch, which is on the southerly portion of the Conrail Track to the point where it intersects with Little Black Creek, that is clogged with debris. If this could be cleaned of any of the debris, the water flow would be enhanced, therefore, lowering the water level and increasing the flow to Little Black Creek. In response to that, what I did was contacted the owners of the parcels of land directly connected with the drainage ditch. Mr. and Mrs. Frank and the Gannet Newspaper. I have got a letter from the Gannet Newspaper dated March 20, where they have given us their approval for this and they are very pleased and they are glad we will be doing this to alleviate some of the water draining in that area. I haven't finalized the discussions with Mr. & Mrs. Frank. I have contacted a Mr. Richard Hensell, Conrail, and as of Monday, he indicated to me that they would give an approval to go along their drainage easement and clean out that ditch. He will have a letter in the mail to me by Thursday authorizing us to clean this ditch. Also, I contacted Charles Costich, who is the Town Engineer of Gates. Mr. Costich indicated that he had reviewed the plan that was submitted to the Town Board, and I believe he also talked to Mr. Bowman today and he has given us his approval and Mr. Hart, Supervisor of Gates, has also given us his approval to go into that ditch. It is my understanding that an Article 24 procedure has to be brought into effect because the area acrossed the road is a Wetlands area. We have reviewed all the necessary approvals from Gannett, the railroad, the Town of Gates, and their engineer. At the present time, we are about 90 percent complete as far as getting all these approvals and authorizations to clean that drainage ditch along the South portion of the Conrail track to Little Black Creek. Once that is completed, I believe the proposal across the street, this proposal, and the land adjacent to it will be decreased quite a bit in their water problem. I will leave the explanation of that up to Mr. Avery.

MR. AVERY: This area was not in the Wetlands when we started in the project. Last Tuesday, we had this inspected. We are now working with them under Article 24 and they are working on their determination right now. There is a pond up there in the corner of this area and they strongly recommend the pond be left about the same size. We have eliminated one of the lots and this pond, which takes water from the south, will remain for the wild life and for the wetlands. The developer has decided that would add to the subdivision and are keeping the pond there. The other things the town engineer asked us about are mainly drainage. We are providing easements where if any of the water level is below 555, we will also have a drainage easement. The regrading of the ditch is the major thing. It is from Coldwater Road east to Little Black Creek. We have looked at the Monroe County comments and we are going to comply with the flood plain restrictions as we said. We will also have a turn around on 2 lots with the common drive. We have no problem with the extra land. It can be sold as part of the lot if necessary. We are connecting with the sewer along West Side Drive. They want us to build a manhole and come directly into the sewer. All other comments from the Monroe County letter were involving things that will be shown on the final plans. Again, I want to say, we are keeping the lots much larger than we had before. We are going to try to save as many trees as we can in here. We are going to use the Pino/Knoll technique in placing our houses to save as much of the trees as possible. We are not condensing this in here in any way.

MR. BLEIER: Could you explain what is going to happen to the present drainage open ditch along West Side Drive that goes all the way to Coldwater Road?

MR. AVERY: Basically, we are going to regrade those ditches but basically, they will be about the way they are. We are trying to get at the problem down stream, at the 36 inch pipe. The ditch was meant to be full. You are still restricted by the 36 inch pipe. We are going to lower the water level about a couple of feet. This will help those ditches along there.

MR. BLEIER: Mr. Iacovangelo mentioned you plan to clean out the ditch from West Side Drive to Little Black Creek. You said Coldwater Road.

MR. IACOVANGELO: I meant to say approximately this area here. I was trying to give you a reference point. We are talking east of Coldwater Road.

MR. BLEIER: There is no improvements intended west of Coldwater road?

MR. AVERY: In my original drainage report, there is a small section of about 400 feet that needs some cleaning, but the rest of it is quite good.

MR. BLEIER: There is an extensive amount of water in both ditches. I am not convinced there is that much debris blocking those ditches.

MR. AVERY: There is a grade problem in those pipes. If you look at the pipe coming out of Coldwater Road, it is because by the stream it is blocked. We feel there is enough grade in there to get the Little Black Creek.

MS. BARTOK: The letter from Gannett indicates permission to clean the drainage channel for one day only. It is the nature of drainage systems to silt up. We know the railroads dispose of their old debris there. What provisions have been made for subsequent cleaning, maintenance, and funding of the subsequent cleaning?

MR. AVERY: That matter has been referred to the proper authorities in the Town of Gates.

MS. BARTOK: Have they responded?

MR. AVERY: They haven't come up with a definite plan.

MR. BLEIER: Is there any alternative to the open drain? Is it possible to have a closed system?

MR. AVERY: That is a state highway. They can put a pipe in there right of way and close it. The state would have to do it.

MR. HUNTER: We have a report from our town wide drainage committee dated April 4. You have already addressed one or two of the items. I would like to read this. They would like to point out the following: 1. There is flooding in the area at present; 2. The proposal does not address the problem of who shall grade the ditch but you have addressed that tonight; 3. The proposal does not consider who will maintain this ditch; 4. The townwide drainage study outlines many problems in the area and solutions. The letter closes by saying for the above reasons, the Town Wide Drainage Committee wishes to go on record as opposing this project until such time as these are resolved.

MR. AVERY: I think we have answered a number of those. You are saying can we guarantee the ditch will be forever cleaned out. I don't think that should be the burden of one developer to do that. I haven't seen that letter.

MR. BLEIER: I have another question about the pond that is sitting back there. There is a kind of new thing. You say it acts as a detention pond?

MR. AVERY: This takes water off the other property. There is an outflow pipe that connects to our regular drainage system. It is natural there now and is nothing new. We are not building a new pond. It is just one half to two feet deep. It will probably be divided or something, but it will be a drainage easement.

MR. FRY: Number 9 has been eliminated and combined with 8?

MR. AVERY: Right.

MR. FRY: Is that pond going to belong to one of these lots?

MR. PERNA: I really haven't decided. This pond was brought to my attention just this afternoon. I don't like giving lots away, but in order to get along with the state and town agencies, this pond probably will be sold to one parcel of land. Particularly, to sell an \$85,000 or \$90,000 house with a pond on it many people like. The D. E. C. said the wildlife in the area depends on the pond.

MR. AVERY: We didn't have an access to Coldwater Road because the sight distance was not good and we felt it will prevent problems.

MR. RAGUE: How deep does that pond go?

MR. AVERY: It probably is deeper than two feet now, but we plan on it being 2 feet.

MR. FRY: Did you consider adjoining that access road and Marlands Park.

MR. AVERY: We had problems with that with the elevations we had. We had considered it, but we thought with just one drive it would not be objectionable.

MR. RUSSELL: Would you lose another large tree by doing that?

MR. AVERY: Yes we would.

MR. PERNA: The reason why I have these drawings here is this is the type of house we plan on putting in this area. Renaissance Estates is all different. There are no two alike. This is the type of home we would build. We have picked this spot to attract more larger houses in the area. I have gone to a great extent with this drainage. I have had estimated in the thousands to clean those ditches. We propose not only to clean the ditches, but also to build a reinforcing retaining wall to prevent the backs of the ditches from falling in. I have lived here for 20 years and our homes are an asset to this town.

MR. BLEIER: Will you need variances for any of these lots?

MR. PERNA: No.

MS. LANBERT: The D. E. C. looked at this?

MR. AVERY: A week ago. They will have their report on it soon. Their feeling is if we save the pond and the large area we are not using it would be no detriment to the land. We will have permission to build a few of these in the wetlands. We will naturally have to fill in there.

MR. WARD: What is the length of your smallest home?

MR. PERNA: They vary and average 60 feet. It depends on the house. In the 80 foot lots, we will have to have a house adaptable to the lots. The closer you get to the cul-de-sac, the bigger the houses will get.

MR. BOWMAN: I think the way we are going to have to handle this ditch cleaning is after we get the ditch cleaned downstream of Coldwater Road, we will have to see how much that improved the situation. I feel it might be necessary to do some ditch cleaning west. It is something we will have to monitor as we go along. We will have to stay flexible on that. Another point is I mentioned in my comments about minimum yard elevation and having it all within an easement to the town. The thought behind that is due to the size of the culvert under West Side Drive and due to the drainage situation that we have out there. The culvert will need quite a bit of build up so that we will be needing a larger area for temporary retention of storm water. I suggest that we should determine an elevation. 555 would be an absolute minimum elevation. We would be looking for something higher than that for a minimum elevation out there.

MR. AVERY: I think we are 556 from there. It will require fairly tight grading control on the site and bringing some fill in.

MR. JOHN BLAKE, 859 Coldwater Road: For the last 15 years, that water behind us has crept up until nearly half of our lots are covered with water. I think I heard tonight that a great deal of this land is low and wet land. Many times I have seen West Side flooded and blocked off. I am concerned that the water may cause more damage than we are currently suffering. I can appreciate the profit motive in this thing.

MR. BOWMAN: I participated in a town wide drainage study and spent quite a deal of time analyzing your problems. What we found was that your area is substantially higher than this area.

MR. HANS STRAUSSER: I second everything Mr. Blake has said. I don't want the Town of Chili to do this, I don't think the Town of Chili did anything to alleviate the water problem. The only thing was by the New York Central.

MR. BILL THOMAS, 890 Coldwater Road, also opposed.

MR. BOWMAN: Your land is roughly higher than this land. The culvert underneath West Side Drive on the east side of the railroad serves as a control structure for drainage of approximately 500 acres of which your parcel is a part. It, the culvert, is too high and too small and when the railroad came in and reshaped their railroad, they widened and displaced the conveyance capacity of it. Because there is an obstruction, you have got water that is quite high in your side of Coldwater Road. The Engineer and developer have taken steps to secure permission from various agencies to clean that ditch all the way to Little Black Creek.

MR. BLAKE: Let me say in summary, I have lived there for 15 years. For 6 years, part of that land was a farm. As development came in, all of a sudden, we ended up with water problems. Severe water problems. Now I think we just compound the problem by allowing this to happen without solving our major problem, which is drainage. I am not convinced this has been resolved. I want to see results.

MS. RUTH SMITH, 868 COLDWATER ROAD: We had a letter a long time ago that the land was designated wetlands. Believe me, it is. My problem is the drainage. All the property to the east side of Coldwater Road and if the homes are built there, all our backyards are going to end up lakes.

MR. AVERY: We are going to be putting fill in there. We won't be putting in fill that would adversely affect your property. We will not put any water on to your property. There will be areas left in there to hold water in periods of high run off.

MR. HUNTER: Will there be any drainage off there into other people?

MR. AVERY: I am not allowed to do that. We can't put fill in that will adversely affect your property.

MR. HUNTER: My understanding is about 4 acres have wetlands.

MR. DON TROMLEY, 881 COLDWATER ROAD: Submitted a map that designated the whole area as wetlands. MR. BOWMAN pointed out his error. The map shows density of trees in the area.

MS. LANBERT: I talked to the D. E. C. and they assured me it is 4 acres or less. They will need a permit to build here.

MR. TOMER: I have got a letter that was addressed to Mr. Jay Morant. In that letter, they had a public hearing in April, 1978, to discuss the addition of various areas to the Wetlands district, however, in the letter, it says that a few of the owners were inadvertently omitted from receiving a notice of the meeting. Mr. Morant was never advised that any portions of his land were considered. They are having further public hearings on April 27, 1979, at the present time, this is NOT legally and actually a wetlands area. They are proposing it to be such and will consider it at the public hearing. We have been talking to D. E. C. for an Article 24 to exempt it from wetlands as long as we follow all their restrictions.

MR. PERMAN: When I first looked at this parcel, before I invested any of my time or funds, we looked at this area and spent a great sum of money doing it. This whole side of the railroad tracks is in a different drainage area than my subdivision. What I am going to do and it is costing us \$17,000 to do this work that nobody else in the Town or the Town of Gates would do. A lot of this water is standing water. A lot of this water wasn't here 7 or 8 years ago. It was all blocked. By improving this land with 15,000 of fill, we would be able to pick up some of your water. If you would like a little fill in here, we will be willing to work with you. I am the first one in the Town who is doing anything about it. Everyone else is just dickering over it. These other developers didn't have any consideration for any one else's land. I am going to be proud of this project when I am finished with it. We will try to resolve as much of this drainage problem as possible. If you would like to get together with us, I am sure we can help you out a little bit. I can't guarantee it, but I know your water level will drop considerably if not completely when we are done with construction.

MR. AVERY: I am not adding more water to the pipe. All I am doing is cleaning it.

MR. BOWMAN: There are drain trenches on both sides of the railroad tracks. You have essentially two different drainage systems.

PETITION SUBMITTED opposed to an outlet road.

MR. AVERY: We guarantee that will not happen. We are going to deed it over to one of the lots.

MR. HANS STRAUSSER, 867 COLDWATER ROAD: I think this Board is competent enough to send somebody to the next hearing of the Environmental Department to see if this is to be considered wetlands.

MS. KATHY THOMAS, 890 COLDWATER ROAD: It does not propose any problem to me. Do you have enough elevation to lower that water?

MR. AVERY: Yes, we do.

MS. IRENE BRIKNER, 14 HARDOM ROAD: By putting these homes up, they are going to be adding a lot more water to homes that are existing. I am opposed to it.

MR. AVERY: I think I said I won't be increasing the pipe size. You naturally add water when you add black top. Some will go into this pond and some will be with held within the contains of the drainage easements, but we still will have a little water run off.

NO ONE IN FAVOR OF THE APPLICATION SPOKE.

DECISIONS:

APPLICATION NO. 1 - application of Ridings Equipment for preliminary site plan to expand office area in front and warehouse/garage in rear at 60 Paul Road:

UNANIMOUSLY APPROVED subject to the following terms and conditions:

1. The reosion problem on embankment be addressed;
2. Floodproofing measures be taken and shown on final plot plan and drawings with the code spelled out.

APPLICATION NO. 2 - Donald & Audrey Prue for preliminary approval of two-lot subdivision of property located at 110 King Road - tax account #128-000 in RA-5 zone.

NO VOTE - not back from the County Planning Dept.

APPLICATION NO. 3 - Perna Homes for approval preliminary subdivision of 32 lots at corner of Chili Center Coldwater Road and Westside Drive to be known as Coldwater Crossing in R-1-12 Zone.

DENIED by the following vote: Mr. Hunter, no; Mr. Fry, yes; Mr. Rague, yes; Ms. Bartok, no; Mr. Weber, no; Mr. Bleier, no; Mr. Corcoran, no.

FOR THE FOLLOWING REASONS:

1. Severe drainage problems in the area may be worsened by the development;
2. Town Wide Drainage Committee report objects to this;
3. Open ditches with increased depth of water could be a hazard.

meeting adjourned.

dai

PLANNING BOARD

May 8, 1979

A Meeting of the Planning Board, Town of Chili, was held on May 8, 1979, in the Chili Administration Offices, 3235 Chili Avenue, Rochester, NY 14624 at 7:30 P.M. The meeting was called to order by Chairman Robert Hunter.

ROLL CALL: Mr. Rague, Ms. Bartok, Mr. Weber, Mr. Hunter, Mr. Corcoran, Mr. Bleier

ALSO PRESENT: Mr. Bloss, Townwide Drainage Committee; Mr. Bowman, Town Engineer; Mr. Russell, MCPD; Mr. Bob Connolly, Asst. Bldg. Inspector; Mr. Ward, Bldg. Inspector; Mr. Miller, Dept. Town Atty.

APPLICATION NO. 1

Application of the Norry Company, P. O. Box 51, Rochester, NY 14601, for approval of rezoning of 5.75 acres of land having tax account #1538-150 and #1500-500 from R-1-15 (residential) to M-2 (General Industrial) at property located at North Side of Weidner Road off Fisher Road.

MORRIS LEVY: The land is bordered by Fisher Road and Weidner Road. It is presently vacant. We have been doing some landfill in the area for the past 4 years. Mostly to prepare to build on this property. It lies in the runway extension of the Monroe County Airport, which does not make it desirable for residential zoning.

MS. BARTOK: I notice that there is a considerable amount of fill in there. The Little Black creek runs along the eastern portion and it appears a good portion of your fill in in the floodway of Little Black Creek. What provisions are being made to maintain the wall of the fill?

MR. LEVY: We have been very conscientious about keeping the fill sway from that floodway. Our intention is to build a culvert to direct the water, underground if necessary, should the building exceed what it is intended for. Now, our intention is to let it drain as it naturally does now.

MS. BARTOK: During periods of great rainfall, Little Black Creek handles a tremendous water shed and the water is considerably over the land. It looks to me as though this 525 topography line will be subject to erosion. Perhaps you can look into some sort of rock to stop the erosion of it.

MR. LEVY: I can only agree with you.

MS. BARTOK: You will need a conditional use permit later on if you get rezoning. Also, in the airport zone, they have a limit of 15 to 20 people per acre.

MR. LEVY: This will not be a problem.

MS. BARTOK: Will there be a basement?

MR. LEVY: No. The plans call for concrete slab with a building about 24 ceet long. We have not progressed beyond preliminary plans because of the zoning problems.

MS. BARTOK: Because this is adjacent to a residential area, it will be very important that the facilities are acceptable and buffered from the adjoining area so it won't decrease property values and be an asset to the neighborhood.

MR. CORCORAN: What are you going to warehouse?

MR. LEVY: Building materials, lumber, dry wall, insulation. It is not our business but we anticipate they will have an office staff of about 5 with 3 to 4 sales people during the day.

MR. CORCORAN: You have entrances and exits, are they sliding, overhead doors:

MR. LEVY: Right.

MR. BLOSS: There is not enough information on the topography of the land that will tell the flow of the water.

MR. LEVY: I would like to get the fill completed before I have the engineers do a topography study.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date. *May 2, 1979.*

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

GATES-CHILI NEWS

Issue Dated. *May 2, 1979*

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER

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

My Commission Expires March 30, 1981

Patricia M. Smith

Patricia M. Smith
Publisher

Legal Notice

Chili Planning Board

Pursuant to Section 271 of Town Law, a public hearing will be held at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on May 8, 1979 at 7:30 p.m. to hear and consider the following applications:

1. Application of The Norry Company, P.O. Box 51, Rochester, New York 14601 for approval of rezoning of 5.79 acres of land having tax account #1538-150 and #1500-500 from R-1-15 (residential) to M-2 (General Industrial) at property located at north side of Weidner Road, west of Fisher Road.
2. Application of Walter Dangelmayer, 387 Paul Road, Rochester, New York 14624 for preliminary site plan approval for construction of 30' X 40' addition to the east side of the existing structure (machine shop) at property located at above address in M-1 zone.
3. Application of Barlyn Homes, Inc., 40 Slayton Avenue, Spencerport, New York 14559 for preliminary subdivision approval of 15 lots located at the end of Sutters Run to be known as Mitchell Acres III in R-1-12 zone.
4. Application of Gillette Machine & Tool Co., 955 Millstead Way, Rochester, New York 14624 for preliminary site plan approval to erect 107' X 110' addition to the rear of existing structure at above property in M-2 and FPO zone.

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

Robert Hunter, Chairman
Chili Planning Board

May 8 - 1979

MR. RUSSELL: That should be done as sketch stage rather than at zoning.

MR. WARD: How long has Norry owned the property?

MR. LEVY: I have been with the company for 13 years, and they have owned it all that time. I believe there was a rezoning some years ago and it was rezoned residential through error or redesign.

MR. WARD: There wasn't any engineering study done before that fill was brought in?

MR. LEVY: We never intended to change any of the existing drainage patterns. We have been very conscientious in filling that area. As far as I know, they have lived up to the commitment. To my knowledge, no engineering study has been done. Fill was started before we contemplated putting a building on the land. The opportunity came to accept good fill from the expressway. We took it and then decided to build on the land.

MR. WARD: Has any damage been done to Weidner Road or Fisher Road as a result of this?

MR. LEVY: As far as I know, no damage has been done. In the past, some fill trucks were dragging mud on to the roadway, but as soon as that was brought to my attention, we took care of it.

ELAINE SMITH, 35 MCNARE Dr.: Is this M-2 or M-1?

MS. BARTOK: I am sorry; it is M-2 and will not require a conditional use.

MR. WARD: It is a permit use that will be subject to sketch plan approval.

MS. SMITH: What about the height of the building?

MR. RUSSELL: We will have to review it. It could be a fairly tall building, but you don't know. I will have to review it. The maximum height is 35 ft. or two stories.

MS. SMITH: Is there any concern about the properties on the back of the railroad tracks being flooded?

MS. BARTOK: That is what the concern is about. If it does erode, then those homes may be flooded.

SALLY PONCE, 17 JACKLYN DR.: How many feet have you filled?

MR. LEVY: Around 6½ to 7 feet.

MS. PONCE: I heard that you can't build on filled dirt for 10 years. I am not sure, but I think it is worth looking into.

MR. WARD: Listed all the permitted uses in an M-2 and M-1 zone, for people in the audience who were confused about the difference.

MS. LOUISE LONGBINE: They are dumping just off the road there. The mud is still there and every time the trucks go up or down, all the dust comes toward our homes.

MR. LEVY: The nature of the work being done is on occasion, messy. When we are notified, we have had a crew go out with water tanks and scrapers and scrape the road. Your town officials called me, so they can verify that. I would suggest they call me at the Norry Company. We are in the phonebook and I can give you my card. We are on Ajax Road.

MS. LONGBINE: C. P. WARD is the worst.

MR. LEVY: C. P. Ward has not brought in trash. They have been very reliable. I take notice of your complaint and will have something done about it.

MR. & MRS. DALTON: We have called Jim Powers many times on this. It should be Norry's responsibility to keep the road clean. I am adverse to having someone there who will put up a nice looking building when they can't even keep the road clean.

JOHN STERN, 419 Fisher Rd: I am against this zoning. The drainage and dust, also. I have pictures that show M-2 and if they can't keep their road clean, they probably can't keep their warehouse area neat.

NO ONE SPOKE IN FAVOR OF THE APPLICATION.

AGAINST:

1. Mr. & Mrs. Daulton, 421 Fisher Road
2. Janet Bradish, 423 Fisher Rd.
3. Theresa Manyano, 202 Fisher Rd.
4. Mr. Wydeker, 30 McNare Dr.
5. Elaine Smith, 35 McNare Dr.

PETITION SUBMITTED with 44 names against the application

6. Sally Ponce, 17 Jacklyn Dr.
7. Marguitta Froehlich, 8 Jacklyn Drive.
8. Louise Longbine, 387 Weidner Rd.
9. Richard Froehlich, 8 Jacklyn Dr.
10. Mr. & Mrs. John Stern, 419 Fisher Rd.
11. Bruce Kohlman, 238 Fisher Rd.: We have a large dispute with Crane Hogan now.

I think we should look over the entire area before we spot zone the whole area and we will start to get racked in the residential area.

MR. WARD: Did Norry consider trying to develop this as residential property?

MR. LEV: We own no residential properties. Residential is not our game. Lets be frank and practical and reasonable, who will build ahouse that close to the airport runway in that neighborhood?

MR. WARD: Why is it necessary to ask for rezoning?

MR. LEVY: Primarily because that seems to us to be the best use for the land. It adjoins a parcel that is now zoned M-2 and you can drive from one to the other along the railroad property line. There are warehouses and truck terminals on that other parcel. Sun Chemical has a meat manufacturing plant there and it seemed to lend itself very nicely to an industrial park development.

MS. PONCE: That other area is buffered and no one is bothered by it. Where you are there are residential areas on 2 sides.

APPLICATION NO. 2

Application of Walter Dangelmayer, 367 Paul Road, Roch., NY 14624, for preliminary site plan approval for construction of 30' x 40' addition to the west side of the existing structure (machine shop) at property at above address in M-1 Zone.

MR. DANGELMAYER: I am here to get site plan approval of this addition on the west side of the existing building.

MR. HUNTER: What is this for?

MR. DANGELMAYER: For light manufacturing.

MR. BLEIER: You will have a brick front?

MR. DANGELMAYER: Yes. Like the existing building.

MS. BARTOK: Will the brick facade be extended around the sides?

MR. DANGELMAYER: No, just the front.

MS. BARTOK: The sides are pretty austere. Is there any possibility of having just a facing brick wrapping around the sides a little bit because there are some expensive homes being built across the street on Paul Road. It would enhance the property values to have a good looking building across the street.

MR. DANGELMAYER: It is a cement building. I did not figure on it.

MR. WEBER: He has followed our previous request. I don't really see that we can ask for any more.

MS. BARTOK: Also, the landscaping seems to be inadequate. There are very tiny and very few shrubs. The landscaping is required to be 1% of the cost of the project.

MR. DANGELMAYER: There is a line of trees on the east side. We have some one or two foot shrubs. There are some I have replaced. That is no problem.

MR. HUNTER: Presently, you are parking in the rear and side of the building. What will this do to your parking?

MR. DANGELMAYER: We have more than 25 parking spaces in the back and we employ 20 to 21 people and there is the back for parking of the customers.

MR. BOWMAN: Will there be any other changes to the site other than the addition?

MR. DANGELMAYER: No.

ELAINE SMITH, 35 McNare Dr: Who is responsible to monitor the industrial person who doesn't abide by the rules?

MR. HUNTER: The Building Department. How far they can monitor is a reasonable question.

MS. SMITH: The building is very austere, and I think you should think about some standards before you do allow site plan approval.

MR. DANGELMAYER: I am well within 1 percent of what was spent on the landscape and shrubs. Stop in, and I will take you around the property. It is in better condition than some residential areas.

MS. SMITH: It is clean. I have not got any complaints about that.

MR. DANGELMAYER: It just takes time to get the bushes and things started. Just give us some time.

OTTO LAYER, Representing William C. Baird: There really is no landscaping in front of the building, so I would think that for particularly the owners of the property, they should submit a landscape plan to the Board so there will be no problem. I would consider that this property adjoins residential areas.

IN FAVOR:

1. Elaine Smith, 35 McNare Dr.
2. Sally Ponce, 17 Jacklyn Dr.
3. Richard Froehlich, 8 Jacklyn Dr.

NO ONE SPOKE IN OPPOSITION TO THE APPLICATION.

APPLICATION NO. 3

Application of Barlyn Homes, Inc., 40 Slayton Ave., Spencerport, NY 14559, for preliminary subdivision approval of 15 lots located at the end of Sutters Run to be known as Mitchell Acres III in R-1-12 Zone.

WAYNE WEGMAN: Section 3 and the proposed subdivision is located on the Southwestern side of West Side Drive and Golden Road. This will complete the total of Mitchell Acres. This will contain 15 lots on a ten acre parcel. We will be asking for no variances. This is accordance with the plan submitted last month, however, I have made some changes per your engineer's request. There is a permanent turn around and some drainage easements along the property lines. We have extended lots 24, 13, 14, and 15, to eliminate any lands dedicated to the Town. We are not going into any wooded area at the back. Our water, sanitary and storm will be accommodated through the existing systems on Sutters Run. We will connect it to the existing dead end main and complete the loop and supply adequate pressure and water. The sanitary will be connected at an existing manhole and run out to Golden Road. The storm sewer will follow the same. This existing storm sewer has been designed in consideration of section 3. We have reduced this to 15 lots and are confident the storm sewer is adequate to compensate our drainage. We have been working with your engineer and feel our solution is satisfactory in considering the drainage problems. I would like to ask the Board to waive the final hearing. At this time, we see no problems complying with these comments from the reviews.

MR. WEBER: Does Stone Barn Road dead end in here?

MR. WEGMAN: It dead ends and we will have a permanent turn around.

MR. CORCORAN: Lots 24 and 15 are very large. Could you bring the cul de sac back further?

MR. PASSARO: The land back there is wooded and moist. We tried to avoid building there.

MS. BARTOK: Is that wooded area a part of the wetlands?

MR. WEGMAN: It is not part of the wetlands.

MS. BARTOK: Have you considered a conservation easement in the wet portion of the large back yards?

MR. WEGMAN: That is fine.

MS. BARTOK: The radius on the turn around is only 45 feet. The Highway Dept. prefers an 80 foot circle.

MR. BOWMAN: That is an 80 foot right of way. That is a normal size.

MR. PASSARO: That is no problem. We leave this up to Steve rather than make it a condition now.

MS. BARTOK: Is it possible to have a circle turn around?

MR. WEGMAN: We are trying to leave the woods in there and the economical facts will not allow us to connect the roads. It would be an extra 600 feet of road with no lots. That is why we elected to keep the cul de sac short of the wooded area.

MR. WEBER: What is the tie in with section 2? The reason I bring it up is what is the condition of Stone Barn Road?

MR. PASSARO: There is an intersection on Stone Run that runs parallel to this cul de sac. They back up to lots 16, 17, and 18.

MR. WEBER: Without the extension and the addition of lot 40, Stone Barn turned into the other street going out to West Side?

MR. WEGMAN: It is a dead end that runs 180 feet past the intersection in order to accommodate lot 41.

MR. WEBER: Is there any way the drive to lot 41 could be tied into Stone Barn without extending in and eliminate the dead end situation?

MR. WEGMAN: The house is already constructed and has been lived in for about 1 year.

MR. CLAUSE EVERETT: Are you turning any storm sewer water on to my property?

MR. WEGMAN: We should lower the amount of run off that is coming on your property. We are going to collect the water and pipe it down along Stone Barn, which only leaves the back yards to drain southwest. The land now all drains to the southwest. There are no storm sewers discharging on your property directly.

MR. WARD: The subdivision ordinance section 0.034 says dead end streets have a minimum pavement radius of 40 feet.

MR. BOWMAN: It was offered back a few months ago to clean the ditch along the railroad east of Golden Road. The developer will clean that ditch to West Side Drive. Is that all right?

MR. WEGMAN: If that is a necessary thing to grant approval, I will have to do it. I have a lot of money tied up in this.

MR. HUNTER: The town wide drainage committee recommends approval if the drainage ditch is cleaned from the project to the railroad culvert.

MR. BOWMAN: The ditch is there already. The drainage committee is asking to go from the ditch to West Side Drive. There is a Pure Waters easement along there.

MR. WARD: What are you proposing to use to tie the storm water down spouts and dry wells to the storm water system?

MR. WEGMAN: The construction we have been using is the light plastic 4-H and 1½ foot galvanized steel to tie in. Also, splash blocks like the rest of the subdivision.

MS. BARTOK: It is required by law that the sump pumps be discharged into the surface water system.

MR. WEGMAN: They are already connected. Just the roof leaders will go to the splash blocks.

MR. WARD: We have had a problem with material and your note on the map is incorrect.

MR. WEGMAN: I would like the condition that the down spouts be to splash blocks and not to the storm water system.

MR. BOWMAN: I don't see any problem with using the splash blocks in this subdivision.

MR. WARD: I don't think you will need any variance if the cul de sac was increased to 80 foot. I don't think you will have a problem.

MR. ELGER complained about rocks and debris on the end of Stone Barn Road. The builder agreed to clean it out. It is his normal plan.

IN FAVOR OF THE APPLICATION:

MR. ELGER provided there is a "Y" turn around.

NO ONE SPOKE IN OPPOSITION TO THE APPLICATION.

APPLICATION NO. 4

Application of Gillette Machine & Tool Co., 955 Millstead Way, Roch., NY 14624 for preliminary site plan approval to erect 107' x 110' addition to the rear of existing structure at above property in M-2 and FPO zones.

HERMAN KLINGENBERGER: This will be located to the west side of the existing building. The proposed addition will be in an M-zone surrounded by M-2. The airport is to the west.

MR. BLEIER: What is your plan for the addition?

MR. KLINGENBERGER: Warehouse and storage.

MR. HUNTER: Your receiving and shipping will be at the existing dock?

MR. KLINGENBERGER: Yes, that is correct.

MR. HUNTER: Do you anticipate requiring additional employees?

MR. KLINGENBERGER: No.

MR. WARD: A portion of the property is in the flood plain overlay zone.

MR. KLINGENBERGER: I checked with the County Planning Council, and they felt the elevation was over, by 7 to 8 feet, the elevation required.

MR. WARD: There is a drainage channel to the back and the property does dip off rapidly. Could you elaborate on that? Does that ever back up?

MR. KLINGENBERGER: I don't know. I know there is a channel and it is all wet back there.

MR. BLEIER: Will the height be the same as the pre-structure?

MR. KLINGENBERGER: Yes.

MR. HUNTER: You don't currently have detailed plans?

MR. KLINGENBERGER: Yes, they were submitted.

MR. WARD: I have some in my office. (Mr. Ward got them and presented them to the Board.)

MR. MILLER: How much will this addition give the percentage of building to the total area?

MR. KLINGENBERGER: I haven't figured it.

MS. BARTOK: The building is very nicely done and laid out. It is too bad it is not more conspicuous for more people to see.

MR. KLINGENBERGER: This addition will almost double the size. It will not cover more than 35 percent of the lot.

MR. BOWMAN: Are there going to be any site improvements other than the building?

MR. KLINGENBERGER: Just some fill in the immediate area. No extensive site work.

MR. BOWMAN: No change in utilities?

MR. KLINGENBERGER: No.

MR. BOWMAN: How about parking, it seemed it is pretty close to the capacity?

MR. KLINGENBERGER: There will be no additional employees.

MR. RUSSELL: We officially have not made our airport review at this time.

NO ONE SPOKE IN FAVOR OF OR IN OPPOSITION TO THE ABOVE APPLICATION.

DECISIONS:

APPLICATION NO. 1

Application of the Norry Company on approval of rezoning of 5.79 acres of land having tax account #1538-150 and #1500-500 from R-1-15 to M-2 (General Industrial) at property at north side of Weidner Road east of Fisher Road.

UNANIMOUSLY DENIED for the following reasons:

1. Due to the close proximity of existing residences, the Board felt that the variety and kinds of uses allowed in an M-2 zone are not appropriate for the parcel in question.

2. On the other hand, the conditions in this area that result from the nearby Rochester Monroe County Airport, are less than desirable for building more homes there. Further deliberation on this issue has led the Planning Board to conclude the particular parcel may be better suited for M-1 (Limited Industrial.) The property could then be used for projects whose aesthetic characteristics would be more in tune with neighboring homes than would some of the M-2 uses.

3. It is also conceivable that a warehouse project similar to that discussed at the 5-8-79 meeting could be applied for as a "Conditional Use" in the possible M-1 zone. The Zoning Ordinance permits the Planning Board to take into account the unique characteristics of the neighborhood surrounding a proposed "Conditional Use" and to request the applicant to meet whatever conditions would be necessary so as to not change the character of the neighborhood by virtue of approval of the proposal.

SUMMARY: M-2 across from R-1-15 would be too abrupt a change. However, M-1 uses or properly conceived and implemented M-1 "Conditional Uses" could provide benefits to both the developer and residents of the existing homes.

APPLICATION NO. 2

Application of Walter Dangelmayer, 367 Paul Road, Roch., NY 14624, for preliminary site plan approval for construction of 30' x 40' addition to the west side of existing structure at above address in M-1 Zone.

DECISION RESERVED - not back from the Monroe County Planning Dept. yet.

APPLICATION NO. 3

Application of Barlyn Homes, Inc., for preliminary subdivision approval of 15 lots located at the end of Sutters Run to be known as Mitchell Acres III in R-1-15 zone.

APPROVED with the following terms and conditions:

1. Because of our concern for a possible high water table in this area, you are requested to dig test pits under the on-site direction of the Town Engineer. Finished Floor levels are to be located at elevations appropriate to findings relative to the elevation of the water table.
2. The radius of the cul-de-sac is to be increased to 80 feet.
3. We request that a conservation easement be set up for the low, wet, treed area behind Lots 13, 14 and 15. Exact definition of the boundaries of the easement to be worked out with the Town Engineer.
4. The drainage ditch from Golden Road to the Westside Drive Railroad Culvert minus the portion that has already been cleaned, it to be cleaned to facilitate proper storm water drainage from the subdivision in question.
5. Eliminate lot No. 40 from the plan, and let Stone Barn Road dead end at the north end, at its present location. The dead-end is to be barricaded to prevent entry by vehicle.

THE FINAL HEARING IS WAIVED, if formal plans can be modified to accommodate the above conditions and any others requested by the Town Engineer, by May 15, 1979.

APPLICATION NO. 4

Application of Gillette Machine & Tool Co., 955 Millstead Way, Roch., NY for preliminary site plan approval to erect 107' x 110' addition to the rear of existing structure at above address in M-2 and FPO zones.

DECISION RESERVED - not back from the Monroe County Planning Dept.

dai

PLANNING BOARD
MAY 15, 1979

A Meeting of the Planning Board, Town of Chili, was held on May 15, 1979, at 7:30 P.M. in the Chili Administration Offices, 3235 Chili Ave., Roch., NY 14624. The meeting was called to order by the Vice Chairman, Richard Weber.

ROLL CALL: Mr. Weber, Mr. Fry, Mrs. Bartok, Mr. Rague, Mr. Bleier, Mr. Corcoran

ALSO PRESENT: Mr. Miller, Dept. Town Atty.; Mr. Ward, Town Building Inspector;
Mr. Bloss, Chairman of Drainage Committee; Mr. Bowman, Town Engineer;
Mr. Russell, Monroe County Planning Dept.

APPLICATION NO. 1

Application of James Wilkins & Son., Inc., 1356 Westside Dr., Roch., NY 14624, for preliminary approval of three (3) lot subdivision of Lot R-52 at property located at 14 Hubbard Drive in R-1-12 Zone.

MR. THOMAS FRAZER, ENGINEER: The project is in the extreme northwest corner of the town. The project involves a subdivision that was filed in the 1920's. At one time, this consisted of 4 lots that were combined into one lot by the former owner. Presently, there is one dwelling on the property. Mr. Wilkins was to resubdivide into 3 conforming lots and retain as much of the existing woods as possible. We have the water authority approval and the sanitary sewer will be furnished by the Gates-Chili-Ogden Sewer District. We will use the existing lateral into the property. The plans call for a minimal of earth moving again because we would like to retain the nature of trees on the site. The drainage is from the south to north along the street. It all drains to the north to the culvert that is shown here on West Sid Dr.

MR. WEBER: Does that house face Hubbard or West Side Dr.?

MR. FRAZER: The house in the property faces Hubbard. The house on the corner has a Westside Dr. address.

MR. CORCORNA: Are there homes on these lots?

MR. FRAZER: There is a house on 1 lot. We have shaded it a little. It is masonry and built in 1960. It is setback approximately 60 feet on the existing building.

MR. CORCORAN: Are you going to build on the remainder?

MR. FRAZER: We will remove the existing home and put in 3 new residences at the 60 foot setback.

MS. BARTOK: The Zoning for the area is for 12,000 square foot lots. Each of these lots is 33,000 square foot and will be very large. The building will be confined to the front of the lots near Hubbard Drive.

MR. CORCORAN: Are the adjoining houses 60 foot setback?

MR. FRAZER: Yes. That is a 60 foot restriction.

MR. BOWMAN: I see that you have the front yard drains and the roof run off directed to the street. There are no street drainage facilities out there, so I think it would be better to maintain as much as possible of the existing drainage patterns. That could be done with grading somewhat to the front and you would also want to drain more to the side lots and then drain the side lots to the rear.

MR. FRAZER: Fine. We can do that. No problem.

MR. BOWMAN: Either way you go with the drainage here, it will go across the residential properties to the north. With the drain to the rear, it will be somewhat diffused by going back into the wooded area and will follow more closely the existing drainage patterns. There is actually 2 drainage draws. I don't think there is going to be a marked increase in the run off and don't anticipate any drainage problems. I noticed in the County Planning letter that they are asking for a tie to the monument.

MR. FRAZER: That is on the plan already.

MR. BOWMAN: One other thing, the slope on the northern lot is about 1 on 3, and it looks to drain on the man to the north of you. If you make that not as pronounced as it is, it will help.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date.....

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

GATES-CHILI NEWS

Issue Dated.....

Geraldine C. Snyder

Notary

GERALDINE C. SNYDER

NOTARY PUBLIC, State of N.Y., Vinetob Co.

