

PLANNING BOARD

January 15, 1957

The meeting was called to order by the Chairman, and roll was called. The only member present was the Chairman, Winsor Ireland. Also present was the applicant, Charles Glidden.

Application of Charles S. Glidden for re-subdivision of lots 34, 35, 36, 37, 39, 40 of Reddick Acres Subdivision.

Mr. Glidden presented maps showing proposed changes in the lots. He said the surveyor made a mistake on the original survey, and the changes are very minor, some less than 1 foot. These lots are on Sunnyside Lane, and Irvington Drive, off Union St. The lots are changed to R-34, R-35, R-36, R-37, R-39, R-40.


Mr. Ireland studied the map and found it to be in good order. He informed Mr. Glidden that before the map could be stamped approved, it would have to be approved by two other Board members.

June Yates, Secretary

DECISION OF THE BOARD:

The following Planning Board members approved the above application of Charles Glidden for re-subdivision of Reddick Acres Subdivision: Seldon Crow, Frederick Bean, and Winsor Ireland.

June Yates, Secretary



PLANNING BOARD
March 12, 1957

The meeting was called to order by the Chairman, and roll was called, with the following members present: Mr. Brandt, Mr. Craw, and the Chairman, Winsor Ireland.

Application of Earl Howarth for approval of map of Harvey Estates #2, situate in Town Lot 30 of the 3000-acre, Range 1, Section 1, Town of Chili, lying on the south side of Paul Rd., including lots 31 through 34, inclusive.

Map was presented to the Board by Mr. Howarth. After some study and discussion, the Board approved the map with the following restrictions:

1. Eliminate north-south boundary line between lots 3 and 4.
2. Move east-west boundary between lot 5 and the rear of lots 3 and 4 15 ft. to the south, making lot 5 100 ft. wide.
3. Make a new east and west boundary line dividing present lots 3 and 4 into new lots 3 and 4, fronting on new street instead of Paul Rd.
4. New lot 3 to be 115 ft. wide and 150 ft. deep.
5. New lot 4 to be 100 ft. wide and 150 ft. deep.

The Board then discussed the matter of naming the new road which incorporates parts of Beaver Rd., Archer Rd. and Ballantyne Rd., and runs from Chili Rd. to Scottsville Rd.

The Board then made the following recommendations:

1. That the new road, continuous from Chili Rd. to Scottsville Rd., be named Ballantyne Rd.
2. That the south end of Ballantyne Rd. running to Humphrey Rd. be renamed.
3. That the short end of Beaver Rd., running from Archer Rd. to the new road, be called Beaver Rd.
4. That Archer Rd. should end at the new road.

There being no further business to come before the Board, the meeting was adjourned.

June Yates, Secretary

PLANNING BOARD
April 9, 1957

The meeting was called to order, and roll was called with the following members present: Seldon Crow, Frederick Bean, John Walls, Martin Brandt, and the Chairman, Winsor Ireland.

Application of Peter Costanza, 650 Paul Rd., to re-zone southeast corner of Paul and Archer rds. from E residential to commercial, fronting 800 ft. on Paul Rd. and 550 ft. on Archer Rd.

Mr. Costanza stated he would some day like to open a garden store and sell nursery stock, fertilizer, seed, etc. It might be 5 years before he would do this. He would take the old barn down and put a new building in there. He said if the neighbors object, he will withdraw his request.

Mr. Ireland said if this is re-zoned commercial, it can't be changed back again, and he would have the right to put in anything which is allowed in a commercial zone.

Mr. Costanza said there is now a riding academy on the property, which has been there about 15 years, since before zoning. He feels a small building such as a garden store would look better than the old barn, and he is interested in the nursery business and has a license, and things growing there now. He stated that if the Board feels that this commercial area should be smaller, he would have no objection whatever. This property is on the south side of Paul Rd.

Ralph Johnson, 617 Paul Rd., asked if it would be possible for Mr. Costanza to get a permit for this instead of re-zoning the property.

Mr. Ireland replied that he can apply to the Zoning Board of Appeals to use the property for a non-conforming use. They would grant a variance to use the property for that purpose for a certain period of time, perhaps 5 years. At the end of that time, if there were no objections, the variance could be renewed.

