

CHILI PLANNING BOARD
May 8, 2018

A meeting of the Chili Planning Board was held on May 8, 2018 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Michael Nyhan.

PRESENT: Paul Bloser, David Cross, Matt Emens, Glenn Hyde, John Hellaby, Ron Richmond and Chairperson Michael Nyhan.

ALSO PRESENT: Michael Hanscom, Town Engineering Representative; David Lindsay, Commissioner of Public Works/Superintendent of Highways; Eric Stowe, Assistant Counsel for the Town; Paul Wanzenried, Building Department Manger.

Chairperson Michael Nyhan declared this to be a legally constituted meeting of the Chili Planning Board. He explained the meeting's procedures and introduced the Board and front table. He announced the fire safety exits.

PUBLIC HEARINGS:

1. Application of Parkminster United Presbyterian Church, owner; 2710 Chili Avenue, Rochester, New York 14624 for preliminary subdivision approval of three lots to be known as Parkminster United Presbyterian Church Subdivision at properties located at 2710 Chili Avenue, and 8 & 10 Cardinal Drive in R-1-20 zone.

MICHAEL NYHAN: First application or our only application is application of Parkminster United Presbyterian Church, owner; 2710 Chili Avenue, Rochester, New York 14624 for preliminary subdivision approval of three lots to be known as Parkminster United Presbyterian Church Subdivision at properties located at 2710 Chili Avenue, and 8 & 10 Cardinal Drive in R-1-20 zone.

Mark Hollenbeck, Scott McClurg, Jim Odmak and Gary Dutton were present to represent the application.

MR. HOLLENBECK: My name is Mark Hollenbeck. I'm a partner at the law firm of Gallo & Iacovangelo, LLP and am here tonight representing Parkminster Presbyterian Church of Rochester making application to formally subdivide their property at 2710 Chili Avenue into three separate tax parcels.

I'm here with Scott McClurg and Jim Odmak, two of the Trustees of the Church and Gary Dutton, the licensed landscape surveyor who prepared the survey map.

We're asking tonight for the Town Planning Board to consider and approve a three-lot subdivision. One would contain the church building and the other two would contain single-family homes which have been used as parsonages by the Church since 1955. One located at 8 Cardinal Drive and one located at 10 Cardinal Drive.

As a brief history, the church was built around 1955 as well as the house at 10 Cardinal and the house at 8 Cardinal was built in 1976. At that time, the one at 8 Cardinal was constructed with proceeds from a mortgage from First Federal Savings & Loan and the survey map at that point was done by Den Lakide (phonetic) and was used as legal description for the mortgage complete with a tax ID number. Around that time. I can't really verify exactly when, but I have a tax ID map from 1979 and it seems like that -- that was about the time when they were generated. But -- but they were given tax ID numbers. They had them for a while but no formal subdivision has ever been done by the Town.

And so in -- in November of last year, the Church contacted us, our firm to sell 8 Cardinal Drive and they listed the property, obtained a buyer. We went through the process of getting a court order to sell and got taken care of the mortgages that were given to First Federal Loan back when it was built in 1976.

The survey -- and we were headed toward that closing and the surveyor was talking with Paul (Wanzenried) about any potential issues with the listing selling 10 Cardinal Drive. This was back in February. And it was discovered that the lots were not formally -- or legally subdivided and we couldn't do an administrative subdivision because the parcel is not solely residential as far as we have the church involved. So that is why we're here today.

And when constructing the -- the parcels, 8 Cardinal Drive didn't need a reconfiguration from the original survey that was done in 1976 because it wasn't big enough for the 20,000 square foot minimum. The surveyor had Gary -- Gary Dutton had extended out -- and on the drawing you can see for 10 Cardinal Drive -- to make sure it meets the 20,000 square foot minimum lot size.

So we're asking the Town Planning Board today to give the approval for the conditional -- subdivision conditional obviously and variances from the Zoning Board of Appeals for front and rear setback violations and that hearing is set for next Tuesday, May 15th.

These lots have had separate tax account numbers and have been taxed as separate parcels for probably at least 40 years and the Church would like to have the subdivision so they can sell 8 Cardinal Drive and possibly 10 at some future point as a single-family residence.

So with that, I would just open that up for any questions.

RON RICHMOND: I'm all set.

MATT EMENS: I don't have any questions at this time.

JOHN HELLABY: No. I think the engineer has it covered.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Michael Nyhan made a motion to close the Public Hearing portion of this application, and John Hellaby seconded the motion. The Board unanimously approved the motion.

The Public Hearing portion of this application was closed at this time.

MICHAEL NYHAN: Further discussion on this application? I think they have outlined the items that need to go in front of the Zoning Board of Appeals.

DAVID CROSS: Waive final contingent on Zoning Board approval?

MICHAEL NYHAN: Correct. Yes.

For conditions then, if there is no further discussion -- well, before we do that, SEQR. We'll do SEQR on the application.

Michael Nyhan made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be an unlisted action with no significant environmental impact, and John Hellaby seconded the motion. The Board all voted yes on the motion.

MICHAEL NYHAN: For conditions, did you read the engineering -- the engineer's comments relative to that sidewalk proposed --

MR. HOLLEY: Yes.

MICHAEL NYHAN: Do you plan on removing that or getting an easement?

MR. HOLLEY: I would have to confer with my client about that, but I would think whichever is easier for us to do, in terms of the easement probably might be easier. We could certainly attempt to do that first. And then as a secondary option, to remove it.

MICHAEL NYHAN: Okay. Any other items to discuss, conditions, other than that sidewalk? No?

So for conditions, I have applicant shall comply with all pertinent Monroe County Development Review Committee comments.

Pending approval of the Zoning Board of Appeals and all required variances.

The applicant to comply with all conditions of the Zoning Board of Appeals as applicable.

Sidewalk crossing properties at 8 and 10 Cardinal Drive must be removed or an easement obtained between current/future property owners.

And any copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval.

And all filing information; i.e., liber and page number shall be noted on the mylars.

Any other conditions?

MICHAEL NYHAN: Good with that?

MICHAEL HANSCOM: I'm sorry. Did you -- the variances they obtained from the Zoning Board of Appeals should also be listed on the mylars. Did you want to mention that?

MICHAEL NYHAN: I just said they had to comply with it. They need to be listed on the mylars?

MICHAEL HANSCOM: Yes.

MICHAEL NYHAN: All right. So you have added all variances obtained from the Zoning Board of Appeals shall be listed on the mylars.

Anything else? Then with those conditions, application of Parkminster United Presbyterian Church, owner; 2710 Chili Avenue, Rochester, New York 14624 for preliminary subdivision approval of three lots to be known as Parkminster United Presbyterian Church Subdivision at properties located at 2710 Chili Avenue, and 8 & 10 Cardinal Drive in R-1-20 zone.

DECISION: Unanimously approved by a vote of 7 yes with the following conditions:

1. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
2. Pending approval of the Zoning Board of Appeals of all required variances.
3. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.
4. All variances obtained from the Zoning Board of Appeals shall be listed

on the mylars.

5. Sidewalk crossing properties at 8 and 10 Cardinal Drive must be removed or an easement obtained between current and future property owners.
6. Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval, and all filing information (i.e. liber and page number) shall be noted on the mylars.

Note: Final subdivision approval has been waived by the Planning Board.

MICHAEL NYHAN: I make a motion to accept the Chili Planning Board April -- April 10, 2018, minutes?

JOHN HELLABY: Second.

The Board was unanimously in favor of the motion to adopt the minutes.

The meeting ended at 7:10 p.m.