

Gaslight Lane: orchard to cul-de-sac (With a stop at the NYS Supreme Court)

Introduction

In 1973, the Browncroft-Merchants Neighborhood Association (BMNA) was formed after successfully challenging the excessively high volume of truck traffic on Browncroft Blvd. This designated truck route for the eastside entrance to the city directed commercial trucks to transverse through the Browncroft/Merchants residential corridor from Interstate 590 and points east. The removal of the truck designation and the installing of 3-ton limit signs were celebrated by those many neighbors involved from the 2 largest tracts of the area, Browncroft and Elmcroft, along with the several smaller tracts between Browncroft Blvd. and Merchants Road. This latter triangle was actually used as the association's first logo. The residents recognized the need to remain organized to help preserve the quality of life in the Browncroft neighborhood.

Over the next several years, the association strengthened and also bonded closely with the neighborhood school - #46 and its PTA. Through that relationship, residents from a new residential tract that started building in 1968 on long vacant city owned land lying between Newcastle Road and Fairhaven Road became active in the activities of BMNA. Gaslight Lane, a cul-de-sac of 27 houses off Blossom Road, was "officially" recognized with several other streets off Blossom in 1978 with inclusion in the new Constitution/Bylaws and the successor renaming into the Browncroft Neighborhood Association (BNA). The association's name was shortened to remove any confusion as being a merchant's association and to recognize the cohesiveness of the area.

From Elmcroft to Blossom, the Browncroft neighborhood has had a long and storied history. Its history has been documented and written about through numerous outlets over many decades. This includes the BNA History Committee's 1984 publication of "A History of The Browncroft Area" for the Sesquicentennial history project of the City of Rochester. Strangely, the booklet contained only 1 sentence about Gaslight Lane, then a member street, and made no mention in its Appendix I "Gleanings from some early Land Title Records" of Township Lot 11 upon which a portion Gaslight Lane now sits. Until 1954, it was in Brighton abutting the east city limit and is half of a 15 acre land parcel which had a little remembered impact on Browncroft.

Chapter I - 1870 to 1968

By Bob Genthner, BNA History Committee

Gaslight Lane and the eastern grounds of School #46 occupy 15 acre of land, stretching from Blossom Road north to within 50-60 feet south of Dorchester Road, and was acquired by Michael and Regina Gunkler on Feb. 13, 1871 from Henry Starr and his wife. It was identified as part of Brighton Township Lot 11. Accessible only from Blossom Road in the Town of Brighton on the south and was land locked on the 3 other sides by other property owners. By the turn of the 19th century, it was surrounded by Brown Brothers to the west (present Newcastle Road), to the north by an equal width parcel of 10 acres owned by James and Joseph Palmer; both of which shared the east border with 36-1/4 acres of George E. Howes. Together they stretched from Blossom Road to what then was known as University Avenue (Browncroft Blvd.).

On March 19, 1898, ¼ acre of the parcel was sold to George C. Gunkler (\$200). The lot size was 165 x 66 feet at the SW corner along Blossom Road.

Louis and Mary Melens of Brighton purchased the remaining 14-3/4 acre parcel of prime farm land on Dec. 9, 1903 (\$5,300). Initially it was used as a truck farm and eventually was turned into an Orchard. It remained in the Melens' family till 1953.

Louis Melens was born on Sept. 12, 1868 in Maldegem, Belgium. His wife Mary D. Melens was born about 1870 in Belgium. They came to America aboard the ship Teutonic out of Liverpool and settled in Shortsville, NY in 1891. They had 1 son named Julius born on Dec 23, 1892.

In the City expansions of 1905 and 1914, City annexation stopped at the western edge of their property and they remained part of the Town of Brighton. By 1918, this land locked property was surrounded on all 3 sides by property acquired by Charles Brown and the Brown Brothers, Co. and destined for housing development.

Directly opposite their truck farm on Blossom Road was constructed a huge Gas storage tank. It was owned by the Rochester Electric Light Company which was organized in 1880 as the successor to the Rochester Gas Light Company which had been founded on May 18, 1848. Then through almost 40 years of mergers and consolidations, the company came to its name as the Rochester Gas and Electric Corp.

In 1917, the Melens' built their new home at 1254 Blossom Road. It sits at the center of the farm frontage on Blossom Road. It was a 2,036 sq. ft. two-story structure. The house to the west at 1238 Blossom Road was built in 1920 and was the home of their son Julius and his family. This two story house was smaller at 1,280 sq. ft. Julius and his wife Elizabeth had a son named Raymond Julius Melens.