Mr. VanSlyke of Paul Rd. said he wouldn't need the whole area for a store. He would be willing to give him a reasonable amount where the present buildings are.

Mr. Zuber of 117 Archer rd. asked if Mr. Costanza can sell anything that grows on his ground without a permit.

Mr. Ireland replied he knows that a farmer can sell what grows on his own land without any sort of permit or variance. Whether this would come under that heading, he would hesitate to say without talking with the town attorney. Perhaps Mr. Costanza has the right to sell his own nursery stock without a permit, but he would have to have one to build a store.

Mr. Costanza stated anyone can sell what he raises, but he wants this building. It may not be for five years, depending on his finances. He wouldn't be raising all the stock on his own land, some would probably be hauled from Buffalo.

Mr. Walls asked how much land Mr. Costanza would need for the store. He said he has 13 acres. He would have to have room to set the store back 100 ft. and room for cars to pull in there. Mr. Walls then asked how much he would want commercial. Mr. Costanza replied whatever the Board feels. 300 ft. or 400 ft. is all right with him.

Mrs. Van Slyke said an attractive building there would be an improvement over that barn. The corner at present is a hazard. However, she is afraid of changing the property to commercial, and feels that would automatically make the opposite corner commercial also.

Mr. Ireland stated he feels probably the best thing would be for Mr. Costanza to apply for a non-conforming use. Just making one corner commercial is what is termed "spot zoning" and is more or less illegal. If the residents took it to court, there is a very good chance the thing wouldn't stand up. If a variance is granted, the property couldn't be used for any other commercial purpose but a garden store. That would be agreeable to everyone, and it would not be a permanent thing.

Mr. VanSlyke asked if Mr. Costanza had to use that corner. There is traffic going east and west, north and south, and the store would be a hazard, as that is a bad spot.

Mr. Johnson said he thinks a variance would be the best thing. If it is zoned commercial, it could be used for anything, and the people don't want to leave themselves open that much.

Leo Davin of 85 Archer rd. said he is agreeable to that.

Mrs. Maloney of 150 Archer rd. said she wouldn't want it commercial, but would not object to a variance.

Mr. Ireland asked Mr. Wilcox of raul Rd. how he felt about this. Mr. Wilcox replied that he was up here for something else. However, Mrs. Wilcox said she agrees with the other neighbors that a variance might be better.

Larry Gorham of 616 raul Rd. asked what would happen if the property should be transferred to another person. Mr. Ireland replied that if the property should be transferred, the variance would be null and void. The variance would only apply to Mr. Costanza. Mr. Gorham said that in that case, he would be in favor of granting a variance. He then asked if the variance would stipulate the usage to which the property would be put. Mr. Ireland replied the variance would stipulate a garden or nursery store and no other purpose.

Mr. VanSlyke then inquired as to the measurements of the proposed building, and Mr. Ireland said that would have to come up at the Zoning Board hearing, and if the people feel they want to limit the size of the building, they should come to that hearing and state their desires. The Planning Board cannot grant a variance, and is just trying to explain about it.

No one else appeared to speak on this matter.

Mr. D. D. Davis appeared and presented a map of proposed Creekview Extension, Section III for study and discussion by the Planning Board. The Board agreed the map is satisfactory as to street and lot layout and size, but must be re-submitted at an advertised public hearing.

Earl Howarth of 9 Yolanda Dr. then arrived and inquired as to the request of Mr. Costanza. Mr. Ireland explained that Mr. Costanza wanted a garden store to sell nursery stock, and that most people objected to making the property commercial, but did not object to Mr. Costanza getting a variance for this purpose. Mr. Howarth said he just came in to find out about it.

DECISION OF THE BOARD:

The Planning Board recommended that the Town Board does not grant the request of Mr. Costanza to re-zone his property from E residential to commercial. They also recommended that Mr. Costanza apply to the Zoning Board of Appeals for a variance to operate a garden store and nursery. All members voted in the affirmative.

June Yates, Secretary

PLANNING BOARD

May 14, 1957

The meeting was called to order by the Chairman, and roll was called with the following members present: Martin Brandt, John Walls, Frederick Bean, and the Chairman, Winsor Ireland. Also present was the Building Inspector, George Lusk.

