

CHILI PLANNING BOARD  
October 15, 2013

A meeting of the Chili Planning Board was held on October 15, 2013 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 James Martin.

PRESENT: Richard Brongo, Karen Cox, David Cross, John Hellaby, John Nowicki, Paul Wanzenried and Chairperson James Martin.

ALSO PRESENT: Michael Hanscom, Town Engineering Representative; Michael Jones, Assistant Counsel for the Town; David Lindsay, Commissioner of Public Works/Superintendent of Highways and Building Department Representative.

Chairperson James Martin 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.

INFORMAL:

1. Application of Lou Bivone, owner, 55 Alliance Drive, Rochester, New York 14623 for revised site plan approval to allow additional parking areas at property located at 3765 Chili Avenue in NB zone.

Matt Sinacola, Lou Bivone and Kevin Bullis were present to represent the application.

MR. SINACOLA: Good evening, everybody. My name is Matt Sinacola with Passero Associates.

Mr. Chairman, members of the Board, thank you right off the bat for setting this meeting up. I know it was a little beyond the normal routine of things, but we appreciate that to at least give us a hearing on this.

The desire is to move this forward as quickly as possible. Lou Bivone is here tonight who has specific concerns about getting his parking expanded for the operations on this site. So I just again want to thank you all for getting together to at least hear this and potentially move this along quickly.

As far as the -- the application, um, we are attempting to get an expansion on parking for the obvious need -- if anyone has been by the site and seen the customer traffic on the Creekside Commons during the late evening, early evening, business hours, we're pleased to say that the plaza has been very successful. All of the retail space is leased out. There is activity there.

And although we did the best we could to estimate parking during the approval process of this project, we can never know exactly who the tenants are going to be and what the user traffic is going to be like, the density. The best measure of that obviously is to see what it is in hindsight.

With hindsight, we obviously are seeing a peak usage with the dance studio, the salon -- not so much the bakery in the evening hours, but with the restaurant added in, there is a lot of people coming in and out. There is a need for parking.

And Lou (Bivone), correct me if I go off track a little bit as far as the timeframe, but I'm assuming it's about a two-hour window during the dinner hour?

MR. BIVONE: Yes, that's about it. Two hours is --

MR. SINACOLA: I have been there -- I have been a patron to some of the businesses there, gone to the restaurant and actually observed what is going on and that is what I saw.

And there may be -- I think it's a fairly -- not much of a stretch to assume some people are driving into the complex, not having a place to park, maybe with the intention to go to the restaurant and turning around and leaving, which is the big concern we have and why we're here tonight.

From the onset, we looked upon this as being potentially just an administrative action. I know the Board has probably discussed this. The impact is fairly minimal from our analysis and standpoint. The scale of the -- of the request is pretty minor. Um, there are no identifiable impacts to speak of. The additional parking is an area that we're proposing that is pretty much obscured and hard to see from the road. And the area we are proposing for the 11 parking spaces was identified as a potential expansion area on a concept plan that everyone kind of looked at early on during the approval process.

So with those thoughts in mind, we thought this should be a no-brainer, but given the speed at which we want to try to execute this and also the fact that we did need to obtain a variance from the Zoning Board of Appeals by encroaching on the landscape buffer area, we thought it best to formalize this process and go through Boards, this Board specifically. We knew we had to go before Zoning.

We did that. They did grant us the variance at the September 24th meeting, and tonight

we're before you guys to try to conclude this process or get your input on this. We did look at alternatives. There were two areas proposed, again, to that concept layout that we alluded to earlier. There was an area in the back that would have involved modification and regrading of the storm water ponds. We thought that the degree of impact resulting from that was unwise and unnecessary given that the alternate area had minimal impacts. Um, so that is what the justification for that location really comes down to.

The -- the area will require a retaining wall so we can get the right grades in there and maintain the drainage configuration that we're looking for. There will be a low retaining wall on the back side, facing the property to the east. It will be about 3 1/2 feet tall on the north side and about 5 1/2, 6 foot tall on the south end.

We would extend the vinyl white fencing that in kind exists to the north and bring that around on top of the wall to completely obscure the parking from the view of the neighbor to the east. And we have also shown some additional evergreen trees, shrubs, I should say, between the property line and that retaining wall.