On Jan. 14, 1921, the City of Rochester purchased 3.484 acres of land (Figure #1-1) for \$24,500 from Brown Brothers, Co. The parcel ran from Dorchester Road south along Newcastle Road for 700 feet and at a width of 202.59 feet to the eastern City limit for construction of the planned School 46.

Three days later on Jan. 17, 1921, a small 0.153 acre lot (Figure #1-2) along Dorchester Road adjacent to the Newcastle purchase and lying totally in Brighton was bought by the City from Brown Brothers, Co. for \$1,012. This property was seen necessary for green space fronting the School 46 building then planned to stretch into Brighton. The odd shaped property was only about 50 ft. deep on the west and 61 ft. deep on the east from Dorchester before reaching the Melens' property to the south. The balance of the property east to Fairhaven along Dorchester was part of the Browncroft Extension and remained owned by Brown Brothers, Co.

The Melens' farm in 1924 was surrounded on 3 of its sides by large portions of the Browncroft and Browncroft Extension Tracts. The farm's only transportation route in/out remained through its frontage on Blossom Road. In the late 1920's the City of Rochester expanded its property needs for School #46 and set its sight on the 3 northern acres of the Melens' orchard residing in Brighton and adjacent on the east to its Newcastle Road site.

A school budget crisis in 1929 caused a proposal to delay construction of 46, but the argument of the serious over crowding at School 28 prevailed and the plans continued. At the Nov. 1929 Board of Education meeting, the resolution for School 46 to bear the name of Charles Carroll, one of the three original owners of the "One Hundred Acre Tract", was approved.

In 1930 the City sought to buy 3 additional acres required by School 46 which were part of the Melens farm's 14-3/4 acres and which resided entirely in Brighton. According to school

authorities, the owner first agreed to sell the 3 acres at \$5,000 per acre, but then changed his mind and refused to sell less than the entire farm of 14-3/4 acres. Charles Carroll School had been officially on the building program of the Board of Education since 1922 and pushed rather actively for at least five to six years. The congestion and the consequent need for portables at Hendrik Hudson School 28 would end since School 46 was designed to relieve 28. Until 1931, there had been no chance to build it because there had been no money available. Negotiations with Louis Melens continued through the spring of 1931.

The City Council at the request of the Board of Education on March 30, 1931 adopted a resolution by a vote of 6 to 2 authorizing the appointment of a condemnation commission to acquire the 3 acres and force the hand of the land owner. Councilman Nelsen A. Miloe and Joseph L. Guzzetta voted against the resolution at the time, arguing that it was unnecessary to build a school partly outside the city limits and thereby invite the attendance from so-called free school districts.

On April 30, 1931, contracts aggregating \$233,406.99 for the construction of No. 46 School in Browncroft were expected to be let by the Board of Education. Original plans were for a brick building with a cast stone trim, and that was to be the construction approved. There was an alternative bid, if natural stone was substituted for brick and cast stone trim and it would cost the city an additional \$16,013 for exterior ornamentation if this alternative is used.

The Board of Education on May 15, 1931, rejected all bids received for the construction of the proposed Charles Carroll School #46, because it had not been able without condemnation proceedings completed to acquire title to the 3 acres of land extending beyond city limits. At this point, changes in the plans and specification from the proposed building were made so that it would be erected upon and wholly within the city. Condemnation proceedings authorized by City Council had begun and were at that time on appeal. New bids were called for, revised plans and specifications were ready in a week, and awarded on June 4th. School construction was begun in the summer of 1931 at the corner of Dorchester and Newcastle Roads.

The Melens' challenged the condemnation order. In bringing the matter to the Supreme Court, the owner urged that the adoption of the city ordinance was not in conformity with the City Charter. They also argued that it violated the 14th Amendment of the US Constitution in that the ordinance was approved without notice to the owners and without a public hearing.

On July 12, 1932 the condemnation proceedings that were instituted by the City of Rochester to acquire land outside its territorial limits in the Town of Brighton for school purposes was dismissed by Supreme Court Justice Willis K. Gillette. The ruling was regarded by attorneys as of statewide importance and represented peculiar problems for the Rochester Board of Education.

Justice Gillette stated in his formal decision, "This is an unusual proceeding and I can find no case where a city has heretofore sought to condemn property outside of its territorial limits for school purposes or for any other purpose except for water supply, water mains, sewer, etc. for which specific purposes power has been granted in the city charter."

The Judge ruled that the authority of the city to take private property for school purposes must be expressly conferred. He found no authority for the Common Council of the City of Rochester to legislate in such a manner and to affect lands beyond the territorial limits of the city outside the express provisions in the charter already referred to. He also referred to a section of the Educational Law reading, "No school house shall be built or stand on the division line of any two towns".