My Commission Expires March 20, 1981

Patricia M. Smith

Patricia M. Smith

Publisher

Legal Notice

Chili Planning Board

Pursuant to Section 271 of Town Law, a public hearing will be held at Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624

on May 15, 1979 at 7:30 p.m. to hear and consider the following applications:

1. Application of James Wilkins & Son, Inc., 1356 Westside Drive, Rochester,

New York 14624 for preliminary approval of three (3) lot resubdivision of Lot R-52, at property located at 14 Hubbard Drive in R-1-12 zone.

2. Application of Lois Lomio, 2461 Westside Drive, North Chili, New York 14514 for preliminary resubdivision approval of two lots at 2461 Westside Drive (150' frontage) and lot to the east (30.89 frontage) in R-1-12 zone.

3. Application of JoAnn R. Smith, 887 Westside Drive, Rochester, New York 14624 for conditional use permit to operate a beauty

salon in home at above address in R-1-20 zone.

4. Application of North Chili Community Church, 4415 Buffalo Road, North Chili, New York 14514 for approval of rezoning of 10 acres of 36 acre parcel from MR (Multiple Residence) to R-1-15 (residential) at property located at 3361 Union Street.

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

Robert Hunter, Chairman
Chili Planning Board

MR. FRAZER: We can flatten that out. Mr. Wilkins may put a split level in there and that will solve the whole problem. As we modify the swails that will become less pronounced. The houses have to be that high in order to get sanitary drains. The laterals just fit underneath.

MR. WARD: Mr. Wilkins, do you presently own the property?

MR. WILKINS: I have a purchase offer. It will not be activated unless we can build on the lot.

MR. WARD: I received a call yesterday, and I was wondering who would assume the responsibility for it appears there are some kids living in there or quite a bit of activity.

MR. WILKINS: I do not own nor do I have the right to enter the property until we own it. I don't have the key to it. I really don't know. I have no information like that. This is the first I have heard.

MR. WARD: Is there any owner locally?

MR. WILKINS: The attorney for the estate is available tonight if we need to contact him for anything. He is handling the property. I will get that information to him.

MR. WARD: The back area of those lots is pretty much wet quite a bit of the year.

MR. FRAZER: What happens is when trees grow, they create a highpoint and will start the water upstream. The only way to eliminate it is to cut down all the trees.

MR. WARD: What kind of soils are up there?

MR. FRAZER: It is sandy. I can't recall.

MR. BOWMAN: It must have fairly good permeability. I was out there today, and I -alked a good portion of the property.

MR. WARD: Maybe dry wells would be necessary to help.

MR. BOWMAN: I don't think so.

MR. FRAZER: The deed restrictions request and demand the natural drainage be maintained at all times throughout the whole track. There is no cause for extra run off.

MR. WILKINS: In March, after the thaw, it does hold alot of water. The soil does absorb very well and with the trees, does not hold alot of water. We built a house 400 feet from the place 4 years ago.

MR. ERNIE DEMORE, 24 HUBBARD DR: My sump pump is ru-ning all the time, and I am two lots from the property and want to make sure I don't get any water.

MR. FRAZER: That is up higher than this land. There is no way we can add water unel-s we pump it up there.

MR. DEMORE: When is that old building going to come down?

MR. WILKINS: As soon as possible.

MR. WEBER: I am sure if approval is granted, he will go forward with the project, and take down that building and that would be the first order of business.

MR. WILKINS: Right. There is also a potential loss for me so I will contact the Sheriffs Department. We will demolish it as near to immediately as we can. We do intend to build as soon as possible.

NO ONE SPOKE IN FAVOR OF OR IN OPPOSITION TO THE APPLICATION.

APPLICATION NO. 2

Application of Lois Lomio, 2461 Westside Dr., North Chili, NY, 14514, for preliminary resubdivision approval of two lots at 2461 Westside Drive (150' frontage) and lot to the east (30.69' frontage) in R-1-12 Zone.

MS. LOIS LOMIO: This property is immediately adjacent to my property. I would like to purchase it from the County of Monroe, who has taken possession of it due to non-payment of taxes. I have been in touch with an attorney and have already paid the purchase price for it. It is contingent upon the approval of the Board.

MR. WEBER: The total plan is to add the two lots to your lot?

MS. LOMIO: It will be one lot with a 180 foot frontage.

MR. MILLER: Did you presently own the larger lot?

MS. LOMIO: Yes. I am buying a 30 foot strip from the County. It was used as a right of way a few years ago. The attorney wrote to the neighbor on the other side to ask if they wanted any part of it, but they did not.

MR. BLEIER: I noticed what a lovely home you had there.

MR. WEBER: Your present property is to the east?

MS. LOMIO: No. It is west of the 30 feet.

NO ONE SPOKE IN FAVOR OF OR IN OPPOSITION TO THE APPLICATION.

APPLICATION NO. 3

Application of JoAnn R. Smith, 687 Westside Drive, Roch., NY 14624, for conditional use permit to operate a beauty salon in home at above address in R-1-20 Zone.

JOANN SMITH: I have a room of the house that I have set aside that is 10' x 12' for a small part-time business. One unit. It still has to be constructed.

MR. WEBER: You are not now operating this?

MS. SMITH: No. I would like to in the future.

MR. WEBER: How many people on a daily basis would there be?

MS. SMITH: There would not be more than one at a time. We have a large circular driveway so parking is no problem.

MR. WEBER: How many hours a day would you operate it?

MS. SMITH: Probably 4 hours a day. It would depend on the people. It won't be too late in the evening. Maybe late morning to afternoon. Probably 4 to 6 people a day, 3 or 4 days a week.

MR. RAGUE: How long have you lived there?

MS. SMITH: 6 years in July.

MR. BLEIER: Did you ask any of your neighbors about this application and get their reactions to it?

MS. SMITH: No. We don't have any really close neighbors. I can't see where it would be any different than having a few people drop in for coffee.

MR. CORCORAN: How long does it take to do one of the customers?

MS. SMITH: From 1 to 3 hours, depending on what they want.

MR. CORCORAN: How many cars would be parked on your property?

MS. SMITH: It would never be more than 2.

MR. CORCORAN: Do you plan to do any expanding in the future?

MS. SMITH: No.

MR. MILLER: Do you plan to have a sign?

MS. SMITH: No. I won't have to for part-time. It will just be word of mouth.

NO ONE SPOKE IN FAVOR OF OR IN OPPOSITION TO THE APPLICATION.

APPLICATION NO. 4

Application of North Chili Community Church, 4415 Buffalo Road, North Chili, NY 14514, for approval of rezoning of 10 acres of 36 acre parcel from MR(Multiple residence) to R-1-15 (Residential) at property located at 3361 Union Street.

JOHN SCHELER: The property is just north of King Road. Drainage is to the north and flows into the drainage ditch that goes west. The proposed church will have a capacity of approximately 300 people. Parking has been provided, 103 spaces.

MR. CORCORAN: Are you going to purchase the whole 33 acres?

MR. SCHELER: Just 10 acres.

MS. BARTOK: Are you planning to tie in your drainage swail all the way to Meadow Brook Farms.

MR. SCHELER: Yes.

MS. BARTOK: I see you have put the church on the high ground so that you won't have drainage problems.

MR. SCHELER: Right.

MS. BARTOK: Is it safer to have the driveway exit off set from St. Christopher's?

MR. SCHELER: It is safer to have them opposite, but because of the expense and topography there now, it would be best to go this way.

MR. WEBER: What would be involved if you angled it to meet the other?

MR. SCHELER: It involves some extra fill and removal of some trees.

MR. WEBER: It would not be something that could not be readily overcome? It is not a major problem?

MR. SCHELER: No.

MS. BARTOK: Could you stagger the services so you don't have a mob coming out of there at one time?

MR. MILLER: Have you showed your plans to the New York State Dept. of Highways?

MR. SCHELER: No.

MR. MILLER: Will they accept the proposed driveway at this time?

MR. SCHELER: We don't know at this time.

MR. MILLER: The final say is up to the D. O. T.

MR. SCHELER: Yes it is. We do have acceptable site distance. The only thing they may ask us to have the driveway opposite the church to the east.

MR. BOWMAN: Have you approached the Health Dept. on your holding tank?

MR. SCHELER: Yes. They are asking for a larger concrete tank section to connect with a septic system eventually or to a sewer, which ever comes first.

MR. BOWMAN: Why did you design a holding tank?

MR. SCHELER: It is much cheaper initially. A septic system would cost \$10,000 to \$12,000. This way it is only \$1,000. It has an alarm system to it and periodically, it will be pumped.

MR. BOWMAN: How large would that have to be?

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MR. SCHELER: The Health Dept. has asked for a 6,000 tank.

MR. WARD: If the property is rezoned to residential, churches are still a conditional sue permit. What would be the intent of rezoning the parcel.? Is there any intent to develop that as residential in the future?

MR. GARY FIEFER: (pastor of church). No. We have no intent of building any other facilities. Possibly an expansion of the church to accommodate more people.

MR. BLEIER: Do you have a social center as part of this structure?

MR. FIEFER: A basement fellowship hall.

MR. WEBER: You will not have either baseball fields or that?

MR. FIEFER: Maybe a ball field or picnic table, but no structures.

LENHARDTS - 4 sisters who own the property now.

For 11 years this property has been vacant and unsaleable as far as we are concerned. The church approached us on this. For 11 years this property has not been sold be realtors and we believe it is a good thing. We do have a great deal of history here on the land if you need it.

MR. WEBER: This request is only for rezoning. We will recommend to the Town Board and they will have another public hearing and make the final decision. You are in favor of the rezoning?

ALL Four sisters answered: Yes. I talked to Father Booth (St. Christophers Church) and he was pleased with it.

NO ONE SPOKE IN FAVOR OF OR IN OPPOSITION TO THE APPLICATION.

MR. WEBER: Is the 16 acres the total of your holdings?

MS. LENHARDT: Yes. We have this total 23 acres; the church wants 10 of it.

MR. MILLER asked the applicants if they would want to amend their application to ask for a conditional use.

MR. FIEFER: I amend the application to request a conditional use, rather than rezoning.

D E C I S I O N S

APPLICATION NO. 1

Application of James Wilkins & Son, Inc., for preliminar- approval of three lot subdivision of lot R-52 at property located at 14 Hubbard Drive in R-1-12 Zone.

UNANIMOUSLY APPROVED and the final approval is WAIVED subject to the approval of the Town Engineers.

APPLICATION NO. 2

Application of Lois Lomio, 2461 Westside Dr., for preliminary resubdivision approval of two lots at 2461 Westside Dr. (150' frontage) and lot to the east (30.69' frontage) in R-1-12 Zone.

UNANIMOUSLY APPROVED and the final approval is WAIVED.

APPLICATION NO. 3

Application of JoAnn R. Smith, for conditional use permit to operate a beauty shop in home at 687 Westside Drive in R-1-20 Zone.

UNANIMOUSLY APPROVED subject to the following terms and conditions:

1. The customers must park off Westside Drive - in her driveway
2. There is a one (10 year time period for this conditional use after which the applicant can reapply
3. Hours of business shall be from 1 to 5 o'clock in the afternoon
4. There shall be no other employees other than the applicant
5. There will be no more than 2 patrons at one time.

APPLICATION NO. 4

Application of North Chili Community Church, 4415 Buffalo Road, North Chili, NY 14514, for approval of Conditional USE PERMIT for 10 acres of 36 acre parcel to allow a church on MR. (Multiple Residence) zone.

UNANIMOUSLY APPROVED with no terms or conditions.

Meeting adjourned.

dai



PLANNING BOARD

June 12, 1979

A Meeting of the Planning Board, Town of Chili, was held on June 12, 1979, in the Chili Administration Offices, 3235 Chili Ave., Roch., NY 14624 at 7:30 P.M. The meeting was called to order by Chairman Robert Hunter.

ROLL CALL: Robert Hunter; Richard Weber; Betty Bartok; Bill Fry; Ed Rague; Mr. Bleier; Mr. Corcoran.

ALSO PRESENT: Mr. Bloss, Chairman Drainage Committee; Gary Russell, Monroe County Planning Dept.; Mr. Bowman, Town Engineer; Mr. Connolly, Asst. Bldg. Inspector; Mr. Miller, Dept. Town Atty.

APPLICATION NO. 1

Application of Rochester Gas & Electric, 89 East Avenue, Roch., NY 14649, for renewal of conditional use permit granted on 6-13-79 to allow soil enrichment project on property located on the south side of Brook Road, approximately 800' west of Scottsville Road in RA-20 and FPO zone.

MR. DENIS MONEY, PROJECT SUPERVISOR: I have given Mr. Hunter my letter requesting an extension of our use permit. (He read the letter to the Board.) What I would like to do is pass around color pictures showing our site.

MS. BARTOK: I went out and had a look at this in May, and it looks like a beautiful operation. The vegetation is much the same as it was before. The water in the trench by the railroad is absolutely clear and there are certainly no odors. It looks really good.

MR. CONNOLLY: We have never had any complaints. The County comment was that it is a local matter.

MITCHELL RAKUS: So far, the project does not look bad. What assurance do we have that they are not going to start a nuclear dumping area there?

MR. MONEY: We would not use any radioactive waste. I don't think you have anything to worry about. If you would like a letter from our company stating there will be no other waste than organic waste, I will submit one to you.

MR. DON SAYMEN: I have a water well and for the past year we have monitored it with Monroe County Health Dept. The well is clear. We have never found anything. Is there going to be more extensive work now?

MR. MONEY: No. All we are doing is removing one acre to a depth of about 2 inches. The 1 acre will have the new compost applied to it. There will be no difference from last year.

MR. SAYMEN: We have had no notice of any odors or anything.

MS. BARTOK: The sludge that is being used on the site has been composted before you get it. It is not likely to cause disease or damage to the ground water.

APPLICATION NO. 2

Application of Arthur & Barbara Girvin, 526 Paul Road, Roch., NY 14624, for renewal of conditional use permit to operate a beauty shop in residence at above address in R-1-15 Zone.

BARBARA GIRVIN: I would like to apply for 4 years instead of 2 years for renewal. I have been there a long time, and have had no complaints.

MR. CORCORAN: How long have you been there?

MS. GIRVIN: Since 1968.

MR. CONNOLLY: We have had no complaints. The County comments are not required. We would like to recommend this use be extended even indefinitely. This is the 4th time she has been here. With the same conditions as before.

MS. GIRVIN: The only thing was there was to be no advertising in the local papers.

MR. HUNTER: There is no change in the operation in terms of volume?

MS. GIRVIN: No.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date *June 6, 1979*

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

GATES-CHILI NEWS

Issue Dated *June 6, 1979*

Geraldine C. Snyder

Notary

GERALDINE C. SNYDER

NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 1981

.....
Patricia M. Smith
Publisher

Legal Notice

Chili Planning Board

Pursuant to Section 271 of Town Law, a public hearing will be held at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on June 12, 1979 at 7:30 p.m. to hear and consider the following applications:

1. Application of Rochester Gas and Electric, 89 East Avenue, Rochester, New York 14649 for renewal of conditional use permit granted on 6-13-78 to allow soil enrichment project on property located on the north side of Brook Road, approximately 300' west of Scottsville Road in RA-20 and FPO zone.

2. Application of Arthur and Barbara Girvin, 526 Paul Road, Rochester, New York 14624 for renewal of conditional use permit to operate a beauty shop in residence at above address in R-1-15 zone.

3. Application of Frank F. Lenhardt, 83 Wheatland Center Road, Clifton, New York 14431 for preliminary site plan approval for 26' X 30' addition to existing machine shop at property located at 202 Chestnut Ridge Road in R-1-20 zone.

4. Application of David Curtis, 22 Woodside Drive, Rochester, New York 14624 for resubdivision approval for combining lots located at 37 Wadsworth Drive, having tax account #70-220 and 111' frontage and 39 Wadsworth Drive, having tax account #70-000.1 and 60' frontage in RA-6 zone.

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

Robert Hunter, Chairman
Chili Planning Board

*Planning Book
June 12*

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MR. RUSSELL: If you decided to give it indefinite period, you can always revoke it under section 4.040E of the Zoning Ordinance. You will still have your safeguard.

NO ONE SPOKE IN FAVOR OF OR IN OPPOSITION TO THE APPLICATION.

APPLICATION NO. 3

Application of Frank F. Lenhardt, 83 Wheatland Center Road, Clifton, NY 14431, for preliminary site plan approval for 26' x 30' addition to existing machine shop at property located at 202 Chestnut Ridge Road in R-1-20 Zone.

MR. FRANK LENHARDT: I have some maps showing the lot size and the location of the addition and an engineers drawing of the addition. I have some sketches of what the addition will look like with regard to the present building. We have a machine shop and plastic molding shop. We have 4,200 square feet. I am proposing to add 780 square feet to this for warehouses. It is primarily frame and sheet metal. It would involve removing some top soil for a gravel and concrete floor. It also involves installing a new electric service that would come underneath the ground. The reason is to make room for the new addition. The present power pole sits right in the middle of the area we want to put the new addition on.

MS. BARTOK: Will this provide for employment of additional people?

MR. LENHARDT: At the present time, we would use it for warehouse. We don't foresee putting any equipment in it. I would hope my business would grow, and if so, I would be back to ask for another approval. Right now, it would be warehouse. We have used small barn type utility buildings and rental storage trailers, which is very impractical for our operation. We hope to eliminate that and put it all under the roof of the main building. There may be some additional paving. We have a blacktop driveway and parking lot. I believe we would try maybe next year to connect the blacktop around to the back to an overhead door.

MR. RAGUE: How long have you been in business?

MR. LENHARDT: My dad started it in 1940. Our lot is basically level. This won't involve removing hills.

MR. RAGUE: Will you have any trouble dispensing of this dirt?

MR. LENHARDT: Someone did us a favor and dug out the back of our lot many years ago. We have lots of room to level out the property, which is what I would like to do. I also own the lot next door., but I have room to put it right on the existing lot.

MR. BLOSS: The drainage committee did not receive a site plan or contour map. Were they ever submitted?

MR. LENHARDT: No. I have a survey map. The map labeled "A" shows how the building lies on that lot.

MR. HUNTER: We are also concerned about the storm water drainage.

MR. LENHARDT: I submitted a map of what the present drainage flows of the property are. There is no existing storm sewer. It is all the loose type of sand and very little flows on the surface. What does flow, goes south. There is a tile underneath the property in front of the shop. The water flows underneath and into the corner lot on Chestnut Ridge Road and Coldwater Road. There are no gutters on the building. There never has been. It is a very steep roof. I have some pictures that may give you a better idea of the layout. We don't have surface water running on top of the sand. It is not a problem at the present time.

MS. BARTOK: I don't think there is any problem in that area anyway. It is a low spot that is suppose to collect water and it does.

MR. HUNTER: Would the closest homes be the home in front you mentioned?

MR. LENHARDT: Yes. My mother and a few aunts live around me. That can be both good and bad news. To the north is my uncle, Fred. All the other homes there go from Coldwater directly west. They pass our property.

MR. FRY: You are the principal of Lenhardt and Tucker?

MR. LENHARDT: Yes.

MR. FRY: The land is owned by you individually?

MR. LENHARDT: Yes. The corporation owns the building at the present time, but that may change, too.

MR. FRY: May I assume your relatives have no objections?

MR. LENHARDT: Yes. Sir. Before the Zoning Board meeting, I sent out a letter and a map that showed this expansion. I sent it to all the people on Chestnut Ridge and up Coldwater Road. The people on the west side and no one showed up at the Zoning Board meeting so I have to assume they have no complaints. I am not aware of any.

MR. BOWMAN: One of your plans shows a well in the area where the addition will be. Is that being used now, and what are your plans for it?

MR. LENHARDT: It is being used now, and I have dug up the well and put a wellblock around it. I intend to reinforce it and use it from inside the building. We have no public water supply. I have another well from my mothers well.

MR. CONNOLLY: The building is completely out of site of Chestnut Ridge Road. There has been a variance granted for extension of the use. Tom has met with Mr. Lenhardt and has no objections to the plan. The County has located the matter, and I would request the Board waive final requirements.

NO ONE SPOKE IN FAVOR OF OR IN OPPOSITION TO THE APPLICATION.

APPLICATION NO. 4

Application of David Curtis, 22 Woodside Dr., Rochester, NY 14624, for resubdivision approval for combining lots located at 37 Wadsworth Dr., Having tax account #70-220 and 111' frontage and 39 Wadsworth Drive having tax account #70-000.1 and 60' frontage in RA-5 Zone.

MR. DAVID CURTIS: I am combining two lots. We are trying to build a new home there. We were here earlier and obtained a variance for the side setback. We are going with a ranch home. With acreage and combining the two lots, we will not need another variance.

MR. HUNTER: It is around where the turn around is?

MR. CURTIS: Yes. To the west side. It is about 10 to 15 feet beyond the turn around. To the north, the land is owned by a farmer on Union Street.

MR. CONNOLLY: The proposal will improve the present situation. I recommend the final be waived. The County comments had no problems.

NO ONE SPOKE IN FAVOR OF OR IN OPPOSITION TO THE APPLICATION.

INFORMAL APPLICATION

APPLICATION NO. 1

Application of Garnham Enterprises, Ltd., 38 Stottle Road, Churchville, NY 14428 for sketch plan approval of Chili Office Apartment building at property located at 4358 Buffalo Road in C-2 zone.

MR. GADE OF BROWN & GADE FIRM: This house is on Buffalo Road across from the Post Office. Now, there is a burned out house there. We are proposing to follow what the Zoning Ordinance allows, which is shops below and apartments above. I have talked to the Fire Chief and he suggested moving the parking to allow for a fire lane. I also talked to Mr. Bowman, and he was concerned with the drainage. There is no storm drainage here. Buffalo Road has a storm drain so I called Mr. Timmons of the D. O. T., and they have indicated eventually they are willing to take the surface runoff. The sanitary sewer, I believe, is in the street. I haven't checked with Pure Waters, but there isn't going to be that much more.

MR. RAGUE: That is 100 yards from Union Street?

MR. GADE: Yes.

MR. BOWMAN: It is 260 feet.

MR. RAGUE: How is the water going to get to Union Street?

MR. BOWMAN: It drains sharply to Union Street. Buffalo Road has a drain to Union Street. The low point is just past Union Street on Buffalo Road.

MR. GADE: The catch basin is shown on the drawing.

MS. BARTOK: Were you planning on paving the parking area?

MR. GADE: Yes.

MS. BARTOK: That will increase your run off. The drainage system is not very good. When we get heavy rainfall, water builds up across the street and covers their parking lot. It will stay for 3 hours at a time.

MR. GADE: I can try to come up with some type of system.

MS. BARTOK: Where are you going to put the snow?

MR. GADE: There are spots around the building.

MS. BARTOK: It doesn't look like very much for the volume of snow we get. It looks to me as though the houses to the east, west, and the barn are very close to the property lines. You can't flood your neighbors with your snow piles.

MR. GADE: Mr. Bowman talked to me about that, and I am sure there will be a solution that Mr. Bowman can help approve. I appreciate your bringing it up.

MS. BARTOK: You are short twenty parking spaces for the uses you have indicated.

MR. GADE: We are counting on the parking spots being used by the apartments at the same time as the store. The likelihood of everybody coming into the stores and everybody occupying the apartments is very slight. The objective here is to reuse as many parking and paved area as possible. We have left some green space.

MS. BARTOK: I think parking will be a critical concern. Union St. is very busy and is a poor place for people to park. The adjoining street is used by parking for Roberts Wesley College.

MR. GADE: We don't anticipate parking in the street. Based on experience, we have found the chances of all the parking being used at one time is very slight.

MS. BARTOK: Have you done the marketing study for this area? The reason I ask is because some commercial outlets are going out of business in the Town Plaza. There is always advertising in the papers for vacant apartments in that area. There seems to be an abundance in that area. You should look for that to see if you have a use that is desirable here.

MR. GADE: We have discussed that at length. This is what the Zoning requires, and we are trying to conform to that. If the stores can't make it, we can convert them into apartment space. We have done a lot of work in the city. Apartment rental depends on two things. One is market. There might be some because of Roberts Wesley College. Our occupancy is 100 percent. A market study hasn't been done, and I do think we should look into that. I don't know whether a project of this size could submit a thorough marketing study.

MS. BARTOK: You should look into this and be sure you have a desirable business and you are not 20 parking spaces short. I would like to make a correction, you are 17 parking spaces short. I am sorry.

MR. BLEIER: Your sketch has 4 locations for stores. Is that what you anticipate?

MR. GADE: It depends upon how big or small a store the tenants have.

MR. BLEIER: What would be a comfortable number as far as the business portion and the apartments involved?

MR. GADE: Six to eight stores with ten apartments.

MR. HUNTER: What are the boundaries of your lot?

MR. GADE: To the solid black line. There are some existing trees, which we are going to keep. We have a 20 foot setback from Buffalo Road, which is almost on the curb. We have tried to follow the neighboring area.

MR. HUNTER: You will need a variance for 20 feet.

MR. BOWMAN: It would be good to show the adjacent buildings because this will show what they are setback to, and to show that this building is setback like those are.

MR. RAGUE: I would suggest you check with the neighbors first to find their feelings. Find out first, so the neighbors won't come in and raise heck.

MR. GADE: I really want to stress one thing. If the product is unique enough, and done right, there is always a market for it.

MR. RUSSELL: You will be needing a conditional use permit for the dwellings. You will probably need a couple of variances possibly for lot coverage, parking, front setback and for the number of parking spaces.

INFORMAL APPLICATION NO.2

Application of Ridings Equipment, Ltd., 60 Paul Road, Rochester, NY 14624, for final site plan approval to expand office area in front and warehouse/garage in rear of existing building at above address in M-2 and FPO zone.

BILL LADUE: We have received the comments from the Board. We have attempted to meet all of them. One comment was to address the problem of erosion from Little Black Creek up to an elevation of 518. The areas that are not currently covered with vegetation will be planted and topsoil will be brought in. The building will be flood proffed in accordance with HUD requirements and the section of the Zoning Ordinance. Mr. Ridings has moved his equipment from the front of the building so it is no more in the 100 foot to the road area.

MS. BARTOK: They have really made an effort there.

MR. LADUE: One other comment was for a landscaping plan. We will plant anything the Conservation Board wants. I have proposed Honey Locusts, 10 to 20 feet high, to frame the building and New York Crab Apple Trees.

MS. BARTOK: The landscaping plan looks very nice. So do the plans for the retention of Little Black Creek.

MR. HUNTER: The Townwide Drainage Committee recommends approval.

MR. RUSSELL: You might want to look into some of your plantings to make sure they will grow. You may be better off with a Juniper or something that will take more sun.

MR. CONNOLLY: We see no problem. We would like to ask for a Letter of Credit for the landscaping and the seeding of Little Black Creek.

D E C I S I O N S

APPLICATION NO. 1

Application of Rochester Gas & Electric Corp. for renewal of conditional use permit granted on 6-13-78 to allow soil enrichment project on property located on the south side of Brook Rd., approx. 800' west of Scotssville Rd. - RA-20 to FPO zones.

APPROVED to extend conditional use permit for one more year - to expire 6-13-80.

APPLICATION NO. 2

Application of Mr. & Mrs. Girvin, 526 Paul Road, to renew conditional use permit to operate a beauty shop in R-1-15 Zone.

APPROVED for a 4 year term, subject to those conditions previously agreed to.

APPLICATION NO. 3

Application of Frank Lenhardt for preliminary site plan approval for 26' x 30' addition to existing machine shop at property located at 202 Chestnut Ridge Road in R-1-20 zone.

APPROVED and the final approval requirements are WAIVED.

APPLICATION NO. 4

Application of David Curtis, 22 Woodside Dr., for resubdivision approval for combining lots located at 37 Wadsworth Drive, tax acct. #70-000 and 111' frontage and 39 Wadsworth Dr., Tax acct. #70-000.1 and 60' frontage in RA-5 zone.

APPROVED and further hearings are WAIVED.

INFORMAL APPLICATIONS

APPLICATION NO. 1

Application of Granham Enterprises, Ltd., 38 Stottle Road, Churchville, NY 14428 for sketch plan approval of Chili Office-Apartment Building at property located at 4358 Buffalo Road in C-2 zone.

APPROVED informal conceptual approval subject to the following terms and conditions:

1. Buildings on adjacent lots must be shown on the plan view of your proposed building.
2. Provide north, south, east, and west elevations of proposed building
3. Provide information as to materials proposed for exterior of proposed building (An artistic rendering of building might be helpful or any other means)
4. Request that the front-most parking space edge coincide with the front wall of the building.

NOTE: Board discussed the possibility that if the store space could not be satisfactorily rented, the owner might want to convert the first floor store space to apartments, making apartments the sole function of the building. Board believes it would not be in the public interest to approve, either initially or later on, an apartment building on this site.

APPLICATION NO.2

Application of Ridings Equipment Corp., 60 Paul Road, Roch., NY 14624, for final site plan approval to expand office area in front and warehouse/garage in rear of existing building at above address in M-2 and FPO zone.

APPROVED SUBJECT TO THE FOLLOWING:

A letter of Credit must be submitted to the Chili Town Board to cover completion of the following: 1.) landscaping; 2.) seeding of required portions of the near side bank of Little Black Creek.

dai

PLANNING BOARD
JUNE 19, 1979

A Meeting of the Planning Board, Town of Chili, was held in the Chili Administration Offices, 3235 Chili Ave., Roch., NY 14624, at 7:30 P.M. The meeting was called to order by the Chairman, Robert Hunter.

ROLL CALL: Ms. Bartok; Mr. Hunter, Mr. Weber, Mr. Bleier, Mr. Fry, Mr. Corcoran

ALSO PRESENT: Mr. Bowman, Town Engineer; Mr. Bloss, Townwide Drainage Committee; Mr. Ward, Town Bldg. Inspector.

APPLICATION NO. 1

Application of Case Hoyt Rochester Corporation, 100 Beaver Road, Churchville, NY, 14428, for preliminary site plan approval for 70' x 560' addition to rear of existing building at property located at above address in M-1 Zone.

MR. KEITH PIERCE of Case Hoyt: Basically, the approval was set up to add an addition of roughly 50 percent to our present manufacturing facility. We have a number of divisions throughout the country. It was with a great deal of effort to convince our Board of Directors that we should be expanding here in Rochester rather than some place else. We expect to increase the manufacturing capability by roughly 30 percent. It will add approximately 25 to 30 employees spread out among three shifts. We feel the parking facilities are more than adequate to sustain that additional growth.

MR. WEBER: How does the size of the lot local plant compare with the other divisions?

MR. PIERCE: As far as manufacturing space, we have our corporate headquarters right here on State Street. We have three divisions in the Rochester Area. We have a new facility in Williamsburg, Virginia, in Atlanta, Georgia, and we have recently purchased a plant out in Charlotte, North Carolina.

MR. BLEIER: Could you give us a little idea of the construction and how it blends in with the existing facility?

MR. JOHN PATERSON, ARCHITECT: The facility will match the existing building. We are not using pre-cast concrete wall panel because of the engineering code requirements. We will be using a 6 inch high quality finish. It is a concrete grade beam and foundation system. Slab on grade. The structure will have a steel frame and be enclosed by a metal wall.

MR. BLEIER: What kind of outside facing on the east and west sides will you have?

MR. PATERSON: 6 inch wall panel system that will match what is there right now.

MR. CORCORAN: Will you have drive access to that building?

MR. PATERSON: There will be no formal driveway access other than keeping it clear for fire fighting vehicles. There will only be fire doors.

MR. CORCORAN: You are using the same egress and ingress facilities as you have now?

MR. PATERSON: Yes.

MR. CORCORAN: Will you enlarge those at all?

MR. PATERSON: No. It is quite adequate for your code requirements, and also, for what their needs are. The only changes are the moving of the overhead door to the new north wall to the railroad dock.

MR. PIERCE: We are also adding two additional docks to the shipping department to meet our requirements for ingress and outflow.

MR. PATERSON: Shipping is only on the west side.

MR. HUNTER: 5 trailers altogether?

MR. PIERCE: Yes. We will be remodeling the inside at the same time.

MS. BARTOK: What will the elevation be of the addition?

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date *June 13, 1979*

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

GATES-CHILI NEWS

Issue Dated *June 13, 1979*

Geraldine C. Snyder

Notary

GERALDINE C. SNYDER

NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 1981

Patricia M. Smith

Patricia M. Smith
Publisher

Legal Notice

Chili
Planning Board

Pursuant to Section 271 of Town Law, a public hearing will be held at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on June 19, 1979 at 7:30 p.m. to hear and consider the following application:

1. Application of Case Hoyt Rochester Corporation, 100 Beaver Road, Churchville, New York 14428 for preliminary site plan approval for 70' x 560' addition to rear of existing building at property located at above address in M-1 zone.

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

Robert Hunter,
Chairman, Chili
Planning Board

June 19

*Planning Board
Case Hoyt*

MR. PIERCE: This building is three different sizes now. The center is 26, one section is 20, and one is 32 feet high. We will be matching the 26 foot section, and the 20 foot section. The new equipment is not as high as it used to be. We do not need to go so high. It will also save us some energy and it will level out the step look that is there now.

MS. BARTOK: How is the wall going to look?

MR. PATERSON: We have not picked out a color, but will continue the same theme we have now, all the way around the building.

MS. BARTOK: You have a very attractive building.

MR. HUNTER: Do you have to address bathroom facilities?

MR. PIERCE: No.

MR. PATERSON: It is strictly production space. It meets all the code requirements.

MR. WEBER: How many people do you employ presently?

MR. PIERCE: 160. We hire a lot of people for our rush season. There is about 70 people maximum in the facility per shift. We run 3 shifts, 6 days a week. We don't like it 7 days a week.

MR. HUNTER: How long do you estimate it will take to get the building completed?

MR. PATERSON: We are taking bids on the 28th of June. We hope to be ready for a press by January 1. That gives us a months leeway for the actual schedule time.

MR. WEBER: You will be putting more than one press in right now?

MR. PIERCE: No. At this time we are only putting in one press. We really designed this based on the capacity. It becomes unmanageable when you get a really large operation. Each of the presses fit in a bay that is roughly 35 feet by 165 and we will have 4 lined up together. With the addition, we will have another one parallel to the line. In 3 or 4 years, if we do have the business, we will add another one parallel to the others. The presses don't last very long so we would probably replace an old one rather than add one. We would be unlikely to expand this building any further.

MR. PATERSON: The building footings are not set up to add any more. That doesn't mean you can't add on, but it is more difficult.

MR. BLOSS: I discussed this with the committee, and we all agree, it should be acceptable for drainage.

MR. HUNTER: The building addition does not basically change the drainage pattern?

MR. PATERSON: It does improve it on the north side of the building. Right now, there are undeveloped swails and it is being cleaned up, seeded, and landscaped.

MR. BOWMAN: Are there going to be any changes in water or sanitary sewers to the building?

MR. PATERSON: There will be a change in the water service only for fire protection. We are going to have to relocate one hydrant by the shipping dock and add another hydrant in the northeast and west corners. We will also bring the new fire protection service into the east side of the addition to protect the new construction. It actually comes in to the east of the building toward the front.

MR. BOWMAN: It is good to show the fire hydrants on the final site plan.

MR. BLEIER: Will the town fire equipment have access to the rear of the building?

MR. PIERCE: We do have a gravel path that goes right into the back.

MR. BOWMAN: I imagine you have got some 4 drains involved?

MR. PATERSON: We have had too much trouble so now we don't.

MR. WEBER: How much land is presently owned by Case-Hoyt?

MR. PATERSON: 152 acres.

MR. WEBER: How much money is involved?

MR. PIERCE: We just got a \$6,000,000 revenue bond. Out of that, \$4.5 million is for this facility here. We are also expanding our St. Paul facility. That includes the equipment and the building. The press itself is \$2.5 million.

MR. HUNTER: Has the fire marshal seen these plans?

MR. WARD: He has had the opportunity to, but I don't know. The building is sprinkled?

MR. PIERCE: Yes.

MR. WARD: I don't see why he would have any objection to it.

MR. BLEIER: Is there any landscape plan?

MR. PATERSON: No. At the moment, there is none shown and we don't think we will have any more. We have done extensive landscaping in the front. We will burm and seed the back.

MR. BLEIER: There is a requirement that 1% of the building cost be spend on landscaping.

MR. PIERCE: There is seeding and grading of 5 acres. We are not going to do a heck of a lot in the back since it is not visible. We just increased our cost by \$3,000 of grading the grass. The soil out there is the worst you can have for grass. It is very difficult to keep that nice. We have planted hundreds of trees and they are about the same height as they were when they were planted. We are planning on trying to build up the grass and tha land as best we can.

MR. BLEIER: Our concern is landscaping. Perhaps our Conservation Board could help you.

MR. HUNTER: We can take a look at that at the final. The requirement as I see it, is about \$10,000. May be you can use it up in seed.

MR. WARD: The a-dition is strictly on the back, and you are not going to have to buffer if from anything. I think if Case-Hoyt has spent that kind of money to improve their soil condition, I would almost feel we should just suggest grass to grow there. I would just make a recommendation for additional landscaping.

THE APPLICANT is willing to meet with the Conservation Board even if the Board waives the requirement tonight for they want a good landscape plan for their land.

NO ONE SPOKE IN FAVOR of or in opposition to the application.

DECISION:

UNANIMOUSLY APPROVED and the final approval is waived.

RECOMMENDATION: The applicant contact the Conservation Board and the hydrants be shown on the site plan.

dai

PLANNING BOARD
JULY 10, 1979

A Meeting of the Planning Board, Town of Chili, was held on July 10, 1979, in the Chili Administration Offices, 3235 Chili Ave., Roch., NY 14624 at 7:30 P.M. The Meeting was called to order by Chairman Robert Hunter.

ROLL CALL: Robert Hunter, Betty Bartok, Bill Fry, Edwin Rague, Ray Bleier, Dick Weber

ALSO PRESENT: Mr. Bloss, Chairman of Drainage Comm.; Mr. Ward, Town Bldg. Insp.; Mr. Bowman, Asst. Town Eng.; Mr. Russel, MCPD; Ms. Lanberg, Liason for Conservation Board; Daniel Miller, Dept. Town Atty.

APPLICATION NO. 1

Application of Jack Greco, Creekside Antiques, 1611 Scottsville Road, Roch., NY 14623, for preliminary site plan approval for conversion of existing two-story portion of building, originally proposed for storage, to be used for additional retail sales at property located at above address in M-2 and FPO zone.

MR. GRECO: I started 8 years ago in the same location as where my new addition was put on. I went to this as an addition to my antique shop. It is used for retail and wholesale sales. I sell 60 to 70 percent of my business out of state. This is decreasing because of the gas problem. It changes with the trends in business. It is still used for storage. I do auction in 3 or 4 states. There is a lot of furniture in there that I send out for auction in Texas and California.

MR. FRY: Are you going to make any structural changes?

MR. GRECO: No. I thought everything was O. K., when I went for my addition.

MR. HUNTER: What modifications would you need on the site. For example, ample parking?

MR. GRECO: That should remain the same.

MR. WARD: He has the site plan approval for a storage building. The addition was put up. Now it is being used for retail sales.

MS. BARTOK: You didn't anticipate that the additional retail space will need any additional parking?

MR. GRECO: There is no increase of people on the property. My business has expanded for lack of room. Furniture takes up a lot of space.

MR. WEBER: How much of the new floor space will be used for retail?

MR. GRECO: All of it. I would say 60 to 70 percent of it is to be used for wholesale sales and storage. A lot of my merchandise is shipped out and sold out of state. It is used for storage as I originally went for.

MR. HUNTER: There are really two businesses there, aren't there?

MR. GRECO: Yes. My uncle runs a T. V. repair shop next door. I would say I would have no more than 6 to 7 cars. I have enough parking for 8 to 10 cars and my uncle has that also. We have 30 acres of land there.

MR. HUNTER: Is that blacktopped now?

MR. GRECO: Yes. I did it myself.

NO ONE SPOLE IN FAOVR OF OR IN OPPOSITION TO THE APPLICATION.