C. J. Metzcell presented a map of Milburn Addition to Springbrook Subdivision, Town Lot 70, dated Nov. 3, 1956, showing lots 1-6 inclusive, with streets serving said lots. The construction of the pavement will be 24 ft. wide, with a 15 in. base. of the 700 ft. road named Parkway, 400 ft. will be 27 in. base.

This is an E residential zone, with lots 100 ft. wide by 321 ft. deep, being developed by Milburn Builders, Inc. They bought the lots and are extending the street. There is a house on lot No. 20 on the corner across the street, but no other over there. When the map was started, they were not sure where to have the turn-around. Now, in order to get it set for dedication by the time snow flies, they will have to have the turn-around. It is already staked out. The property was bought from Wesleyan College.

Mr. Ireland asked if any more lots beyond are available.

Mr. Brandt, of the Business Office of Roberts Wesleyan College, replied the college owns about 70 more acres.

There was some discussion as to the turn-around, and Mr. Matzell was informed a new map would have to be made showing the turn-around, 100 ft.

Mr. Matzell said they are dealing with two banks, First Federal and Security, and Security Trust Co. requires some definite approval of the town to go ahead on this subdivision, as they don't want any of their clients to get stuck without a street. He asked if the Board would give any preliminary o.k. on the map.

Mr. Ireland replied he would have a letter written stating Mr. Matzell had been before the Planning Board with the map, and the street and lot layout are satisfactory, but a turn-around is required. Mr. Matzell said that would be satisfactory.

Mr. Ireland then dictated this letter to the secretary, a copy of which will be on file in the Town Clerk's office.

The Board and Mr. Lusk then studied Town Plate No. 32 showing the area involved with Union St. and Buffalo Rd., and the surrounding area.

It was the decision of the Board that this subdivision be approved with the reservation that a new map be submitted showing the required turn-around.

June Yates, Secretary

PLANNING BOARD

June 11, 1957

The meeting was called to order by the Chairman, and roll was called with the following members present: Frederick Bean, John walls, Martin Brandt, and the Chairman, Winsor Ireland.

Glen Benedict presented a map of re-subdivision of Chestnut Ridge Acres Subdivision, consisting of three lots on the corner of Chestnut Ridge and Chili Center-Coldwater Rd. Mr. Ireland said this is not a subdivision. One lot has been sold, and the attorney for the purchaser insists the map be approved by the Planning Board. These lots are on existing roads. Two lots are 90 by 160 ft., the other is 160 ft. by 123 ft. There is a house built on lot no. R-7. The others are R-1 and R-2. The house on the corner lot would have to be back 60 ft. from each road.

Mr. Brandt asked if the lots are large enough, and Mr. Ireland replied they are big enough to meet the present ordinance.

Mr. Benedict said these lots were re-subdivided before he bought the lots from Mr. Ortman. The houses he will build will be 6-room ranch type, with cellars, selling for around \$16,000. Mr. Brandt said that originally there were four lots, which have been re-subdivided into three. Mr. Walls stated he could see no objection to larger lots.

Mr. Ireland informed Mr. Benedict the Planning Board would stamp the map, and he would drop it off to him in the morning.

D. D. Davis presented a map of west Chili Acres, being part of Fred N. Davis farm, town of Chili, showing Union St. and Willow Bend Drive, with lots 1, 2, 3, 4.

The Board studied the maps, and Mr. Ireland stated the map showed the lot line to the middle of the creek, which couldn't be counted. The creek is approximately 80 ft. wide. The zoning ordinance requires a 60 ft. front setback and a 70 ft. rear setback, which is 130 ft., plus the depth of a house which would be about 25 ft. This means 155 ft. depth regardless of width. The creek is about 100 ft. wide from the top of one bank to the top of another.

Mr. Davis said they consider the creek as the front of the lots. Lot No. 4 already has a house on it. The new channel which has been dug will cut into the creek, but there are springs in there flowing all the time. The channel meets the creek down lower. The property is high enough to be out of flood water. He used all the dirt to help fill up the land.

Mr. Ireland stated that four lots do not need state or subdivision approval. He would have to get a variance from the Zoning Board of appeals to get a building permit because the lots are not deep enough. In that case, they might take into consideration the fact that the lots are wider than required and have a larger area. The only thing the Planning Board can take into consideration is the depth, which isn't sufficient. This is in the sewer district, and in another couple of years, there will be a couple of sewers. The main trunk line will pretty much follow the creek.