Justice Gillette also pointed out that under the provisions of the Educational Law certain properties, such as gardens and orchards or any part thereof in existence for 1 year prior to the beginning of condemnation proceedings can not be acquired for school purposes without the consent of the owner. That provision, he said seems to be controlling in the case in question. He declined the constitutional question. The Judge granted that condemnation proceedings were dismissed with \$10 cost to the owners. Appeals from the decision may have been taken to the Appellate Division.

School officials said that although the Brighton land is necessary for expansion of the new school; the building as now laid out is a unit and is large enough to care for present needs. The school was designed as an L-shaped building with two wings, one facing Newcastle Road and the other on the Melens' property. The assembly hall and gymnasium was to be partly inside the city and partly in the Brighton territory. The assembly hall had been built with a temporary cinder-block wall "exactly on the city line" in the anticipation that the desired land may be acquired at a future time and making possible its enlargement. The school opened in September 1932 at approximately 2/3rds the size called for in its original plans.

Besides being assessed \$67 costs in the action, the City of Rochester must pay a penalty of \$750 for instituting condemnation proceedings to acquire land for school purposes outside its territorial limits. By condemnation law and the civil practice act, the \$750 allowance was based on 5% of the value of the property involved (i.e. \$15,000).

Charles Carroll School #46 opened in September 1932. A full day of dedicated ceremony was held on Sunday November 20th. Miss Alice A. Hughes, former vice-principal at Andrews School #9, was the initial principal at No. 46.

Seventeen (17) years later on January 14, 1949, Louis and Mary Melens conveyed the 14-3/4 acre property to their son, Julius. On January 30, 1950 Mary Melens passed away and the following year Louis Melens died on October 4, 1951.

The Browncroft Realty, Inc., which was dissolved on May 9, 1946, through the signature of the lone surviving Director, Edward J. Meyer, conveyed on Dec 19, 1951 for \$1 to the City of Rochester the vacant strip (Figure #1-3) of land fronting Dorchester between the school property that was acquired in 1921 from Brown Brothers and the Browncroft Extension property (i.e. Lot 628) to the east on Dorchester Road and bordering the northern Melens property line. A month later on Jan. 10, 1952 an identical \$1 transfer from the Brown Brothers, Co this time to the City for the same property (Figure #1-3) completed the sale. This double action was necessary to clear the land title of any legal confusion of ownership. The Brown Brothers Co. had included this piece of land in a June 9, 1930 transfer by warranty deed to the Browncroft Realty Corp.

On February 27, 1953, the Board of Education accepted the offer of Julius J. Melens to sell his property. On June 10, 1953, Julius and his wife Elizabeth L. Melens conveyed to the Board of Education of the City of Rochester 12.80 acres of their property (Figure #1-4) for \$35,000. The City at the time took no immediate action to expand the school or improve the property for school use.

Having finally acquired after 25 years, not just the 3 acres they originally sought, but the full Melens' parcel that Louis always insisted on selling and which resided in the Town of Brighton south of Dorchester Road to within 250 Ft of Blossom Road from the Browncroft Realty, Inc., Brown Brothers, Co. and Julius Melens, the City of Rochester was able in 1954 to legislate the annexation (Figure #1-5) of the 14.88 acre property from Brighton.

The former Melens' property remained vacant and unused by the school while the former orchard stayed over grown for many years thereafter.

In 1955, the Melens tract along Blossom Road between Newcastle Road and Fairhaven Road had 2 new houses (1260, 1270) built just to the east of original Melens homesteads (i.e. 1238, 1254).

Plans were formulated in the 1950's for the construction of the Outer Loop (Sea Breeze Expressway). In 1959 the Public Works of NYS acquired about 14 ft of property depth along the north line of Blossom Road for highway purposes from the Melens tract property in Brighton.

During the late 1950's early 1960's, Alaimo Builders, headed by James Alaimo, was very active on the city eastside and suburbs in home construction. The housing demand was still very strong after the World War II and Korean conflicts. Alaimo's interest in developing available vacant land with housing led to the commencing of the initial planning proposals for the former Melens' orchard property and on June 6, 1961 a map by Carmichael and Muerb was filed with the city describing a new tract on the city property with the designated lots 1 to 27 inclusive.