APPLICATION NO. 2

Application of North Chili Community Church, P. O. Box 398, North Chili, NY 14514 for preliminary approval of two lot subdivision, one lot to be 10.041 acres, remaining parcel to be approximately 26 acres, at property located at 3361 Union Street in MR ZONE

and APPLICATION NO. 3

Application of North Chili Community Church, P. O. BOX 398, No. Chili, NY for preliminary site plan approval to erect church at property located at 3361 Union St. in MR. ZONE.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date *July 5, 1979*

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

GATES-CHILI NEWS

Issue Dated *July 5, 1979*

Geraldine C. Snyder

Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y. Monroe Co.
My Commission Expires March 30, 1981

Patricia M. Smith

Patricia M. Smith
Publisher

Legal Notice

Chili Planning Board

Pursuant to Section 271 of Town Law, a public hearing will be held by the Chili Planning Board at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on July 10, 1979 at 7:30 p.m. to hear and consider the following applications:

1. Application of Jack Greco, Creekside Antiques, 1611 Scottsville Road, Rochester, New York 14623 for preliminary site plan approval to convert existing two-story portion of building, originally proposed for storage, to be used for additional retail sales at property located at above address in M-2 and FPO zone.

2. Application of North Chili Community Church, P.O. Box 398, North Chili, New York 14514 for preliminary approval of two lot subdivision, one lot to be 10.041 acres, remaining parcel to be approximately 26 acres, at property located at 3361 Union Street in MR zone.

3. Application of North Chili Community Church

of Chili Scottsville Road, north of Black Creek, approximately 918' south of Beaver Road, having tax account #188-025 in FW and R-1-20 zone.

6. Application of Ronald Board, 80 River Meadow Drive, Rochester, New York 14623 for conditional use permit to operate softball complex (two ball fields) with a concession stand on property located on west side of Chili Scottsville Road, north of Black Creek, approximately 918' south of Beaver Road, having tax account #188-025 in FW and R-1-20 zone.

7. Application of William

Johnroe, 77 Lyndale Drive, Rochester, New York 14624 for preliminary approval of two lot subdivision to be known as Lot 11 of the Hunt Estate, located on east side of Stottle Road approximately 2,969' north of Bowen Road, lot to be 18.7 acres with 134.77 acres in remaining parcel in RA-10 zone.

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

Robert Hunter
Chairman,
Chili Planning Board

zoning book

MR. DONALD AVERY, ARCHITECT (passed out some more recent plans.)
This is the property that would be used for the church. We have a detailed map on the corner showing the property because we are subdividing. Union St. and King Rd. surround it. This was all zoned MR at one time. We have obtained a use variance for this to be zoned as a Church on lot one. Lot one shows our septic system and water service as well as location. Presently, they are meeting at the professional building on Attridge Road. This was the most promising area to locate because of the other restrictions in other places and land was not available. They have purchased this property and it is 10 acres. There was a house on this property years ago. We are not coming into a ground water problem. The present church has 170 people attending 3 services. There are about 80 active members. They wanted to have the property and build a church and with enough land, they could expand later if they wish. Presently, you will see on the map, the trees are the existing trees that will remain. The other ones are a buffer for the new parking lot. Plans are to use a holding tank and we have made arrangements with a scavenger to take the sewage without building a leach field. The promise is that in 1982 or 1983, there will be a sewer in there. I have a letter to that effect, but that depends on the economy and such. This holding tank can be used later on as a septic tank. The Health Department has ordered the use of this facility on the site. The drainage is the big ditch along the north property line. It drains from Meadowbrook and the town has an easement for this ditch. There will be no problem there. We also have located the driveway so it is exactly opposite the driveway of St. Christopher's, which was a recommendation from the state D. O. T. The site distance is good here, too. There are some hills by where the driveway is. It is ok. You can see the cars. We are not asking for any variances whatsoever. The building is back 100 feet. We are not parking any closer than 100 feet from the road right of way. There has also been a letter of the M. C. P. D., and I talked to Russ. One of their comments was the sign. This sign is allowed in the ordinance. There is some concern about the soils, but being that we are in the same area as the house before, there will be no problem. We did add more trees and maybe that landscaping detail can be worked on if it does not meet the Board's approval. The other items on the report will be taken care of on our final plans. The septic system will be put in only if it is required. We have got plenty of area in here. The church is interested in maybe a ballfield later on, but we have not gotten into any detail yet. There is plenty of drop into the drainage easement.

MR. HUNTER: Is the Health Department willing to give the church an indefinite time to use that?

MR. AVERY: They are in favor of that.

MR. HUNTER: What are we talking about in terms of overall value?

MR. PHILIP MANE, MEMBER OF CHURCH BOARD: It will be well over \$100,000, not including the land. \$130,000 with the land.

MR. AVERY: The church sets parallel to the road. The grading will be basically as shown on the map. The entrance will be on the north and we have cedar siding and panel like on the Holiday Inn downtown, where you have stones imbedded into concrete. They are really attractive. We are providing a ramp for handicapped people. There will be a full basement, in which you will have other activities and classrooms.

MR. HUNTER: What is the capacity?

MR. MANE: Approximately 300 people.

MR. HUNTER: Has there been any consideration if you do need to enlarge the building in what direction you would go?

MR. AVERY: It would be out in back so the front will not look any different. The ramp will also tie in with an addition. Also, the ramp comes around in a "L" shape. The south side will remain as it is. It will not be extended to the south any more. We have considered that little bit in our parking, too.

MR. WEBER: Why do you face the building to the north and open to the east?

MR. AVERY: It is usually better to enter from the back, and it is closer to the parking. It will be protected here a little more if we add on.

MR. MANE: One of the reasons the Board considered that is so when you come in the driveway, you can drop off passengers and go right straight into the parking lot. This way we will not need a driveway into the church.

MR. AVERY: All across here there is just trees. St. Christopher's is like that, too.

MS. BARTOK: It would be nice to have the dressed up side the most conspicuous one. St. Christopher's has an unusual architecture.

MR. MANE: Also, when we add on, we will go out into the parking lot. If we have it the other way, we will end up down toward the drainage ditch. That is another reason we had it this way, so any expansion will be to the back.

MR. HUNTER: When you talk expansion, are you talking classrooms or what?

MR. MANE: Both. We hope to expand to 500 some day. We want to use the back for picnics. Maybe some day, we will have ballfields.

MS. BARTOK: Would there be any objection to dressing up the side of the building toward Union Street, also?

MR. MANE: Cost would be the only reason.

MR. AVERY: The panels on these windoes are the same as are in the front. You are going to have some shrubs and that in here. This will look better when we expand.

MR. HUNTER: Are you making any provisions for the landscaping?

MR. MANE: We have a ramp and a rear exit door for downstairs.

MR. BLOSS: The Drainage Committee approved this application.

MR. BOWMAN: I have no real problems with it.

MR. RUSSELL: We have an error in our report. A free-standing sign is allowed for a church with approximately 1500 square feet or less.

MS. BERNICE WILCOX, STUART RD: Is this church affiliated with any other churches in the area?

MR. MANE: No. It is individual.

NO ONE SPOKE IN FAVOR OF OR IN OPPOSITION TO THE APPLICATION

APPLICATION No. 4

Application of Mr. & Mrs. Edward Gillott, 260 Stottle Rd., Scottsville, NY 14546, for preliminary approval of two lot subdivision, lot size to be 8.45 acres from tax account #209-000.1 (total acres - 74) and to resubdivide the 8.45 acres to 260 Stottle Road, Tax account #209-000 with current lot size 100' x 283' at property located at above address in RA-20 zone.

MR. GILLOTT, Representing Walter Reagan, owner: I would like to add this to my existing property. The land is now nothing. I plan to keep it like that. I would like to have the house on the property eventually.

MR. HUNTER: You want the property so you can have 5 acres for your house?

MR. GILLOTT: Yes, and abide by the ordinance. I have no plans for the remainder of the property.

MR. FRY: This 8½ acres presently is bounded by Stottle Road, Strickner Road, and your property on Stottle Road and up to Strickner Road?

MR. RAEGAN: This is being subdivided off the big piece. I had just listed two totals of the acreage on each side of the road. There are 74 acres now existing.

MR. HUNTER: What plans are there for any of the 74 acres that are left?

MR. REAGAN: None. I want to keep what I have got. I do a little farming.

MR. FRY: Is that all 1 tax account, both sides of the road?

MR. WARD: I believe it is. Would you be willing to have this surveyed if you get approval?

MR. REAGAN: Definitely.

MR. WARD: It can be filed in the County Clerk's Office.

MR. RUSSELL: It needs to be completed at the final stage.

IN FAVOR OF THE APPLICATION:

1. Mr. Reagan, 217 Stottle Road
2. Bernice Wilcox, Stuart Road

NO ONE SPOKE IN OPPOSITION TO THE APPLICATION.

APPLICATION NO. 5

Application of Ronald Board, 80 River Meadow Drive, Rochester, NY, 14623, for preliminary approval of two lot subdivision, lot size to be approximately 10.85 acres from total 45 acre parcel at property located on west side of Chili Scottsville Rd. north of Black Creek, approximately 918' south of Beaver Rd., having tax account #188----025 in FW and R-1-20 zone.

AND

APPLICATION NO. 6

Application of Ronald Board, 80 River Meadow Drive, Rochester, NY, 14623, for conditional use permit to operate softball complex (two ballfields) with a concession stand on property located on west side of Chili Scottsville Rd., north of Black Creek, approximately 918' south of Beaver Rd., having tax acct. #188-025 in FW & R-1-20 zones.

HERMAN KLINGINBERGER, REPT. MR. BOARD: I am representing Mr. Board, who is interested in purchasing 12.4 acres of land from a 45 acre parcel fronting on Beaver and Chili Scottsville Roads. Out of this entire parcel, there have been 2 parcels taken out. One for the Genesee Valley Church and the Girl Scouts. A softball complex is proposed. Mr. Board has a business in Henrietta. I have two letters. One from the Town of Henrietta Supervisor and one from the President of Pyramid Grant Equipment Company. (He submitted these to the Board). The two fields are as far back on the parcel as can be. They are approximately 10 feet off the back. The parcel has a side dimension of 700 feet and 622 on the north side. West is 794 feet. The parking is above the knoll and the ballfields will be by that knoll and screened from the road. Pine Trees are being used along the frontage and along the north side to screen the entire parcel. The concession stand is located half way to the fields and is back 300 feet from the road. The diamonds are 400 to 460 feet back from the road. There will be a single driveway to the parking area. It is proposed to put speed bumps in this driveway to eliminate racing on the driveway. It is noted in the application, this land is in a flood plain zone. The closest we are going to come to that is the edge of one pond, which is 100 feet away. We are well outside the flood prone areas. It is anticipated the maximum number of people at one time at this site would be 100. We have provided for 72 parking spaces. This being increased if the Board feels it is necessary. We feel it is adequate because alot of people come in one car. The concession stand will be serviced by a leach field. Perculation and deep hole tests conducted June 14, 1979, were 17 mins. and 7 mins. on the site. We don't foresee any problems with an inground septic tank and leach field area. The water main in the road will service the area, hopefully. It is proposed to have a 40 by 80 foot metal building for the concession stand and club house. Pizza and sandwiches will be sold. Nothing will be sold to be used off site. No 6 packs or bottles. The only containers will be paper plates and cups. The entire site will be policed continuously. It is anticipated the schedule for ballgames would be 6 p.m. to 11 or 12 p.m. with 4 months total usage. Weekends would be Saturday mornings and afternoons and Sunday 11 a.m. to evening. The present site is in to be rezoned, according to the ordinance and the permitted use is an open recreation use such as parks, playgrounds, but not included are race tracks or amusement parks. We feel the two baseball diamonds are within the allowable use in an R-1-20 zone.

MS. BARTOK: I assume you intend to have some lights there. Are they going to be a nuisance to the homes on the Ridge on Chili Avenue?

MR. KLINGINBERGER: The lights will be focused down on to the fields. The poles will be 500 feet in the air, and we don't feel it will be a problem.

MS. BARTOK: Will there be beer at the stand?

MR. KLINGINBERGER: Tap beer as well as pop.

MS. BARTOK: We have two hazardous intersections in the area. How wise is it to have these alcoholic beverages so close to these?

MR. KLINGINBERGER: The intersection is 900 feet away.

MS. BARTOK: The visibility is poor because of the angle of the road and has only flashing red lights. Will there be security guards?

MR. KLINGINBERGER: I was referring to clean up duty.

MS. BARTOK: How about security with so many people drinking beer.

MR. BOARD: The softball games have children and families. There is a playground for the kids. I have seen over 100 different softball complexes and in many states, and I have tried to incorporate the best of them into one place. Surprisingly, most people do not throw their things on the ground. There will be canisters there for them to throw their trash. The only control we will need will be our employees and myself. There is no need for hired security guards.

MR. FRY: Are you planning to have industrial leagues?

MR. BOARD: I believe they are open leagues. The B and B plus. It is the better brand of ball, but does not have a good field to play on. The sponsors are mostly to sponsor good players, not all under players. In the 9 towns surrounding the city, there are 64 teams and they could not find ballfields to play on. It is an up and coming sport and everyone can have fun. If possible, this would be offered to people to use for final games and play-offs.

MR. BLEIER: Will the parking area be paved?

MR. BOARD: Eventually, yes; if it warrants it. It will be gravel and well oiled so the dust does not fly around. There is no problem with the time element for the lights. In my mind, 11 p.m. is too late to play anyway. We have almost 800 feet for parking and this will keep everything back from the road.

MR. BLEIER: Any shrubbery at all?

MR. BOARD: The knoll is quite big. We will have a buffer of Pine Trees and then the formal berm and that around the front of the building, the grade behind it. The grass will be very well maintained.

MR. HUNTER: Have you discussed this with any of your would be neighbors?

MR. BOARD: I had the engineer's drawing and talked to a couple of people and I decided not to approach them individually for they would think I was trying to sway them. I figured they would come down there, and I am also here to answer any and all questions that might arise. The gentlemen at the church did talk to us, and he gave us his permission. There will not be very many fans watching the teams. We left 73 parking spaces and in my opinion, that is more than adequate; but if there is a problem, we could handle that very easily.

MR. HUNTER: How far are the ballfields from the nearest homes?

MR. BOARD: We are over 700 feet back from the homes. If a noise problem comes up, with the 2 diamonds, one is way down the road and it is muffled. We are farther than Chili Scottsville is from residents near them, and I don't feel there will be a problem.

MR. HUNTER: The area left on either side of this will be suitable for residential use?

MR. BOARD: The area to the south is eaten up with the floodplain zone. Mr. Perota is the landowner. If he feels there is any detrimental effect to future housing in there, I am sure he wouldn't sell it to a baseball field.

MR. HUNTER: The Board will have to make a judgement as to whether your proposal meets Item E under the ordinance. Do you ever intend to charge admission?

MR. BOARD: No.

MR. WEBER: You mentioned time and you said 11 would be no problem?

MR. BOARD: I could live with 11. It would mean cutting down one league. We could live with the burden of 11.

MR. RAGUE: If we shut off the lights at 11, how long would it take the people to leave?

MR. BOARD: 12 to 12:30 at the latest. We will not be there until 2 a.m.

MR. BOWMAN: Why do you want to get into this? Do you know the cost to develop it?

MR. BOARD: \$100,000 to \$110,000.

MR. BOWMAN: Will you charge a rental fee for the fields?

MR. BOARD: It is an entry fee for the league. Any league has to pay it. I will get money from the entry fee into the leagues. Then, the concession stand with the normal things people eat at baseball games.

MR. BOWMAN: The details of the construction should be more clearly indicated on the plan.

MR. KLINGINBERGER: We have a revised plan that shows all that.

PHIL NICOLOSI, 291 CHILI-SCOTTSVILLE RD.: I don't think it is possible to get all those people in and out of this because of the traffic situation. Old Chili Scottsville Road goes out at an angle.

MR. WEBER: I think this point should be made. Where is the intersection of the two roads?

MR. KLINGINBERGER: We will have that additional information. It is a possibility it will be right at that intersection (one road for entrance and egress.)

MR. WEBER: It is a bad intersection now, and another entrance will just make it worse.

MR. KLINGINBERGER: We will do additional field work and locate a section.

MR. MANCIONE: (suggested an entrance on Beaver Road, which is more commercial an area.)

MR. ROGER KABIC: I think there will be a real traffic problem. I am also concerned about the maintenance of the place.

BERNARD KOSTER, 387 BEAVER RD? I can't imagine anyone bringing residential property next to this. I would like to reiterate that it is a bad intersection. I am also concerned about the lights. Sometimes the lights here do not go off until 12 or 1 a.m. The games start late and umpires don't show up. That is a residential section, and I think it should be kept that way. I live right in back and certainly don't want to hear that noise late or early on Saturday and Sunday mornings.

LINDA NICOLOSI, 291 CHILI SCOTTSVILLE RD: Alcoholic beverages will cause a problem. There will be roudiness and a problem.

PETER WIEDNER: I am concerned about the visual aspects. Do you know how long it takes a Pine Tree to grow 50 feet to block those lights? Also, who is going to patrol the area and keep it looking nice?

BILL YELTZ, 129 CHILI SCOTTSVILLE RD.: We are concerned about the noise. I am opposed to this.

DON CRAIG: I don't see anything to this. What is the advantage in turning this into commercial instead of residential. I don't want to belabor the safety factor here, but that is referred to as "Killer Corner".

OPPOSED TO THE APPLICATION:

1. Mr. & Mrs. Nicolosi, 291 Chili Scottsville Road
2. Mr. Jay Weidner, Sr., 135 Old Chili Scottsville Road.
3. Mr. Mancione
4. Mr. Kabic
5. Lenore Weidner
6. Mary Ann Koster and Bernard
7. Donald Craig
8. Mr. & Mrs. Redman
9. Shirley & William Geltz, 129 Old Chili Scottsville Road

NO ONE SPOKE IN FAVOR OF THE APPLICATION.

APPLICATION NO. 7

Application of William Johnroe, 77 Lyndale Dr., Roch., NY 14624, for preliminary approval of two lot subdivision to be known as lot 11 of the Hunt Estate, located on east side of Stottle Road, approximately 2.969' north of Bowen Road, lot be be 18.7 acres with 134.70 acres in remaining parcel in RA-10 zone.

HERMAN KLINGINBERGER: The parcel is approximately 18.7 acres, 2968 feet north of Bowen Road. There is 300 foot frontage. It is proposed for a single family residence with a leach field on the rear of the parcel. The edge of the woods is down here. There is a question. This parcel is within a wetlands zone. It is shown on the state subdivision map. It shows the wetlands. Our proposed house is approximately 500' away from the wetlands area. We are not encroaching on the wetlands area, nor the 100 foot buffer zone. The house will be serviced by a leach system in the rear of the lot. There will be a well in the front yard.

MS. BARTOK: Did you do percolation tests in the leach field area?

MR. KLINGINBERGER: No results. They were conducted.

MS. BARTOK: Are you going to build a more elaborate one so it will work well?

MR. KLINGINBERGER: Yes. A fill system with 3 feet of fill on top of the ground.

MS. BARTOK: You guarantee that will work in the Spring and Fall?

MR. KLINGINBERGER: I believe it will.

MS. BARTOK: Have you got a location for the well?

MR. KLINGINBERGER: Yes. We don't say the well will be exactly there, but it will be somewhere in that area.

MR. BLOSS: The Drainage Committee questions the 100 year flood plain and wetlands. Where is your drainage going?

MR. KLINGINBERGER: It is as it is now, to the south, into the woods. I can investigate where the drainage goes after that.

MR. JOHNROE: There is a creek in the back, and that is where most of the water goes. It is at the end of the property, 3 feet deep and 5 feet across.

MR. BOWMAN: I had a look and both the flood plain overlay and wetlands boundaries are well removed from the proposed building area, and I don't imagine there will be any impact on either of them due to this development. There is really nothing between this and the creek it drains to.

MR. RUSSELL: How big is the remaining piece of land?

MR. KLINGINBERGER: I am not sure how much of the entire parcel will be sold off. The entire parcel is 104 acres.

MR. RUSSELL: Was the Planning Board ever approached with the map you have up there?

MR. KLINGINBERGER: I don't know.

MR. WARD: That entire Hunt Estate, including the west side of the road, has been subdivided. The west side of the road was legally subdivided. The remaining areas were never legally subdivided and the owner of the property sold it off to individuals. I believe everyone is under separate ownership. That is a map they have used to sell off the parcels of land and since we have 5 individual owners and now they are coming in for building permits, and until they get Planning Board approval, no building permits will be issued.

DICK MANOYA: There is no serious drainage problem on my property. If there is heavy fill in the base of the driveway, there could be a problem.

MR. JOHNROE: In the spring, the little water that was there drained off within 2 or 3 days.

MR. MANOYA: (In favor of the application)

NO ONE SPOKE IN OPPOSITION TO THE APPLICATION.

INFORMAL HEARINGS:

APPLICATION NO. 1

Application of Frank Iacovangelo, 975 Morgan Road, Clifton, NY, 14431, for sketch plan approval of two lot subdivision located 400' east of Chili Rigi Town Line Road on Clifton Road in RA-5 zone.

DONALD AVERY: He owns this property and it is in the Town of Clifton. There is a frontage that would allow for two lots of this size (one acre) and the rear property line will go to the existing property lines. It is zoned RA-5. Most of the homes are 60 to 80 feet in width. In other cases, there has been a desire among other people to have a smaller lot in a little community. There is a little creek across the road and into the property. There is a ballfield in back and a firehouse. We have shown to size, 120 frontage, 244 for the other. We have kept the leach field away from the creek. We are here to get rezoning. We haven't done any percolation tests. We would first like your opinion on this.

MR. FRY: Where is the ballfield?

MR. IACOVANGELO: There is 2 homes and then the ballfield. The creek cuts around and goes back of the ballfield. It is about 60 feet from the ballfield, and is not very deep there. The land belongs to my brother and me. When you go further down into the Clifton, there are smaller lots. It won't fit in with the existing homes if we kept it RA-5. The lots are actually a bit larger than the others.

MR. BLEIER: You are really talking about a 3 lot subdivision then?

MR. IACOVANGELO: Right.

MS. BARTOK: It looks very nice, and I think it will be certainly welcome. I notice the soil types tend to be troublesome for septic systems. The soil tends to hold its water table. As you get closer to the creek, it is even worse. You won't want to perc. it in the dry season of August.

MR. IACOVANGELO: There are certain parcels in there that may not perc. well. It is very gravelly and stoney. I would think you would find in the area that this will perc.

MS. BARTOK: Even if it doesn't perc., you can build a more expensive system that will work.

MR. HUNTER: On the west side there is a home?

MR. IACOVANGELO: Yes. That is the old homestead.

MR. HUNTER: On the east side everything to the village is commercial?

MR. IACOVANGELO: Right next door is a home and the ball park land is zoned residential. There is one little parcel in town zoned commercial. I don't believe that area is all zoned commercial.

MR. WARD: The south side is by the post office.

THE BOARD TOOK A SHORT BREAK AT 9:25 P.M. and RECONVENED at 9:35 P.M.

APPLICATION NO. 2

Perna Homes

MR. HUNTER: Do you have some means of solving the things we sited in our letter of denial?

BERNARD IACOVANGELO, ATTY.: We have received a letter whereby the Town Board has requested you reconsider this application. What we are doing at this time is, there has been a public hearing. The matter has been discussed both our side and the residents in the area. We are asking for a reconsideration, which you have the providence and jurisdiction to do. We are going to ask you for any further delay on this is prejudicial to Mr. Perna. We are running into problems with our agreements with the landowners and with our plans for developing this thing. It is getting late in the year. As you summarized in your April 16, letter, the problem is not with Mr. Perna, but with the Town Board. You have stated in your letter you commend him for his efforts. You have shifted the burden of the Town Board to Mr. Perna, which we feel is not an adequate place to shift the burden. Mr. Perna complied with everyone of your requirements in your letter of January 18, 1979. At the time, we came in for preliminary approval and we had fulfilled our responsibilities. Mr. Bowman indicated we had done what he felt would be necessary to aid in the relief of any drainage problems there. We felt

We could rectify the situation. We are not saying the drainage problems would be totally eliminated, as you indicate in your letter, you were not denying Mr. Perna to build, but that the Town had not done anything to solve the problem. I believe Claire Montgomery indicated to us she asked the Dept. of Agricultural to go out there and look over the situation. Their recommendations, dated June 6, 1979, were that the cleaning of these portions we had indicated would help the drainage problem. At the time, you granted approval, Marlands Park came in for application, and it was granted so long as Mr. Entress went out and cleaned the drainage ditch and he did. You allowed him to build in the same zone with the same drainage problems that existed for ten years. You have all the information, and we are waiting for your decision. Based on the recommendations of Mr. Bowman and the Town Board, we ask that you give us a decision one way or the other. Any further delay will be prejudicial to Mr. Perna. I want to thank you very much. I know alot has been involved in this matter.

MR. HUNTER: Number one, I don't agree with your interpretation of where the problem lies. I did not feel the problem was that of the Town Board. I did feel that by us talking to them, maybe they could help. It was in that frame of reference that we approached the Town Board. The other thing is we had 4 items we were concerned about. I didn't hear you offer any solutions for any of those. I don't know any more now than I did at the hearings.

MR. IACOVANGELO: If you want me to address anyone of them, I will. Number one, we don't feel the drainage problem would become worse form all the engineering we do. We felt it we cleaned the drainage ditches, the problem would not become any worse. It would aid the area as far as the drainage. Mr. Bowman did indicate it would aid the area substantially, so I don't think it would become worse. There was no indication here on any night by any engineer indicating the problem would become worse. Secondly, I would like to say, pursuant to the ordinance, there is nothing that I could find that a subdivision preliminary approval was contingent upon any recommendations or approvals by the Town Wide drainage committee. There is nothing listed in the ordinance that says it has to be approved by the Town Wide Drainage Committee. The subdivision ordinance says that the Town Engineers opinion on the drainage is what the Board should consider. That is the way in interpret the ordinance. Thirdly, we indicated that night this is a state road and we do not have the jurisdiction to enclose a conduit. There is a subdivision across the street that has an open conduit and you did not require him to enclose it. Your decision now to require Mr. Perna to put a conduit in is in addition to what Mr. Perna has to do. We feel there is no basis in the third condition. Forth, the maintenance of the ditch, I don't feel we can go to the Town of Gates. There is no jurisdictional providence with the Town of Gates. We are before the Town of Chili. It is our contention that we cannot take into consideration what other towns will do. The presumptions are always that the Town will do what is necessary for it to do to maintain the Public Health and Welfare. We cannot take the position that the Town will not do what is required. Based on these above reasons, The Town Engineer did not indicate there would be a problem, the preliminary approval is not subject to the Drainage Committee approval, the open conduit is based upon the Marlands Park decision, and, also, because it is a state road. We would need their approval, which I can't say whether they would or would not approve it, there are some hardships enclosing that conduit. The presumptions are the Town of Gates will do what is necessary. Based upon these items, I would feel that a reconsideration should be made and approval granted.

MR. HUNTER: Can this Board do anything legally tonight?

MR. MILLER: The Board made a decision and the petitioner had the decision to make on whether to appeal to the Supreme Court or the Town Board. I am not sure whether the Town Board can or cannot hear it. The Town Attorney said they cannot. It would seem to me, if you are going to deny the applicant, you can do that. If you want to change your position, we should have another public hearing. There are certain citizens initially opposed. I feel you have got a question there. If you deny it tonight, then in all likelihood, the applicant will take this to the Supreme Court. If you approve it, you did not give the people opposed to this application another chance to voice their opinion. They are entitled to another hearing.

MR. WARD: One other thing is right now, we are still acting on a preliminary application. If the Board were to change their position, then there would be a final subdivision hearing, and we could legally publish that in a legal notice.

MR. MILLER: I don't feel there is any harm if you were to deny him without another public hearing.

MR. HUNTER: Is there anything in the Boards' mind that you feel it should be brought back to another public hearing?

MR. IACOVANGELO: You can, at this time, reconsider any decision you have made in the past. Since you can, by your own motion, reconsider without a public hearing and by the fact the Town Board has asked you to reconsider there is no need for another public hearing. There has been two public hearings already.

MR. WEBER: There is too much public interest in this to have the Board vote tonight.

MR. WARD: Do you feel there was any additional information presented at the Town Board meeting that would be important to this Board? This Board hasn't had an opportunity to review those minutes.

MR. HUNTER: Unless I hear a resolution that we think this should come back for another hearing . . .

MR. IACOVANGELO: The night of the Town Board hearing, Supervisor Powers said he met Mr. Hard, Supervisor of Town of Gates, and they passed a resolution that the towns would join together to eliminate the drainage problems in this area. As a result of this resolution, there was going to be a joint effort to clean and maintain those ditches and eliminate the whole drainage problem in that zone and area we are discussing. I would like to bring out one other point, in my brief to the Town Board, you had not indicated in any matter or form on that letter that he would be refused preliminary approval. The sketch plan approval and preliminary are basically one in the same. At the time, you reviewed the sketch plan and approved Mr. Perna and he expended a lot of money investigating the situation. He assumed he would be approved. He was prejudiced because he complied and was later rejected. At the time of sketch plan approval, none of the 4 points brought up at the preliminary were mentioned so he could address them. Secondly, Marlands Park is located adjacent to the parcel in the same drainage area and exposed to the same drainage problems and they existed at the time that was approved. Any decision on allowing them to construct should also pertain to Mr. Perna's application. It is the same drainage area and we have addressed these the same way. At the sketch plan, there was no direct rejection or denial by Mr. Bowman or the Town Engineers.

MOTION - There is sufficient additional information involved now that did not appear at the preliminary hearing that this warrants being reconsidered by the Board.

UNANIMOUSLY DENIED - the original decision of denial by This Board stands.

APPLICATION NO. 3

Application by MR. WARD asking Board for formal motion on next two things. If this Board wants to see them, he will tell them to proceed one at a time.

MOTION - The Planning Board WAIVE the requirements for the site plan approval on the AMOCO STATION in North Chili to close off the present building and put a small booth outside with an attendant.

UNANIMOUSLY APPROVED.

MOTION: The Planning Board agrees to accept the dedication of Hunt Point.

UNANIMOUSLY APPROVED

APPLICATION OF MR. FREDERICK (FRED RUCH)

MR. FREDERICK: I have a building I want to rent on 4343 Buffalo Road. It has been rented the past few years. I would like to rent to a new tenant who is the President of a landscape Firm as his office building and storage of seed and fertilizer. This is the building in the back. It used to be the Summer School Building.

MR. WARD: This would require a change in use. I think it would be a lesser use than what is there before, and you know, it wasn't the neatest operation in the past, so this might be more conducive to the area. Do you want to proceed formally?

MR. HUNTER: What will you see driving by?

MR. FREDERICK: Hopefully, a lot better than what you have been looking at. I have 4 trucks that will be parked there at night. During the day, they will be out on the job. Storage at times is necessary stock that would be stored there such as trees and shrubs. Everything else will be inside. That is about it.

MR. HUNTER: What is the time of your lease?

MR. FREDERICK: 4 years.

MR. FRY: It is just a change of tenant?

MR. WARD: Would you have any objections to not using the driveway to Springbrook and using the Buffalo Road as commercial traffic?

MR. FREDERICK: I will put up a gate if you like. I have no need for that drive to Springbrook.

NOTION - Board WAIVES the Site Plan Approvals or Further Consideration by the Board on the above application for the change of use conforms to the previous use. CONDITION: The driveway to the Springbrook Subdivision NOT BE used and that this driveway be BLOCKED OFF.

UNANIMOUSLY APPROVED.

D E C I S I O N S

APPLICATION NO. 1

Application of Jack Greco, Creekside Antiques, 1611 Scottsville Road, Roch. NY 14623 for preliminary site plan approval to convert existing two story portion of building, originally proposed for storage, to be used for additional retail sales at property located at above address in M-2 and FPO zone.

UNANIMOUSLY APPROVED.

APPLICATION NO. 2

Application of North Chili Community Church, P. O. Box 398, North Chili, NY 14514, for preliminary approval of two lot subdivision, one lot to be 10.041 acres, remaining parcel to be approximately 26 acres, at property located at 3361 Union Street in MR Zone.

UNANIMOUSLY APPROVED and FINAL IS WAIVED.

APPLICATION No. 3

Application of North Chili Community Church, P. O. Box 398, North Chili, NY 14514, for preliminary site plan approval to erect church at property located at 3361 Union Street in MR ZONE.

UNANIMOUSLY APPROVED and FINAL IS WAIVED, subject to the approval of the Town Engineers of the final plans.

APPLICATION NO. 4

Application of Mr. & Mrs. Edward Gillott, 260 Stottle Rd., Scottsville, NY 14546, for preliminary approval of two lot subdivision, lot size to be 8.45 acres and tax account number 209.000.1 (total 74 acres) and to resubdivide the 8.45 acres to 260 Stottle Road, tax acct. number 209-000 with current lot size 100' by 283' at property located at above address in RA-20 zone.

UNANIMOUSLY APPROVED.

APPLICATION NO. 5

Application of Ronald Board, 80 River Meadow Dr., Roch., NY, 14623, for preliminary approval of two lot subdivision, lot size to be approximately 10.85 acres from total 45 acre parcel at property located on west side of Chili Scottsville Road, north of Black Creek, approximately 918' south of Beaver Road, having tax account #188-025 in FW and R-1-20 zone.

DECISION RESERVED - not back from the Monroe County Planning Dept. yet.

APPLICATION NO. 6

Application of Ronald Board, 80 River Meadow Dr., Roch., NY, 14623, for conditional use permit to operate softball complex (2 ballfields) with a concession stand on property located on west side of Chili Scottsville Road, north of Black Creek, approximately 918' south of Beaver Road, having tax account #188-025 in FW and R-120

DECISION RESERVED - pending Monroe County Planning Dept. comments.

APPLICATION NO. 7

Application of William Johnroe, 77 Lyndale Dr., Roch., NY, 14624, for preliminary approval of two lot subdivision to be known as lot 11 of the Hunt Estate, located on east side of Stottle Road, approximately 2,969' north of Bowen Road, lot to be 18.7 acres with 134.70 acres in remaining parcel in RA-10 zone.

APPROVED and WAIVE FINAL subdivision approval.

INFORMAL APPLICATIONS:

APPLICATION NO. 1

Application of Frank Iacovangelo, 975 Morgan Road, Clifton, NY, 14431, for sketch plan approval of two lot subdivision located 400' east of Chili Rigi Town Line Road on Clifton Rd., in RA-5 zone.

UNANIMOUSLY APPROVED with the following condition:

VARAINCE be applied for from the Chili Zoning Board of Appeals for undersized lots in RA-5 zone, and these variances be approved.

APPLICATION NO. 2

Application of Frek Kuch - One Step Lawnscape, Inc., - new use at 4343 Buffalo Rd.

APPROVED AND WAIVED site plan requirements with the following conditions:

1. Driveway from rear of property in question to Springbrook Drive is to be blocked off with barricade to eliminate any use of the above;
2. Only minor repairs are allowed on equipment on the property.

APPLICATION NO. 3

Application of Perna Homes, Inc. - Coldwater Crossings Subdivision.

UNANIMOUSLY DENIED - the formal denial stands for no new substantial evidence was submitted to this Board to warrant reconsideration of decision.

APPLICATION NO. 4

Application of Amoco Kiosk - North Chili at corner of Buffalo Road & Union St.

APPROVED with REQUIREMENTS on site plan WAIVED.

APPLICATION NO. 5

Application of Robert Fallone, Inc., - corner lots in West Forest Estates at corner of Hunt Point and Emerald Point (Lots 151 and 152) changes.

APPROVED subject to the following conditions and stipulations:

1. Hunt Point will be built to Town Standards under Section 1 to the south lot line of lots numbers 151 and 152;
2. The Hunt Point street sign will be installed under section 1;
3. Garages will open on Hunt Point and the driveways will be built to Hunt Point;
4. It is intended that the mailing address of these two houses will be a Hunt Point number.

dai

PLANNING BOARD
AUGUST 14, 1979

A Meeting of the Planning Board, Town of Chili, was held at 7:30 P.M. in the Chili Administration Offices, 3235 Chili Ave., Rochester, NY, 14624. The meeting was called to order by the Chairman, Robert Hunter.

ROLL CALL: Robert Hunter, Betty Bartok, Edwin Rague, Ray Bleier, Bill Fry, Bill Corcoran.

ALSO PRESENT: Russ Bowman, Town Engineer; Mr. Bloss, Chairman - Town Wide Drainage Committee; Melody Lambert, Liaison for Conservation Board; Bob Connolly, Town Bldg. Inspector, Asst.; Daniel Miller, Dept. Town Atty.

APPLICATION NO. 1

Application of Moorgood Tools, Inc., 940 Millstead Way, Rochester, NY, 14624 for preliminary site plan approval for warehouse addition (105' x 80') at property located at 940 Millstead Way in M-2 zone.

LEWIS JEFF, ENGINEER: We represent the owners of the property, Mr. Worth and Mr. Marshall, who operate a tool company on the premises. There is an existing office facility and tool company. The proposed addition is a storage addition to the present building. They do run a very neat and clean operation on the site. This is 16' high, concrete block, with a painted surface as the existing building. There are no additional people anticipated within the operation at the present time. Two driveways exist and they will be omitted and replaced with a single, large drive to serve the frontage parking area and the rear parking area for employees. There is no change to utilities.

MS. BARTOK: The front of the building is done in brick to match the existing structure?

MR. JEFF: It will be the same as the existing building.

MR. MARSHALL: It will be compatible to what we have now. The addition will be block.

MS. BARTOK: It is quite attractive. The ordinance requires additional landscaping to go with the addition. It would be nice to have some shrubs along the front similar to the other side.

MR. MARSHALL: That is fine.

MR. BLEIER: What is going to be stored there?

MR. MARSHALL: It is to expand our present facilities where we are now crowded. To allow for growth in the next few years. It may be steel storage.

MR. FRY: What is your product?

MR. MARSHALL: Cutting tools for people in the manufacturing business. It is based on order.

MR. FRY: What type of machinery is there?

MR. MARSHALL: Fitting machines, grinding machines.

MR. HUNTER: What will the value of the addition be?

MR. MARSHALL: \$200,000.

MR. BOWMAN: It would be good to show the location of the nearest fire hydrant.

MR. CONNOLLY: This is not back from the County yet.

NO ONE SPOKE IN FAVOR OF OR IN OPPOSITION TO THE APPLICATION.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date. *August 8, 1979*

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

GATES-CHILI NEWS

Issue Dated. *August 8, 1979*

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER

NOTARY PUBLIC, State of N. Y. Monroe Co.
Commission Expires March 30, 1981

Patricia M. Smith
Patricia M. Smith
Publisher

*Planning Bd
Board*

Legal Notice

Chili Planning Board

Pursuant to Section 271 of Town Law, a public hearing will be held by the Chili Planning Board at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on August 14, 1979 at 7:30 p.m. to hear and consider the following applications:

1. Application of Moorgood Tools, Inc., 940 Millstead

Way, Rochester, New York 14624 for preliminary site plan approval for warehouse addition (105' x 80') at property located at 940 Millstead Way in M-2 zone.

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

Robert Hunter, Chairman
Chili Planning Board

Aug 14, 1979

INFORMAL:

APPLICATION of Pride Mark Homes, Inc., 50 Lyell Ave., Roch., NY 14608 for sketch plan approval for 11 lot subdivision located on Westside Drive approximately 225' west of Pixley Road in R-1-20 zone.

JIM BARBATO: This is a 10 lot subdivision instead of 11. It is part of a 28 acre parcel. No roads will be put in. We would like to have 100 by 200 lots. There are good sizes. We will be building homes in the \$80,000 to \$124,000 price range. It is very wooded and all we want to do is a minimum amount of earth moving. We would provide a restriction in the deed for a turn around on each lot. The drainage will be directed to the rear of the lots and we don't feel we will be disturbing enough of the natural setting to create any great amount of run off. Any run off will be dispersed to the entire parcel of 28 acres.

MR. FRY: Do you have the option to purchase the entire 28 acres?

MR. BARBATO: Yes.