Mr. Davis said they have area equivalent to minimum lot requirements. Mr. Ireland replied the zoning ordinance doesn't specify area, only the width and front and back setback. The lots have to face on the street, but anyone can build a house where he wants it. There is water right there, but it isn't an approved source. It is tested periodically by the County, but no approval is given, just a report saying o.k. The only thing the Board can consider is what is existing, which is no water and no sewer.

Mr. Davis said it seems it should be considered these are in the sewer district. There are leech beds in there now on lot 4 and have been for 20 years, with no trouble.

Mr. Ireland said it doesn't meet the zoning laws, which is the only thing the Planning Board is there to consider. The lots have to be a minimum of 155 ft. deep and 90 ft. wide. This is in E residential zone. The 90 ft. width is at the building line, the road has to be 60 ft. wide.

Mr. Walls asked if it would be possible to move the road over 10 ft. Mr. Davis replied no, he has it in for one thing, it is graveled. Mr. Walls said that doesn't mean anything if it meets the zoning requirements. Mr. Davis replied that if he applied for a variance, he would be probably get it as the area is certainly there, and with sewers coming, they will have water. Mr. Ireland asked why he didn't keep the lots until the sewers come through, and Mr. Davis replied he might do that. It doesn't cost anything to wait. Mr. Walls said yes, it does. Mr. Davis said he can build up to four houses without approval.

Mr. Ireland stated the State would allow four houses, but he would have to get a building permit from the town, which he couldn't get without a variance unless the lots were deep enough. Considering that the lots are

wider than the minimum, it might be considered there is enough area for sewage disposal and the variance might be granted. The creek cannot be considered as a front yard. The setback has to be figured from the road.

Mr. Davis asked if they could put a house right on the creek bank, and Mr. Ireland replied he imagined so.

There was some discussion regarding the prices of houses of various sizes.

Mr. Walls then asked how far the road would have to be moved to have the lots conform with the zoning ordinance. Mr. Ireland said about 30 ft. Mr. Walls said he thinks it is a good idea to use those lots and get some taxes from them. It would be a good idea to move the road over. He asked Mr. Davis how he happened to put that road there. Mr. Davis replied a house has been there for 20 years, and a kind of drive came down part way.

Mr. Walls said that moving the road wouldn't affect other future lots, and he feels it is the smart thing to do. Mr. Davis replied he could talk to the engineer. However, if he made the lots deeper, it would narrow the frontage. Mr. Walls pointed out that some side lines could be changed to widen the lots which would be too narrow. He doesn't think it would cost too much to move the road.

Mr. Davis stated he would apply for a variance, as the land looks pretty big. If he can't get a variance, it might be possible to move the road. He will have to make application for a permit and see what he can do.

Mr. Ireland advised him that the Zoning Board of Appeals meets on the first Tuesday of each month.

DECISIONS OF THE BOARD:

Map of Glen Benedict of Re-Subdivision of Chestnut Ridge Acres Subdivision was approved. All members voted in the affirmative.

Map of D. D. Davis of West Chili Acres was disapproved with the recommendation that he apply to the Zoning Board of Appeals for a variance. All members voted in the negative.

June Yates, Secretary

PLANNING BOARD

September 17, 1957

The meeting was called to order by the Chairman, and roll was called, with the following members present: Martin Brandt, Selden Crow, and the Chairman, Winsor Ireland. Also present were the Town Attorney, Ralph Wickins, and the Building Inspector, George Lusk.

Application of D. D. Davis for approval of Creekview Extension, being part of Fred N. Davis farm, situate in lot 192 Fitzgerald Allotment in Township 2, First Range, Town of Chili.

Mr. Davis presented a map, and said this is the same one as submitted before with corrections. A tentative approval had been granted on the other. On the present map, lots 112, 113, 114 have been omitted. They are not deep enough.

Mr. Ireland said at least until such time as the sewer comes through.

Mr. Davis said there is a 175 ft. minimum on all the lots, and he can't fit it in as there is not enough room. He lacks about 24 ft. on one lot, about 21 ft. on another, and about 14 ft. on the third. These are wood lots on the west line.