On Monday, April 24, 1963 around 5:30 AM School 46 was damaged extensively by a \$100,000 fire. Flames were confined to the combination gymnasium-auditorium, but several classrooms suffered smoke and water damage. None of the about 400 students and school staff was injured. The School reopened on Friday April 26th. Fire officials said evidence indicated that someone had broken into the two-story, brick building and set fire to papers and curtains in the auditorium.

School #46 was expanded in 1964-65 to complete the original plans. All effort was made to conform to the architecture envisioned in 1931. The original points where the "temporary" wall stopped at the city line can still be seen today by sighting the difference in brick and roof shingles that indicate the end of the original structure. The retaining wall along the basketball court is the east end of the original property along the old City/Brighton border.

On March 23, 1967 Asta Builders and Developers, Inc. was incorporated naming James V. Alaimo as Treasurer. Then on Dec. 11, 1967, Asta Builders and Developers, Inc. purchased for \$39,000 7.4 acres of land from the City of Rochester. (Figure #1-6) A month later on Jan. 9, 1968, Asta acquired from First Federal Savings and Loan, a \$106,700 mortgage for Lots 1 to 27 of its new Asta Subdivision off Blossom Road. The only road in the subdivision leading to a cul-de-sac was named Priedeaux Park. Two building permits were acquired on June 27, 1968. James Alaimo was listed as residing on Towpath Lane and the two homes were shown at #30 and #38 Priedeaux Park at \$15,000 and \$17,500 respectively.

Around 1970, the Priedeaux Park street residents fell out of favor with the street's name and petitioned the city to have the street renamed to Gaslight Lane.

Property Assessment records indicate that #38 Gaslight Lane, a split level, was the first house built in 1968. The raised ranch built later next door at #46 was eventually foreclosed upon and fell into severe disrepair. The property was subsequently bought by the owners of #38 and demolished. They then extended their own home with a new wing to the north. Today #38 is listed as the only double lot wide on Gaslight Lane.

This was followed by #15 and #21. Dr. Stephen Alaimo, brother of tract developer James Alaimo, lived at #21. The year 1968 also brought #3, #29 and #30. Building stopped for 2 years until 1970 when 9 houses went up at #8, #22, #37, #45, #94, #95, #103, #104, and #111. The year 1971 saw 9 more at #53, #54, #61, #62, #70, #71, #77, #86, and #116 The tract was finally completed in 1973 with the building of #78 and #85.

Chapter II

- Tract Development 1967 to 1973 - A neighbor's recollection

By Terry Speck, 15 Gaslight Lane

(Editor Note: Terry's family moved onto Newcastle Road in the fall of 1960 and in October 1968 they moved to 15 Gaslight Lane. After college and a brief time living on the Westside, Terry moved back to Gaslight Lane in 1982.)

The street was simply a city owned vacant lot, with access off of Blossom as it is today. The "field" as it was called extended all the way to Dorchester. After the fire in the gym of School 46 in 1963, the city used part of the land for reconstruction. The gym was enlarged, an Eastern wing built and the playground, parking lot and athletic fields were developed. The cement wall west of the rear basketball court is a vestige of the divider between former vacant land and school property. This actually extended north, behind the gym, to just short of the outbuilding. A chain link fence was installed at the Southern border of the school property, existing today.

The 1963 fire at School 46 happened at approximately 5 to 6 AM. That's why there were no injuries! I remember my dad waking me up after all the RDF trucks cam roaring down Newcastle to watch the firefight. Later on in the morning the kids helped the crews roll up hundreds of feet of hose, and of course we were elated of the fact that there'd be no school for a few days. The arsonist also set a smaller fire at School 28 around the same time in 1963 and served time for both crimes.

The house at #1 Gaslight Lane stands on the northern part of the backyard of 1238 Blossom Road. In the mid-70's this Brighton parcel was sold and the home constructed.

Prior to the 1968 construction of #3 Gaslight Lane, the city owned lot was a dumping ground for sidewalk slabs the DPW had replaced around the eastside. Due to the haphazard array the area was a playground in itself for the neighborhood kids. Many a fort was dug in and around this area and of course if a new washer or refrigerator was delivered nearby the packaging box soon was incorporated in any plan.

Where #53 and #54 now exist, a row of 5 to 6 cherry trees stood, perpendicular to the current roadway. An old, decrepit oak stood approximately where #53 Gaslight is now. These were most likely the plantings on the prior orchard acreage and were the only items left on the plot of land. The cherry trees were great to climb and led to many a sore stomach when the fruit came into season.

In late 1967 Asta Developers bought the land and construction began. As the street access was in Brighton, sewers, water and streetlight lines came in off of Newcastle. They ran behind the tennis courts and made a 90 degree turn, south, near the fence gate, ending at the Southern most end of the new road. The gate was installed between #111 and #116 to allow kids to get to 46 without a long walk around. The city did not want to allow the easement for a sidewalk and the land was simply split between the 2 homes, with the gate forever locked closed.