MR. FRY: Then it is an 11 lot subdivision. You are 10 lots and the remaining is 11. We would like to know the boundaries of the area and that should be shown on the map. We will want to know where this is.

MR. BARBATO: I would like to know the Board's feeling on it. There will be no added burden as far as the Town ofr maintenance.

MR. MILLER: There will be sewers?

MR. BARBATO: They are on the property. I recognize there are some downstream drainage problems and that is why we are not trying to develop the entire 28 acres.

MR. MILLER: Are the elevations of those properties higher than those to the South?

MR. BARBATO: They are higher than those and the road also. We have to do hardly nothing as far as earth moving. That is one of the desireable things. We will clear enough for the driveway and the house. There will be a natural run off to the south. The entire parcel is heavily wooded.

MR. FRY: Have you considered the access road type of thing?

MR. BARBATO: We don't want to do that because it would really change the character of the land. The road will only add more problems for the drainage and that. I think it will be a compliment to the area.

MR. MILLER: Would you consider a deed restriction or conservation easement to preserve what wooded lands we have left to restrict the owners from taking down the trees?

MR. BARBATO: That is really difficult to do. One of the biggest requests are for heavily wooded lots. When you have someone who is interested enough to go in and build a house in this price range because they want those trees, it would be really difficult to force them to keep the trees.

MR. MILLER: We did it on the other subdivision and the developer worked it into his deed. It is no real hardship to the homeowner. They just agree not to wantonly destroy the trees.

MS. BARTOK: You are in the airport zone 3, and you will need an airport review and that takes an awful lot of time. About 2 months. You are not in the noise zone for any of the airport plans.

MR. HUNTER: The Drainage Committee is concerned about the drainage. I would like ot suggest that you try to meet with the committee to get that squared away.

MR. CORCORAN: Will these be custom homes?

MR. BARBATO: That may be. There is a real need for this type of house. We have had people come in for them.

MR. CORCORAN: Will you be developing to the east of lot 10?

MR. BARBATO: No. We tried to stay away from the interior section. We are driving for seclusion.

MR. BOWMAN: The D. E. C. said this was not in the wetlands. Was that a recent determination?

MR. BARBATO: Yes. I saw a letter.

MR. BOWMAN: My wetlands map, which was issued 6 months ago, indicated this is in the wetlands.

MR. BARBATO: There was a question on this and one of the considerations was that letter from the D. E. C., and I can get a copy to you.

MS. LANBERT: That was reduced to 6 acres of wetlands. The determination was not arrived at when I walked the area with them. He is to the south of the wetlands.

MR. BARBATO: I can get you a copy of that letter. This letter was a result of that inspection.

MR. BOWMAN: The Monroe County soil survey indicates this is subject of a high water table. Somewhere along the line, we would like to set up some test pits and keep the basements above the water table. Based on my map, it looks like the 300 foot lot area drains out to West Side Drive. Would you be doing a field topography survey to determine this? I know it will be tough with those trees.

MR. BARBATO: I can. I have been out there a few times, and I feel there will be very little earth moving necessary.

MR. BOWMAN: Your map indicates a low area that does not have an outlet. I would like to see a fairly detailed topographic survey. It would be good to show a portion of your adjacent property, too.

MR. BARBATO: I can just outline the entire parcel.

MR. BOWMAN: This is -ust so we can get a good idea of the drainage on this.

MS. LANBERT: Was the Zoning on this been changed?

MR. BARBATO: It is presently R-20 on the entire parcel.

MR. CORCORAN: Would you be opposed to a common road there? It might be a benefit to have that.

MR. BARBATO: When you do that, you are taking down alot of trees that we would like to try to maintain and then you are also increasing the drainage runoff. It would completely change the character of the site. It just would be impractical.

MR. MILLER: You could have abutting driveways and then you will have 5 driveways instead of 10.

DISCUSSION:

REQUEST of John Basile, 136 Bowen Road for waiving of requirements for formal resubdivision approval for simple alteration of lot lines combining two adjacent lots 136 Bowen Road and lot to the east, both of which are currently owned by John Basile.

MR. BASILE: The lots are 200 foot frontage by about 350.

MR. FRY: What is the zoning?

MR. CONNOLLY: R-5, I think.

MR. HUNTER: You don't own the lot in back?

MR. BASILE: No. My property is to eliminate the lot line and that would eliminate a variance I would need for a side setback. I will still need a front setback variance for 2 feet. I want it asthetically pleasing and in line with the house.

MR. BOWMAN: How far back are the other houses?

MR. BASILE: One is farther back. The other is about the same as us.

MR. BOWMAN: You can take an average of the difference between your house and the other two houses, and you could eliminate the need for the variance for the 2 feet.

DISCUSSION:

REQUEST of Andy Centi on waiving of requirements for formal subdivision approval for simple alteration of lot lines between lot 1 and lot 2 of Attridge Heights subdivision, adding rear portion of lot 2 to lot 1.

ANDY CENTI: One lot is not big enough and the other is too big.

MR. HUNTER: The new lot lines will be 2 "L" shaped? They both will still meet the minimums.

DISCUSSION:

Request of Ellis Fitzpatrick for proposed change in use and minor revisions to site plan for 3223 Chili Avenue.

ALAN FITZPATRICK representing applicant.

MR. HUNTER read a letter addressed to Mr. Town Ward, dated August 7, 1979, stating they want a Doctor or Dentist office on the remainder of the first floor and more professional offices on the top floor. They will submit a revised site plan map.

ALAN FITZPATRICK: We have advertised and accepted a lease subject to the Planning Board's approval from another dentist to use the right portion of the first floor. The building is in a C-2 zone, which allows both retail and office space. We do not have any tenants for the first floor, but feel it will be the best use for the top floor, also. We will advertise for the office use upon your approval, rather than for stores. The site plan shows the layout of the 41 parking spaces. It also shows the elevation change along the west line. The existing dentist asked us to elevate that a little so it would not be slippery during the winter. The parking regulations require 1 space for each 200 square foot of rentable area. Using this, we would need 30 cars. We have 41, so we have an excess of 11 spaces.

MR. FRY: Is your upstairs divided at all?

ALAN FITZPATRICK: Here is Bob Johnson, our engineer.

BOB JOHNSON: We are raising the grade one foot and bending it in. There will be no retaining walls or structures. It will be planted with grass.

MR. BOWMAN: If you are going to seed it, would you want to go that steep?

MR. JOHNSON: This will help the drainage run off to the west and also help the cars from getting stuck.

MS. BARTOK: When is the fence to go up separating the Wehley's property?

ALAN FITZPATRICK: When we elevate the land. We will know where to put the fence. We want to make sure everyone is in agreement with this revision for most of it is on the west line. It will be run-a-back gravel in the back.

MR. ELIS FITZPATRICK: At one meeting, the Board insisted we DID NOT pave that back area because of the drainage. This will pack down and be almost like a pavement. And, it will penetrate water. The blacktop will just cause run off.

MR. BOWMAN: There is a sizeable item in the letter of credit for the drive. It meets with my approval.

MR. HUNTER: We do have a letter from Dr. Roncone, who rents there asking for elevation of the property.

DECISIONS

APPLICATION NO. 1

Application of Moorgood Tools, Inc. for preliminary approval of site plan on warehouse addition (105' x 80') at above property in M-2 zone.

RESERVED DECISION - not back from the county.

INFORMAL APPLICATION

APPLICATION of Pride Mark Homes, Inc., for sketch plan approval for 11 lot subdivision located at Westside Dr. approximately 225' west of Pixley Rd in R-1-20.

UNANIMOUSLY APPROVED provided the satisfactory solutions to the drainage and traffic can be found.

NOTE: Mr. Ronald Board withdrew his applications for a two lot subdivision on Chili Scottsville Road and a conditional use permit to operate a softball complex and concession Stand. He told MR.HUNTER this at the beginning of this meeting.

DISCUSSION:

REQUEST of John Basile for waiving of requirements for formal resubdivision approval for simple alteration of lot lines combining two adjacent lots, 136 Bowen Road and lot to the east both of which are currently owned by John Basile

UNANIMOUSLY APPROVED.

REQUEST of Andy Centi for waiving of requirements for formal subdivision approval for simple alteration of lot lines between lot 1 and lot 2 of Attridge Heights subdivision, eading rear portion of lot 2 to lot 1.

UNANIMOUSLY APPROVED.

REQUEST of Ellis Fitzpatrick for proposed change in use and minor revisions to site plan for 3225 Chili Avenue.

UNANIMOUSLY APPROVED to allow change in use to professional offices and for an elevation on the west side.

BOARD decided to send a letter to MR. BENSON requiring him to clear up his land and come in for a public hearing in November, 1979, for a REVOCATION HEARING.

BOARD asked UNION PROCESSING to clear up their area and is writing them a letter to appear before the Board in October, 1979, for a REVOCATION HEARING of their conditional use permit.

OLD BUSINESS:

APPLICATION of Mr. & Mrs. Edward Gillott, 260 Stottle Road, Scottsville, NY 14546, for preliminar approval of two lot subdivision, lot size to be 8.45 acres and tax acct. #209.000.1 (Total 74 acres) and to resubdivide the 8.45 acres to 260 Stottle Road, Tax acct. #209.000 with current lot size 100' x 283' at property located at above address in RA-20 zone.

APPROVED BY THE FOLLOWING VOTE: Mr. Hunter, aye; Mr. Bleier, aye; Ms. Bartok, aye; Mr. Corcoran, abstained; Mr. Rague, aye; Mr. Fry, aye.

The FINAL HEARING IS ALSO WAIVED.

DAI

PLANNING BOARD
SEPTEMBER 18, 1979

A Meeting of the Planning Board, Town of Chili, was held on September 18, 1979, at 7:30 P.M. in the Chili Administration Offices, 3235 Chili Avenue, Rochester, NY 14624. The Meeting was called to order by the Chairman, Robert Hunter.

ROLL CALL: Mitchell Rakus, Bill Fry, Betty Bartok, Ray Bleier, Bill Corcoran, Robert Hunter

ALSO PRESENT: Daniel Miller, Dept. Town Atty.; Russ Bowman, Town Engineer; Bob Connolly, Bldg. Inspector; Mr. Bloss, Chairman, Townwide Drainage Comm.

APPLICATION NO. 1

Application of the Norry Construction Company, P. O. BOX 51, Rochester, NY 14601 for preliminary site plan approval for 60' x 60' warehouse addition at property located at 797 Beahan Road in M-2 zone.

HERMAN KLINGINBERGER, REPT. NORRY CO.: There are existing three buildings; one of the buildings is a concrete block building. It is proposed to add the addition to this building. The Norry Company owns approximately 8.2 acres. The property is divided. The property to the North is zoned M-2 and to the south R-1-15. The addition will be in the M-2 zone. The existing building is side setback 23½ feet. The addition will be in line with the existing building with a 15½ foot side setback. It will be 50 feet off the Baltimore-Ohio Railroad and approximately 500 feet off Beahan Road. The proposed addition will be of the same type structure as the existing building, concrete block. The floor elevation and height will be the same as the existing structure. There will be no sanitary sewers proposed in the addition.

MS. BARTOK: Will this involve hiring additional personnel?

MR. KLINGINBERGER: No.

MS. BARTOK: The County may require special attention to sound proofing due to the close proximity of the airport.

MR. HUNTER: What is the purpose of this?

MR. KLINGINBERGER: Storage. Mostly potato chips, pretzels. It is a Frito-Lay distributorship.

MR. BLEIER: Have you applied for a variance for the side lot line of 13½ feet?

MR. KLINGINBERGER: No. We felt it was a pre-existing use of the existing building and that it went along with that.

MR. HUNTER: I think you may need to go for one as Ray suggested.

MR. HUNTER read a letter from the Airport Review approving this request.

MR. BLEIER: What is the cost of the addition?

MR. KLINGINBERGER: \$7,000, but that does not sound right.

MR. BLEIER: I see a landscape estimate of \$650 and that would make it about \$65,000.

MR. BOWMAN: Are there going to be any changes in utilities?

MR. KLINGINBERGER: No. It is purely warehouse facilities.

MR. BOWMAN: Is there running water in the existing building?

MR. KLINGINBERGER: I would imagine there is, but I have never been in there.

MR. BOWMAN: I have a comment regarding the landscaping. It may be better to landscape the south end of Fisher Road and Weidner Road. It is zoned residential. You may want to add more landscaping there to thoroughly screen it.

MR. KLINGINBERGER: We will make that addition to the landscape plan.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date... *Sept. 12, 1979*

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

GATES-CHILI NEWS

Issue Dated... *Sept. 12, 1979*

Geraldine C. Snyder
.....
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 19*81*

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

Sept 18, 1979

Sept 18

Legal Notice

Chili Planning Board

Pursuant to Section 271 of Town Law, a public hearing will be held by the Chili Planning Board on September 18, 1979 at 7:30 p.m. at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 to hear and consider the following applications:

1. Application of The Norry Company, P.O. Box 51, Rochester, New York 14601 for preliminary site plan approval for 60' x 60' warehouse addition at property located at 797 Beahan Road in M-2 zone.

2. Application of Amateur Sport Program, Inc., 53 Haymarket Road, Rochester, New York 14624 for conditional use permit to operate four softball diamonds and one football field on 32 acre parcel being leased from approximately 116 acre total parcel at property located at 420 Ballantyne Road in RA-20 and FPO and FW zone.

3. Application of Paul Marinucci, 90 Fredrick Drive, Rochester, New York 14624 for conditional use permit to allow in-law apartment in single family dwelling at property located

at 28 DaVinci Drive in Renaissance Estates Subdivision in R-1-20 zone.

4. Application of Raymond Manginell, 169 King Road, Churchville, New York 144238 for conditional use permit to allow air conditioning and refrigeration service and installation business in home (no services at said address) at property located at above address in R-1-15 zone.

5. Application of G.F. & G. Associates, 90 Marhetta Road, Rochester, New York 14624 for preliminary site plan approval for Chili Office-Apartment Building at property located at 4358 Buffalo Road in C-2 zone.

6. Application of Pride Mark Homes, Inc., 50 Lyell Avenue, Rochester, New York 14603 for conditional use permit to allow in-law apartment in single family dwelling at property located at Lot #48 Audabon Circle in the Pine Valley Subdivision in R-1-12 zone.

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

Robert Hunter
Chairman
Chili Planning Board

MR. BOWMAN: The elevation of this is well above the 100 year floodplain of Little Black Creek and Black Creek and The Genesee River so that will not be a problem.

MR. HUNTER stated the Drainage Committee has reviewed and approved the application.

NO ONE SPOKE IN FAVOR OF, OR IN OPPOSITION TO THE APPLICATION.

APPLICATION NO. 2

Application of Amateur Sport Program, Inc., 53 Haymarket Road, Rochester, New York, 14624, for conditional use permit to operate four softball diamonds and one football field on 37.369 acre parcel being leased from approximately 116 acre total parcel at property located at Virgo property in RA-20 and FPO and FW zone

DON ASELIN, JR: You don't really destroy the land when you do something like this. There are over 2500 teams in the County of Monroe and only 245 available fields. We have teams playing now on the second season because they couldn't get in during the summer. There are 96 teams. This has been in existence since 1969. We are using Ellison Park, Cobbs Hill, and other fields in Irondequoit, Webster, and others. As their programs come first, our programs have to take a back seat.

MR. FRY: What is the corporate structure here?

MR. ASELIN: It is set up to build these fields and run them. The parent company is Action Softball, which is the largest in the State of New York at this time. We have 214 teams. I am the principal. I have 12 directors and two commissioners and none of us are paid. The Directors are from various backgrounds, who volunteer their time to help. The crunch for sports facilities is being felt everywhere. Rochester has the largest amount of softball teams in the nation. We have also learned most little league programs are switching their hardball to softball due to the health hazards. We have 57 acres here, which is twice as much property as we really need. We would like to expand this in years to come and put an identical wheel of fields adjacent to this. This is being funded by myself personally, and that is all I can afford to build at this time. There will be no permanent structures. All the benches and that are removeable. Two trailers will be used. One to store equipment and the other for a central reporting point for teams, umpires and that. This is on a 2 year lease. Hopefully, then we can buy the property. We are not planning any lights in the near future. Our main object is to get the fields. Lighting would cost us close to \$100,000 and it is in our interest to promote the program before we promote night games. There will be portable restroom facilities.

MR. CORCORAN: Any concession stand?

MR. ASELIN: No.

MR. BLEIER: Is this the entire parcel?

MR. ASELIN: Yes,

MR. BLEIER: If the Board puts conditions, such as lights or concession stands, would you be willing to accept those?

MR. ASELIN: Yes, we would.

MS. BARTOK: You have no plans to get any beer and that?

MR. ASELIN: No. Even if 5 years from now we do get into that, we would not serve beer. There is always a problem when there is beer. Whether they have that or not is not that important.

MR. CORCORAN: Parking facilities?

MR. ASELIN: Off to the south end of the property on Ballantyne Road, 80 feet wide and 600 feet deep. We hope we have projected this so not more than half this parking lot will be needed at any one time. With the proper programing, the largest anticipated amount of cars is 30.

MR. CORCORAN: Will most of your applicants come from this area?

MR. ASELIN: We have over 212 people that are residents of Chili. The two biggest areas are Greece. They are basically from all over the County. They will be leagues. The city has notified us as of January, 1980, they will charge \$5.00 per hour for everyone of their facilities. The Little League teams cannot come up with that money. Portions of our program were eliminated this year for lack of facilities.

MR. MILLER: Will there be trash removal?

MR. ASELIN: Every day basis. We will have containers at every field and around the portable -oilets. Our directors will always be on the facility, and we will take full responsibility with the teams. We do impose a \$25 penalty for littering of any kind. We will also prohibit use of any alcoholic beverages or they will be suspended. It helps us to keep order in the program. We have had no problems.

MR. RAKUS: What is the setback from the Northern part of the field?

MR. ASELIN: 345.5 feet from the south side of Ballantyne Road.

MR. RAKUS: How far up the road is the entrance to the driveway?

MR. ASELIN: 865 feet south on Ballantyne Road. There will be a buffer between the parking area and property line of 75 to 80 feet.

MR. MILLER: Isn't there any underground metal drainage culvert there?

MR. ASELIN: There is one on the eastern portion of the property, but that will not hinder our use of it. We will be in the western portion of the property. There is a drainage ditch to the south, which does drain the property off. I have been watching it very carefully for the past few years. It is higher than the Atkins property, which we were originally proposing.

MR. BOWMAN: You said in your report you weren't going to do any mass regrading.

MR. ASELIN: Yes. This is a new process that has not hit this area. In Columbus, they put in 8 fields in one week. Rather than stripping and replanting that much, the property is seeded over the wild base. You have a strong foundation, and it is one third of the cost of stripping the property. You do not destroy the property. There are thin layers of sawdust put over the top to keep the seed down. Only the infields will be cut out. They will all have to be rolled and raked enough to bring up the mat of the grass. Then, everything will be rolled to level it out. There will be no excavation other than the infield and parking area. That is why we switched properties. The contour of this land is much better.

MR. BOWMAN: It sounds like a good idea, but the town has had problems in the past with fields. There are fields and they just don't drain.

MR. ASELIN: We do use these chemicals on the ground, such as Quick Dry, and clay on the infields that gives us better drainage and diverts the water.

JAMES C. GAMBLE, BALLANTYNE ROAD: What side of that property are you taking?

MR. ASELIN: We have moved down the road. On the south side. It is east of you.

MR. GAMBLE: As long as this is in the back, I don't care.

MR. ASELIN: This will be until twilight for there are no lights. Dark will be the deadline.

NO ONE SPOKE IN FAVOR OF, OR IN OPPOSITION TO, THIS APPLICATION.

APPLICATION NO. 3

Application of Paul Marinucci, 90 Frederick Drive, Rochester, NY 14624, for conditional use permit to allow in-law apartment in single family dwelling at property located at 28 DaVinci Drive in Renaissance Estates Subdivision in R-1-20 zone.

PAUL MARINUCCI: I have nothing further to add.

MR. HUNTER: When the Board allows these, we use the provision that if you record in your deed that after you leave, the property reverts back and the use will not be legal by anyone else. You can't advertise this with an apartment.

MR. MARINUCCI: I have no objections to any of those things. At the time when this is no longer required, we have no intention to use it.

MR. MILLER: We usually require you have to pay for the recording of their decision and it stops you from trying to sell the house as a double house.

MR. MARINUCCI: The main part of the house has no family room. We will use that as a family room after we no longer need it as an in-law apartment.

MR. HUNTER: Is there some unusual reason why you would like this arrangement?

MR. MARINUCCI: My mother in law is 55 and widowed and lives alone. I was taking care of two houses and two cars, and we are trying to get things together. She is going in for surgery this year on her legs and she will never be the same again. We don't want to run back and forth across the Town.

NO ONE SPOKE IN FAVOR OF, OR IN OPPOSITION TO, THIS APPLICATION.

APPLICATION NO. 4

Application of Raymond Manginelli, 169 King Road, Churchville, NY 14428, for conditional use permit to allow air conditioning service and refrigeration service and installation business in home (No services at said address) at property located at above address in R-1-15 zone.

MR. MANGINELLI: I want to put in a phone for the business. All service will be in the customers home. I will bring it to my home only if necessary. There will be no traffic.

MS. BARTOK: If you bring the appliance home, will you store them outside?

MR. MANGINELLI: Inside in the basement.

MS. BARTOK: Would you object to a condition that they have to be inside the house?

MR. MANGINELLI: No.

MS. BARTOK: Will you dispose of old appliances from your own home or what?

MR. MANGINELLI: I probably could take it someplace else.

MS. BARTOK: Would you object to that as a condition?

MR. MANGINELLI: No. I can take them some place. This is part time. Whatever we make is going back into this. In a few years, we will make it full time and move to another place. I work trick work so it may be any time, but mostly in the evenings.

MR. HUNTER: 7 to 10 p.m.?

MR. MANGINELLI: Probably.

MR. HUNTER: Do you need a sign?

MR. MANGINELLI: At the house, no.

MR. BLELER: Any trucks?

MR. MANGINELLI: A Pick-up or something? No. We use our own cars.

MR. CORCORAN: What line of appliances do you specialize in?

MR. MANGINELLI: Air conditioning and refrigeration only. Consumer equipment. No commercial or industrial.

MR. FRY: You are willing to restrict your activities to what you state in your application, no business activities of any kind?

MR. MANGINELLI: Yes.

MR. CONNOLLY: What did you do with the old parts you remove?

MR. MANGINELLI: I turn old parts into the place where I buy the new parts. They discard them.

NO ONE SPOKE IN FAVOR OF, OR IN OPPOSITION TO, THIS APPLICATION.

APPLICATION NO. 5

Application of G.F.&G Associates, 90 Marhetta Road, Rochester, NY 14624, for preliminary site plan approval for Chili Office-Apartment Building at property located at 4358 Buffalo Road in C-2 zone.

POSTPONED TO OCTOBER, 1979, MEETING.

APPLICATION NO. 6

Application of Pride Mark Homes, Inc., 50 Lyell Avenue, Rochester, NY 14608, for conditional use permit to allow in-law apartment in single family dwelling at property located at lot #48 Audabon Circle in the Pine Valley Subdivision in R-1-12.

JAMES BARBATO: We propose to construct a single family residence with two kitchens for an apartment for a blood relative. There is Glen Deans and his mother. It will blend well with the surrounding homes. It has only one entrance and two separate doors inside the home for the separate apartments.

MR. MILLER: Where is the apartment?

MR. BARBATO: The only difference is the two kitchens. They are interconnected with a door between the two kitchens. The door can be closed or not. It has two bathrooms. The in-law apartment has a kitchen, living room, and bathroom.

MR. HUNTER: This home will be in the only opposite circle?

MR. BARBATO: Right. We were allowed to dig it, but we can't put the second kitchen in without approval.

MR. HUNTER: What are the circumstances that bring you here to ask for this?

MR. BARBATO: Mr. & Mrs. Deans requested it. Mrs. Deans is widowed, and they are living in the same type of situation now, here in the town. They just decided to move into the new home. We realize this is a condition of the deed, and when they move, it will revert back to a single family home.

NO ONE SPOKE IN FAVOR OF, OR IN OPPOSITION TO, THIS APPLICATION.

DECISIONS:

APPLICATION OLD BUSINESS:

Application of Moorgood Tools - UNANIMOUSLY APPROVED subject to the following: the Landscap Must be done EXACTLY as indicated on the plans submitted.

APPLICATION NO. 1

Application of The Norry Company, P. O. Box 51, Rochester, NY 14601 for preliminary site plan approval for 60' x 60' warehouse addition at property located at 797 Beahan Road in M-2 zone.

UNANIMOUSLY APPROVED - and FINAL IS WAIVED subject to the following condition:

A Letter of Credit be established for the landscape/buffer on the West property line to the railroad.

APPLICATION NO. 2

Application of Amateur Sport Program, Inc., for conditional use permit to operate four softball diamonds and one football field on 37.369 acre parcel being leased from approximately 116 acre total parcel at Virgo Property in RA-20 and FPO and FW zone.

UNANIMOUSLY APPROVED subject to the following terms and conditions:

1. No Alcoholic Beverages or Lights (If lights are wanted in future, they must come back in to the Board)
2. Portable Toilets shall be removed in non-operating season.
3. No Parking along public roads (All on site parking and an adequate amount will be provided. No games will continue if cars are parked on the Public Roads.)
4. Permit for a years time period only (1 year).
5. Trailers will be remove- during off-season.
6. No concession stands.

APPLICATION NO. 3

Application of Paul Marinucci, 90 Frederick Drive, Rochester, NY, 14624, for conditional use permit to allow in-law apartment in single family dwelling at property located at 28 DaVinci Drive in Renaissance Estates Subdivision in R-1-20 zone.

UNANIMOUSLY APPROVED subject to the following terms and conditions:

1. Furnish a copy of the deed to the Deputy Town Atty., Daniel L. Miller
2. Only exists as long as a blood relative resides in the dwelling
3. Use permit is NON-TRANSFERABLE and runs with the applicant only and not with the land.

APPLICATION NO. 4

Application of Raymond Manginell for conditional use permit to allow air conditioning and refrigeration service and installation business in home (No service on premises) in R-1-15 zone.

UNANIMOUSLY APPROVED subject to the following terms and conditions:

1. There will be no outside storage of parts or appliances
2. No signs will be posted
3. No services or materials are to be handled on the premises
4. Use permit is for a One (1) year time period.

APPLICATION NO. 5 - postponed to 10-79 meeting

APPLICATION NO. 6

Application of Pride Mark Homes, Inc., 50 Lyell Avenue, Rochester, NY for conditional use permit to allow in-law apartment in single family dwelling at property located at lot #48 Audabon Circle in Pine Valley Subdivision in R-1-12 zone.

UNANIMOUSLY APPROVED subject to the following terms and conditions:

1. A copy of the deed be furnished to Daniel L. Miller, Deputy Town Attorney
2. This only exists as long as a blood relative lives in the dwelling
3. Use permit in NON-TRANSFERABLE and runs with the applicant only and not with the land.

dai

PLANNING BOARD
OCTOBER 9, 1979

A Meeting of the Planning Board, Town of Chili, was held on October 9, 1979, in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York, 14624, at 7:30 P.M. The Meeting was called to order by the Chairman, Robert Hunter.

ROLL CALL: Robert Hunter, Betty Bartok, Bill Fry, Bill Corcoran, Mitchell Rakus, Edwin Rague

ALSO PRESENT: Russ Bowman, Town Engineer; Melody Lanberg, Liason for Conservation Board; Daniel Miller, Dept. Town Atty.; Bob Connolly, Bldg. Inspector; Gerald Charper, Monroe County Plan.Dept. Rept.

APPLICATION NO. 1

Application of Pride Mark Homes, Inc., 50 Lyell Avenue, Rochester, New York 14608, for preliminary subdivision approval of 11 lots to be known as Woodbrier Estates at property located on south side of Westside Drive, approximately 225' west of Pixley Road in R-1-20 zone.

JAMES BARBATO: Is there anything you would like to ask?

MR. HUNTER: We have met with you once before on sketch plan and the Board has been presented with the basic plan.

MS. BARTOK: For the benefit of people in the area seeing this for the first time, would you like to explain the lot size, the amount of trees you will be keeping, and the price range of the homes and also what you plan to do with the land in the rear.

MR. BARBATO: There will be a minimum of trees removed. We are not installing any roads at all. There will be side by side driveways, 5 road cuts into Westside Drive. We plan to do nothing at all with the land immediately to the south. The ten lots are part of a 28 acre parcel. The price of the homes will be \$75,000 and up. They are going to be rather exclusive and we want to maintain the natural setting.

MS. BARTOK: You plan on letting the drainage primarily flow to the rear of this and do not anticipate any run off to your neighbors to the west?

MR. BARBATO: We did do some field survey work. There is a culvert that crosses Westside Drive. Most of the drainage will be directed to the north and under Westside Drive. The field survey work that was done showed the culvert and most of the natural drainage is toward the North.

MS. BARTOK: There will be no effect on the drainage into the rear lots of the other subdivision?

MR. BARBATO: None what so ever.

MR. HUNTER: The chairman of the Townwide Drainage Committee notified us they have approved this application. I heard some concern from people to the south of the area. Do you see any change?

MR. BARBATO: None what so ever. One of the big things that alters drainage run off is the amount of road installed, and we plan on installing no roads. We will be clearing enough for the driveways and the house. The natural flow of the area we are developing is such that run off will be to the north and not to the south. It should have no effect on the people to the south of us.

MR. HUNTER: We also have a letter from the Monroe County Planning Board stating there are no serious problems. They mention this is consistent with the existing environment. The plans for no development of the rear lands are wise as there is a history of drainage problems in the area.

MR. BOWMAN: I did a review of the subdivision, and I sent a copy of my comments to the developer. I feel the engineering concerns can be properly addressed.

MR. CHARPER: Additional copies of the County Planning Report went into the mail today so you will receive a copy shortly.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date *Oct. 3, 1979*

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

GATES-CHILI NEWS

Issue Dated *Oct. 3, 1979*

Geraldine C. Snyder
Notary

Patricia M. Smith
Patricia M. Smith
Publisher

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 19*81*

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Patricia M. Smith
Publisher

12.88
Planning Bel-Min Book

Legal Notice

Chili Planning Board
Pursuant to Section 271 of
Town Law a public hearing
will be held by the Chili
Planning Board at the Chili
Town Offices, 3235 Chili
Avenue, Rochester, New
York 14624 on October 9, 1979
at 7:30 p.m. to hear and
consider the following
applications:

1. Application of Pride
Mark Homes, Inc., 50 Lyell
Avenue, Rochester, New
York 14608 for preliminary
subdivision approval of 11
lots to be known as
Woodbriar Estates at
property located on south
side of Westside Drive,
approximately 225' west of
Pixley Road in R-1-20 zone.

2. Postponed from
September 18th Planning
Board meeting: Application
of G.F. & G. Associates, 90
Marhetta Road, Rochester,
New York 14624 for
preliminary site plan
approval for Chili Office-
Apartment Building at
property located at 4358
Buffalo Road in C-2 zone.

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

Robert Hunter,
Chairman
Chili Planning Board

Oct 9

*Planning Bd 10-9-79 Min Book
Union Processing*

Legal Notice

Chili Planning Board

Pursuant to Section 271 of Town Law and Article 4, Section 4.040(e) of the Chili Zoning Ordinance, the Chili Planning Board will hold and conduct a public hearing at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on October 9, 1979 at 8:30 p.m. to review the conditional use permit issued to Union Processing Corp., 3484 Union Street, North Chili, New York 14514, in September of 1974 for the operation of a metal processing plant at that address in an M-2 zone.

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

Robert Hunter,
Chairman
Chili Planning Board

MARIE SCHROEDER: How close to my lot is the first house going to be? I am on the corner of Marshall Road and Westside Drive.

MR. BARBATO: This is about 60 foot, the normal size of a right of way on any road.

MS. SCHROEDER: I have water now in my backyard in the spring. Am I going to have anymore?

MR. BARBATO: One of the requirements placed upon us with the Town Engineers is that we do not discharge any more water now, than is being discharged now. The town officials see to that.

JOSEPH CAMMARATA, HOLECK ROAD: At what points did you take elevation markings?

MR. BARBATO: 300 feet into the land from Westside Drive. We know it is a lot lower in the back.

MR. CAMMARATA: Are you making provisions that there won't be any run off going south?

MR. BARBATO: Yes. We are not touching any land outside the limits of that subdivision and only within those limits a minimal amount. The drainage will all go to the north out of this land, and we have discussed this with the Town Engineer.

MR. CAMMARATA: What provisions will be made to prevent flooding in the future from the land in the back?

MR. BARBATO: We have committed ourselves to the Town that we do not intend to develop that back land until such time as the problems will be overcome. Which may be never.

MR. BOWMAN: What the developer has explained I concur with. I have walked this site and the developer's engineer has done field survey out there; we are only talking about the 10 acres. If the developer wants to develop that land in the back, he would again come before this board, and we will all have a chance to have our say.

MR. CAMMARATA: I want to avoid another Hillary Heights problem.

MR. BARBATO: We will insure that any run off coming on to this site will be adequately taken care of by swails or catch basins.

DONALD AVERY: You are going to push your drainage into Rowley Drive? Where is the drainage going after the manhole, east of Rowley Drive? Is it going to go there?

MR. BARBATO: Yes.

MR. AVERY: It will be an increased run off then.

MR. BARBATO: Minimal. We are only putting in a driveway and a house.

MR. AVERY: You are not putting dry wells in or anything like that?

MR. BARBATO: No. We are working with the Town Engineers on it.

MR. BOWMAN: I have talked to Charles Costich on this and he is not concerned about the small increase of run off that will be generated by this subdivision. He feels the fairly large ditch and that we are going to make sure all the houses that are built will be set up higher than Westside Drive. In the event of a huge storm, the water would have to top Westside Drive before it would get into these homes. Mr. Costich feels that there is no large concern in Gates.

NO ONE SPOKE IN FAVOR OF THE APPLICATION.

IN OPPOSITION:

JAMES STANTON, 83 HALLOCK ROAD: I am opposed. It is just in the principle. My concern is there is no quantitative information tonight.

MR. BOWMAN: We are making preliminary decisions tonight. The final approval comes later. If, after we do detailed calculations we find there is a problem, we will try to avoid it. The Town Engineer of Gates, myself, and the developers engineer all feel there will be no problem with this.

APPLICATION NO. 2

Application of GF&G Assoc., 90 Marchetta Rd., Roch., NY 14624, for preliminary site plan approval for Chili Office-Apartment Building at property located at 4358 Buffalo Road in C-2 zone (Postponed from ~~XXXX~~ September meeting.)

POSTPONED UNTIL NOVEMBER MEETING.

THE PLANNING BOARD adjourned to a Special Hearing at 8:30 P.M. on UNION PROCESSING, to review the conditional use permit issued to them in September of 1974 for the operation of a metal processing plant at 3484 Union Street, North Chili, New York, 14514, in an M-2 zone.

MR. MILLER read the legal notice of this hearing: What has happened since we notified Union Processing of this hearing is their attorneys served a SHOW CAUSE ORDER, signed by Judge Erwin, which required the Town to cancel this hearing. It was a temporary order, and I met with Justices MacDell and made a stipulation. There contention was the Planning Board was hitting the Union Processing with the "Shot Gun Blast". They are requesting the charges be specified and backed up with evidence. This particular hearing will be used to secure information from the officials and citizens of the Town and members of the Planning Board of the alleged wrongdoings of Union Processing. One month from now, the Planning Board will reduce these to specific complaints. On our December meeting, the Union Processing Company, by its attorneys, will have a chance to answer these charges and maybe arrive at a solution to the problem. We are simply going to secure your information and statements from you people--in the audience--and in the area. One month from now, we will present to Union Processing specific charges and they will answer at the December meeting. Hopefully, alot of these things will be corrected by Union Processing before the December meeting. I know the Town will give them all the consideration we possibly can.

MR. HUNTER: (read the original application approval given to Union Processing in September 3, 1974, for conditional use permit for an M-2 district, preliminary site plan and final site plan) I don't believe the conditions given on the site plan are in contention here. This is the result of the first two m-etings on the conditional use. Our concern is with the conditional use for a metal processing plant. The conditions for that conditional use were:

1. A fence, 12 feet high on the west side, adjacent to the storage area, and 6 feet high on the other three sides.
2. The hours of operation were 7 a.m. to 8:00 p.m.
3. The location of the shreading machine must be 1,000 feet from Union Street
4. Retain a maximum of trees on the site.

In addition, there are minutes from all those meetings here, and we have copies, also, and you are welcome to look at them. With that, we will proceed. I would like to start by requesting members of the Board give their charges, and then I will come back to the audience for additional information.

MS. BARTOK: I would like to briefly recap the high points of the hearing. On August 13, 1974, there was a hearing on the conditional use. Ralph Esposito, their attorney, stated he did not anticipate a noise problem. He did not anticipate the facility would be an obstructive nuisance because it was 1,000 feet from the road. Union Processing said they planned to stock pile one to two days work on the site and estimated 200 cars a day would be the average work load in piles stacked 10 to 15 feet high. The pile would not be large, but neat; would be removed on railroad cars as needed. There was no mention at this hearing of any possibility of explosions or fires or windblown debris that would pollute the neighborhoods. On May 14, 1975, there was a brief description of the equipment and how it would work. They have a device called a Cyclone that separates the matter and a clubber that helps to remove the material. Solid waste would be collected and hauled away. They already had contracted with the landfi-1 in Wheatland. A suggestion was made for a fire hydrant in the area of the machines and building. As far as I know, there is no fire hydrant in the area at this time. The Fire Marshal secured a hose hookup this Spring in the area of the shreader. From 1976 until Mr. Ess was able to install this hose, when Company B responded to any fires, there was no nearby hose. At this hearing there was again no mention of fires or wind-blown materials or explosions. On July 8, 1975, the final site plan hearing was held. No cars were supposed to be accepted with gas tanks. The railroad embankment was to be 10 feet high. The excess material was to be trucked away to a landfill without a cover on the truck. The engineer for the facility stated that he did not believe it would be necessary to cover those refuse trucks because the material was not windblown on transit. It also made no mention of fires or explosions or windblown material. There were assurances that dust from the machines (Cyclone) and apolstery materials would not blow away. Since that time, we have records of all the fire calls made to the facility, and the Sheriff's Department also has calls. In 1977, 4 calls; in 1976, 2 calls; in 1978, 8 calls--1 for arson. No figures are available for the fires in 1979.

I have heard complaints from the King Road neighbors for more than 5 years. This summer, a sample of fibrous material was given to me from a swimming pool. Pieces were sent to the Monroe County Health Dept. to OSHA and we asked them what is it. A visual inspection was done and material submitted for analysis by the lab. The results are not yet available. Based on the findings by the Air Resources Staff, no detrimental long term effects were to be had to the people of the area. It is too large to inhale. Some fibrous material may be due to faulty operational procedures such as leaving the covers off the Cyclone. Hauling it away in unsanitary manners or storing piles in areas where they may be blown away. In order to obtain state D. E. C. renewal, the firm will have to inform them of these conditions. The Health Dept. went out there and found an exceptionally large pile. They were there on a windy day, and all that stuff was blowing around. It could be due to ducts that have been patched too often. They have placed an order for new equipment, and it should arrive in 1 to 1½ months. The dust is coming from the storage area locks not being sealed. They have temporarily covered them with plywood. Their Certificate to Operate will not be issued until the Health Dept. inspects the repairs and new equipment. Several suggestions have been made to the facility for improving their operations. The Certificate to Operate will be issued when the new equipment is installed, and for 1 year only, not 3 years. They are able to operate without certificates, and will continue to do so. On September 19, or 20, 1979, I drove by the place and refuse trucks were just pulling out on to Union Street. I saw large particles blowing off the top of the pile to the side of the road. On September 25, I walked along the road to see if I could find any pieces and I did. Rather large pieces. (Ms. Bartok showed those pieces for all to see.) All the way to Meadow-rook West, foam rubber and pieces of tin metal with fibrous material adhering to them. This is a problem. The trucks should be covered to limit this. With respect to the oil pollution and landfills on site, the oil pollution first was observed on February 24, 1976. Supervisor Powers sent them a letter to this effect. The Town Engineer also notified them. D. E. C. sent them a letter dated May 4, 1979, stating there are two problems, the oil contamination and surface run off and the operation of unauthorized landfills. On August 17, 1979, the Town Engineer wrote to the Town Board advising their concern over the large piles of stacked cars contributing to the storm water run off of oil pollution. There have also been complaints of inadequate record keeping. There is a possibility of stolen cars being brought out there and made to disappear. The facility is not required to obtain title on the cars. Supervisor Powers wrote a letter on May 5, 1976, requesting additional information on record keeping be done. The Sheriff's Department has one call regarding stolen cars in the area. It would be impossible to check that out. Stolen cars are stored in the computer system on the basis of address in which they were stolen. There was a law passed this year, which required a paper trail for any type of facility receiving cars to be junked. They will be responsible for transfer of the title. It takes effective April 1, 1980.