Mr. Wickins asked if he had discussed this with the Superintendent of highways as to street layout. Mr. Davis replied yes, he had him up there to look it over, and he approves. He said these lots were big enough to use if there were sewers. Mr. Ireland replied yes with a variance of a 50 ft. setback, he could probably use them.

There was then some discussion as to the surrounding lots.

Mr. Ireland asked if anyone wished to speak on this request, and no one appeared.

Application of John Syracuse, 2713 Chili Ave., to rezone part of Town Lot 117-132, consisting of eight acres more or less from D residential to industrial, located north side of Paul Rd.

George T. White, Jr., attorney, 706 Wilder Bldg., appeared to speak for Mr. Syracuse.

Mr. White stated he would like to request the Board to change the application. The original map showed 8 acres, but the 1941 issue of the Hopkins Atlas shows the property to be 13 acres.

Mr. Wickins stated that as town attorney he would say this is not material to the application and the request should be granted.

Mr. White then said this land is situated north of Paul Rd. between the creek and 655 ft. east of Fisher Rd. He believes there are two or three houses on the land between Fisher Rd. and the property in question. The back portion of about 117 ft. and the easterly portion of the property, taking in most of 570 ft. on the bend, is low land inundated by creek water most of the spring and early summer. It would take a lot of fill to bring it up to a building level. The natural drain is towards the creek. The only area for residential at the present time is immediately fronting on the road in that 980 ft. stretch. Mr. Syracuse had owned the 40 acres across on the south side of the road, but this has been acquired for the County Sewer Disposal Plant. Immediately after negotiations with the county, up to and including last month, Mr. Syracuse has had inquiries from a department of the State of New York looking for industrial land. They have inquired about the 40 acres across the road, which is not available. They looked for some other land in the area. This property, in the preliminary survey acceptable. There have been inquiries for industrial land in this area by other people. This land is, from the engineer's standpoint, industrial because of the terrain. The railroad is to the east, the sewer plant will be to the south, and there is the airport and farmland at the back. There are two or three residences to the east, and the commercial development of the magazines on the Dintruff property. This is ideally disuaded for industrial development.

This would naturally bring in revenue from taxes, and because of the location of the sewer disposal plant, it is highly unlikely any land owner would build across from that.

Mr. Ireland asked if he had anything definite in mind as to the type of industry. Mr. White replied no, only that they have been contacted by real estate agents. One or two specific companies have talked with them, but he can't talk about them. Any permits would have to come back before the Board. The type of industry talked about and the information indicates they would be all out-of-state industries. Not heavy manufacturing.

Mr. Ireland replied it would have to be some type of industry allowed by the Zoning Ordinance. Mr. White asked if there would be any restrictions because of the disposal plant. Mr. Wickins replied not that he knows of.

Mr. Ireland asked what sort of waste would be put into the sewer. Mr. White replied he has had indication that the people interested in this land would want it for industry rather than manufacturing products. There are two or three restrictions. One is the airport restriction as to height of building. Another is the make-up of the land would make real heavy industry prohibitive.

Mr. Wickins stated that at this time, he would advise the Planning Board to notify the County Attorney in writing of this application, calling his attention to the allowed uses of an industrial zone, and if possible, getting opinions from him as to whether any allowed uses would be detrimental to the sewer plant before ruling on it.

Mr. White replied to be very frank, they would like it that way, so they would know where they stood. The sewer trunk lines are all going on the south side of the road.

Mr. Wickins said to clear the air, the Planning Board only recommends to the Town Board anyway, and it would be a good thing for them to submit it to the county attorney. The only thing allowed in the trunk lines will be natural sewage.

Mr. White said they have two problems, actually. 1. water has to be brought in, as they are outside the water district. 2. After talking with the engineers, they may have to wait until the sewer goes in because of the land. It may not be approved by the state for a septic system. Mr. Ireland said he would think any proposed construction would have to wait for the sewers. They are within the proposed water district, which will come along about the same time. It would be foolish to build at the present time.

Mr. White said they don't know how soon water will be forthcoming. As to the sewer, this will be one of the first spots that the trunk line will be available. water is a problem. This information was requested by the state agency, but we couldn't answer yes even within the next year. They seemed to indicate that they would still be interested. This has been mostly out-of-town industry, nothing local so far.