While bulldozing the topsoil away, a deep gouge in the land was formed, roughly where #71, #77 and #85 are now. With heavy fall rains, this area would flood and the result was a skating rink for the kids. This existed for some 4 years until the aforementioned homes were constructed in 1971.

When word of this new street got out, the city zoning hearings drew the interest of a group of nuns from the Mercy Motherhouse. The road needed a name and they proposed honoring a former Priest who had worked in the area hundreds of years ago. Hence Father Priedeaux was honored with the original street name of Priedeaux Park.

Homes at #3, #15, #21, #30 and #38 were the first to be built and occupied. The two homes flanking the cul-de-sac went up next. In late 1968 and 1969 there were neither 911, nor computer aided dispatching for emergency services and actually each agency had its own 7 digit phone number and to convey a proper spelling of the Priedeaux street name became impossible. Compounding possible emergencies, the post office, pizza deliverymen and almost every store that delivered could never get it right. In light of this, a small group of neighbors requested of the city that a change be made; a simplification if you will.

At this time a huge Rochester Gas and Electric gas storage tank still existed across Blossom Road from the street. Also considered was the style of "gaslight looking" streetlights as we still have today. In light of all this, Gaslight Lane was born.

Due to the economy even in the late 60's the original developer pulled out and it was months for a second contractor to begin again. He built numbers #8 and #22 and more on the cul-de-sac, before he went bankrupt. Finally a third developer entered the picture to complete the homes in the middle, with final construction done in the early Seventies, completing the street as it is today.

Chapter I Resources

Media:

Rochester Democrat and Chronicle. Nov. 16, 1929
Rochester Democrat and Chronicle, Wednesday, April 1, 1931
Rochester Democrat and Chronicle, Monday, April 27, 1931
Rochester Democrat and Chronicle, Friday May 15, 1931
The Daily Record, May 19, 1931
The Daily Record, May 28, 1931
Rochester Democrat and Chronicle, July, 1932
Rochester Democrat and Chronicle, July 13, 1932
Rochester Democrat and Chronicle, Thursday, Aug. 19, 1948
Rochester Democrat and Chronicle, Aug. 24, 1932
Citizen-Advertiser, Auburn, N.Y., April 25, 1963
The Daily Record, Aug. 14, 1968

Deeds:

Liber 241, page 483; H. Starr to M. Gunkler Feb. 13, 1871
Liber 254, page 181; M. Gunkler to J. Sipple Apr. 10, 1872
Liber 600, page 192; M. Gunkler to G. Gunkler Apr. 19, 1898
Liber 679, page 451; M. Gunkler to L. Melens Dec. 9, 1903
Liber 1106, page 95; Brown Brothers to City of Rochester Jan. 17, 1921
Liber 2537, page 433; L. Melens to J. Melens Jan. 14, 1949
Liber 2727, page 134; Browncroft Realty to City of Rochester Dec. 19, 1951
Liber 2734, page 338; Brown Brothers to City of Rochester Jan. 10, 1952
Liber 2831 (Agreement), page 214; J. Melens to Board of Education Jun. 10, 1953
Liber 2831, page 220; J. Melens to City of Rochester Jun. 10, 1953
Liber 3216 (Appropriation), page 421; NYS to City of Rochester Jun. 26, 1959
Liber 3836, page 491; City of Rochester to Asta Builders Dec. 11, 1967

FIGURE #1

- ① Brown Brothers, Co. to City of Rochester - 3.484 acres
January 14, 1921; \$24,500; Liber 1115, Page 493.

- ② Brown Brothers, Co. to City of Rochester – 0.152 acres
January 17, 1921; \$1,012; Liber 1106, Page 95.

- ③ Browncroft Realty, Inc. to City of Rochester – 0.30 acres
December 19, 1951; \$1.00; Liber 2727, Page 134.

Brown Brothers, Co. to City of Rochester – 0.30 acres
January 10, 1952; \$1.00; Liber 2734, Page 338.

- ④ Julius Melens to City of Rochester – 12.80 acres
June 10, 1953; \$35,000; Liber 2831, Page 220.

- ⑤ Annexation of 1954 included properties of 2 + 3 + 4 above.

- ⑥ City of Rochester to Asta Builders and Developers, Inc. – 7.4 acres
December 11, 1967; \$39,200; Liber 3836, Page 491.

FIGURE # 1.