MR. HUNTER: I have a letter from David Robins, the Chairman of the Conservation Board, dated September 29, 1979, to Supervisor Powers, stating on September 9, 1979, he walked the property of Union Processing and reports:

1. Near the main gate, there appeared to be landfilling or stock piles that were non-metallic.
2. The piles were 20 feet high.
3. The fence in the area of the railroad was knocked down by a dead tree and this is dangerous to Children in the area
4. There is a large pond, 8 feet deep and 85 feet wide on the east side, with run off containing oil material
5. Did not observe any air substances, but heard complaints.

He stated for these reasons--that the facility is an environmental hazard to the Town of Chili and as Chairman of the Conservation Board he felt it is his duty to report this.

THOMAS GLENDE, 158 King Road: I live ¼ mile from this plant. I have dates and samples of what we had to put up with this summer. March 22, between 8 a.m. and 8 p.m., large amounts of material on the cars, sidewalks, boats, pool covers and such. While the children are outside waiting for the buses. I took the material into the house and looked at it under a magnifying glass. It was loaded with shiny particles. I took a magnet out and chips clung to the magnet. On March 29 & 30, 1979, in the mid-afternoon, there were two large explosions. One each day. The March 30 one was the worst. It shook the house--mirrors, windows, and foundation. You could feel the whole house vibrate. What is this doing to the gas mains and water mains underground? April 13, 1979, a large fallout and covers the cars. On May 4, we have black smoke and more fallout. There was a light breeze, and we were clobbered again on July 24. It was so bad in the area of King Road, that it contaminated my pool so bad we could not even use it, I have a cover on my pool and took tons of material off it.

On August 7, the whole neighborhood smelled like a machine shop all day long. You could smell hot, burning oil. September 1, I went to put the cover on the pool, and noticed an oil ring around the pool. It is hard to remove. We had no problems before Union Processing. On October 1, there was a large amount of material again. This is only a small example of what we have had to put up with. We feel they have been very unfair to us.

ED CORNWELL, 1365 PAUL ROAD: This was first called a small metal reprocessing plant. One friend of mine was asked to leave when this was first approved for calling it a junk yard. I have pictures from my house and that is across the street and this is clearly visible. There is a great deal of noise. I constantly hear this running and explosions. I called some real estate people to see how our property value was. The Town Crier letter stated, there is a depreciation of all our homes in the area. I can produce one person whose stolen car was crushed by them, if you would like.

MS. BARTOK: Was it brought to the facility?

MR. CORNWELL: He got there, and saw the car and could not get in. This was two years ago. He called the Police, and by the time he got there, the car was gone.

MS. BARTOK: There was the one stolen car report from the Sheriff.

MR. CORNWELL: I will check with him and get back to you on it.

MR. HUNTER: (Entered the letter from Town Crier, signed by Jan Smith, into the record)

KATHLEEN REYNOLDS, 1366 PAUL ROAD: I can see from the rear windows of my house this plant. They are an undesirable neighbor for many reasons. One being the number of fires with black smoke that fills the area from the oil. The explosions shake the whole house. The residue is over everything. Even the windowsills, when the windows are open. This was not there before Union Processing. I believe from the wind, this is carried over. We also found material in our pool. I thought it was sand, at first. I have other neighbors who also found the same things.

ARTHUR SCOTT, UNION STREET: I am right next door to Union Processing. I probably don't have the same type of complaints as these other people. Only two I do have are: 1. the dust that arises from these trucks that go down the lane. The dust during dry weather is so bad I can't even see when I am out on the tractor. I would like to see paving 100 to 200 feet from Union Street to the facility. In rain storms, the trucks spill mud and that on my blacktop driveway. In dry weather, more dust. The women will testify that you can't even hang out the wash under these circumstances. It is not in the realm of my responsibility to tell these people what to do, but it seems to be common courtesy would dictate these people put something on that dirt lane to alleviate the dust. The dust filters into our home, car, on the siding of house. I am speaking selfishly, I know, but I am the one on the receiving end. The second gripe is the use of tow trucks going up and down the lane at all hours of the night. Not just 7 a.m. to 8 p.m. occasionally, 4 a.m. Not every day, but they will. I assume the truck driver sleeps in the cab until the facility opens. The small tow trucks go in all hours of the night, also. You use other businesses at designated hours, so why should we, as neighbors, have to put with this. At the first meeting, there was only 10 of us here. I had no questions, of them because I did not anticipate the dust and odd hours. Using this lane after hours should be stopped. At night, the dust filters onto the dew on the car and when that dries I have a sprinkling of dust on my car. I would like some assurance from these good people this dust condition would be irradiated. I have had it up to my ears.

ANNA LEECE, 3504 PAUL ROAD: I agree with Mr. Scott. The dust and the traffic at all hours is very noisy. The dust is so bad, I can't see him out there on his tractor when I am in my yard. It is so heavy. His aluminum siding is made an awful mess. On the farm, between the two railroads, there was a ditch across there and now it is all swamp land. My neighbors to the south have nothing but a swamp. It drains nowhere. There are weeds and some neighbors can't walk back there at all at any time. We should not have those trucks going in at all hours of the day and night.

JEAN PHILLIPS, 80 BALLANTYNE ROAD: I don't live near Union Processing, thank the Lord. I have noticed the visual pollution as I drive down the road. This passed when a lot of you were not on the Board. The Board perhaps acted in good faith on the word of a businessman. I think you have learned a costly lesson. The people who live in the area are suffering. I think they have taken a "Shot Gun Approach" to this Town. They accused us of it, but they used it when they went and got their taxes lowered. I question the Monroe County Dept. of Health report. I am disappointed

with D. E. C. on one hand they can operate without a certificate. Either they need a certificate or they don't. This devaluates a homeowners property. There is a safety hazard to the children. When I have gone down there I have noticed the kids in there sliding on the piles of cars. They are supposed to be only 10 feet high but I have got to look up to see the top of them. I don't even know how they can pile them that high. What bothers me is that a judge interferred with this towns and I take exception to that as a resident of this town.

NANCY PHILLIP, 1372 PAUL ROAD: Submitted pictures taken from spring, 1978. After one of the fires, this is the junk that is getting into the pool, house and cars. We had a permanent wax job done on our car. We cannot get the windows clean. We turn the wipers on and it is a smudge.

JERRY BRIXNER, 14 HARDOM ROAD: (submitted a series of prints of the site taken on Sept. 30, 1979, to show visual view to both Chili residents and to others as they pass the site.) This operation is detrimental to our community. It does little for community living because of the low tax assessment. Notice in the pictures the piles of waste car crap, the fence, the limited amount of trees in the front, there are 3, the crane booms, auto debris. One could think of better uses for this site and they own 49 acres with an assessed valuation of \$400. The industrial operation returns to the Town only the amount collected from 4 or 5 cape cod type homes. Monroe County recently dedicated facilities in the City that are attractive to the general community. There are a number of ways they can improve the appearance of the facility.

MARTIN WEHLY, 46 STOTTLE ROAD: We notice nothing at our Stottle Road address, but at the Golden Road home we have, we noticed a residue on our car. For the past few years, my wife has suffered from bracking out. I have had her see Specialists and spent alot of money to find the cuase. We could find out nothing. Now that I sit here, I know that the residue is flying because it is on my car, and I am wondering if this is the cause. I think the Health Bureau should investigate this thing to see if ti could cause this to happen to my wife, and will it happen to other people in the area? I would like to get some of those samples and give them to the Doctor.

GEORGE GOODBERLET, 1510 DAVID ROAD: The creek behind us has oily residue. We have fished there before and find that since this processing has gone on, we cannot fish there anymore. It runs through, pasture lands across Davis Road. It is a concern for the wildlife in the area. I would like to ask the Board to find out what a ten year destruct machine means. It means in ten years, the machine will self-destruct. Are the taxpayers of Chili going to be sitting with this machine after 10 years? Could this be checked into?

DEL THEODORAKOS, 156 KING ROAD: I have two complaints, one is the fibrous material in my pool all summer and clogging my filter all the time and two is the explosions that they have quite often.

LINDA BROWN, 153 KING ROAD: I work 9 months out of the year. In the summer, I have dust, soot, and I hear the explosions. This is what we are breathing and that is all I have to say.

MR. CHATMAN, 160 KING ROAD: I would like to register my complaints. They have a big junk pile of refrigerators, stoves and hot water heaters. What happens to the fr-eon in the motors and refrigerators and the asbestos in the stove units? Is that filtered out? I was home one day and tried to put blacktop sealer on my driveway and now it has festers all over it.

ED STRUCZEWSKI: I am not here to talk for the Fire Department, but I am a member of Company 2. Through my own personal point of view, people do not realize the amount of time spent down there laying out this hose. This does not involve only fire fighting time, but 2 or 3 hours of clean up. You can imagine the equipment that has to go back in there and the abuse it has to take. This is not from the fire department, but my own feelings. I have a complaint. I have a crack in my stuceo ceiling. I know all these explosions are not reported, but I think that is where the crack came from.

ANNA LEECE: The gas tanks on the cars, next to Mr. Scott's, can be seen. They tip gas out there on the side of the road toward Mr. Scott's place. They are supposed to not accept cars with gas tanks on them. I think they should have all those trucks covered. I have found many things when I cut my grass.

BOB SMITH, 152 KING ROAD: Dust flies around, and I don't think it is very healthy for our children to breath all this dust and foreign material in the area. This causes alergy problems to children and adults.

CAROL MARKEL, 1358 PAUL ROAD: My children are severe asthmatics and they are mouth breathers, not nose breathers. Most kids swallow half the pool, and they are drinking all the garbage that floats in the pools.

JEFF CRATER, 159 KING ROAD: I am a new resident, and I am also opposed to this. I have been here 3 months. I have had plans to put in a pool, and I don't even know if it is going to be worth doing.

RONALD HOUSTON, 1520 DAVIS ROAD: I have cattle that drink out of the brook that flows there. I am worried also about the dumping they want to put in the same area. It will ruin all of the northwest Chili area.

JERRY RILEY, ATTORNEY FOR UNION PROCESSING: I would like the record to reflect my presence. Also, Mr. Miller did state the stipulation of the future meeting. Union Processing does intend to cooperate. Once we can get together on what the problems are, we are hopeful a settlement can be worked out. I can assure everyone, I am going to get back to Union Processing with all of the complaints and will be in further touch with the Board and Mr. Miller.

THE UNION PROCESSING HEARING WAS CLOSED AT 9:50 P.M.

THE REGULAR Planning Board M-eting was reconvened at 9:50 P.M.

INFORMAL HEARING

Application of Alfred J. Heilman, 232 S. Plymouth Avenue, Rochester, NY 14608 to discuss rezoning of property on Ballantyne Road from rural agricultural to light industrial.

MR. HEILMAN: I have requested rezoning for some clients I represent who own the property south of Ballantyne Road, west of Lester. It is those old paper lots for the subdivision. It runs about 300 by 800 feet long. We don't have the topo map, but the engineers tell me this is 5 or 6 feet higher than the other areas in there. My clients would like to get some opinions. They would like to make this a warehouse area for the distribution for a place like Empire Lighting. They had in mind using 500 to 600 feet of it. 100 feet in with a dumpster and parking for employees. The building would be approximately 600 feet long. We could have one building or component parts. It will be approximately 19 feet high for the doors in the back to open 12 or 14 feet high. The area can't be used as residential. The design feature (which he showed a rendering of) will be block construction. The back will have doors. The traffic would not be substantial. The type of warehouse won't require bringing in that much materials. The County probably will expand that road eventually. It would not be open at night. There would be no lighting problems. There are a few homes on the other side of Ballantyne Road. It should not inconvenience anyone with noise or lighting problems. We could bring in buildings that would add to the tax base. We are looking for some kind of light industrial zoning. We could have a conditional use rather than having the property rezoned.

MS. BARTOK: Have you checked this land with respect to the noise contours for the proposed airport expansion. I have some maps here and this appears to be all in the highest noise zone. They will hit you good for extra insulation and should be looked into now.

MR. BOWMAN: How about flood plain overlay?

MR. HEILMAN: There would be no celars in these, just slab bottom and it is not going to be a problem.

MR. FRY: In regard to RA-20, is this type of use a permitted conditional use?

MR. HUNTER: There is a potential problem going that route.

MR. MILLER: How much acreage do your clients own?

MR. HEILMAN: Roughly 6 acres. I am figuring 100 feet on each side for trees and that for a buffer zone and the building 150 feet in. The truck deliveries would all be on the road in back. Also, a stream is there that we know flows into Black Creek.

MR. CORCORAN: Any office space?

MR. HEILMAN: In the sense of an office where people can come in. Some office space in front with the warehouse area.

MR. CORCORAN: Any thoughts of expansion at a later date?

MR. HEILMAN: No. We are limited by space. That is all they own. They bought up the lots. Part of the problem is the paper streets in here. You can't abolish them until later. We are limited as to how far we can go. It would be roughly 20,000 square feet.

MR. RAGUE: Everything is indoors?

MR. HEILMAN: Yes.

MR. FRY: I personally would be in favor of it. You are aware of the hurdles you will have to overcome.

MR. MILLER: Your applicant should be to the Zoning Board for an industrial use variance. There is no leeway for the conditional use here. Then come back here for site plan.

MR. HEILMAN: We will go that route.

INFORMAL DISCUSSION NO. 2

APPLICATION of Lee Sinsebox of Sear-Brown Assoc. to discuss Planning Board's requirements for hearings and approvals on Lexington Subdivision Sections 11 & 12, both of which received overall preliminary approval in November, 1975.

OTTO LAYER: This is another section for Lexington Subdivision. We now have over 300 units. The map I have was approved a number of years ago, when it was decided to take the ball of the property we own and do a complete plan of it. Since that public hearing, we have been developing in accordance with this plan. I am here to bring you up to date. The plans have been submitted to your engineer. We are finishing up Sections 7 & 8. We are also building on Section 10. We have final approval and since maps are ready for filing on Sections 9 & 11, we asked for an updating of the letter of credit. It will mean another access off of Paul Road. As you can see, we are conforming to the preliminary map. As far as the drainage is concerned, we have been extending the original drainage district for each section as we go along. Drainage improvements would be quite minimal. Only those required to handle this area. The main drainage facilities are already complete. Everything has been done. The subdivision is also within a park district, which was formed to take title, too, and maintain the park lands. There are 22 acres altogether with some tot lots. That, too, is being extended on Section by Section. Two reasons we are coming in with another one. We feel this is the time to move our activities to Paul Road. The other reason is we feel we will be developing a broad range of values and pricing within the balance of the subdivision. It won't be too descriptive accept that the lower price range and higher price range will be slightly separate. We want to keep as much activity going as we can. We have been working on the project for 15 years. I would like to ask that we come in for final approval without a public hearing. That is what we have been doing in the past.

MR. HUNTER: What is the situation on the other side of Paul Road?

MR. LAYER: It is owned by Baush and Lomb. They own all the way down the road to the railroad. They have no immediate plans for expansion.

MR. BOWMAN: I don't see any reason why they can't come in for final application. There have been no significant changes in the area. I have reviewed the plans and they are in final form and are fairly complete.

DECISIONS

APPLICATION NO. 1

Application of Pride Mark Homes, for preliminary subdivision approval of 11 lots to be known as Woodbriar Estates at south side of Westside Drive, approximately 225' west of Pixley Road in R-1-20 zone.

UNANIMOUSLY APPROVED

Subject to the following terms and conditions:

1. Dual driveways are as indicated on the plan
2. Subject to the recommendation of the Town Engineer for a letter of credit on:
 - a. The storm sewer laterals from the house all the way to Westside Drive
 - b. Dual driveways with turn arounds.

dai

P L A N N I N G B O A R D
OCTOBER 25, 1979

A Special Meeting of the Chili Planning Board of the Town of Chili was held on October 25, 1979, at 7:30 P.M. in the Chili DeMeco Building, 3883 Union Street South, North Chili, New York, 14514.

ROLL CALL: Betty Bartok, Robert Hunter, Bill Corcoran, Bill Fry

ALSO PRESENT: Mr. Connolly, Bldg. Inspector; Mr. Miller, Deputy Town Atty.;
Mr. Bloss, Chairman of Townwide Drainage Committee.

The Meeting was called to order by the Chairman, Robert Hunter.

APPLICATION NO. 1

Application of Alliance Tool Corporation, 1390 Mt. Read Blvd., Rochester, NY 14606, for preliminary site plan approval for 9,825 square foot addition to existing building to be used as an in-process warehouse at property located at 2 Jetview Drive in M-1 Zone.

ED KECK, VICE PRESIDENT: Tom Haulenger and the General Contractor, Bill Rampy, and Bill Rampy, Jr. are here tonight to answer any questions you may have. The purpose of this building is to store and put a system together for a contract we have for Yugoslavia. It is just under 10,000 square feet, and we are anxious to get it closed in for the winter.

MR. HAULENGER: It is just a block structure, the same as his existing ubilding. I can answer any questions.

MR. HUNTER: I understand the original plans called for 16 feet high and you have redesigned that to be 18 feet?

MR. KECK: Right. We had a mistake in communications there. The highest bay has to be high enough for vans to be put in there. We made a quick change in the drawings. I asked Tom to go to the Monroe County Planning, and he can explain what he did.

MR. HAULENGER: They said it was not necessary for us to reapply.

CHARLES COSTICH: We had a letter from Russ Bowman, and he raised three questions. Will there be an increase in employees was the first. The answer is no. Will there be an increase in storm water or laterals and the answer is none. What will be the method of erosion control, and the answer is we have shown some straw bales stacked in the swail that leads to the adjacent lot.

MR. HUNTER: Is the exterior going to be brick?

MR. KECK: Brick faced.

MR. COSTICH: On the County letter, there is no problems except the question of the Environmental Statement.

MR. HUNTER: I have a letter from Melody Lambert and the Conservation Review requests no information and no impact statement is needed.

MS. BARTOK: Everything is here. There is nothing lacking on your plans. They are beautiful.

NO ONE SPOKE IN FAVOR OF, OR IN OPPOSITION TO, THE ABOVE APPLICATION.

APPLICATION NO. 2

Application of John & Rosemary Rowe, 108 Riverside Drive, Rochester, NY 14623 for preliminary site plan approval for reopening of existing restaurant building at property located at 2771 Scottsville Road in RA-20 zone.

MR. JOHN ROWE: (submitted a letter from a neighbor adjacent to his property.

MR. HUNTER read that letter - a copy of that is in the records.)

MR. HUNTER: The Planning Department located this.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date *Oct. 17, 1979.*

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

GATES-CHILI NEWS

Issue Dated *Oct. 17, 1979*

Geraldine C. Snyder
Notary

Patricia M. Smith
Patricia M. Smith
Publisher

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 1981

Planning Dept - 255-25-77
Minutes Book

Legal Notice

Special Meeting Chili Planning Board

Pursuant to Section 271 of Town Law, a public hearing will be held by the Chili Planning Board at the Chili Demeco Building, 3483 Union Street South, North Chili, New York 14514 on October 25, 1979 at 7:30 p.m.

to hear and consider the following applications:

1. Application of Alliance Tool Corporation, 1390 Mt. Read Blvd., Rochester, New York 14606 for preliminary site plan approval for 9,825 square foot addition to existing building to be used as an in-process warehouse at property located at 2 Jetview Drive in M-1 zone.

2. Application of John & Rosemary Rowe, 108 Riverside Drive, Rochester, New York 14623 for preliminary site plan approval for reopening of existing restaurant building at property located at 2771 Scottsville Road in RA-20 zone. At such time all interested persons will be heard. By order of the Chairman of the Planning Board.

Robert Hunter, Chairman
Chili Planning Board

MR. FRY: Where is your home?

MR. ROWE: Riverside Drive, West Brighton. We have been there 35 years. All my kids went to school in Scottsville.

MR. HUNTER: Is that a surface area for parking?

MRS. ROWE submitted pictures to the Board.

MS. BARTOK: I was down there today, and it looks nice. It is small, though.

MR. ROWE: It is gravel. The front part is all gravel now, and I will gravel the whole thing. I have had it scraped down and nothing else, yet. I am just letting this area grow to discourage parking. There will be no parking along Jeret Road, and I will see to that.

MR. HUNTER: How long has this place been vacant?

MR. ROWE: I think 3 years, but one fellow said it ran illegally for awhile.

MR. HUNTER: Do you have any plans for the exterior of the building?

MR. ROWE: It has been painted. No soffit or gutters, yet. We have put a whole, new back hip on it. My boys and I have done alot of work.

MR. HUNTER: Hot water heaters?

MR. ROWE: No, but copper lines run to all the sinks and that. The Monroe County Health had to check under the floor before they would approve anything. I don't think we will have any drainage problems at all.

MR. HUNTER: When was the painting done?

MR. ROWE: 1977. The paint does look new. The trim is not done, but I will have to do that in order to open in any kind of a style.

MR. CORCORAN: Your line for the free-standing sign?

MR. ROWE: It is in 25 feet from the highway.

MR. HUNTER: You will have to go to the Zoning Board for the sign variance.

MR. CORCORAN: What are your plans for the no parking signs?

MR. ROWE: The big offense has been on Jeret Road. They don't have a worry. The signs will be regular signs, put up. I will pay for that. I will have the sign made that any car will be towed away. There should not be that much violation.

MR. CORCORAN: You do plan to have music on Friday and Saturday nights. What type of music?

MR. ROWE: I know a group that I would love to have. I don't intend to have any wild and crazy bands. On weekends, I will be open during legal hours and on weekdays, I will be open during regular hours and nights during the week will be midnight. Sundays will probably be for reserved parties or a day off.

MR. CORCORAN: Your emphasis will be on food?

MR. ROWE: 3 meals and elaborate on that. These types of businesses turn over guests. My son has had breakfast shift experience. He has worked at half a dozen places. He will be a great help to his mother.

MR. HUNTER: I like the idea of your signs, but where will you put them?

MR. ROWE: Anywhere that you would like. They can be wherever. Jeret Road is their own, private property and I would put them on Jeret Road.

MR. HUNTER: As long as it is a private road and as long as you can get their permission, you will be alright. You need a vraiance for these signs, also, and you can get that with the Zoning Board.

MR. MILLER: According to the ordinance, he has got 60 parking spaces, and he only needs 20, so he won't have a problem there.

MR. CONNOLLY: Are you anticipating blacktopping that?

MR. ROWE: At a later date.

MR. CONNOLLY: There will be no parking in the front, and you will enforce that?

MR. ROWE: Yes. You will block it off one way or another.

MR. CONNOLLY: How much more do you think you are going to spend to get that into shape? I have been going there and for 4 months, I don't see that much improvement.

MR. ROWE: It is inside. The only thing I have done on the outside is the septic system. We have chopped weeds and swept the parking lot. I plan on selling the trailer that is out there. It is for sale, and I hope somebody will buy it soon.

MRS. ROWE: We have had all the electrical service brought in, also.

MR. CONNOLLY: I talked with Monroe County, and they said they were on top of this situation here. Also, you have a sign on the pole now, and I would like to have that taken off.

MR. ROWE: I can take that down tonight. I hung that plywood there to replace that sign. It is blank.

MR. CONNOLLY: It is illegal, and I would like to see it out.

MR. MILLER: Have you planted those Olive Trees in front, yet?

MRS. ROWE: I went to Harry's Seed, and they told me the Russian Olive Trees grow like a hedge, but you can't get them in until spring.

MR. HUNTER: You do plan to put them in?

MRS. ROWE: Yes.

MR. HUNTER: How much money do you feel you have invested in total?

MR. ROWE: Not counting the mortgage, I will have spent no less than \$40,000. I haven't got a penny back so far.

ARNOLD WAINWRIGHT, 9 JERET ROAD: Did the town grant a variance for the site?

MR. MILLER: This was before the Zoning Board 3 months ago, and it has been approved. A limited variance for 3 years for a restraint.

MR. WAINWRIGHT: (Mentioned the County is looking at the site behind this property for a sump site) How can you approve a restaurant in front of a dump?

MR. MILLER: Mr. Rowe made his application before this was put out. It is not an accomplished fact. One has not been chosen yet (a dump site).

MR. JERET, JERET ROAD: The chief complaints are noise, parking, and loud music at 2 a.m. I am very opposed to this application. I am opposed to any restaurant in the area at all. My name is GEORGE JERET, 11 JERET ROAD. Another question was on the landscaping. I would like to see a Pine Tree with a double staggered row to cut out noise and visibility. Traffic was also brought up. I really don't think the parking is ample, although the code does state it is. The building will hold 60 people, creating 30 cars, and I don't believe that building could hold it.

MR. MILLER: There are approximately 200 feet to the building. It would hold 40 cars there. This man may be correct, but the code says he has enough there. What is the seating capacity?

MR. CONNOLLY: The occupancy of the restaurant is based on 140.

MRS. ROWE: He came down, and measured it and said 150 people.

MR. CONNOLLY: Are you going to do what you say is on here?

MR. ROWE: I certainly will.

MR. JERET: Mr. Rowe has placed a hardship on this property, and he keeps developing and putting more money in this property and keeps worsening his condition by putting more money into the building and bleeding more hardship. We have encountered alot of debris before. Mr. Cook lives in Florida, and he doesn't have to listen to the music or other problems. (Mr. Cook wrote the letter in favor of this application that was presented at the beginning of this meeting.) The structure is not air conditioned and that requires opening the windows. Any music will be heard. It doesn't look like \$40,000 has gone into the building. The outside is still an eyesore. I would like to see someone come in there, but they are pleading a hardship and no money. If someone comes in with money and cleans it up, we are all for it. We see alot or promises on paper.

MS. BARTOK: Is your concern that the operation will be more of a neighborhood bar?

MR. JERET: I don't think that has any barring on it.

MR. MILLER: Other than painting the building, what would you suggest he do?

MR. ROWE: I left those weeds there to discourage parking over there. I am going to my own expense to put those no parking signs up.

MR. CONNOLLY: Who did all the plumbing?

MR. ROWE: My son and I.

MR. CONNOLLY: Are you a licensed plumber?

MR. ROWE: I have done it for 30 years.

MR. FRY: Could you get along with one driveway on Scottsville Road?

MR. JERET: If they could block that off, that would help. I'd like to see a Norwegian Pine Tree there.

MR. HUNTER: Is there any objection from the Conservation Board regarding the landscape?

MR. ROWE: No. We will put any kind of tree in.

MR. CORCORAN: Do you have an opening date?

MR. ROWE: As fast as I can get a license.

MR. HUNTER: Any plans for rubbish storage?

MR. ROWE: A dumpster in back.

MR. HUNTER: You will need an enclosure, and you will have to go to the Zoning Board for that.

NO ONE SPOKE IN FAVOR OF, OR IN OPPOSITION TO, THIS APPLICATION.

DECISIONS:

APPLICATION NO. 1

Application of Alliance Tool Corporation for preliminary site plan approval for 9,825 square foot addition to existing building to be used as in-process warehouse at property located at 2 Jetview Drive in M-1 zone.

UNANIMOUSLY APPROVED and the Final Approval is also WAIVED.

APPLICATION NO. 2

Application of John & Rosemary Rowe, for preliminary site plan approval for reopening of existing restaurant building at property located at 2771 Scottsville Road in RA-20 zone.

UNANIMOUSLY APPROVED subject to the following terms and conditions:

1. Referred to the Conservation Board for landscaping - must shield homes from noise and view, especially from Jeret Road.
2. One driveway access on Scottsville Road. (The Southern driveway only)
3. The Jeret Road exit must be closed off.
4. Plant trees on the North side, parallel to Jeret Road with a split rail fence to prevent parking.
5. Subject to the sign (freestanding) and dumpster approval from the Zoning Board.
6. The entire property parking lot is to be gravel.
7. The lighting is restricted to flood lights on the South side of the building ONLY - aimed at the parking lot.

MR. MILLER mentioned he had a call from Mr. Pulvino, attorney for Case Hoyt. Three months ago, the Board gave the site plan approval. In order to finance this, it will cost them up to 30%. New York State has a County of Monroe Industrial Investment Agency that lends money to corporations. Case Hoyt is doing this for a lower rate. They need to deed over the new addition to this agency. This creates a subdivision so they need a subdivision approval. This Planning Board may waive any requirement for that.

MR. PULVINO explained because of the financing by Case Hoyt to the Monroe County Industrial Investment Agency and since there is no adverse effect on the General Public Health, Safety, and Welfare - the Board should approve this.

MOTION MADE BY BOARD to waive the Re-subdivision Approval for the Case-Hoyt because of financing by them to the Monroe County Industrial Investment Agency, and for it has no adverse effect on the General Public Health, Safety, and Welfare per the Deputy Town Attorney's opinion and recommendation. UNANIMOUSLY APPROVED.

dai

PLANNING BOARD
NOVEMBER 13, 1979

A Meeting of the Chili Planning Board was held on November 13, 1979, at 7:30 p.m. in the Chili Administration Offices, 3235 Chili Avenue, Rochester, NY 14624. The meeting was called to order by the Chairman, Robert Hunter.

ROLL CALL: Robert Hunter, Bill Fry, Betty Bartok, Edwin Rague, Bill Corcoran, Ray Bleier.

ALSO PRESENT: Melody Lambert, Liason to Conservation Board; Walter Bloss, Chairman of Townwide Drainage Committee; Robert Connolly, Town Bldg. Inspector; Daniel L. Miller, Deputy Town Atty.; Russell Bowman, Town Engineer.

SPECIAL HEARING - 7:30 P. M.

Application of REVIEW of the Conditional Use Permit issued to Joe Benson's Towing Service, 1421 Scottsville Road, Rochester, NY 14624, on May 13, 1975, allowing temporary storage of towed and/or unlicensed vehicles at that address in an M-2 zone.

MR. HUNTER: I would like to read the decision from the May, 1975, minutes. Granted Unanimously--conditions as follows:

1. A wood-type screening fence, 6 feet, in front of the building connected to a chain link fence.
2. Not to be a junk yard - to be used solely for storage of unlicensed vehicles.

MR. BENSON: My position on this is the screening wood type fence was not followed. There is a fence, but not a wood type due to the expense involved with installing a wood type fence. Originally, I spoke to the Building Inspector, and I explained to him that not being opened 24 hours put us in a bad position where the Sheriff's Dept. could not see people inside and tampering with the cars. We are protecting cars for the insurance companies and people. We felt it was very important for the Sheriff's Dept. and security people to be able to see in there. There is also a dog in there and if someone got in there, I would certainly not want them to be mauled or that because nobody could see them. Once we were opened 24 hours, we screened with a plastic insert in the fence. Other than that, I feel we are meeting the conditions laid out.

MR. FRY: I think the chief concern is whether you are running an auto repair/parts business or a towing service. Many people feel you could dispose of those cars quicker than you do. Your conditional use permit was not for use of an auto parts business, where you buy acquired cars and strip them.

MR. BENSON: Whoever feels that this is happening, I would like to challenge them because they are wrong. We applied about a year ago for a permit to do that and we were turned down period, for many reasons. One being that we were renting part of the property. I will not stand there and tell you I have never sold a wheel or used tire, but these are things that have to be removed before these cars can go to your cursher. As far as stripping cars and buying them to run a used auto car business, we are not, and I don't want them. If the Town doesn't want them, we will not do it. There is alot of cars there, but I will tell you, there is a case where a person came to me and wanted her car back after 7 months. They had a \$1,500 loan on this car and now they want me to pay the \$1,500. I have to keep these cars as long as I can.

MR. FRY: Your housekeeping has improved recently. That screening helps. Housekeeping not only beyond the fence, but in front of the fence is the thing we get complaints about. There is still a little room with the housekeeping. You are explaining to me that you are getting rid of those cars as fast as you can?

MR. BENSON: As soon as I can as required by law.

MR. FRY: Do you use the area to the North?

MR. BENSON: I am using it for employees parking.

MS. BARTOK: I heard complaints from neighbors that it did look like a dismantling yard. One person even complained the cars were 2 deep and a motor was being removed from a school bus. I didn't observe this, but that is what has precipitated this hearing. In the last couple of weeks, driving by, it does look very nice.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date *November 7, 1979*

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

GATES-CHILI NEWS

Issue Dated *November 7, 1979*

Geraldine C. Snyder

Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y. Monroe Co.
My Commission Expires March 30, 19*81*

Patricia M. Smith

Patricia M. Smith
Publisher

Gates-NEWS-Chili

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Patricia M. Smith
Patricia M. Smith
Publisher

*Hearing Set back
Nov. 13*

Legal Notice

Chili Planning Board

Pursuant to Section 271 of Town Law and Article 4, Section 4.040(e) of the Chili Zoning Ordinance, the Chili Planning Board will hold and conduct a public hearing at the Chili Town Office, 3235 Chili Avenue, Rochester, New York 14624 on November 13, 1979 at 7:30 p.m. to review the conditional use permit issued to Joe Benson's Towing Service, 1421 Scottsville Road, Rochester, New York 14624 on May 13, 1975 allowing temporary storage of towed and/or unlicensed vehicles at that address in an M-2 (industrial) zone.

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

Robert Hunter, Chairman
Chili Planning Board

Planning Bd. book Nov. 13

Legal Notice

Chili Planning Board

Pursuant to Section 271 of Town Law, a public hearing will be held by the Chili Planning Board at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on November 13, 1979 at 8:30 p.m. to hear and consider the following applications:

1. Application of Amateur Sport Program, Inc., 53 Haymarket Road, Rochester, New York 14624 for preliminary site plan approval for four softball diamonds and one football field at property located at southeast corner of Ballantyne Road and Archer Road in RA-20 and FPO zone.

2. Application of W.C. Baird, 110 Allen Creek Road, Rochester, New York 14618 for final subdivision approval of 25 lots to be known as Lexington Section 12 at property located at 400 Paul Road in R-1-15 zones.

3. Application of Joseph Yachett, 70 Hillary Drive, Rochester, New York 14624 for preliminary approval of 17.2 acre parcel to be subdivided from larger parcel at property located at 124 Stottle Road approximately 2029' north of Bowen Road in RA-10 and FPO zone.

4. Application of Perna Homes, Inc., 849 Paul Road, Rochester, New York 14624

MR. BENSON: We were embarrassed the last time we came here, and we did try to clean up the area. You often forget about how things look. We are running an auto repair shop, and we may have been installing a motor in a school bus. I don't know offhand. I am sure we didn't change that motor over this summer. We try to change them inside the garage area. A bus or big truck we may have to do outside. It is done with our facility in the front.

MR. BLEIER: What do you do now with the parts you are stripping from the cars?

MR. BENSON: The Lyell Metal buys some. When we get an amount that is worth taking over there, we take them over. It is not the piles that people can see from the road. It is a small quantity inside the screened in fence. When you spoke about the cars being 2 deep, there is no way. I have 2 sons around there, and it is too dangerous.

MS. BARTOK: Did you have a portable crusher come in to flatten the cars before taking them to Union Processing?

MR. BENSON: We haven't, but we are going to. We have quite a few cars that are ready to go, but they cannot come in until Thanksgiving week.

MS. BARTOK: Do you know if they require you to remove the engine block beforehand?

MR. BENSON: No, they don't.

MR. MILLER: Does the insurance company turn over these to you?

MR. BENSON: If it is a good, useable car, Veterans and places like that will bid on the car. However, that car goes to the highest bid.

MR. MILLER: Who gets that money, the insurance company?

MR. BENSON: Yes. They will pay our storage. They will pay you the book price or have it taxed, whichever is cheaper. Sometimes, they will auction them off. When they take them off our premises is when they pay us. On a car that is a piece of junk, they will send a letter to the insured and say here is your check and Mr. Benson will probably take your car for storage, which I don't want. The people never come, and I am stuck with the car. There is nothing I can do with it, so I wait until I can get ahold of the person, wait the prescribed time, and when it has exceeded its value by towing and storage, then I can get rid of it.

MR. MILLER: What title do you give the guy at the crusher company?

MR. BENSON: You don't. To go through New York State for a written title costs about \$75 and there are dozens of people in this business and nobody spends the time to get a title. We keep a record of what and when we dispose of them.

MR. MILLER: You have to get rid of those the insurance company doesn't take off your property?

MR. BENSON: Right. We wind up with cars from the Town that are abandoned and towed off the road and people never come and pick them up, and we have no way of going after them. The Town of Brighton has an auction. That would take care of 40% of the cars we store on the property.

MR. HUNTER: Do these cars have some plates on them?

MR. BENSON: They might and might not. Sometimes they are not on the right car.

MR. BOWMAN: When the Sheriff calls, and they tell you to remove a car from the road, you are forced to accept it?

MR. BENSON: We have a certain area we tow from, and you can't turn them down.

MR. MILLER: Does the Monroe County Sheriff's Dept. pay you for towing the car?

MR. BENSON: No, unless I can find the owner, I don't get paid. With a public auction, you can draw enough people and the Town could have an income, too. Brighton pays for the initial tow and anything else, the Town keeps.

MR. BLEIER: Approximately how many cars do you have on your property right now?

MR. BENSON: I really don't know. Probably 60.

MR. BLEIER: In 1975, you said most of the vehicles were moved out in a week to 10 days. Is that still true?

MR. BENSON: No. More and more people are dropping collision insurance. Companies don't pay them for towing, and there is where the trouble starts.

MR. BOWMAN: So, you don't get paid for the towing, either?

MR. BENSON: Right. I could be in court every day if I wanted to.

MR. HUNTER: What is your capacity for cars?

MR. BENSON: Probably 75 to 100 cars as long as they are lined and parked straight. It fluctuates.

MR. HUNTER: The pile of tires and a small pile of mufflers are right in front of the station and you can see from the road.

MR. BENSON: Most of the tires are on tire racks, and they are used tires that we sell. There are many we don't have on a rack. There is about 4 or 5 racks there. The mufflers in front of the station I have tried to be very careful about, but when there are 16 people working there, it is pretty hard to tell. They could have been cleaning out the garage or something.

MR. HUNTER: How do you accumulate the stuff from the repair work?

MR. BENSON: There is a dumpster behind the fence. Anything that doesn't go to the scrap yard, goes in there.

STEVE WAIVER, NORTIC VILLAGE RESTAURANT: I think Mr. Benson is doing a fair job of keeping the area nice. I am very satisfied with it. At times, it gets busy and messy, but that is just the normalness of towing businesses.

THE BOARD RECESSED UNTIL 8:30 P.M. when the regular meeting commenced.

APPLICATION NO. 3

Application of Joseph Yachett, 70 Hillary Drive, Rochester, NY 14624, for preliminary approval of 17.2 acres parcel to be subdivided from larger parcel at property located at 124 Stottle Road, approximately 2029' north of Bowen Road in RA-10 and FPO zone.