Um, lastly, the -- the existing landscaping out there, um -- there is a little bit impacted by being -- being eclipsed by the extended parking. The intention there would be to relocate those plants. We could expand on the existing landscape beds and just incorporate them elsewhere on the site. So net effect would be an increase of landscaping plants, the Arborvitaes I believe, we're proposing for the back side of the wall.

The fence should obscure car lights from impacting the neighbor to the east. And the amount of disturbance should be pretty minimal.

We have positioned the parking such that the parking spaces will fall directly east of the existing sidewalk easement that was established when the project was approved. The Board may recall that was added in addition to the existing access easement that services Number 10 and 20 to the south. Willowbend.

That is being proposed to just be a striped access way now, crossing that asphalt. It would join up with the potential extension of that sidewalk, if that pedestrian was ever -- ever constructed. I don't really see that as being, um, likely, but it's a possibility.

I guess that's about it. We can go into more detail on things if you would like.

Any questions?

JAMES MARTIN: You're proposing 11 along that east border of the property, 11 additional spaces. And on the revised plan you submitted, there is also a space for employee parking back alongside the ponds in the back of the building; is that correct? So we're talking about a total of 17 additional parking spaces for the property itself.

MR. SINACOLA: Yes. I think there was a little language that went back and forth. I think the employee has been parking over there already, Lou (Bivone)? Is that what is going on? I think there have been traffic vehicles parked in that access way, and I think we're asked to formalize that by showing the actual spaces that are there.

Um, so the total we're showing on the plan, yes, includes those, as well. Um, but they're -- I guess they could be defined as additional parking spaces, that's true. But there is really formalization of what is being used already. There is an access road there and people are parking there.

Part of the good news with this -- with the 11 ones being formally adopted, it would take away some of the need for those under -- along circumstances. Again, that kind of gets into these peak hour things where there will be a couple hours where maybe every space available will be used up. The goal here was to try to address the bulk of the need without getting into too much more adjustment on the site obviously. This is really the best solution, so.

JAMES MARTIN: There are some comments from the Town Engineer.

MR. SINACOLA: Yes.

JAMES MARTIN: Have you -- are you prepared to comment back to us on what is in this letter dated October 15th, to you?

MR. SINACOLA: Yeah. I did get a copy of that today. I will put my fingers on it. I guess we don't, um -- Michael (Hanscom) makes note of the additional impervious area and whether the storm system will handle that. I have no reason to believe it will not. There should have been enough residual extra to its capacity to handle that fairly small area. We can double check just to make sure. I don't see a problem there.

Um, he has also recommended the signage be installed at the new parking area, instructing vehicle operators to avoid blocking the striped pavement area, which is alluded to -- is the walkway connection area.

I guess we don't have a problem with that.

It makes sense. It seems likely people will pull all of the way in any ways just to keep the vehicles far off the travel lane as possible, but it's a fair precaution.

Mike (Hanscom)'s recommending in here on Item 4 a reconfiguration, I guess, of the easement, sidewalk easement, 5 foot to the west. Essentially I think this would replace -- or it would switch the parking spaces, bringing them back to the west, and then having the sidewalk wrap around that.

Um, I guess I -- I -- we could do that, but it just doesn't seem like it really has much benefit.

The -- the usage here is pretty minimal, if at all. I think if we were on Chili Avenue and we had a drugstore in front of us, there would be no argument, but I don't know if we have any pedestrians to speak of using this road. And those on site are going to pretty much walk in whatever direction they choose to get to the nearest door, I would suspect. So I guess we would

argue against that.

The -- I think the hashed, painted walkway is enough, and I think it's better from -- perhaps from a safety standpoint just getting the vehicles further away from the travel lane.

JAMES MARTIN: I think those are the ones that we're -- that were technical in nature.

MR. SINACOLA: Okay.

PAUL WANZENRIED: Is there no access or sidewalk access on the south end of this new parking you propose to the existing -- looks like island? To the west?

MR. SINACOLA: I don't believe there is. No. I believe that's all curbed. Yep. That is all curbed, all of the way around. The only drop curbing for handicapped accessibility is the crossing that is marked to the north of that parking area.

PAUL WANZENRIED: Okay.

MR. SINACOLA: We have detailed, of course, that installation at that corner.

PAUL WANZENRIED: I see that.

MR. SINACOLA: Because that will have to be reconstructed.