Mr. Wickins said he takes it Mr. White has really no one idea of any particular industry to go in there. Mr. White replied they have only had inquiries for this land. It is near Scottsville Rd. and Buffalo Rd., and Paul Rd. is being used as a by-pass truck route. It is near the airport as a means of shipping freight. It is outside the city. There are a lot of people looking for industry outside the city, especially in this town. There is a group coming in from out-of-town this week to contact them. Everything hinges on getting permits for any of the buildings anyway.

Mr. Wickins stated he still feels this should be submitted to the county attorney and the engineers for the sewer district before the Planning Board does recommend to the Town Board. The Zoning Board of Appeals has the right to vary that height restriction. Mr. White asked if he would be able to receive a copy of the letter to the county attorney. Mr. Wickins replied yes, or the answer.

Mr. Ireland then asked if anyone wished to speak on this application.

Arthur G. Johnston, 64 Flanders St., said he owns the property directly east of this, and has been there five years. His land is the same level as this land, and it hasn't flooded over. He can't see the county going in there and putting up something to stop development for residential use. Mr. Syracuse knew when he bought it, it was restricted. When he sold, he knew what he was selling. Mr. Johnston said he he trying to improve his property. He pointed out what had been across the street, and said it still is bad to look at. On the east of him is the Deahan Rd. dump with rubbish of every kind. There is room to clean up. There is no definite prospect as to what will go in on this property. It might be a junk yard like it was before. He would like the Board to consider this and postpone any action until a later date, until he has time to get in touch with some people he knows who might reject this.

Mr. Ireland pointed out the Planning Board just recommends to the Town Board their opinion. The final decision is up to the Town Board. Mr. Johnston said if the Planning Board recommends it, the Town Board probably goes along with it, and Mr. Ireland replied not always.

Mr. Johnston stated he would like to see the property used for houses. It is good level land and never floods. He objects to having it re-zoned. No one else appeared to speak on this application.

Mr. White then stated for Mr. Syracuse that there will not be any junk yard, and the Board can so restrict any recommendation.

Mr. Wickins replied that under the ordinance, there can't be a junk yard. Mr. Syracuse had one there before, and they couldn't stop it, but one can't be started where there hasn't been one.

Mr. White also stated that any industry or any building that goes on that property will be a definite asset to the town, moneywise and structurally-wise. With a modern disposal plant on one side, it would be very foolish for industry to put up a ramshackle building. The tendency is to build more elaborate buildings, even though it is industry. For example in the town of Gates on Buell, and over on Brooks Avenue. These have brought in a tremendous increase in revenue.

Mr. Wickins stated the town also has a building code which has to be adhered to. There will be no more ramshackle buildings as there were before the ordinance went into effect.

The Board then studied map of Earl C. Hibbard showing Kuebler Drive and extension, Town of Chili, consisting of four lots, Nos. 231, 232, 233, 234.

There being no further business to come before the Board, the meeting was adjourned.

DECISIONS OF THE BOARD:

D. D. DAVIS - Map of Creekview Extension was approved with the exception of lots Nos. 112, 113, 114. All members voted in the affirmative.

JOHN SYRACUSA - Decision was withheld until the Board has consulted with the county Attorney and the County Sewer Superintendent.

EARL C. HIBBARD - Map of Kuebler Drive and Extension approved providing the turn-around is moved north past lot 234. All members voted in the affirmative.

June Yates, Secretary

PLANNING BOARD
October 1, 1957

The meeting was called to order, and roll was called, with the following members present: Frederic Bean, Martin Brandt, and the Chairman, Winsor Ireland.

The Board approved amended map of Creekview Extension presented by D. D. Davis as to lot size and layout and street layout, including in addition to lots on map previously approved on September 1957, lots No. 117-127 inclusive, still omitting lots No. 112-114 inclusive.

It was the Board's decision to recommend to the Town Board that the 13 acres on Paul Rd. owned by John Syracuse be rezoned from residential to industrial.

The Board then discussed the trip to Albany on industrial development.

There being no further business to come before the Board, the meeting was adjourned.

PLANNING BOARD
November 13, 1957

The meeting was called to order, and roll was called, with the following members present: Frederic Bean, Martin Brandt, John Walls, and the Chairman, Winsor Ireland.

This was a short meeting with not much to discuss, and was adjourned after a short discussion concerning various pieces of land in the town.