ED SUMMERHAS FOR HERM KLINGINBERGER: It is lot number 9, as shown on the map on file with the Town, of the Hunt Estates. A 3 bedroom house on the higher area up in the parcel, where we have taken some spot elevations. It sets back approximately 365 feet from the road. We have taken 2 percolation tests. The first hole ran in 1 minute. The second in 16 minutes, with a one quarter inch drop. Herm has designed a fill system for a 3 bedroom house that keeps it above the normal elevation of the existing ground out there. There is a wetlands area to the right and to the northeast of the house. You can see them. That is over 100 feet from the wetlands area to the leach field and over 150 feet to the house. The 100 year flood plain elevation is at 531. We are way above that elevation where the leach field will be developed. The parcel to the south is owned by Joseph Yachett, the same person who owns this parcel.

MR. MILLER: How many acres will be left in the other parcel?

MR. SUMMERHAS: It is approximately the same size. It is in the same area of lot -1 of the Hunt Estate and that is approximately one thousand feet north of this parcel. The 3 parcels in between them were about 300 feet each; this lot was one of a number of lots that were filed with the Town a number of years ago with another surveyor. He bought two lots on which to live in himself. We really don't know who has purchased the other lots.

MR. CORCORAN: What is the house structure going to be?

MR. SUMMERHAS: I don't know what the design is. I can find out. I know the leach field is not going to move and the house area is not going to move. It drains from the house to the northwest toward the road and then east to the back.

MR. CONNOLLY: What is the side setback to the south of the house?

MR. SUMMERHAS: I don't know right off. It is about 40 feet.

MR. CONNOLLY: It is about 50 feet.

MR. HUNTER: This application has been approved by our Townwide Drainage Committee.

MS. LANBERT: You need approval from the D. E. C. because of the proximity of the wetlands. You should have no problems.

MR. SUMMERHAS: I am sure Herm is aware of that.

NO ONE SPOKE IN FAVOR OF, OR IN OPPOSITION TO THE ABOVE APPLICATION.

APPLICATION NO. 1

Application of Amateur Sport Program, Inc., 53 Haymarket Road, Rochester, New York, 14624, for preliminary site plan approval for four softball diamonds and one football field at property located at southeast corner of Ballantyne Road and Archer Road in RA-20 and FPO zone.

DONALD HASMAN: This consists of 4 softball fields and a combination football/soccer field with a parking area to the south of the property. All the overbush has been cut down. A road cut permit was issued by the Town and the 36 inch culvert pipe was installed.

MS. BARTOK: It looks so nice, and we have had alot of calls aksing about the type of programs available.

MR. HUNTER: Basically, nothing has changed since we talked?

MR. HASMAN: No.

MR. HUNTER: The Drainage Committee correspondence has approved this application.

MR. CONNOLLY: It is a local matter, and has come back from the County.

MR. HUNTER: We have a letter from the Monroe County Department of Health dated November 9, 1979, and they have reviewed the proposal and have no objections to the proposed project, but some commitment should be made regarding the amount of toilet facilities to be provided and it should be addressed at this time.

MR. HASMAN: We have discussed this. There will be one portable restroom facility per field, and they will be taken care of on a weekly basis. We have signed a contract on this.

TOM KITA: I am all for the sport thing going in, but I was a little concerned about the restroom facilities.

MR. HASMAN: The conditional use permits have stated both the toilet facilities and office trailers will be removed for winter. There will be no lighting. It will be strictly during the day. We would request the light on the office trailer for security reasons.

NO ONE SPOKE IN FAVOR OF, OR IN OPPOSITION TO, THE APPLICATION.

APPLICATION NO. 2

Application of W. C. Baird, 110 Allen Creek Road, Rochester, NY 14618 for final subdivision approval of 25 lots to be known as Lexington Section 12 at property located at 400 Paul Road in R-1-15 zone.

OTTO LAYER: I am presenting section 12 of the Lexington Subdivision for final approval. Since our previous meeting, there have been no major changes of any significance. We have reviewed it with your engineer. We have cut back the size of this. Section 9 has been already approved, and the map has not been filed yet. Section 11 is also approved, but the map has not been filed yet. The lots are a little bit larger than some instances. There is one item that is requested by your engineer, the setback along Paul Road will be 50 feet rather than 35 feet. The reason we put this on here is not that we are in favor of it, but we thought it important that it be shown. The setback in section 10 is 35 feet from Paul Road, and there are homes on both of those corner lots. I don't feel there is any problem with it. The only lot would be lot 1220, which is the shortest lot. If you push that back to 50 feet, we will be severely restricted. I don't feel this is necessary from a planning standpoint or for the protection of the residents. Your engineer, also, required deephole tests. At the time we made tests all over the property back 15 years ago. We have dug over 300 celars and have a pretty good idea of what the conditions are. To my knowledge, we have never had any problem with a high water table in anything we have built so far.

MR. MILLER: Are you going to burn the backyards?

MR. LAYER: We have not made any specific provisions on that. There could be some burning.

MR. MILLER: Are those lots wooded?

MR. LAYER: No, they are not. There is no vegetation until you get down to the creek.

MR. MILLER: Are you going to fence it then?

MR. LAYER: In addition to asking for 50 foot setbacks, a 20 foot planting strip was also asked for. I am not sure that makes sense. I would not feel that it would be necessary as a requirement of the plan to have a complete 20 foot wide strip. There can be some plantings there. We have never thought about fencing before. It is possible for some people to do that.

MR. BOWMAN: I have mailed my review comments this afternoon. I was not intending to have a planting buffer the long length of the subdivision, but what we have in section 10 is adequate. My concern was the 3 lots with double frontage. According to the zoning ordinance, a road curb as Paul Road should have a 100 foot setback. Due to the fact we have rear lots here with double frontage, I thought it in the best interests of everyone to have some sort of buffer strip since we are very much closer than 100 feet. Included in the 50 foot setback I required, would be a 20 foot buffer strip of some sort of mounding or planting. I am recommending this buffer be included in the letter of credit to the Town. This is just for the 3 lots that back up to Paul Road.

MR. FRY: What is the frontage on the other street?

MR. LAYER: 35 feet setbacks.

MR. BOWMAN: I realize this may be a hardship on the developer, but the plan that is presented for section 12 is a little bit different than on the preliminary plan. If it were really a hardship, the developer could shift the cul-de-sac the necessary distance north so there is a reasonable amount of building area.

MR. LAYER: I can live with this. It isn't as though I am going to have a waste lot. There is no problem working out some sort of clearing here.

MR. BOWMAN: On the deephole request I made, I wasn't aware that there were some deepholes dug before. The engineer did submit the test locations for those holes and there are no deepholes that fall within section 12 or within reasonable distance of section 12. When we do feel there is a possibility of a high water table, we do require it of all applicants. I was out there in August and a woman had a problem with their being a spring or she is down in the water table. It runs year round - her septic tank. Based on that and a couple of other complaints of this in the subdivision is why I made up my decision. The Monroe County Soil Survey does indicate the soils in the area. The Town Engineers approval will have to be held up until such time as the holes are dug. I feel my request is justified in asking for 4 or 5 deepholes in the area. One other point is the approved preliminary plan shows a tot lot to the northeast of the section 12, but the plan before the Board shows that but quite a bit reduced in size. Lee Sines-box mentioned the engineers revised the layouts slightly to provide more room for the corner lots. That probably is a good idea, but it should be pointed out to the Board.

MR. LAYER: At the preliminary plan, there was a question as to whether or not any tot lots were wanted at all. At that point, we showed areas where they are possible. There will be an area there a little bit smaller than was shown here.

MR. BOWMAN: My opinion on the matter is if we do decrease the tot lot to have more feasible space for corner lots, I am certainly for going along with that.

MR. MILLER: Is that 20 foot section to be dedicated to the Town?

MR. LAYER: Yes, that is the access to the open space in the back. We did have a park district that will have a title to all of the open space down in there. Every time we have a new section, we have an extension of the park district and the drainage district. We will put fencing and asphalt there that the parks district will maintain.

JERRY BRIXNER: I have two complaints on the drainage. There are a couple of situations in this area where individual homes have had problems. The drainage ditch is concrete and even in August, the water was sitting in those ditches.

MR. LAYER: We have put a concrete channel in with a positive flow. If there is no obstructions, there is no reason for sitting water. That is a normal matter of maintenance as far as the Town is concerned. I will be glad to take a walk over there.

MR. BRIXNER: The other thing is the builder has obligations to contribute to the Town Recreation Fund. They can also donate land. Do you propose your Lexington Park District would be a suitable replacement in lieu of monies into the recreation fund?

MR. LAYER: I did request from the Town that we be given a credit and they refused it. We have been paying our Recreation Fund Fee, and have also donated approximately 30 acres of land.

MR. BRIXNER: Some of the park land was adjacent to the drainage ditch, and who is going to maintain that?

MR. LAYER: The Park District is funded by the people that own property within that district. This is a completely flexible program that is under the control of the Recreation Commission. If they don't want to do anything with the tot lots that are provided, than fine.

MR. HUNTER: The Drainage Committee has approved this application.

NO ONE SPOKE IN FAVOR OF, OR IN OPPOSITION TO, THE APPLICATION.

APPLICATION NO. 4

Application of Perna Homes, Inc., 849 Paul Road, Rochester, NY 14624, for preliminary approval of three lot subdivision at property located at south side of Paul Road, approximately 800' west of Chestnut Ridge Road ext. in R-1-20 zone.

DONALD AVERY, ENGINEER OF DENLUCK-HYDE: We found good percolations in the area. We have the letter from the County here. They are requesting the percolations on the easterly lot. There was a problem because there was a misinterpretation on lot 8. There was a drop of 2 inches, and it is as good as any other hole. We have been before the Drainage Committee, and they see no problem with the small amount of run off from these 3 lots. They also said the driveways are acceptable. We have gone to the Zoning Board for the variances for the setback. We have a 72 foot setback and the rear setback variance because we had to put our leach fields in front. They had only minor comments regarding the survey information, which will be put on the final plan.

MR. HUNTER: The Drainage Committee did approve this as Don indicated.

NO ONE SPOKE IN FAVOR OF, OR IN OPPOSITION TO THE APPLICATION.

INFORMAL HEARING

MR. CARMICHAEL FOR FISHER HEIGHTS.

MR. CARMICHAEL: The subdivision went to the top of the hill, but not beyond because of the sanitary. The sanitary is now in by Lexington, and we can obtain sanitary from them. Our problem is we are in the flight pattern and has anyone approached this Board in regard to this land? This parcel started and fronted Fisher Road. It was stopped because of the improvements that were involved. It is still not developed. We are directly north of Jetview Drive. We had a preliminary 15 years ago to continue this thing.

MS. BARTOK: I aksed about that and Gary Russell said yes, at that time, with very large lot sizes. Probably what is approved will be all right because it is in the airport overlay district 2, south of the flyway. They would be more lenient with this land and probably agree with what he had to say. If I were you, I would check on it.

MR. FRY: Are you putting on Section 8?

MR. CARMICHAEL: Yes.

MR. FRY: Is there any undeveloped land, owned by Layer, which abuts the end of your property where it would be possible to extend those two streets to join in?

MR. CARMICHAEL: Unfortunately, we missed the boat, and Lexington is filed and it is over.

MR. FRY: As far as I am concerned, if you can get the airport approvals, it is OK with me.

MR. CARMICHAEL: The drainage comes through Lexington and between these two lots. They have an open, paved channel, fortunately. That is now the Town's.

MR. BOWMAN: From an engineering standpoint, I don't see any real road blocks.

MR. CARMICHAEL: We have the easement for the roadway and sanitary, and we have a letter from Pure Waters.

[REDACTED]

MR. BOWMAN: I would recommend you enter into the normal approval process at the preliminary stage.

MR. BLEIER: How many homes will you be adding?

MR. CARMICHAEL: 64. The lots are 128' x 114'.

MS. BARTOK: The County may ask for larger lots and would probably ask for more insulation due to the increased noise.

DECISIONS:

APPLICATION NO. 1 - SPECIAL HEARING

Joe Benson's Garage for review of conditional use permit issued at 1421 Scottsville Road, Rochester, New York, on May 13, 1975, allowing temporary storage or towed and/or unlicensed vehicles at that address in M-2 zone.

UNANIMOUSLY APPROVED subject to the following terms and conditions:

1. The conditional use is extended for 1 year when he is to reapply again.
2. Housekeeping must be kept up.
3. The business is subject to Section 3.095 of the General Conditions of an M-2 district.

APPLICATION NO. 1 - REGULAR MEETING

Application of Amateur Sport Program, Inc., 53 Haymarket Road, Rochester, New York, 14624, for preliminary site plan approval for four softball diamonds and one football field at property located at southeast corner of Ballantyne Road and Archer Road in RA-20 zone.

UNANIMOUSLY APPROVED AND FINAL IS WAIVED subject to the following terms and conditions:

1. The toilet facilities must be serviced weekly as the Health Department wanted with one facility per field.
2. The Security light be installed on the office trailer and equipment trailer under the direction of the Building Inspector.

PLUS THOSE CONDITIONS already designated in the Conditional Use Permit Approval.

APPLICATION NO. 2

Application of W. C. Baird, 110 Allen Creek Road, Rochester, New York, 14518 for final subdivision approval for 25 lots to be known as Lexington Section 12 at property located at 400 Paul Road in R-1-15 zone.

DECISION RESERVED pending Monroe County Planning Department letter.

APPLICATION NO. 3

Application of Joseph Yachett, for preliminary site plan approval of 17.2 acre parcel to be subdivided from a larger parcel at property located at 124 Stottle Road approximately 2029' north of Bowen Road in RA-10 and FPO zones.

DECISION RESERVED pending Monroe County Planning Department letter.

APPLICATION NO. 4

Application of Perna Homes, Inc., 849 Paul Road, Rochester, New York, 14624, for preliminary approval of three lot subdivision at property located at south side of Paul Road, approximately 800' west of Chestnut Ridge Road Ext. in R-1-20 zone.

UNANIMOUSLY APPROVED and the FINAL APPROVAL IS WAIVED.

DAI

PLANNING BOARD
DECEMBER 11, 1979

A Meeting of the Planning Board, Town of Chili, was held on December 11, 1979, at 7:30 P.M., in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York, 14624. The Meeting was called to order by the Chairman, Robert Hunter.

ROLL CALL: Robert Hunter, Ray Bleier, Mitchell Rakus, Betty Bartok, Bill Corcoran, Ed Rague, Bill Fry.

ALSO PRESENT: Melody Lambert, Liason fro Conservation Board; Russ Bowman, Town Engineer; Bob Connolly, Building Inspector; Mr. Bloss, Chairman of the Townwide Drainage Committee; Daniel Miller, Deputy Town Atty.

APPLICATION NO. 1

Application of the Convalescent Hospital for Children, 2075 Scottsville Road, Rochester, New York, 14623, for preliminary site plan approval for approximately 192' x 112' preschool bu-lding at property located at above address in RA-20 and FPO ZONES.

ALAN MC CUMBER, ARCHITECT: We have submitted the Environmental Assessment Form.

MS. LAMBERT: There won't be an Environmental Impact Statement required on this.

MR. MC CUMBER: We have a plot plan of the property. It has more than 48 acres. This building is to be located at almost the high spot of the property, above Scottsville, well out of the flood plain area. There is no possible complication regarding utilities or flooding. The actual access from Scottsville Road to the building has not yet been determined. The gas company and Pure Waters have discussed with us. My hope is the sewers will be proximate to the lot line, coming from Scottsville Road to the building. We are planning to take care of local roof drainage in dry wells around the site. They have not been completely laid out yet, but the whole thing slopes down to the creek. The building will be one story, 11,000 square feet, consisting of 6 very small classrooms, 8 children in each. A small office housing 6 people as staff, and a staff conference room, samll theater, and some storage space, and activities playroom.

MR. CORCORAN: Is this for physically handicapped or what?

DR. KRAT: It is a mental health center. It has no physically handicapped children at all. We have been at our present location since 1960. We have outgrown the facilities and have permanent facilities and day care programs. Until 1958, it took care of physically handicapped children, until we switched over.

MR. CORCORAN: How many children do you have at the present time? What are your plans for expanding?

DR. KRAT: We have 27 children in our residential program. They live there. Our day time program for children between 6 and 14 has 46 children. They are bussed in from 9 a.m. until 3 p.m. They have their school program. We take children who cannot handle public schools. We offer classroom instruction plus therapy. In the pre-school program, there are 28 children. This will allow adequate facilities to bring that up to 48. There is an out-patient facility, but those are people who come in for 1 hour only. We do run a summer camp. I have no further plans for expansion in this area at all. We have some other offices that are out-patient centers. We are an independent group.

MR. RAKUS: In the last couple of years, things have improved to a good neighbor situation. I hope in increasing the size of the facility, you will continue to adequately staff the area.

MR. FRY: There will be another access road?

DR. KRAT: There is no new access road. The road is there already.

MR. HUNTER: The Drainage Committee did approve this application.

MS. BARTOK: We must have exact elevations on the final plan. It is important.

MR. HUNTER: These youngsters will not be living in the school?

DR. KRAT: Only from 9 a.m. to 3 p.m.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date *Dec. 5, 1979*

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

GATES-CHILI NEWS

Issue Dated *Dec. 5, 1979*

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 19*81*

Patricia M. Smith
Patricia M. Smith
Publisher

Dec 11

Legal Notice

Chili Planning Board

Pursuant to Section 271 of Town Law, a public hearing will be held by the Chili Planning Board at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on December 11, 1979 at 7:30 p.m. to hear and consider the following applications:

1. Application of the Convalescent Hospital for Children, 2075 Scottsville Road, Rochester, New York 14623, for preliminary site plan approval for approximately 192' x 112' preschool building at property located at above address in RA-20 and FPO zone.

2. Application of Parkminster United Presbyterian Church, 2710 Chili Avenue, Rochester, New York 14624 for preliminary site plan approval for church-school-office addition to existing building at property located at above address in R-1-20 zone.

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

Robert Hunter, Chairman
Chili Planning Board

Planning Board

MR. BLOSS: There is no location map on this, either.

MR. MC CUMBER: We have it, but it is not on this map. I will make sure it is included in the final plan.

MR. BOWMAN: Are there any fire hydrants on the site?

MR. MC CUMBER: We are planning two new hydrants.

MR. BOWMAN: Those should be shown on the final plan. Due to the steep topography in the area, we would like to see something on the plan for erosion control. You will disturb some natural vegetation cover.

MR. MC CUMBER: We will show a grading plan on the final.

MR. BOWMAN: It is a simple thing to do with either an interceptor swale along to the lower level.

MR. MC CUMBER: That will be part of our excavation.

MR. BOWMAN: It should be shown on the plan, since you are running in a new water lateral.

MR. MC CUMBER: We aren't sure yet. I hope we will run in a new one. If we can work it out with Pure Waters.

MR. BOWMAN: You will need both Pure Waters and the Water Authority signatures on the plan. The way I read the Zoning Ordinance, they will need a conditional use permit for this.

MS. BARTOK: Isn't the whole site already there.

MR. BOWMAN: According to the Zoning Ordinance, an applicant needs approval for enlargement of the area.

JACK GRECO: The ages of the students runs to 14.

DR. KRAT: 14 is the top. Some are younger.

IN FAVOR OF THE APPLICATION:

BILL DAVIS, 2726 CHILI AVENUE: I am in favor of this. The property is high and you don't have to worry about drainage at all. I know the property very well.

NO ONE SPOKE IN OPPOSITION TO THE APPLICATION.

APPLICATION NO. 2

Application of Parkminister United Presbyterian Church, 2710 Chili Avenue, Rochester, New York, 14624, for preliminary site plan approval for church/school/office addition to existing building at property located at above address in R-1-20 zone.

MR. GADE: We have been working with the Church Building Committee and have reached this point. The addition is to alleviate congestion in the structure itself. Due to the two previous additions, the circulation pattern got slightly goofed up. There will be some coatrooms and Sunday School purposes. We are not adding any more people to the sanctuary. We are adding about 14,000 square feet, basement, and two stories up. On the ground, it is only about 25 feet wide. We are going to use the existing lines for utilities and drainage. There are no more maintenance or roof run off. There is 110 parking spaces, marked off. The town requirements are for 440 people in the sanctuary.

MR. HUNTER: What will that space be used for?

MR. GADE: The basement will have a Diet Workshop function for people, Sunday School, classrooms, a coatroom, and storage room. We are adding a little bit to the kitchen. We are moving the two toilets. The next floor up will have a main entrance and coat room, a chapel, the minister's offices—three of them. We are adding a corridor, also, and have made a church office. The second floor we are adding a small linen room and bookstore with storage area. The book store has been reduced in size.

MR. BLEIER: Will any of this new area expand the pre-school program at the church?

MR. GADE: No.

MR. BLEIER: Will this result in expansion from your existing structure?

MR. GADE: All the rooms we have planned have been assigned. There will not be any expanding of programs.

MS. BARTOK: The storm water drain seems to be going to Pixley Road. Are those facilities adequate to handle this?

MR. BOWMAN: This drains easterly toward Lexington, not into Gates. It is a different water shed all together.

MS. BARTOK: Where is the culvert on Pixley?

MR. BOWMAN: It is half way back and drains into a swail along the backyards of Chili Avenue and Virginia Lane.

REYNOLDS DOWE, 13 CARDINAL DRIVE: The drainage across Pixley runs into the woods. After it crosses Pixley Road, it goes into a little ditch and can't drain. It has to be bigger.

BILL DAVIS, 2726 CHILI AVENUE: They have had trouble with that ditch for years. Way down behind the houses.

MR. BLEIER: What is the condition of the land where you are expanding? Is it blacktopped?

MR. GADE: No, it is soil. The parking we are basically not touching.

MR. MILLER: Will your church population grow due to this addition?

MR. GADE: It shouldn't because the sanctuary capacity hasn't been increased. During the day, we probably could have some more programs. It will be much lower than the total Sunday attendance.

MR. BLO_S: The gravel parking area will remain gravel?

MR. GADE: Yes.

MR. HUNTER: The Townwide Drainage Committee has approved this application with the provision the gravel driveway remain as such.

MR. BOWMAN: You said you weren't going to change any of the sanitary facilities. No new laterals or water service?

MR. GADE: Yes. That is right.

MR. BOWMAN: We would like to see the elevation data noted on the plans.

MR. GADE: Fine.

BILL DAVIS: Is 3-D incorporated?

JOHN PRESTON, CHURCH BUILDING COMMITTEE: 3-D is a non-profit organization. It is included, and is legally incorporated under the State of New York. It is made up of members and the clergy of the church.

MR. DAVIS: This addition then has nothing to do with the church? It is for 3-D?

MR. PRESTON: No. The addition and renovation is planned with the idea of expanding the present functions that are carried on in the church. Many meetings take place in the church during the week. A music program is one thing in particular. That is expanding very rapidly.

MR. DAVIS: Here is a pamphlet from the Parkminister Life Magazine, which is sent out. It is a church news letter. The first place, 3-D will pay \$36,000 a year for rent. They have already contributed \$2,000. They hired 29 people and 30 volunteers. This business isn't nothing. Everyday, there are 30 or 40 cars over there and this is in a residential tract. If this isn't commercial, I don't know what is.

MR. PRESTON: 3-D stands for Diet, Discipline, and Discipleship. Back in 1974, our minister's wife got a group of members of the church together, and they had sharing groups. A lot of these people had trouble with their weight. In that respect, it was a diet workshop type of operation. This was originated more to the Christian ideas. They found out there was a considerable need for this type of program outside our immediate church. Over the next few years, they put together material by leaders who led these type groups. Gradually, this group grew in number and people from other churches said we would like this, too. We invited them in to attend groups in our own church. Eventually, it became too large. We then sent leaders to other churches. Then people from other cities said they would like this type of program. In 1975, we took the steps to have this incorporated into the law of the State of New York. We have applied for this as a non-profit corporation as well. We feel the program ideas have an outreach to other churches in the area and outside the area as well. There is a mailing of material to other churches. They have an office that is responsible for developing new material.

MR. FRY: Do you handle foods?

MR. PRESTON: No. The program consists of a diet program and material going by that, literature, but no food.

MR. RAKUS: What is the charge per person for participating?

MR. PRESTON: The program consists of 3-12 week sessions. The cost would be for a leaders kit, which is material necessary for leaders to lead the groups, the cost is \$50. There are individual member kits that go with that. They are \$15 per person. Each of these cover the program for the initial 12 weeks. There is the same cost of each of the 2 sessions. There are 36 weeks, total.

MR. RAKUS: How many people attend this?

MR. PRESTON: A typical group is 2 leaders and 8 to 12 members. I would say there are currently less groups in our own area than in the past. There are maybe 5 or 6 groups. Some meet in the evenings. Some during the day, during the week. Never on Sunday.

MR. CORCORAN: Is this a daily meeting, 52 weeks a year?

MR. PRESTON: It is throughout the year.

MR. CORCORAN: You are talking about 40 to 45 people during the day, and this is recurrent from week to week, every day, 5 days a week?

MR. PRESTON: That number represents the total people working for 3-D. Most of these people don't work 5 days a week. They are part-time people, working 24 to 30 hours a week. It might be more like 25 a day.

MR. BLEIER: Won't some of the people that come in cars be part of your pre-school program?

MR. PRESEON: Yes. The music program and the pre-school program. You cannot say they are all 3-D on a typical work day.

MR. CORCORAN: This is not an unusual number of people to be associated with the church functions.

MR. PRESTON: Our church is busy 7 days a week. There are many types of meetings. It is a very much used facility. The use of this addition, percentage wise, would only be used during the week, not just on Sunday.

MR. HUNTER: This 3-D operation is there a reason why it would necessarily have to be a part of the building?

MR. PRESTON: It could stand by itself, but 3-D wants to stay a part of the church. They are under the authority of the church and would like to stay a part of the church facilities as well. They are part of the church. There has been consideration of that. It could conceivably be separate.

MR. DOWE: That 3-D needs a bigger office and that is what this addition is for.

MR. GADE: Only a portion of it.

MR. BOWMAN: One sixth of the addition is #-D.

MR. PRESTON: The addition has nothing to do with the meetings for 3-D.

MR. DAVIS: What about your Credit Union?

MR. PRESTON: The Credit Union exists in the church today. It will be moved, like alot of other functions, to the area that is currently occupied by #-D.

MR. DOWE: That music room is to teach the people how to play music?

MR. PRESTON: We have a church band. It is about 50 people. All church members.

MR. CONNOLLY: Are these classrooms strictly for Sunday School or everyday use.

MR. PRESTON: Most of them are combination classrooms and meeting rooms. During the week, they are all used as meeting rooms. They are primarily classrooms.

MR. DAVIS: From your letter here, some people questioned the necessity of running a music school.

MR. PRESTON: This has been a rapidly growing program. It has only been in existence for a year or two. Our choir director is from the music program. All have the instructors as members of the church.

MR. DAVIS: There is only out ehing that bothers me. When you can put a business inot the church with no taxes, it bothers me. It is about time somebody starts paying taxes and not be in the back of the church. They should go out and rent a place and not go back in the church.

MR. BLEIER: How many people are from Gates and Chili?

MR. PRESTON: It is in excess of 75%.

MR. BLEIER: You are providing alot of community services for people.

MR. PRESTON: We try to do a good job of this. I think a number of the kids of the high school fellowship program are not from the church membership. We feel these are good outreaches to the community.

JOHN MC CLURE, CHILI AVENUE: Things that have not been mentioned that take place in the church are the "Y", The Chili Garden Club, a Boy Scout Troup, and voting. People come in the summer and use the facilities to get city children out to the suburbs. We try to keep Parkminister as a community function.

MR. DOWE: Does the "Y" have to pay a fee to meet there?

MR. MC CLURE: They are asked for a donation.

MR. DAVIS: They also get paid for the voting booths in there, too.

IN FAVOR OF THE APPLICATION:

ROBERT DE ROO
JOHN MC CLURE, 2819 CHILI AVENUE
JOHN PRESTON, CHURCH BUILDING COMMITTEE

IN OPPOSITION TO THE APPLICATION:

LOIS DOWE, 13 CARDINAL DRIVE
BILL DAVIS, 2726 CHILI AVENUE
REYNOLDS DOWE, 13 CARDINAL DRIVE

MR. BLEIER: Mr. Dowe, why are you in opposition?

MR. DOWE: My objections are the same as Mr. Davis. He read what I was going to read from their church newsletter.

INFORMAL APPLICATION.

APPLICATION of Jack Greco, Creekside Antiques, 1611 Scottsville Road, Rochester, NY, 14623, for final site plan approval to convert existing two-story portion of building originally proposed for storage to be used as additional retail sales at property located at above address in M-2 and FPO zones.

MR. HUNTER: The preliminary application was heard in July, and there was a question whether the Board has waived the final site plan approval so we asked Mr. Greco to come in again.

MR. GRECO: I have an antique business there. A large portion of my business is wholesale to dealers out of state, but occasionally some retail people who have been buying from me for a number of years come in.

MS. BARTOK: When you were in before, you were having some difficulty meeting all the regulations for customers coming into the storage area. Have you been able to meet all those requirements?

MR. GRECO: I would say 100 percent. Almost ample parking space is available.

NO ONE SPOKE IN FAVOR OF OR IN OPPOSITION TO THE ABOVE APPLICATION.

NOTE: Mr. Greco also wanted to enclose, with glass, his garage overhead and asked the Board's permission. NO ONE ON THE BOARD OBJECTED TO THIS. It would be an improvement.

OLD BUSINESS:

Application of Joseph Yachett, 70 Hillary Drive, Rochester, NY, for preliminary subdivision approval of 17.2 acre parcel at property located at 124 Stottle Road in RA-10 and FPO zone.

MR. HUNTER: We have reserved decision and asked you for three items. An overall map of the parcel from which your subdivision can be divided, the markings of the 100 year flood plain, and to show on the map, the adjacent property owners and their uses.

HERM KLINGINBERGER: (presented the map to the Board of the Hunt Estates given to him by Tom Ward) I have traced this off and submitted copies to the town. Lot number 9 and his other parcel, lot number 8, are included. They are purchased under two separate deeds at different times. We have revised our site plan to show these two lots in the total area. Lot number 9 contains 16.7 acres.

MR. BOWMAN: He is in for subdivision approval because it never came before this Board before. It was never filed with the County, therefore, it is not a legal subdivision. We are subdividing lot 9 from the Hunt Estate.

MR. KLINGINBERGER: There is one tax account for both.

MR. ROBERT DEROO: Mr. Yachett bought two parcels by deed. He is trying to put a single family home on one parcel, number 9 only. He may be trying to combine the two tax account numbers into one parcel at this time. It needs subdivision approval before it can be built on. As far as a state law, it is not a subdivision. He is trying to file a one lot subdivision from the parcel.

DECISIONS

APPLICATION NO. 1

Application of the Convalescent Hospital for Children, 2075 Scottsville Road, for preliminary site plan approval for approximately 192' x 112' preschool building in RA-20 and FPO zone at property located at above address.

DECISION RESERVED, pending Monroe County Planning Dept. Comments.

APPLICATION NO. 2

Application of Parkminister United Presbyterian Church for preliminary site plan approval for church/school/office addition to existir'building in R-1-20 zone.

UNANIMOUSLY APPROVED and the FINAL IS WAIVED.

INFORMAL APPLICATION

Application of Jack Greco, Creekside Antiques, for final site plan approval to convert existing two-story portion of building originally proposed for storage to be used as additional retail sales area at above address in M-2 and FPO zone.

UNANIMOUSLY APPROVED and HEARING WAIVED on the Glass Enclosure on his entrance.

OLD BUSINESS:

Application of W. C. Baird, 110 Allen Creek Road, Rochester, New York, for final subdivision approval of 25 lots to be known as Lexington 12 in R-1-15 zone.

UNANIMOUSLY APPROVED subject to the following terms and conditions:

1. Buffering and buffering be done on lots, 12, 19, 20, and 21.
2. Deep hole tests be done per the recommendation of the Town Engineer
3. A letter of credit be established.

APPLICATION of Joseph Yachett, 70 Hillary Drive, Rochester, New York, for preliminary subdivision approval of 17.2 acre parcel at property located at 124 Stottle Road in RA-10 and FPO zones.

UNANIMOUSLY APPROVED and FINAL HEARING IS WAIVED.

dai

*to go with Planning Del
Min of Jan 8, 1980 in the
Minutes book*

LAW OFFICES

GOLDSTEIN GOLDMAN KESSLER & UNDERBERG

1800 LINCOLN FIRST TOWER

ROCHESTER, NEW YORK 14604

716-325-1930

OF COUNSEL
HARRY D. GOLDMAN
JOSEPH GOLDSTEIN

FLORIDA OFFICE
ONE BISCAYNE TOWER, SUITE 1740
TWO SOUTH BISCAYNE BOULEVARD
MIAMI, FLORIDA 33131
305-358-4930

RESIDENT ATTORNEYS
FRED R. KUCKER*
TERRY V. HAUSER†

* NEW YORK AND FLORIDA BAR
† NEW JERSEY AND FLORIDA BAR

MANUEL D. GOLDMAN
IRVING L. KESSLER
ALAN J. UNDERBERG
ANDREW M. GREENSTEIN
JOHN L. GOLDMAN*
THOMAS G. DIGNAN
GERALD B. FINCKE*
MICHAEL C. DWYER
GEORGE SCHMERGEL
ROBERT F. MECHUR
RICHARD G. CRAWFORD
GORDON J. LIPSON

FRANK T. CREGO
RUSSELL I. ZUCKERMAN
JOHN C. NINFO, II
LARRY A. STUMPF
PATRICIA E. GALLAHER
JERROLD B. REILLY
ROBERT F. PIZZO
THEODORE S. KANTOR

January 4, 1980

Robert Hunter, Chairman
Chili Planning Board
Chili Town Hall
3235 Chili Avenue
Rochester, New York 14624

Re: Union Processing Corp. -
January 8, 1980 Hearing

Dear Mr. Hunter:

Enclosed herewith is a letter from Mr. Sanford Aroneck, President of Union Processing Corporation, in which he responds to the charges enumerated in your letter to Larry A. Stumpf and myself dated November 8, 1979.

For the sake of orderly presentation, and because I am not certain at this point whether a full stenographic record of the January 8 hearing will be taken, I request that Mr. Aroneck's letter and the numerous exhibits that accompany it be made a part of the record of the public hearing to be held January 8, 1980.

In accordance with our letter of stipulation with Mr. Daniel L. Miller dated October 5, 1979, Mr. Aroneck will be present at the January 8 hearing and will be prepared to amplify the contents of his enclosed letter, if the Board deems that desirable, by answering any questions the Board may have about the issues, as limited and defined by our October 5 stipulation and your November 8 letter.

Very truly yours,
Jerrold B. Reilly
Jerrold B. Reilly

JBR:dmd
Enclosures

cc: Mr. Sanford Aroneck
Daniel Lincoln Miller, Esq.

Union Processing Corporation

3484 SOUTH UNION STREET NORTH CHILI, NEW YORK 14514
TELEPHONE: (716) 594-1600

STEEL SHREDDERS

January 4, 1980

Robert Hunter, Chairman
Chili Planning Board
Chili Town Hall
3235 Chili Avenue
Rochester, New York 14624

Re: Union Processing Corporation
Public Hearing - January 8, 1980

Dear Mr. Hunter:

Union Processing Corporation has received a copy of your letter dated November 8, 1979 to our attorneys, Goldstein Goldman Kessler & Underberg. On behalf of Union Processing Corporation I submit the following point-by-point commentary and response to the items you raised in that letter. For the Board's convenient reference, the paragraphs of this letter are numbered and lettered to correspond to those of your November 8 letter.

1. During a storm in October, 1979, two trees did fall on the fence that surrounds our property. I promptly contacted Empire Fence Company, which removed the trees and repaired the fence. The fence is presently in good repair. Incidentally, the fence was installed originally pursuant to the Town of Chili's request, at a cost to Union Processing of approximately \$14,000, including a screening lattice requested by the Town.

2. Union Processing Corporation does not now violate, and has never violated, the hours-of-operation provision in the conditional use permit granted on September 4, 1974. Our employees report for work at 7:00 A.M. and generally leave between 5:00 and 6:00 P.M. We do not accept any deliveries earlier or later than our scheduled hours of operation, 7:00 A.M. to 6:00 P.M. In fact, if a transporter or supplier were to attempt to make a delivery earlier than 7:00 A.M. or later than 6:00 P.M., no Union Processing employees would even be present to

accept such an attempted delivery. Furthermore, the gates to our facility are never open as late as 8:00 P.M., so that no supplier or transporter could even get his vehicle through our locked gate if he attempted to make a delivery at or after 8:00 P.M.

3. I am frankly at a loss to understand this charge. Not only have we been scrupulously careful to retain the maximum number of existing trees on the site, but we have planted additional trees as well. As you will recall, the Town of Chili approached us in 1978 with the suggestion that we plant trees along Union Street. This we voluntarily did, at a cost of \$3,000.00. Enclosed herewith as Exhibit "A" is the bill of Finger Lakes Tree and Landscape, Inc. dated August 22, 1978, for the purchase and planting of those additional trees and the laying of an irrigation pipe for them.

4. First I must note that the conditional use permit issued to us on September 4, 1974, places no restriction at all on the height of piles of automobile bodies. Apparently the Board, recognizing the practicalities of conducting an industrial operation, was then willing to leave that matter to our best judgment. I therefore have to question the fairness - and indeed even the legal propriety - of the Board's raising the issue at this very late date. These legalities aside, we are nonetheless willing, for the sake of good relations with our neighbors, to attempt to lower the height of our piles of automobile bodies. Efforts in this direction are underway and will continue as a permanent measure. Also, as I have already mentioned, we did plant trees along Union Street in 1978. They are already providing screening from any "visual pollution" that our operations might be thought to cause, and this screening will continue to improve as the trees grow.

5. We have taken actions that will eliminate all problems of blowing dust from our entrance roadway. In November of 1979, we contracted with Bianchi Asphalt Paving Corp. to regrade our roadway, spread and roll crushed stone on it, and apply and roll liquid calcium chloride, a chemical that removes moisture from the air and moistens the roadway to keep down dust. Enclosed herewith as Exhibit "B" is a copy of Bianchi's invoice dated November 29, 1979, in the amount of \$764.70, for this work.

6. and 7. As the Planning Board so very well knows, any problems with airborne fibrous waste materials, oil and dust particles are within the jurisdiction of the New York State Department of Environmental Conservation (DEC), the Monroe County Health Department and the Federal Occupational Safety and Health Administration (OSHA), all of which agencies have recently made inspections of our facility, apparently at the instance of the

Board. As the Board also knows, we have been endeavoring with great diligence, at heavy expense and, so far, with complete success, to comply with DEC's stringent pollution standards. Similarly, the OSHA and County Health Department inspections to which we were subjected at the Board's instance resulted in determinations that our operation was in full compliance with all applicable standards and regulations.

Again, I have to question the Board's fairness in asserting these "pollution" charges even as we continue to cooperate so diligently, so successfully and at such heavy expense with those agencies charged by law with enforcing pollution standards. As a legal matter, I must question whether the Board has power to pre-empt these agencies and arbitrarily second-guess their determinations, standards and pollution control recommendations.

But, again leaving aside these questions of simple fairness and legality, I proceed to chronicle our recent dealings with these regulatory agencies and the steps we are taking on their recommendation and at our own initiative.

About September of 1979, our operating certificates came up for renewal. During the processing of these applications, I met with officials of DEC and the Monroe County Health Department to review air contamination control measures which we were taking. In a letter dated October 8, 1979, to Michael A. Koral, Director of The Bureau of Air Resources of The Monroe County Health Department (copy enclosed as Exhibit "C"), I described measures which Union Processing would voluntarily undertake to further reduce any air contamination which our plant might have been generating. Mr. Koral replied by letter dated October 29, 1979 (copy enclosed as Exhibit "D"), wherein he stated that our voluntary measures would be satisfactory to permit "routine" approval of our renewal applications if the following two additional minor steps were taken:

- "8) Provide gages for scrubber water flow; and
- 9) Apply dust control substance to entrance drive."

As has been noted (see Paragraph 5 above), we have complied with Mr. Koral's dust control suggestion. The water gauges have been ordered and should be installed within the week.