PAUL WANZENRIED: I agree with the engineer's comments, specifically more Number 4, that that sidewalk should be traded. I think if people are parking there, you want them to come in and safely-- safely across above, as opposed to meandering out into the walkway.

Do you know the width of the access aisle where you're putting employee parking?

MR. SINACOLA: This is down by the storm ponds you're talking of?

PAUL WANZENRIED: Yeah.

MR. SINACOLA: I believe it's pretty minimal. That really wasn't the intention of that area. It was more or less an access drive for maintenance purposes for the storm water ponds. It really wasn't intended for parking, per se.

PAUL WANZENRIED: Do you have any intentions of widening it to allow for travel? If I'm parked to the side and I'm one of those two spots that are at the back end, will I have enough to get around? Am I concerned that -- there are concerns there.

MR. SINACOLA: There are two widths there now, two-vehicle width there now.

It is obviously a situation where if someone comes in afterward and parked and blocks it all off, then there is no way to get out, but the presumption would be this is employees only and that they would know better not to do that. I haven't really seen the parking behavior myself.

Lou (Bivone), maybe you know more about it.

MR. BIVONE: Lou Bivone.

That's been used for about ten months now and we have had no issue. We basically put it there for employee parking only to free up the spots in the front and the back. And they -- they have -- we had a complaint from the neighbors that the headlights were bothering them when the cars pulled down. Actually they have been backing down, but he said actually, it was the snowplow guy that is right here that was plowing the snow and pushing it there, and the lights were bothering them, so we extended the fence by 24 feet so the headlights would not bother them.

So we have been using that area and we had no issues. It actually gives us an extra six parking spots we have been using, which is still not enough.

Now, getting back to the sidewalk, but putting the parking and the sidewalk in front -- I have been there for three years. I have never, ever, to this day seen anybody walk that sidewalk. And believe me, this is the -- you can ask our tenant or the neighbor next door, Rick, which I thought would be here tonight, he was going to verify and agree that he has never seen anybody use that sidewalk in 3 years -- or 2 1/2 years or whatever it has been. Nobody walks that sidewalk.

They get their mail from their vehicles. They pull up front, grab their mail with their vehicle and drive down. Nobody comes up that sidewalk. There is no need for anybody in the back to come up that sidewalk. They don't go to the restaurant to eat, we know that for sure, which is no problem, because we're surviving without them. But it's not used.

And I would totally agree, if there was traffic in there, I would say that we probably should put the sidewalk in front, but I think we would spend -- spending a lot of my money to do something that is really not needed.

Mr. -- or Dario (Marchioni) was supposed to extend that sidewalk and naturally, he never did, so that just tells you there is no use because his tenants aren't complaining about it.

I really don't think it would do us any justice and would be a waste of money to put that in.

JOHN HELLABY: How many homes are there?

MR. BIVONE: Two homes with three people living in them. One woman who is by herself and there is a couple that lives in the other one on stilts. They're all basically on stilts because they flood out.

PAUL WANZENRIED: Last question would be the snow, where would you put the snow for this newly created parking?

MR. BIVONE: Kevin (Bullis), you want to answer that for the snow?

JAMES MARTIN: Name, please.

MR. BULLIS: Kevin Bullis. Any of the snow areas, I -- I would assume would be -- be pulled out and brought back down towards the back for two reasons. One, um, so that there is not an excessive melt-off and runoff as it would start to melt away; and two, we're not using up any parking spots that we're ultimately trying to achieve here. So.

PAUL WANZENRIED: So you will pull it out and push it out in the back?

MR. BULLIS: Correct. Nothing would be pushed up on curbs or banks or anything like

that. It would all be brought back towards the back parking area.

JAMES MARTIN: Just a quick clarification. And, you know, Paul (Wanzenried), you brought it up about the Town Engineer's report about moving 5 feet to the west. Just did a couple quick measurements there. It -- it makes it pretty narrow for cars backing out, all right, if you use 5 feet on the east side. You're down to about 20 feet between cars parked on the west side of this access road and cars parked on the east side of the access road. So I don't know whether that would be a tenable situation or no.

DAVID CROSS: No. You need 24.

JAMES MARTIN: It does skinny it down quite a bit.

KAREN COX: People almost back into each other in the Wegmans parking lot and that is a huge aisle.