Most of the other items listed in Exhibits "C" and "D" have already been completed. The concrete pad to which Item 7 of Exhibit "C" refers was installed at a cost of \$8,000. Material

to be fed to the shredder is first placed on this pad and picked up from there. The amount of dirt fed into the shredder is thereby greatly reduced, with a concurrent reduction in the amount of material which our cyclone air scrubbers must remove from the air.

The enclosure of the holding bin beneath the cyclones, which has greatly reduced concentrations of airborne particles, has been completed at a cost of about \$1,200.

Of the replacement parts mentioned in Exhibit "C", most have arrived and have been installed; the rest are on order from the Newell Manufacturing Company in Texas. We anticipate that their installation will be completed by the end of this month.

I enclose herewith copies of various bills and invoices which I will collectively call Exhibit "E". As you will see, all of the expenses represented by these invoices have been incurred since August, 1979, when Union Processing received notice of this hearing, and all these expenses pertain to repairs, replacements and improvements upon our facilities. Although a detailed breakdown of these costs (which total more than \$73,000) would unduly prolong this letter and would not be entirely germane to the issues raised in your letter of November 8, I note that most of the invoices are for items that function directly in the control of air pollution. For example, Newell Manufacturing Co. invoice No. 16999 shows that a new cyclone scrubber was shipped to us November 9, 1979, at a cost of nearly \$19,000. The installation of the new cyclone and the purchase and installation of associated duct work will cost us an estimated \$16,000 in addition.

Still on the subject of air contaminants, I note that our facility was tested by the Federal Occupational Health and Safety Administration for eight days during August 1979. OSHA took air samples around the premises and even put a filter device on one of our employees to measure his exposure to air contaminants. Enclosed herewith as Exhibit "F" is a collection of papers including my Freedom of Information Act request of October 16, 1979 for OSHA test reports, OSHA's covering letter dated October 29, 1979 with the reports attached, and my letter of October 16, 1979 confirming my conversation on that date with Mr. Gary Staule of OSHA. In that conversation Mr. Staule advised that our facility met OSHA's emissions standards and that no detectable amounts of asbestos were found in the air.

8. Water pollution matters are, again, within the regulatory jurisdiction of DEC. Upon DEC's recommendation, and precisely for the purpose of assuring that our operation would

not pollute ground and surface water, we installed an oil separator, a filtering pond and holding tank on our property at a cost of approximately \$20,000. The separator, tank and pond were approved by DEC, and they have been in continuous operation. I should add that we are required to draw samples of the contents of the filtering pond every 3 months and report their analysis to DEC. In this way, DEC maintains regular monitoring of our performance of its water pollution control requirements. Enclosed herewith as Exhibit "G" is a collection of papers including typical discharge monitoring reports, laboratory test reports, and a notice from DEC dated January 12, 1978, advising us that the frequency of our required reports was being changed from monthly to quarterly. This notice, I submit, is evidence of DEC's satisfaction with our cooperation. Again, I must question the fairness and legality of the Board's apparent attempt to preempt and second-guess the water pollution control standards and methods imposed by the State of New York.

9. Union Processing formerly maintained on its property a holding area for waste material prior to its removal to the dump. It is to this, I believe, that your November 8 letter refers when it mentions an "illegal landfill". Please be advised that we have completely cleared out the holding area and do not plan to resume its use.

As to the suggestions enumerated at Page 2 of your November 8 letter, my comments are as follows:

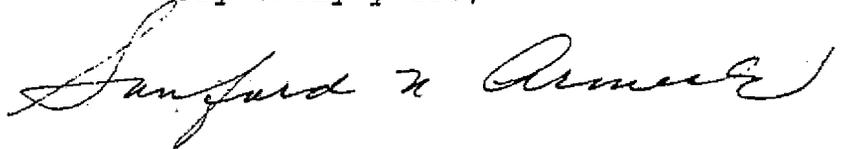
- A. This has been done. See Paragraph 1 above.
- B. We do not receive deliveries of automobile bodies outside of our permitted operating hours. See Paragraph 2 above.
- C. This is already being done. See Paragraph 2 above.
- D. This is being done. See Paragraph 4 above.
- E. I frankly think this suggestion is unreasonable, inasmuch as we have already voluntarily spent thousands of dollars on trees. These will provide better screening as they grow, and the stockpiles will require less screening as we reduce their heights, as we will now attempt to do. Nevertheless, in our continuing operation, we will investigate the practicality of additional plantings near our fence line.

- F. We have taken steps that should completely eliminate any problems with dust from our road, and we will continue to apply a dust-retaining agent, either liquid calcium chloride or oil, to prevent dust problems.
- G. As noted in Paragraph 9 above, we have discontinued the use of our holding area for waste materials. All waste materials removed from cars will now be taken to the dump on a frequent and regular basis. I believe this will obviate the basis for your suggestion that we use covered containers to store wastes from padding, seating and brake linings, as we will no longer be storing significant quantities of such wastes for significant periods of time.
- H. We will use "high side" trailers to prevent spillage of material being hauled away from our property.
- I. Extensive repairs to our air filtration system have been made, and an entirely new cyclone scrubber is on order and will shortly be installed. See Paragraphs 6 and 7 above.
- J. This has been done. See Paragraphs 6 and 7 above.
- K. and L. We have installed an oil separator on the premises. Moreover, our water pollution control equipment is in full compliance with the standards and requirements established by the State of New York. See Paragraph 8 above.
- M. This has been done. See Paragraph 9 above.
- N. Our employees have been directed to remove any automobile parts falling in or alongside our road.

As I hope the Board will see from the foregoing, our company has been striving - indeed struggling - in the utmost good faith to maintain a clean operation and to comply with a confusing array of rules, regulations, requirements and conditions imposed by a welter of state, county and federal bureaucracies. In so doing we have incurred heavy expense and we foresee further expense to maintain the measures now in effect.

We will, nevertheless, be receptive to any other
able suggestions that the Chili Planning Board may have.
y ask that the Board recognize the limitations of economic
cality and technical feasibility that are inherent in our
ing business, which we undertook in reliance on the Board's
approval after the extensive hearings that were held in 1974.

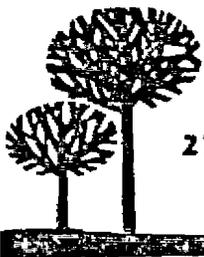
Very truly yours,

A handwritten signature in cursive script, appearing to read "Sanford Aroneck".

Sanford Aroneck, President
Union Processing Corporation

cc: Daniel Lincoln Miller, Esq.

Exhibit "A"



Finger Lakes Tree and Landcare, Inc.

2783 Chll Avenue, Rochester, N.Y. 14624
247-7809 374-2160

INVOICE

No 1685

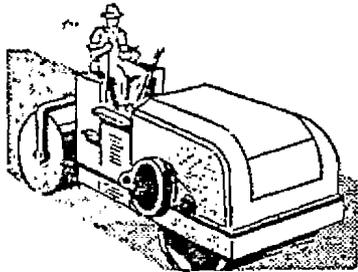
S
O L D T
• Union Process Corp.
• 3484 So. Union Street
• North Chili, New York 14514

S
H
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P
T
O

INVOICE DATE Aug.22. 1978	OUR ORDER NO. #1288	YOUR ORDER NO.	SALESMAN	TERMS	PPD	PPD & ADD	COLLECT
DATE SHIPPED	SHIP VIA	F.O.B.					
QUANTITY	DESCRIPTION	PRICE	PER	AMOUNT			
	Installed Spruce Tree Screen w/irrigation pipe						\$3000.00
	Deposit paid 7/24/78						1000.00
	Total Due						\$2000.00
	No Tax						
							#4651 9/18/78

INVOICE PAYABLE UPON RECEIPT
Past Due Accounts:
1½% Monthly - (18% Annually)

Exhibit "B"



BIANCHI ASPHALT PAVING CORP.

Blacktop Driveways, Parking Areas, Roadways

155 POOL ST.

ROCHESTER, N. Y. 14606

m/p
Sold to Union Processing Corp
3484 S. Union ST
N. Chili, N.Y.

11-29-79

Office: 436-3200

Res. 342-8380

Re grade Roadway with Stone. AND Roll

\$ 764.70

Apply CALCIUM Chloride (Liquid.) AND Roll
(Attached Invoice)

WESTERN BITUMINOUS PRODUCTS, INC.

ROCHESTER OFFICE
 2 Rockwood St.
 Rochester, N.Y. 14610
 716-473-6321

GARDENVILLE OFFICE
 1655 Union Road
 West Seneca, N.Y. 14224
 716-674-2000

Sold To: <i>BIANCHI ASPHALT</i>	Date: <i>11-9-79</i>
	Order No.
	Project:

Delivered To: *2484 So. Duran St - No. Phil.*

Commodities Sold:	Quantity	Unit Price	Price
<i>CALCIUM CHLORIDE</i>	<i>600</i>	<i>.35</i>	<i>210.00</i>
<i>TRUCK TIME</i>	<i>1 Hr</i>	<i>40.00</i>	<i>40.00</i>

Special Instructions: <i>C.O.D. Paid</i>	Sub-Total	<i>250.00</i>
	Tax	<i>14.70</i>
	Total	<i>264.70</i>

Weather -

FOB Plant	<input type="checkbox"/>	Appl. Temp. -	Gross -	Lv. Plant -
Del'd. & Appl.	<input checked="" type="checkbox"/>	Spec. Grav. -	Tare -	Arr. Dest. -
Delivered	<input type="checkbox"/>	Vol. Carr. -	Net -	Lv. Dest. -
Trk. No. - <i>164</i>		Tank No. -	Wt./Gal. -	Arr. Plant -
Miles -		Lot. No. -	Gals. -	Hours -

Truck Location	Shipping Pt.	Received the above described property FIRM NAME <i>BIANCHI ASPHALT</i>
DEL'D. BY <i>F. S. [Signature]</i>		PER <i>B. [Signature]</i>

This is to certify that the above named articles are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation, according to the applicable regulations of the Department of Transportation.

6581

CUSTOMER

Exhibit "C"

October 8, 1979

Mr. Michael Koral
Monroe County Health Dept.
Rochester, New York

Dear Mr. Koral:

As discussed at our meeting on October 4th we are taking the following steps to reduce any air pollution which our plant may be generating. We discovered in early August that certain components of our pollution control equipment were no longer operating properly.

At that time we tried to repair these components. While these repairs did reduce emissions the equipment was still not operating properly. Therefore, we decided to extensively repair or replace certain major components. These include:

- (1) Replace one complete cyclone
- (2) Replace approximately 50' of 36" ductwork, elbows, and transitions
- (3) Replace all air lock paddles
- (4) Seal all leaks in wet scrubber
- (5) Replace scrubber water pump
- (6) Fully enclose holding bin beneath cyclones
- (7) Have already installed concrete in one location which reduced the amount of dirt fed to shredder, significantly reducing the material which the cyclone scrubber must remove from air

All the parts to make these repairs were ordered in August and should be on hand by November 1st. Therefore by mid-November the repairs should be completed.

The "trash pile" is presently being removed and by December should be completely eliminated.

We are making provisions not to allow a significant build up of "trash" in the future.

We feel that the above measures will satisfy your standards and will eliminate the problems of the past few months.

We appreciate your cooperation and assistance in this situation and will further cooperate to the best of our ability in the future.

Sincerely,

UNION PROCESSING CORP.

Sanford Aroneck
President

SNA/pp

cc: Thomas Marriott, P.E.
N. Y. State Dept. Environmental Conservation

Exhibit "D"



MONROE COUNTY
DEPARTMENT OF HEALTH

111 WESTFALL ROAD - CALLER 632 - ROCHESTER, NEW YORK 14692

JOEL L. NITZKIN, M.D.
DIRECTOR OF HEALTH

TELEPHONE 442-4000
AREA CODE 715

October 29, 1979

Union Processing Corporation
3484 South Union St.
North Chili, New York 14514

Attn: Mr. Sanford Aroneck
President

RE: Communication of October 8, 1979

Gentlemen:

The above-referenced communication summarizes the major topics of our meeting of October 4th and informally commits your firm to an abatement activity. To this list of steps to be taken, you should add:

- 8) Provide gauges for scrubber water flow; and
- 9) Apply dust control substance to entrance drive.

These additional items were suggested during our visit.

The Certificates to Operate for the Scrubber and the Cyclone will be processed as a matter of routine, but will contain conditions relative to the mutually agreed upon abatement actions outlined in your letter and this one.

Your cooperation in responding to our concerns is appreciated. Should there be any further questions please do not hesitate to contact me at 442-4000, Extension 2853.

Very truly yours,

Michael A. Koral, P.E.
Director, Bureau of Air Resources

MAK/amc

cc: Region 8

Exhibit "E"

FRANK BIZZARI'S WELDING

40 JEFFERSON STREET

AUBURN, NEW YORK 13021 - PHONE: 252-8589

DATE 10/30/79

Union Processing Corporation
3484 S. Union St.
North Chili N.Y. 14514

FOR WELDING SERVICES

\$200.00

*Cutting and Welding on -
Shredder.* 200.00

PD 10/30/79
846070

FRANK BIZZARI'S WELDING

40 JEFFERSON STREET

AUBURN, NEW YORK 13021 - PHONE: 252-8589

DATE 10/31/79

Union Processing Corporation
3484 S Union Bldg
North Chili, N.Y. 14514

FOR WELDING SERVICES

\$ 230.00

*Cutting and welding
on shredders.*

*\$200.00
over-time 30.00
\$230.00*

*Od 10/31/79 e8#
607 =*



T.H. GREEN ELECTRIC CO., INC.

235 METRO PARK • P. O. BOX 9911 • ROCHESTER, NEW YORK 14623
TELEPHONE: (716) 424-3800

INVOICE NO. 37790

CUST. ORDER NO. _____

INVOICE DATE 11/27/79

CUSTOMER CODE 50193

ORDER DATE 9/26/79

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Union Processing
3434 S. Union St.
North Chili, New York 14514

S
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MANUFACTURER		MODEL OR STYLE NO.			TYPE	FRAME
H.P.	R.P.M.	VOLTS	AMPS	PHASE	SERIAL NO.	
OTHER				QUOTED	DATE	BY

DESCRIPTION

Inspected (2) 125 H.P. blower fan motors. Checked control and timing on start up. Met with Lincoln electrical man and connected up and aligned belts. Changed connections in both starters for better overload protection. Replaced overload relay heater with 1 size smaller

Labor: 496.00

Material: 45.04

EXPENSE	18.00
SUB TOTAL	59.04

NET 30 DAYS

TAX ON \$

PAY THIS AMOUNT

21140000

NEWELL MANUFACTURING CO.

P. O. BOX 9367 A/C 512 227-3141 SAN ANTONIO, TEXAS 78204

INVOICE NO. 16745

SOLD TO UNION PROCESSING CORP.
3834 SOUTH UNION ST.
NORTH CHILI, NEW YORK 14514

10/15/79
DATE SHIPPED

ALAN
CUSTOMER ORDER NO.

CARRIER: CONSOLIDATED
COLLECT***

SHIP TO UNION PROCESSING CORP.
3834 SOUTH UNION ST.
NORTH CHILI, NEW YORK 14514

CONF. #3294, 3691

MILL 70

NO. PKGS.	QTY.	DESCRIPTION OF ARTICLES	UNIT PRICE	AMOUNT	FOR OFFICE USE ONLY
		...NOI CLASS 50...			
2		#75S ROUGH STEEL LINER CASTING 2840#	75¢/lb.	\$2,130.00	
1		3" BERKLEY WATER PUMP		\$ 806.40	
		INVOICE TOTAL		\$2,936.40	
		2 PALLETS 2942#			

TERMS: All accounts are due and payable in San Antonio, Bexar County, Texas, on or before the 10th of the following month. Interest of 1% per month will be charged on all balances 30 days past due. This is an annual rate of 12%.

CUSTOMER COPY

CONDITIONS OF SALE

1. All orders are subject to acceptance at Seller's San Antonio, Texas, office.
2. Title to the products sold hereunder shall pass upon delivery to the carrier at the point of shipment. Neither Buyer nor the consignee shall have the right to divert or re-assign such shipment to any destination other than specified in the bill of lading without permission of Seller in any case where freight rates are used in determining prices. Unless otherwise agreed Seller reserves the right to select the mode of transportation.
3. If Buyer shall fail to comply with any provision or to make payments in accordance with the terms of this contract or of any other contract between Buyer and Seller, Seller may at its option defer further shipments or, without waiving any other rights it may have, terminate this contract. All deliveries shall be subject to the approval of Seller's Credit Department. Seller reserves the right before making any delivery to require payment in cash or security for payment, and if Buyer fails to comply with such requirement, Seller may terminate this contract.
4. Seller shall not be liable for failure or delay in delivery due to acts of God, differences with workmen, local labor shortages, fire, flood or other casualty, governmental regulations or requirements, shortages, or failure of raw materials, supplies, fuel, power or transportation, breakdown of equipment, or any other causes beyond Seller's reasonable control whether of similar or dissimilar nature than those enumerated. In no event shall Seller be liable for any consequential damages or claims for labor resulting from failure or delay in delivery. If shortage should occur in Seller's supply of specific items, Seller may prorate its deliveries, and portions of orders undelivered at any month's end due to this cause may be cancelled by Seller. Buyer may not in any event cancel its order for any delays in delivery without giving at least 30 days' prior written notice of intention to do so, and in no event after goods have left point of shipment.
5. The price shall be adjusted up or down with any change in freight rates, published before shipment, where freight rates are used in determining price.
6. Claims by Buyer must be made promptly upon receipt of shipments and Seller given an opportunity to investigate. Seller shall incur no liability for damage, shortages, or other cause alleged to have occurred or existed at or prior to delivery to the carrier unless the extent of such damage, shortages, or other cause shall have been entered on the receipt to the carrier.
7. The products sold hereunder shall be subject to Seller's standard manufacturing variations, tolerances and classification. Discounts and extras shall be as shown in Seller's standard lists in effect at time of shipment. Buyer's inspection must be at Seller's plant, and acceptance of products by Buyer's inspectors shall be acceptance by Buyer.
8. Seller shall indemnify Buyer against attorney's fees and any damages or costs awarded against Buyer in the event any legal proceeding is brought against Buyer by third person claiming the material delivered hereunder in itself constitutes an infringement of any U. S. patent, provided Buyer gives Seller prompt notice of any suit being brought to give Seller the opportunity to defend such suit and cooperates with Seller with respect to such defense, unless the material is made in accordance with materials, designs, or specifications required by Buyer, in which case similarly Buyer shall indemnify Seller.
9. **WARRANTY:** "SELLER MAKES NO EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY, FITNESS, OR ANY OTHER THING CONCERNING THE GOODS FURNISHED HEREUNDER, OTHER THAN THAT THEY SHALL MEET SELLER'S CURRENT SALES SPECIFICATIONS.
Any recommendations made by Seller concerning the use, design or application of said goods are believed reliable, but Seller makes no warranty of results to be obtained, and Seller shall not be liable for loss or damage resulting from the handling or use of said goods.
Buyer's exclusive remedy for breach of any warranty or of any other duty owed Buyer shall be limited to the net purchase price of the goods sold hereunder, in respect to which damages are claimed, or, at Seller's option, to the repair or replacement of said goods upon their return to Seller transportation prepaid. All claims hereunder on said goods must be made in writing within thirty (30) days after the receipt of said goods by Buyer and prior to any use, further processing, or combining with other goods, materials and products. Under no circumstances shall Seller be responsible for consequential damages.
This warranty is exclusive of all other warranties, express or implied, and no representative of Seller or any other person is authorized to assume for Seller any other liability in connection with the sale of Seller's goods."
10. Any tax imposed in respect of the sale of the products sold hereunder shall be added to and paid as part of the purchase price.
11. Unless otherwise expressly stated, Seller shall have the right to make delivery in installments. All installments shall be separately invoiced and paid as billed without regard to subsequent deliveries. Failure to pay for any installment when due shall excuse Seller from making future deliveries. Delay in delivery of any installment shall not relieve Buyer of its obligation to accept remaining installments.
12. If Buyer shall make an assignment or trust for the benefit of creditors, become insolvent or unable to pay Buyer's debts as they mature, or if proceedings shall be commenced by or against Buyer by reason of alleged bankruptcy, insolvency or any other financial embarrassment or involving the appointment of a Receiver, (1) Buyer shall not accept delivery of any material, (2) title to the material shall remain in Seller or Seller may rescind transfer of any title which has passed to Buyer, (3) Buyer shall at Seller's request, return all or any part of the materials to Seller freight prepaid, and (4) Seller may wholly or partly terminate this agreement by mailing notice to Buyer. All rights and remedies of Seller under this agreement are in addition to Seller's other rights and remedies and are cumulative, not alternative.
13. This agreement may not be modified or terminated orally. No claimed modification, termination or waiver of any of its provisions shall be valid unless in writing signed by Seller's duly authorized representative.
14. After delivery to common or private carrier at shipping point, Buyer assumes all risk and liability and Seller shall not be liable to Buyer for any loss or damage to persons or property.
15. If the Buyer terminates this contract before it is fully performed by the Seller, the Seller shall have all rights and remedies provided by law, and the Buyer shall also pay the Seller: (1) the cost to Seller plus a reasonable profit less the then value as melting scrap of all partially completed products, and Seller shall at Buyer's request deliver such products to the Buyer, in which case the melting scrap value shall not be deducted; (2) the cost of unused raw material, and the unamortized cost of supplies machinery and equipment, especially acquired under this contract for the purpose of performing it; and (3) cancellation charges paid by Seller on such raw material, supplies, machinery and equipment so especially contracted for by Seller but not then delivered to it. If this contract is made in compliance with any governmental rule or regulation, plan, order or other directive, upon the termination thereof, Seller shall have the option of cancelling this contract in whole or in part.
16. Prices will be Seller's prices in effect at time of shipment.
17. Failure of either party to enforce any right hereunder shall not waive any right in respect of other or future occurrences.
18. This agreement shall be governed by and construed according to the laws of the State of Texas.



CONDITIONS OF SALE

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 2. Title to the products sold hereunder shall pass upon delivery to the carrier at the point of shipment. Neither Buyer nor the consignee shall have the right to divert or reassign such shipment to any destination other than specified in the bill of lading without permission of Seller in any case where freight rates are used in determining prices. Unless otherwise agreed Seller reserves the right to select the mode of transportation.
 3. If Buyer shall fail to comply with any provision or to make payments in accordance with the terms of this contract or of any other contract between Buyer and Seller, Seller may at its option defer further shipments or, without waiving any other rights it may have, terminate this contract. All deliveries shall be subject to the approval of Seller's Credit Department. Seller reserves the right before making any delivery to require payment in cash or security for payment, and if Buyer fails to comply with such requirement, Seller may terminate this contract.
 4. Seller shall not be liable for failure or delay in delivery due to acts of God, differences with workmen, local labor shortages, fire, flood or other casualty, governmental regulations or requirements, shortages, or failure of raw materials, supplies, fuel, power or transportation, breakdown of equipment, or any other causes beyond Seller's reasonable control whether of similar or dissimilar nature than those enumerated. In no event shall Seller be liable for any consequential damages or claims for labor resulting from failure or delay in delivery. If shortage should occur in Seller's supply of specific items, Seller may prorate its deliveries, and portions of orders undelivered at any month's end due to this cause may be cancelled by Seller. Buyer may not in any event cancel its order for any delays in delivery without giving at least 30 days' prior written notice of intention to do so, and in no event after goods have left point of shipment.
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 8. Seller shall indemnify Buyer against attorney's fees and any damages or costs awarded against Buyer in the event any legal proceeding is brought against Buyer by third person claiming the material delivered hereunder in itself constitutes an infringement of any U. S. patent, provided Buyer gives Seller prompt notice of any suit being brought to give Seller the opportunity to defend such suit and cooperates with Seller with respect to such defense, unless the material is made in accordance with materials, designs, or specifications required by Buyer, in which case similarly Buyer shall indemnify Seller.
 9. **WARRANTY. "SELLER MAKES NO EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY, FITNESS, OR ANY OTHER THING CONCERNING THE GOODS FURNISHED HEREUNDER, OTHER THAN THAT THEY SHALL MEET SELLER'S CURRENT SALES SPECIFICATIONS.**
- Any recommendations made by Seller concerning the use, design or application of said goods are believed reliable, but Seller makes no warranty of results to be obtained, and Seller shall not be liable for loss or damage resulting from the handling or use of said goods.
- Buyer's exclusive remedy for breach of any warranty or of any other duty owed Buyer shall be limited to the net purchase price of the goods sold hereunder, in respect to which damages are claimed, or, at Seller's option, to the repair or replacement of said goods upon their return to Seller transportation prepaid. All claims hereunder on said goods must be made in writing within thirty (30) days after the receipt of said goods by Buyer and prior to any use, further processing, or combining with other goods, materials and products. Under no circumstances shall Seller be responsible for consequential damages.
- This warranty is exclusive of all other warranties, express or implied, and no representative of Seller or any other person is authorized to assume for Seller any other liability in connection with the sale of Seller's goods.
10. Any tax imposed in respect of the sale of the products sold hereunder shall be added to and paid as part of the purchase price.
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 12. If Buyer shall make an assignment or trust for the benefit of creditors, become insolvent or unable to pay Buyer's debts as they mature, or if proceedings shall be commenced by or against Buyer by reason of alleged bankruptcy, insolvency or any other financial embarrassment or involving the appointment of a Receiver, (1) Buyer shall not accept delivery of any material, (2) title to the material shall remain in Seller or Seller may rescind transfer of any title which has passed to Buyer, (3) Buyer shall at Seller's request, return all or any part of the materials to Seller freight prepaid, and (4) Seller may wholly or partly terminate this agreement by mailing notice to Buyer. All rights and remedies of Seller under this agreement are in addition to Seller's other rights and remedies and are cumulative, not alternative.
 13. This agreement may not be modified or terminated orally. No claimed modification, termination or waiver of any of its provisions shall be valid unless in writing signed by Seller's duly authorized representative.
 14. After delivery to common or private carrier at shipping point, Buyer assumes all risk and liability and Seller shall not be liable to Buyer for any loss or damage to persons or property.
 15. If the Buyer terminates this contract before it is fully performed by the Seller, the Seller shall have all rights and remedies provided by law, and the Buyer shall also pay the Seller (1) the cost to Seller plus a reasonable profit less the then value as melting scrap of all partially completed products, and Seller shall at Buyer's request deliver such products to the Buyer, in which case the melting scrap value shall not be deducted; (2) the cost of unused raw material, and the unamortized cost of supplies machinery and equipment, especially acquired under this contract for the purpose of performing it; and (3) cancellation charges paid by Seller on such raw material, supplies, machinery and equipment so especially contracted for by Seller but not then delivered to it. If this contract is made in compliance with any governmental rule or regulation, plan, order or other directive, upon the termination thereof, Seller shall have the option of cancelling this contract in whole or in part.
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 18. This agreement shall be governed by and construed according to the laws of the State of Texas.

21140000

NEWELL MANUFACTURING CO.

INVOICE NO. 16999

P. O. BOX 9367 A/C 512 227-3141 SAN ANTONIO, TEXAS 78204

M/P

11/9/79

SOLD TO

UNION PROCESSING CORP.
3834 SOUTH UNION ST.
NORTH CHILI, NEW YORK 14514

DATE SHIPPED

CUSTOMER ORDER NO.

CARRIER:

NEWELL TRUCK

SHIP TO

UNION PROCESSING CORP.
3834 SOUTH UNION ST.
NORTH CHILI, NEW YORK 14514

MILL 70

NO. PKGS.	QTY.	DESCRIPTION OF ARTICLES	UNIT PRICE	AMOUNT	FOR OFFICE USE ONLY
	1	9' CYCLONE W/SCHROLL LESS SUPPORTS A/R PLATE ON CONE SECTION AND SCHROLL			
	1	CYCLONE ENTRANCE TRANSITION A/R PLATE 36 1/2" O.D.		\$18,808.38	
		JOB. #J00525			

TERMS: All accounts are due and payable in San Antonio, Bexar County, Texas, on or before the 10th of the following month. Interest of 1% per month will be charged on all balances 30 days past due. This is an annual rate of 12%.

CUSTOMER COPY

CONDITIONS OF SALE

00004128

1. All orders are subject to acceptance at Seller's San Antonio, Texas, office.
2. Title to the products sold hereunder shall pass upon delivery to the carrier at the point of shipment. Neither Buyer nor the consignee shall have the right to divert or re-assign such shipment to any destination other than specified in the bill of lading without permission of Seller in any case where freight rates are used in determining prices. Unless otherwise agreed Seller reserves the right to select the mode of transportation.
3. If Buyer shall fail to comply with any provision or to make payments in accordance with the terms of this contract or of any other contract between Buyer and Seller, Seller may at its option defer further shipments or, without waiving any other rights it may have, terminate this contract. All deliveries shall be subject to the approval of Seller's Credit Department. Seller reserves the right before making any delivery to require payment in cash or security for payment, and if Buyer fails to comply with such requirement, Seller may terminate this contract.
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9. **WARRANTY.** "SELLER MAKES NO EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY, FITNESS, OR ANY OTHER THING CONCERNING THE GOODS FURNISHED HEREUNDER, OTHER THAN THAT THEY SHALL MEET SELLER'S CURRENT SALES SPECIFICATIONS.
Any recommendations made by Seller concerning the use, design or application of said goods are believed reliable, but Seller makes no warranty of results to be obtained, and Seller shall not be liable for loss or damage resulting from the handling or use of said goods.
Buyer's exclusive remedy for breach of any warranty or of any other duty owed Buyer shall be limited to the net purchase price of the goods sold hereunder, in respect to which damages are claimed, or, at Seller's option, to the repair or replacement of said goods upon their return to Seller transportation prepaid. All claims hereunder on said goods must be made in writing within thirty (30) days after the receipt of said goods by Buyer and prior to any use, further processing, or combining with other goods, materials and products. Under no circumstances shall Seller be responsible for consequential damages.
This warranty is exclusive of all other warranties, express or implied, and no representative of Seller or any other person is authorized to assume for Seller any other liability in connection with the sale of Seller's goods."
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17. Failure of either party to enforce any right hereunder shall not waive any right in respect of other or future occurrences.
18. This agreement shall be governed by and construed according to the laws of the State of Texas.

WILLIAM L. WITTMAN WELDING

1667 ANTWERP ROAD 873 Johnson Rd.
CHURCHVILLE, NEW YORK 14428

Phone 293-7124 494-2593

INVOICE

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December 6, 1979

Union Processing
Union St.
North Chili, N.Y. 14514

Dec. 4	Repair air duct work 3 1/2 hrs. @ \$15.50 per hr.	\$ 54.25 ✓
Dec. 5	Repairs made on shredder 9 1/2 hrs. @ \$15.50 per hr.	147.25
Dec. 6	Complete work on shredder 4 1/2 hrs. @ \$15.50 per hr.	<u>69.75</u>
		\$ 271.25

Exempt Use Certificate
16-1043196

OD 12/7/79

QH 6245

WILLIAM L. WITTMAN WELDING

~~1651 ATRIDGE ROAD~~ 873 Johnson Rd.
CHURCHVILLE, NEW YORK 14428

Phone ~~293-1124~~ 494-2593

INVOICE

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October 27, 1979

Union Processing
Union St.
North Chili, N.Y. 14514

Oct. 22	Work on residue bin and remove broken disc from rotor 11 hrs. @ \$15.50 per hr.	\$ 170.50
Oct. 23	Install new disc on rotor Work on mill sides 9 1/2 hrs. @ \$15.50 per hr.	147.25
Oct. 24	Weld on mill base 10 1/2 hrs. @ \$15.50 per hr.	162.75
Oct. 25	Cut plates for feed guard and weld gussets on mill 9 1/2 hrs. @ \$15.50 per hr.	147.25
Oct. 26	Cut and weld arms for reject door Install parts on mill, grate and rejector 9 1/2 hrs. @ \$15.50 per hr.	147.25
Oct. 27	Work on residue bin Install gusset plates on mill base Weld cracks in mill 9 1/2 hrs. @ \$15.50 per hr.	<u>147.25</u>
	TOTAL	\$ 922.25

Exempt Use Certificate
16-1043196

PD 10/27/79

846066

WILLIAM L. WITTMAN WELDING

7651 AVIRIDGE ROAD 873 Johnson Rd.
CHURCHVILLE, NEW YORK 14428

Phone 293-1124 494-2593

INVOICE

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October 19, 1979

Union Processing
Union St.
North Chili, N.Y. 14514

Oct. 6	Repair boom on crane 3 1/2 hrs. @ \$15.00 per hr.	\$ 52.50
Oct. 10	Weld dust covers on rotor Patch holes in duct work 6 hrs. @ \$15.00 per hr.	90.00
Oct. 16	Weld on rotor 4 hrs. @ \$15.00 per hr.	60.00
Oct. 17	Weld on rotor 9 1/2 hrs. @ \$15.00 per hr.	142.50
Oct. 18	Cut bolts underside of mill Weld on rotor 9 1/2 hrs. @ \$15.00 per hr.	142.50
Oct. 19	Weld on rotor - <i>work on</i>	

Hydro - 9/17/79

135.00

\$ 622.50

*PA 10/19/79
C846028*

WILLIAM L. WITTMAN WELDING

~~7651/ATKINSON ROAD/~~ 873 Johnson Rd.
CHURCHVILLE, NEW YORK 14428

Phone ~~283-1124~~ 494-2593

INVOICE



October 4, 1979

Union Processing
Union St.
North Chili, N.Y. 14514

Aug. 30	Weld dust plates on rotor 3 hrs. @ \$15.00 per hr.	\$ 45.00
Sept. 10	Weld on rotor 2 hrs. @ \$15.00 per hr.	30.00
Sept. 11	Weld parts for loader 2 1/2 hrs. @ \$15.00 per hr.	37.50
Sept. 12	Weld dust covers on loader 2 hrs. @ \$15.00 per hr.	30.00
Sept. 21	Weld arm on feed roll 6 1/2 hrs. @ \$15.00 per hr.	97.50
Sept. 24	Weld dust plates on rotor 3 hrs. @ \$15.00 per hr.	45.00
Oct. 3	Weld dust plates on rotor and gouges in rotor Repair duct work 7 hrs. @ \$15.00 per hr.	<u>105.00</u>
		\$ 390.00

Exempt Use Certificate
16-1043196

Q1 101 4/79
C# 5970

WILLIAM L. WITTMAN WELDING

~~1651/ATVADGE/ROND~~ 873 Johnson Rd.
CHURCHVILLE, NEW YORK 14428

Phone ~~293-1174~~ 494-2593

INVOICE



August 28, 1979

Union Processing
Union St.
North Chili, N.Y. 14514

Aug. 20	Install dust flingers on rotor 3 hrs. @ \$15.50 per hr.	\$ 46.50
Aug. 21	Weld repair crack on rotor Repair miscellaneous parts on mill machinery 10 1/2 hrs. @ \$15.50 per hr.	<u>162.75</u>
		\$ 209.25

Exempt Use Certificate
16-1043196

OK 8/29/79

OK 5819

WILLIAM L. WITTMAN WELDING

1661 ~~LAKEWOOD ROAD~~ 873 Johnson Rd.
CHURCHVILLE, NEW YORK 14428

Phone ~~293-7124~~ 494-2593

INVOICE

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November 1, 1979

Union Processing
Union St.
North Chili, N.Y. 14514

Oct. 29	Weld on shredder 9 1/2 hrs. @ \$15.50 per hr.	\$ 147.25
Oct. 30	Weld shield on feed, cracks in mill top 10 hrs. @ \$15.50 per hr.	155.00
Oct. 31	Fabricate catwalk on mill top, dust shields on rotor, miscellaneous parts 10 hrs. @ \$15.50 per hr.	155.00
Nov. 1	Weld clips on pins reject door hydraulic <i>1 1/2 hr - @ \$15.50 per hr</i>	<i>.72.75</i> \$ 479.00

Qcd
10/1/79
CS# 6073

WILLIAM L. WITTMAN WELDING

165A/AVRIDGE/ROAD 873 Johnson Rd.

CHURCHVILLE, NEW YORK 14428

Phone ~~203-774/~~ 494-2593

INVOICE



November 8, 1979

Union Processing
Union St.
North Chili, N.Y. 14514

Nov. 6	Welding repairs made on loader frame and shredder 5 1/2 hrs. @ \$15.50 per hr.	\$ 85.25
Nov. 7	Welding repairs made on shredder and work on steel bin. 8 hrs. @ \$15.50 per hr.	124.00
Nov. 8	Welding repair of casting for pump and pump housing 4 hrs. @ \$15.50 per hr.	<u>62.00</u>
		\$ 271.25

Exempt Use Certificate
16-1043196

CD 11/8/79

CS#
6106

WILLIAM L. WITTMAN WELDING

~~165V ATYRIDGE ROAD~~ 873 Johnson Rd.
CHURCHVILLE, NEW YORK 14428

Phone ~~293-1774~~ 494-2593

INVOICE

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November 20, 1979

Union Processing
Union St.
North Chili, N.Y. 14514

Nov. 13	Weld parts on shredder 3 hrs. @ \$15.50 per hr.	\$ 46.50
Nov. 14	Rework pins on arms for feed roll 5 1/2 hrs. @ \$15.50 per hr.	85.25
Nov. 19	Repair fan housing Weld handles on cleanout doors Weld grousers on feed roll 8 hrs. @ \$15.50 per hr.	124.00
Nov. 20	Weld in new blocks for bearing on rotor	

*Weld crack in spider
2 hr*

36.00

TOTAL 291.75

*Ord 11/20/79
846177*

0.00*
42.00*
6309.00+
409.50+
5717.50+
15436.00*
0137
8
11/16/7
04

21140000

NEWELL MANUFACTURING CO.

INVOICE NO. 16426

P. O. BOX 9367 A/C 512 227-3141 SAN ANTONIO, TEXAS 78204

SOLD TO • UNION PROCESSING CORP.
3834 SOUTH UNION ST.
NORTH CHILI, NEW YORK 14514

9/4/79
DATE SHIPPED

ALAN
CUSTOMER ORDER NO.

CARRIER:
NEWELL TRUCK
TRL.61

SHIP TO • UNION PROCESSING CORP.
3834 SOUTH UNION ST.
NORTH CHILI, NEW YORK 14514

CONF. #3294, 3295, 3296

MILL #70

NO. PKGS.	QTY.	DESCRIPTION OF ARTICLES	UNIT PRICE	AMOUNT	FOR OFFICE USE ONLY
	6	#71S LINERS 5612#	75¢/lb.	\$4,209.00	
	1	#125R LINERS 580#	"	\$ 435.00	
	1	#126R LINERS 1020#	"	\$ 765.00	
	1	#127R LINERS 924#	"	\$ 693.00	
	92	1" LOCKNUTS	\$2.25	\$ 207.00	
INVOICE TOTAL				\$6,309.00	
		3 PALLETS 8161#			

TERMS: All accounts are due and payable in San Antonio, Bexar County, Texas, on or before the 10th of the following month. Interest of 1% per month will be charged on all balances 30 days past due. This is an annual rate of 12%.

21140000

NEWELL MANUFACTURING CO.

INVOICE NO. 16436

P. O. BOX 9367 A/C 512 227-3141 SAN ANTONIO, TEXAS 78204

SOLD TO • UNION PROCESSING CORP.
3834 SOUTH UNION ST.
NORTH CHILI, NEW YORK 14514

9/6/79
DATE SHIPPED

ALAN
CUSTOMER ORDER NO.

CARRIER: CONSOLIDATED
COLLECT***

SHIP TO • UNION PROCESSING CORP.
3834 SOUTH UNION ST.
NORTH CHILI, NEW YORK 14514

CONF #3249

MILL 70

NO. PKGS.	QTY.	DESCRIPTION OF ARTICLES	UNIT PRICE	AMOUNT	FOR OFFICE USE ONLY
70	1 KEG	1 1/2 x 6 1/2 OV. HD. BOLTS 190#	\$5.85	\$409.50	

TERMS: All accounts are due and payable in San Antonio, Bexar County, Texas, on or before the 10th of the following month. Interest of 1% per month will be charged on all balances 30 days past due. This is an annual rate of 12%.

CUSTOMER COPY

21140000

NEWELL MANUFACTURING CO.

INVOICE NO. 16613

P. O. BOX 9367 A/C 512 227-3141 SAN ANTONIO, TEXAS 78204

SOLD TO
UNION PROCESSING CORP.
3834 SOUTH UNION ST.
NORTH CHILI, NEW YORK 14514

9/27/79
DATE SHIPPED

ALAN
CUSTOMER ORDER NO.

CARRIER: NEWELL TRUCK
TRL. 78

SHIP TO
UNION PROCESSING CORP.
3834 SOUTH UNION ST.
NORTH CHILI, NEW YORK 14514

CONF. #3294, 3295

MILL 70

NO. PKGS.	QTY.	DESCRIPTION OF ARTICLES	UNIT PRICE	AMOUNT	FOR OFFICE USE ONLY
	1	4x7 GRATE 5420#		\$4,930.00	
	1	36x92 1/2 REJECT DOOR 4980#		\$3,787.50	
INVOICE TOTAL				\$8,717.50	
		10,400#			

TERMS: All accounts are due and payable in San Antonio, Bexar County, Texas, on or before the 10th of the following month. Interest of 1% per month will be charged on all balances 30 days past due. This is an annual rate of 12%.

CUSTOMER COPY

0.00*
538.02+
840.22+
1471.20+
798.00+
700.00+
4347.44*

6/10/03
C/O
11/2/03
C/O

21140000

NEWELL MANUFACTURING CO.

INVOICE NO. 16454

P. O. BOX 9367 A/C 512 227-3141 SAN ANTONIO, TEXAS 78204

SOLD TO

• UNION PROCESSING CORP.
3834 SOUTH UNION ST.
NORTH CHILI, NEW YORK 14514

9/7/79

DATE SHIPPED

ALAN

CUSTOMER ORDER NO.

CARRIER:

NEWELL TRUCK

SHIP TO

• UNION PROCESSING CORP.
3834 SOUTH UNION ST.
NORTH CHILI, NEW YORK 14514

CONF. #3297

MILL 70

NO. PKGS.	QTY.	DESCRIPTION OF ARTICLES	UNIT PRICE	AMOUNT	FOR OFFICE USE ONLY
	1	SET OF ARMS, BLOCKS, INSERTS, & SPACERS		\$700.00	
		1 PALLET 372#			
		JOB #J00493			

TERMS: All accounts are due and payable in San Antonio, Bexar County, Texas, on or before the 10th of the following month. Interest of 1% per month will be charged on all balances 30 days past due. This is an annual rate of 12%.

CUSTOMER COPY

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NEWELL MANUFACTURING CO.

INVOICE NO. 16509

P. O. BOX 9367 A/C 512 227-3141 SAN ANTONIO, TEXAS 78204

SOLD TO • UNION PROCESSING CORP.
 3834 SOUTH UNION ST.
 NORTH CHILI, NEW YORK 14514

9/14/79

ALAN

DATE SHIPPED

CUSTOMER ORDER NO.

CARRIER: DIRECT SHIP FROM FACTORY

SHIP TO • UNION PROCESSING CORP.
 3834 SOUTH UNION ST.
 NORTH CHILI, NEW YORK 14514

CONF. #3250

MILL 70

NO. PKGS.	QTY.	DESCRIPTION OF ARTICLES	UNIT PRICE	AMOUNT	FOR OFFICE USE ONLY
	1	HSNP3256x10 ADAPTER KIT		\$798.00	

TERMS: All accounts are due and payable in San Antonio, Bexar County, Texas, on or before the 10th of the following month. Interest of 1% per month will be charged on all balances 30 days past due. This is an annual rate of 12%.

CUSTOMER COPY

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NEWELL MANUFACTURING CO.

P. O. BOX 9367 A/C 512 227-3141 SAN ANTONIO, TEXAS 78204

INVOICE NO. 16522

SOLD TO • UNION PROCESSING CORP.
3834 SOUTH UNION ST.
NORTH CHILI, NEW YORK 14514

9/17/79
DATE SHIPPED

ALLEN
CUSTOMER ORDER NO.

CARRIER: CONSOLIDATED
COLLECT***

SHIP TO • UNION PROCESSING CORP.
3834 SOUTH UNION ST.
NORTH CHILI, NEW YORK 14514

CONF. #3562

MILL 70

NO. PKGS.	QTY.	DESCRIPTION OF ARTICLES	UNIT PRICE	AMOUNT	FOR OFFICE USE ONLY
	1	125HP LINCOLN MOTOR		\$1,471.20	

*rec'd 9/25
Hilton Jones*

TERMS: All accounts are due and payable in San Antonio, Bexar County, Texas, on or before the 10th of the following month. Interest of 1% per month will be charged on all balances 30 days past due. This is an annual rate of 12%.

CUSTOMER COPY

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NEWELL MANUFACTURING CO.

P. O. BOX 9367 A/C 512 227-3141 SAN ANTONIO, TEXAS 78204

INVOICE NO. 16561

SOLD TO • UNION PROCESSING CORP.
3834 SOUTH UNION ST.
NORTH CHILI, NEW YORK 14514

9/20/79
DATE SHIPPED

ALAN
CUSTOMER ORDER NO.

CARRIER: CONSOLIDATED
COLLECT***

SHIP TO • UNION PROCESSING CORP.
3834 SOUTH UNION ST.
NORTH CHILI, NEW YORK 14514

CONF. #3571

MILL 70

NO. PKGS.	QTY.	DESCRIPTION OF ARTICLES	UNIT PRICE	AMOUNT	FOR OFFICE USE ONLY
	1	FEEDROLL CYLINDER 5x30		\$840.22	
	1	PALLET 321#			

TERMS: All accounts are due and payable in San Antonio, Bexar County, Texas, on or before the 10th of the following month. Interest of 1% per month will be charged on all balances 30 days past due. This is an annual rate of 12%.

CUSTOMER COPY

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NEWELL MANUFACTURING CO.

INVOICE NO. 16894

P. O. BOX 9367 A/C 512 227-3141 SAN ANTONIO, TEXAS 78204

SOLD TO

• UNION PROCESSING CORP.
3834 SOUTH UNION ST.
NORTH CHILI, NEW YORK 14514

9/27/79

DATE SHIPPED

ALAN

CUSTOMER ORDER NO.

CARRIER:

CONSOLIDATED
COLLECT***

SHIP TO

• UNION PROCESSING CORP.
3834 SOUTH UNION ST.
NORTH CHILI, NEW YORK 14514

CONF. #3555

MILL 70

NO. PKGS.	QTY.	DESCRIPTION OF ARTICLES	UNIT PRICE	AMOUNT	FOR OFFICE USE ONLY
	18	PADDLE BLADES FOR AIRLOCK	\$29.89	\$538.02	
		1 PALLET 200#			

TERMS: All accounts are due and payable in San Antonio, Bexar County, Texas, on or before the 10th of the following month. Interest of 1% per month will be charged on all balances 30 days past due. This is an annual rate of 12%.

CUSTOMER COPY

0.00*
52426.89+
20500.69-
25866.29*
0.00*
0.00*
0.00*
25235.05+
52.17+
1273.44+
20560.66*

Handwritten notes:
2/11/79
C. Miller

21140000

NEWELL MANUFACTURING CO.

P. O. BOX 9367 A/C 512 227-3141 SAN ANTONIO, TEXAS 78204

INVOICE NO. 16414

SOLD TO
• UNION PROCESSING CORP.
3834 SOUTH UNION ST.
NORTH CHILI, NEW YORK 14514

8/31/79
DATE SHIPPED

ALAN
CUSTOMER ORDER NO.

CARRIER: DIRECT SHIP FROM FACTORY

SHIP TO
• UNION PROCESSING CORP.
3834 SOUTH UNION ST.
NORTH CHILI, NEW YORK 14514

CONF. #3298

MILL 70

NO. PKGS.	QTY.	DESCRIPTION OF ARTICLES	UNIT PRICE	AMOUNT	FOR OFFICE USE ONLY
	6	48" LIMBER ROLLERS (NO BRACKETS)	\$212.24	\$1,273.44	

TERMS: All accounts are due and payable in San Antonio, Bexar County, Texas, on or before the 10th of the following month. Interest of 1% per month will be charged on all balances 30 days past due. This is an annual rate of 12%.

CUSTOMER COPY

21140000

NEWELL MANUFACTURING CO.

P. O. BOX 9367 A/C 512 227-3141 SAN ANTONIO, TEXAS 78204

INVOICE NO. 16412

SOLD TO • UNION PROCESSING CORP.
3834 SOUTH UNION ST.
NORTH CHILI, NEW YORK 14514

8/31/79

DATE SHIPPED

CUSTOMER ORDER NO.

CARRIER: UPS

SHIP TO • UNION PROCESSING CORP.
3834 SOUTH UNION ST.
NORTH CHILI, NEW YORK 14514

CONF. #3426

MILL 70

NO. PKGS.	QTY.	DESCRIPTION OF ARTICLES	UNIT PRICE	AMOUNT	FOR OFFICE USE ONLY
	2	MOOG SPRINGS #590		\$43.06	
		UPS CHARGE		9.11	
		INVOICE TOTAL		\$52.17	
		1 CARTON 32#			

TERMS: All accounts are due and payable in San Antonio, Bexar County, Texas, on or before the 10th of the following month. Interest of 1% per month will be charged on all balances 30 days past due. This is an annual rate of 12%.

CUSTOMER COPY

21140000

NEWELL MANUFACTURING CO.

INVOICE NO. 16346

P. O. BOX 9367 A/C 512 227-3141 SAN ANTONIO, TEXAS 78204

SOLD TO UNION PROCESSING CORP.
3834 SOUTH UNION ST.
NORTH CHILI, NEW YORK 14514

8/24/79
DATE SHIPPED

ALAN
CUSTOMER ORDER NO.

CARRIER: CONSOLIDATED
COLLECT***

SHIP TO UNION PROCESSING CORP.
3834 SOUTH UNION ST.
NORTH CHILI, NEW YORK 14514

CONF. #3294 3295, 3296 **PAGE 1 of 2** MILL 70

NO. PKGS.	QTY.	DESCRIPTION OF ARTICLES	UNIT PRICE	AMOUNT	FOR OFFICE USE ONLY
		...NOI CLASS 50...			
4		#50S ROUGH STEEL LINER CASTING 2358#	75¢/lb.	\$1,768.50	
6		#72S ROUGH STEEL LINER CASTING 5530#	"	\$4,147.50	
2		#73S ROUGH STEEL LINER CASTING 2457#	"	\$1,842.75	
2		#74S ROUGH STEEL LINER CASTING 2427#	"	\$1,820.25	
2		#85 ROUGH STEEL LINER CASTING 2020#	"	\$1,515.00	
1		#110R ROUGH STEEL LINER CASTING 440#	"	\$ 330.00	
1		#111R ROUGH STEEL LINER CASTING 430#	"	\$ 322.50	
1		#112R ROUGH STEEL LINER CASTING 300#	"	\$ 225.00	
1		#113R ROUGH STEEL LINER CASTING 300#	"	\$ 225.00	
1		#114R ROUGH STEEL LINER CASTING 487#	"	\$ 365.25	
1		#115R ROUGH STEEL LINER CASTING 480#	"	\$ 360.00	
2		#116R ROUGH STEEL LINER CASTING 590#	"	\$ 442.50	
2		#117R ROUGH STEEL LINER CASTING 580#	"	\$ 435.00	
2		#118R ROUGH STEEL LINER CASTING 820#	"	\$ 615.00	
2		#119R ROUGH STEEL LINER CASTING 820#	"	\$ 615.00	
1		#120R ROUGH STEEL LINER CASTING 310#	"	\$ 232.50	
1		#121R ROUGH STEEL LINER CASTING 300#	"	\$ 225.00	

TERMS: All accounts are due and payable in San Antonio, Bexar County, Texas, on or before the 10th of the following month. Interest of 1% per month will be charged on all balances 30 days past due. This is an annual rate of 12%.

CUSTOMER COPY

21146000

NEWELL MANUFACTURING CO.

P. O. BOX 9367

A/C 512 227-3141

SAN ANTONIO, TEXAS 78204

INVOICE NO. 16347

SOLD TO

UNION PROCESSING CORP.
3834 SOUTH UNION ST.
NORTH CHILI, NEW YORK 14514

8/24/79

DATE SHIPPED

ALAN

CUSTOMER ORDER NO.

CARRIER: CONSOLIDATED
COLLECT***

SHIP TO

UNION PROCESSING CORP.
3834 SOUTH UNION ST.
NORTH CHILI, NEW YORK 14514

CONF. #3294, 3295, 3296

PAGE 2 of 2

MILL 70

NO. PKGS.	QTY.	DESCRIPTION OF ARTICLES	UNIT PRICE	AMOUNT	FOR OFFICE USE ONLY
		...NOI CLASS 50...			
1		#122R ROUGH STEEL LINER CASTING 520#	75¢/lb.	\$ 390.00	
1		#123R ROUGH STEEL LINER CASTING 510#	"	\$ 382.50	
2		#124R ROUGH STEEL LINER CASTING 1080#	"	\$ 810.00	
2		#125R ROUGH STEEL LINER CASTING 550#	"	\$ 412.50	
2		#128 ROUGH STEEL LINER CASTING 1390#	"	\$1,042.50	
2		#129 ROUGH STEEL LINER CASTING 720#	"	\$ 540.00	
2		#130R ROUGH STEEL LINER CASTING 1370#	"	\$1,027.50	
1		#131R ROUGH STEEL LINER CASTING 440#	"	\$ 330.00	
1		#132R ROUGH STEEL LINER CASTING 440#	"	\$ 330.00	
1		#17077 ROUGH STEEL ANVIL CASTING 1030#	"	\$ 772.50	
2		#17078S ROUGH STEEL ANVIL CASTING 1380#	"	\$1,035.00	
11		1½x11 ANVIL TIE DOWN BOLTS	\$21.00	\$ 231.00	
260		1½x5½ OV. HD. LINER BOLTS	\$5.70	\$1,482.00	
92		1x5 OV. HD. LINER BOLTS	\$3.40	\$ 312.80	
260		1½ LOCKNUTS	\$2.50	\$ 650.00	
INVOICE TOTAL				\$25,235.05	
		13 PALLETS	30,985#		

TERMS: All accounts are due and payable in San Antonio, Bexar County, Texas, on or before the 10th of the following month. Interest of 1% per month will be charged on all balances 30 days past due. This is an annual rate of 12%.

CUSTOMER COPY

Exhibit "F"

U. S. Department of Labor

Occupational Safety and Health Administration
Rochester Area Office
100 State Street
Rochester, New York 14614



Reply to the Attention of:

October 29, 1979

Mr. S.N. Aroneck
Union Processing Corp.
3484 South Union Street
North Chili, New York 14514

RE: UNION PROCESSING CORP.
S4354-122-79

Dear Mr. Aroneck:

We are in receipt of your letter requesting information concerning our investigation of Union Processing Corp. at 3484 S. Union St., N. Chili, N.Y. 14514 on August 21-28, 1979.

The case file has been reviewed and all lab reports pertaining to this case are attached. The original complaint and letters sent to the complainant are not disclosable.

The total charge for the attached copies is as follows:

<u>SEARCH TIME</u>				
Professional	<u>1/2 hour</u>	@	\$10.00 per hour	<u>\$5.00</u>
Clerical	<u> </u>	@	5.00 per hour	<u> </u>
Copies	<u> </u>	@	.10 per copy	<u> </u>
TOTAL				<u>WAIVED</u>

In the event you wish to appeal this decision, you have 90 days from the date of this letter to notify the Solicitor of Labor, Department of Labor, Washington, D.C. 20210 in writing of your appeal.

Sincerely yours,

Lawrence J. Zimmerman
Lawrence J. Zimmerman
Area Director
Rochester Area Office

Attachment

LJZ:atg



9. Establishment: Water Processing

10. RGN 11. Area: 103-23054354-122

12. CSHO No. 13. Report No.

14. Person Performing Sampling (Signature): [Signature]

CSHO NO.

15. Sampling Date: 8-28-79

16. Shipping Date: 8/29/79

17. Employee (Address): [Redacted]

21. Exposure Information: a. Number: 10, b. Duration: 3 yrs

c. Frequency: 8 hrs/day

22. Weather Conditions: drizzly

23. Photo: [Redacted]

18. Job Title: lead op.

J/T Code

19. PPE (Type and Effectiveness): nitr

PPE Code: 1030, 1200, 1330

24. Pump Checks & Adjustments

20. Eng. Code

25. Job Description, Operation, Work Location(s), Ventilation and Controls
works near waste dump from scrubber, responsible for keeping scrubber pump working a clear of sludge, so spends much of his time near there

Cont'd.

Pump No. SAMPLING DATA

26. Sample Type/Media	<u>AA filter</u>				
27. Filter/Tube No.	<u>AA12311</u>				
28. Sample Submission No.	<u>CW</u>				
29. Time On	<u>1050</u>				
30. Time Off	<u>1325</u>				
31. Total Time (in Min)	<u>153</u>				
32. Flow Rate <input checked="" type="checkbox"/> l/min <input type="checkbox"/> cc/min	<u>1.6</u>				
33. Volume (in Liters)	<u>248</u>				
34. Net Sample Weight (in mg)					
35. Lab Sample No.	<u>A-21965</u>				
36. Substance I & Results	<u>Asbestos (over 5µ long) * N.D. D.L. .01 Fib./cc</u>				

37. Interferences and IH Comments to Lab: comes from breaking up cars - only asbestos probably clutch pads & brake pads. will be other types of dust

38. Supporting Samples: A-21966

a. Blanks: AA1232

b. Bulks: ~~AA1231~~ 1315

c. Other: area sample AS

39. Analyst's Comments: * N.D. = None Detected D.L. = Detection Limit

CITATION DATA * W=wipe B=bulk A=area † Units: P=PPM M=mg/m³ F=Fibers/cc

42. Substance Codes	43. TWAC	44. TWAC	45. PEL	46. PEL	47. SEV.	48. Citation ID	49. Chain of Custody:
						Type No. Item No.	a. Rec'd Lab: <u>SEP 04 1979</u>
							b. Rec'd by Analyst: <u>10/10/79</u>
							c. Analysis Complete: <u>10/10</u>
							d. Calc. Checked: <u>10/10/79</u>
							e. Supr. Ok: <u>10/10/79</u>

50. Additives

Case File Page 8 of 8



9. Establishment <i>Union Processing</i>		10. RGN 11. Area <i>02-5230 5435412.2</i>	12. CSHO No. 13 Report No.	
14. Person Performing Sampling (Signature) <i>[Signature]</i>		CSHO NO.	15. Sampling Date <i>8/28/79</i>	16. Shipping Date <i>8/29/79</i>
17. Employee (Name) <i>Area Sample</i>		21. Exposure Information		23. Photo <i>0</i>
(address) <i>between waste bin & settling tank</i>		22. Weather Conditions <i>drizzly</i>		24. Pump Checks & Adjustments <i>1030, 1200, 1330</i>
(Phone)	18. Job Title	J/T Code	20. Eng. Code	
19. PPE (Type and Effectiveness)		PPE Code	24. Pump Checks & Adjustments	

25. Job Description, Operation, Work Location(s), Ventilation and Controls
As waste falls from the cyclone separators, some of it is blown toward this pump

Cont'd.

Pump No. SAMPLING DATA

26. Sample Type/Media	<i>AA filter</i>				
27. Filter/Tube No.	<i>AA1239</i>				
28. Sample Submission No.	<i>AS</i>				
29. Time On	<i>1100</i>				
30. Time Off	<i>1325</i>				
31. Total Time (in Min)	<i>145</i>				
32. Flow Rate <input checked="" type="checkbox"/> l/min <input type="checkbox"/> cc/min	<i>1.6</i>				
33. Volume (in Liters)	<i>232 ✓</i>				
34. Net Sample Weight (in mg)					
35. Lab Sample No. →	<i>A-21967</i>				
36. Substance & Results →	<i>asbestos</i>	<i>N.D.</i>			
a.	<i>(over 5 μ long)</i>	<i>D.L.</i>			
b.		<i>.01 Fib./cc</i>			
c.					

37. Interferences and IH Comments to Lab
asbestos. ship if sample GW shows x 0

38. Supporting Samples
a. Blanks *AA1232*
b. Bulks: *1315*
c. Other:

39. Analyst's Comments

A	* W=wipe	B=bulk	A=area	1 Units: P=PPM	M=mg/m ³	F=Fibers/cc	40. Seals Intact? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
43. *	44. TWA/C	45. T	46. PEL	47. SEV.	48. Citation ID	41. Chain of Custody	
							a. Rec'd Lab <i>SEP 0 2 1979</i>
							b. Rec'd by Analyst <i>10/10/79</i>
							c. Analysis Complete <i>10/10</i>
							d. Calc. Checked <i>10/10/79</i>
							e. Supr. Ok. <i>10/10/79</i>
							Case File Page <i>4</i>

1 CITATION DATA

49. Additives

Form OSHA 301 (January 1978)

Union Processing Corporation

3484 SOUTH UNION STREET NORTH CHILI, NEW YORK 14514

TELEPHONE: (716) 594-1600

STEEL SHREDDERS

October 16, 1979

O. S. H. A.
Mr. David Boyce, Area Director
Room 608 Federal Bldg.
100 State Street.
Rochester, N. Y. 14614

Dear Mr. Boyce:

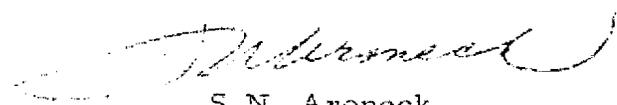
Under the Freedom of Information Act, it is respectfully requested that Lab report No. S. 4354-122 be mailed to us.

This report is in reference to an inspection made by OSHA inspector, Mr. Gary Staute, on August 21, 1979, requested by a complainant relative to emissions from our Newell 4000 Steel Shredder.

If, under the Freedom of Information Act the following is available, we would appreciate also a copy of the complainant's original complaint and a copy of the OSHA response to the complainant as it pertains to the Lab report S 4354-122.

Very truly yours,

Union Processing Corporation


S. N. Aroneck

SNA/cp

Union Processing Corporation

3484 SOUTH UNION STREET NORTH CHILI, NEW YORK 14514

TELEPHONE: (716) 594-1600

STEEL SHREDDERS

October 16, 1979

O. S. H. A.

Mr. David Boyce, Area Director
Room 608 Federal Bldg.
100 State Street.
Rochester, N. Y. 14614

Dear Mr. Boyce:

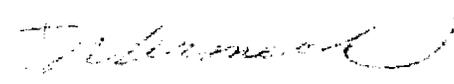
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This report is in reference to an inspection made by OSHA inspector, Mr. Gary Staube, on August 21, 1979, requested by a complainant relative to emissions from our Newell 4000 Steel Shredder.

If, under the Freedom of Information Act the following is available, we would appreciate also a copy of the complainant's original complaint and a copy of the OSHA response to the complainant as it pertains to the Lab report S 4354-122.

Very truly yours,

Union Processing Corporation


S. N. Aroneck

SNA/ep

Union Processing Corporation

3851 SOUTH UNION STREET NORTH CHILL, NEW YORK 14814

TELEPHONE: (716) 594-1600

STEEL SHREDDERS

October 16, 1979

Mr. Gary Staule
OSHA
Room 608 Federal Building
100 State Street
Rochester, New York 14614

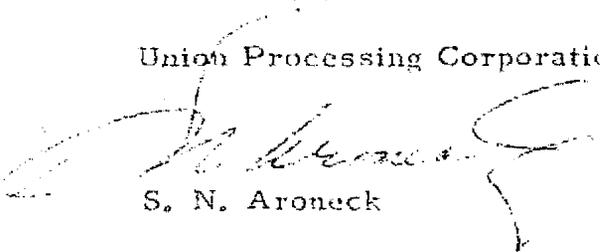
Dear Mr. Staule:

Thank you for your phone call this date relative to an emissions inspection you made here August 21, 1979.

Under the Freedom Of Information Act I have requested a copy of the Lab report # S - 4354-122.

Very truly yours,

Union Processing Corporation


S. N. Aroneck

SNA/cp

"G"

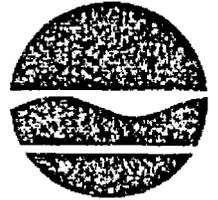
Exhibit

"

"

|

New York State Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233



~~Ogden Reid~~
Commissioner
Peter A.A. Berle
1/12/78

*Union Processing Corp.
Automobile Shredding Plt.
Union St.
Co. Chili, N.Y. 14514*

Re: Modification of Pollutant Discharge
Elimination System Permit *NY 0098817*

Dear Sir:

This is to inform you that pursuant to Environmental Conservation Law ("ECL"), Article 17, Title 8 (McKinney's) and 6 NYCRR, Part 757, the New York State Department of Environmental Conservation has made the following determination to modify your referenced Pollutant Discharge Elimination System Permit:

The frequency of submission of Discharge Monitoring Reports to the offices specified in your Permit has been changed from once every 1 month(s) to once every 3 months. Your next report will be due no later than the 28th day of February 19 78. Thereafter, reports shall be submitted no later than the 28th of the following month(s): *May, Aug., Nov., Feb.*

If you are currently required to submit Monthly Wastewater Treatment Plant Operator's Reports (BMW-88) to a county health department or county environmental control agency or a regional office of this Department, you shall continue to do so.

Please attach this letter to your copy of the Permit. The remainder of your Permit continues in full force and effect.

If you have any questions regarding this change, please contact Mr. K. John Crandall at (518) 457-7458, (Room 300, 50 Wolf Road, Albany, New York 12233).

Very truly yours,
George K. Hansen
George K. Hansen, P.E.
Chief, P.D.E.S. Permit Section

cc: PDES Section
WSMS File
NYSDEC Region # 7
Monroe Co. N.D.
BIP Mr. Dwyer
EPA Mr. Baker



SPDES - DISCHARGE MONITORING REPORT

SEE THE REVERSE SIDE OF PART 4 FOR INSTRUCTIONS

REGION	COUNTY	DATE PRODUCED	PAGE
			of
FACILITY I.D.		REPORT PERIOD	THRU

PARAMETER/UNITS	OUT FALL	MONITORING LOCATION	REPORT SECTION				SAMPLE CHARACTERISTICS		
			LIMIT	MINIMUM	AVERAGE	MAXIMUM	# EX.	TYPE	FREQUENCY
			LIMIT						
			REPORTED VALUE			17			
			LIMIT						
			REPORTED VALUE	7.7	7.75	7.9			
			LIMIT						
			REPORTED VALUE						
			LIMIT						
			REPORTED VALUE						
			LIMIT						
			REPORTED VALUE						
			LIMIT						
			REPORTED VALUE						
			LIMIT						
			REPORTED VALUE						
			LIMIT						
			REPORTED VALUE						
			LIMIT						
			REPORTED VALUE						
			LIMIT						
			REPORTED VALUE						
			LIMIT						
			REPORTED VALUE						

I hereby affirm under penalty of perjury that information provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

TYPEWRITTEN NAME AND TITLE _____ _____	<input checked="" type="checkbox"/> PERMITTEE <input type="checkbox"/> AGENT
SIGNATURE <i>[Signature]</i>	DATE 1/10/77



JANS LABORATORY

69 SOUTH STREET, AUBURN, N. Y. 13021 315-253-4433

SAMPLING • TESTING • ANALYSIS • REPORTS

WILLIAM D. SMITH
DIRECTOR

RESULTS OF WATER/WASTEWATER ANALYSIS

PROJECT UNION PROCESSING PROJECT NO. _____

LOCATION North Chili COUNTY Monroe STATE N.Y.

SAMPLE SOURCE Oil Separator Discharge (001)

SAMPLE COLLECTED: BY SW TIME: GRAB ANALYSIS: BY WDS
 DATE 11/18 COMPOSITE _____ DATE 11/18

WEATHER _____ COMMENTS _____

PHYSICAL

Color(units).....

Turbidity(units).....

Temperature (°C).....

Settleable Solids

 Ml. per liter - ½hr.....

 Ml. per liter - 1hr.....

Settleability - ½hr. (ml/l)

pH Value..... 7.8

BIOLOGICAL

Coliform - Fecal(MF/100ml).....

Coliform - Total(MF/100ml).....

Total Bacteria(MF/100ml).....

Microscopic: SEE ATTACHED SHEET

NOTE: *milligram per liter unless indicated otherwise

CHEMICAL

mg/l*

Acidity(as CaCO₃).....

 Phenolphthalein.....

 Methyl Orange.....

Alkalinity (asCaCO₃)

 Phenolphthalein.....

 Methyl Orange(Total).....

B.O.D., 5 - Day.....

 - Day.....

 - Day.....

 - Day.....

Carbon Dioxide.....

Chlorides(Cl).....

C.O.D. (from dichromate).....

Conductivity (umhos).....

Copper (Cu).....

Fluoride(F)..... 1.0

Grease.....

Hardness(EDTA as CaCO₃).....

Iron(Fe).....

Manganese(Mn).....

MBAS as LAS.....

Nitrogen

 Organic as N.....

 Ammonia as N.....

 Nitrite as N.....

 Nitrate as N.....

 Total(Kjeldahl).....

CHEMICAL

mg/l*

Oxygen, Dissolved.....

 Saturation(%).....

Phenols(as C₆H₅OH).....

Phosphates

 Total as PO₄.....

 Water Soluable Ortho-as PO₄.....

Solids

 Total.....

 Volatile.....

 Fixed.....

Suspended

 Total.....

 Volatile.....

 Fixed.....

Dissolved

 Total.....

 Volatile.....

 Fixed.....

Sulfate.....

Sulfide.....

T.O.C.....

Volatile Acids.....



JANS LABORATORY

69 SOUTH STREET, AUBURN, N. Y. 13021 315-253-4433

SAMPLING • TESTING • ANALYSIS • REPORTS

WILLIAM D. SMITH
DIRECTOR

RESULTS OF WATER/WASTEWATER ANALYSIS

PROJECT UNION PROCESSING CORPORATION PROJECT NO. _____

LOCATION North Chili, N.Y. COUNTY Monroe STATE NY

SAMPLE SOURCE Drainage Swale - Along Railroad Tracks

SAMPLE COLLECTED: BY SW TIME: GRAB X ANALYSIS: BY WDS
DATE 11/18 COMPOSITE _____ DATE 11/18

WEATHER _____ COMMENTS _____

PHYSICAL

Color(units).....
Turbidity(units).....
Temperature (°C).....
Settleable Solids
 Ml. per liter - ½hr.....
 Ml. per liter - 1hr.....
Settleability - ½hr. (ml/l)
pH Value..... 7.2

BIOLOGICAL

Coliform - Fecal(MF/100ml).....
Coliform - Total(MF/100ml).....
Total Bacteria(MF/100ml).....
Microscopic: SEE ATTACHED SHEET

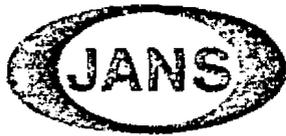
NOTE: *milligram per liter unless indicated otherwise

CHEMICAL

Acidity(as CaCO₃)
Phenolphthalein.....
Methyl Orange.....
Alkalinity (asCaCO₃)
Phenolphthalein.....
Methyl Orange(Total).....
B.O.D., 5 - Day.....
 - Day.....
 - Day.....
 - Day.....
Carbon Dioxide.....
Chlorides(Cl).....
C.O.D. (from dichromate).....
Conductivity (umhos).....
Copper (Cu).....
Fluoride(F).....
Grease..... 3.0
Hardness(EDTA as CaCO₃).....
Iron(Fe).....
Manganese(Mn).....
MBAS as LAS.....
Nitrogen
 Organic as N.....
 Ammonia as N.....
 Nitrite as N.....
 Nitrate as N.....
 Total(Kjeldahl).....

CHEMICAL

Oxygen, Dissolved.....
Saturation(%).....
Phenols(as C₆H₅OH).....
Phosphates
 Total as PO₄.....
 Water Soluable Ortho-as PO₄.....
Solids
 Total.....
 Volatile.....
 Fixed.....
Suspended
 Total.....
 Volatile.....
 Fixed.....
Dissolved
 Total.....
 Volatile.....
 Fixed.....
Sulfate.....
Sulfide.....
T.O.C.....
Volatile Acids.....



JANS LABORATORY

69 SOUTH STREET, AUBURN, N. Y. 13021 315-253-4433

SAMPLING • TESTING • ANALYSIS • REPORTS

WILLIAM D. SMITH
DIRECTOR

RESULTS OF WATER/WASTEWATER ANALYSIS

PROJECT UNION PROCESSING PROJECT NO. _____

LOCATION North Chili COUNTY Monroe STATE N.Y.

SAMPLE SOURCE Oil Separator Discharge (001)

SAMPLE COLLECTED: BY SW TIME: GRAB ANALYSIS: BY WDS
 DATE 11/4 TIME: COMPOSITE DATE 11/5

WEATHER _____ COMMENTS _____

PHYSICAL

Color(units).....

Turbidity(units).....

Temperature (OC).....

Settleable Solids

 Ml. per liter - ½hr.....

 Ml. per liter - 1hr.....

Settleability - ½hr. (ml/l)

pH Value..... 7.7

CHEMICAL

Acidity(as CaCO₃)

 Phenolphthalein.....

 Methyl Orange.....

Alkalinity (asCaCO₃)

 Phenolphthalein.....

 Methyl Orange(Total)....

B.O.D., 5 - Day.....

 - Day.....

 - Day.....

 - Day.....

Carbon Dioxide.....

Chlorides(Cl).....

C.O.D. (from dichromate).....

Conductivity (umhos).....

Copper (Cu).....

Fluoride(F).....

Grease..... 1.4

Hardness(EDTA as CaCO₃).....

Iron(Fe).....

Manganese(Mn).....

MEAS as LAS.....

Nitrogen

 Organic as N.....

 Ammonia as N.....

 Nitrite as N.....

 Nitrate as N.....

 Total(Kjeldahl).....

BIOLOGICAL

Coliform - Fecal(MF/100ml).....

Coliform - Total(MF/100ml).....

Total Bacteria(MF/100ml).....

Microscopic: SEE ATTACHED SHEET

NOTE: *milligram per liter unless indicated otherwise

CHEMICAL

Oxygen, Dissolved.....

 Saturation(%).....

Phenols(as C₆H₅OH).....

Phosphates

 Total as PO₄.....

 Water Soluable Ortho-as PO₄....

Solids

 Total

 Total.....

 Volatile.....

 Fixed.....

Suspended

 Total.....

 Volatile.....

 Fixed.....

Dissolved

 Total.....

 Volatile.....

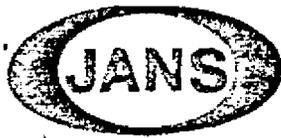
 Fixed.....

Sulfate.....

Sulfide.....

T.O.C.....

Volatile Acids.....



JANS LABORATORY

69 SOUTH STREET, AUBURN, N. Y. 13021 315-253-4433

SAMPLING • TESTING • ANALYSIS • REPORTS

WILLIAM D. SMITH
DIRECTOR

RESULTS OF WATER/WASTEWATER ANALYSIS

PROJECT UNION PROCESSING CORPORATION PROJECT NO. _____

LOCATION North Chili, N.Y. COUNTY Monroe STATE N.Y.

SAMPLE SOURCE Drainage Swale - Along Railroad Tracks

SAMPLE COLLECTED: BY SW TIME: GRAB X ANALYSIS: BY WDS
DATE 11/7 COMPOSITE _____ DATE 11/5

WEATHER _____ COMMENTS _____

PHYSICAL

Color(units).....
Turbidity(units).....
Temperature (°C).....
Settleable Solids
 Ml. per liter - ½hr.....
 Ml. per liter - 1hr.....
Settleability - ½hr. (ml/l)
pH Value.....

7.2

CHEMICAL

mg/l*

Acidity(as CaCO₃)
 Phenolphthalein.....
 Methyl Orange.....
Alkalinity (asCaCO₃)
 Phenolphthalein.....
 Methyl Orange(Total)....
B.O.D., 5 - Day.....
 - Day.....
 - Day.....
 - Day.....
Carbon Dioxide.....
Chlorides(Cl).....
C.O.D.(from dichromate).....
Conductivity (umhos).....
Copper (Cu).....
Fluoride(F).....
Grease.....
Hardness(EDTA as CaCO₃).....
Iron(Fe).....
Manganese(Mn).....
MBAS as LAS.....
Nitrogen
 Organic as N.....
 Ammonia as N.....
 Nitrite as N.....
 Nitrate as N.....
 Total(Kjeldahl).....

2.2

BIOLOGICAL

Coliform - Fecal(MF/100ml).....
Coliform - Total(MF/100ml).....
Total Bacteria(MF/100ml).....
Microscopic: SEE ATTACHED SHEET

NOTE: *milligram per liter unless indicated otherwise

CHEMICAL

mg/l*

Oxygen, Dissolved.....
 Saturation(%).....
Phenols(as C₆H₅OH).....
Phosphates
 Total as PO₄.....
 Water Soluable Ortho-as PO₄....
Solids
 Total.....
 Total.....
 Volatile.....
 Fixed.....
Suspended
 Total.....
 Volatile.....
 Fixed.....
Dissolved
 Total.....
 Volatile.....
 Fixed.....
Sulfate.....
Sulfide.....
T.O.C.....
Volatile Acids.....

SPDES - DISCHARGE MONITORING REPORT



SEE THE REVERSE SIDE OF PART 4 FOR INSTRUCTIONS

REGION 9	COUNTY 24 MONROE	DATE PRODUCED 03-01-77	PAGE 1 of 1
FACILITY I.D. NY0009217		REPORT PERIOD 03-01-77 THRU 08-31-77	

PARAMETER/UNITS	OUT FALL	MONITORING LOCATION	REPORT SECTION				SAMPLE CHARACTERISTICS		
			LIMIT	MINIMUM	AVERAGE	MAXIMUM	# EX.	TYPE	FREQUENCY
FLOW RATE (GPD) (104)	001	EFFLUENT VALUE 0100056060101	LIMIT ****	MINIMUM ****	AVERAGE ****	MAXIMUM 47,000	# EX.	DETERED	INSTANT
			REPORTED VALUE			17.8			
PH SU	001	EFFLUENT VALUE 0200400120101	LIMIT 6.0000	MINIMUM ****	AVERAGE ****	MAXIMUM 9.500	# EX.	GRAB	BI-WEEKLY
			REPORTED VALUE 7.7		7.75	7.8			2/10/77
PH SU	002	EFFLUENT VALUE 0300400120201	LIMIT 6.0000	MINIMUM ****	AVERAGE ****	MAXIMUM 9.500	# EX.	GRAB	BI-WEEKLY
			REPORTED VALUE 7.2		7.2	7.2			2/10/77
OIL AND GREASE MG/L	001	EFFLUENT VALUE 0400550010101	LIMIT ****	MINIMUM 10,000	AVERAGE 10,000	MAXIMUM 15,000	# EX.	GRAB	BI-WEEKLY
			REPORTED VALUE						2/10/77
OIL AND GREASE MG/L	002	EFFLUENT VALUE 0500550010201	LIMIT ****	MINIMUM 10,000	AVERAGE 10,000	MAXIMUM 15,000	# EX.	GRAB	BI-WEEKLY
			REPORTED VALUE						2/10/77
			LIMIT						
			REPORTED VALUE						
			LIMIT						
			REPORTED VALUE						
			LIMIT						
			REPORTED VALUE						
			LIMIT						
			REPORTED VALUE						
			LIMIT						
			REPORTED VALUE						

* FIXED PUMP @ 476 PPM
OPERATE IN CONTINUITY
(10/15/77)

I hereby affirm under penalty of perjury that information provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

UNION PROCESSING CORPORATION
AUTOMOBILE SHREDDING PLANT
23 PERRINE STREET
ALBURN NY 13021

WRITTEN NAME AND TITLE	<input type="checkbox"/> 1 PERMITTEE <input type="checkbox"/> 2 AGENT
SIGNATURE	DATE