MR. SINACOLA: I understand what Paul (Wanzenried) is saying. Ideally if room was no option, that would make sense. But it really makes a condition, the way we propose, no different than the people parking on the opposite side of the front parking lot. They have to exit the vehicle to the rear and cross the parking lot. So there is really not a lot of difference, so I just don't really see the advantage.

JAMES MARTIN: I did a quick measurement. It's 25 feet right now, obviously. If you lose 5, you're down to 20. So it's pretty tight to do it.

MR. SINACOLA: I think I made the argument, that if I'm painting it and having it hashed, it really calls attention to it and indicates to the drivers that that is a pedestrian walkway, like a crosswalk. So I think it -- under most circumstances, that would advertise more sternly that that is an area that you're not supposed to be parking across that. I don't think anyone will, but I think it works out better, believe me.

MR. BIVONE: I totally agree with the signs that they're considering about the signs to put up. We would definitely put that up. I don't think that anybody would park in the hashed area, but we would put the signs up. That is not a problem.

KAREN COX: I tend -- I guess if we're, you know, continuing the discussion about comment Number 4, I tend to agree with the engineer's assertion that people who park in there are going to jump out of their vehicle and head towards the back of the vehicle, to the building. Just having watched people in parking lots over the years, knowing what I do, if I pulled in, even if I was down at the south end, I wouldn't really walk on the sidewalk.

Then I would have the concern that Jim (Martin) brought up with people not being able to back up in a real tight space of possibly hitting people on the other side. So the walkway, the striped walkway, I think, addresses the -- the small concern that there might be pedestrian traffic from the -- I never see people on that sidewalk either and I go by that -- all that -- all that plaza all of the time. So, you know, I like the way it is laid out now.

Is there a possibility, I guess, just like where the employee parking is, that -- that a customer could ever park down there?

MR. BIVONE: No. When the customers come, the parking lot, that little area down there is full. The employees start at 11 in the morning and customers come after.

KAREN COX: Those are already filled?

MR. BIVONE: They're already taken.

KAREN COX: It would be obvious that is not for customers. Okay. That is all I had.

JAMES MARTIN: You can tell that by putting signs --

MR. BIVONE: Employee only.

JAMES MARTIN: -- employee parking only.

MR. BIVONE: We can do that, too. That's not a problem.

JOHN HELLABY: Curiosity question.

Are there any considerations been given to restructuring the storm water areas and putting the spaces down there?

MR. SINACOLA: Um, yeah. We could, John (Hellaby). I mean, obviously that is a possibility. Um, it -- it would mean disturbing that whole area again. It would introduce quite a bit of additional expense. We would have to, as I say, rebuild essentially the storm water ponds. Because to maintain that volume, we would have to shift the embankments, both the northern end, side and southern respectively that amount further out.

We could employ a retaining wall to some extent along the embankment, but that -- having it fill with water gets kind of problematic. I --

JOHN HELLABY: Just a curiosity question.

MR. SINACOLA: It is -- it's not impossible, but the option we're showing is a lot more logical.

JOHN HELLABY: This is one of those things that I think a year from now when the restaurant is blowing the doors out to get people in there, you're liable to end up back here for that anyhow. But that's all.

JAMES MARTIN: That's where you consider underground storage or some technology like that. I mean, you have done some calculations. I don't know if 11 spots is going to clear up your issue. I'm one of those people that have driven down in there several times, couldn't find a place to park and drove back out again.

MR. SINACOLA: I have seen that, too.

JAMES MARTIN: 11 is going to help, but I'm not sure it is going to solve the entire problem.

MR. BIVONE: Mr. Chairman, it will help, because my daughter owns the dance studio. What she has done is she has actually changed the hours now. Parents dropping kids off and

picking kids up, she has made this 15 minute -- I'm not sure exactly what she did, but this year it has been much better.

Last year it was a total disaster. We had parents that were complaining, parking in Byrne Dairy. But this year she made this 15-minute -- you drop your kids off from 8 to 9 and you don't come until quarter after 8 until quarter after 9. It made a tremendous difference. It has helped it almost enough where I would say we're doing quite well right now, but the restaurant now has closed the patio basically because it's getting cool and my daughter just opened September 1st.

We have that one month issue, and we're going to have it in June, and that's about it. During the winter we're okay. It's just that issue that we need to deal with, and some of the parents said, "Well, if I can't park, I'm not going to bring my daughter here."

Restaurant people say, "If I can't park, I won't come back and eat here."

So that 11 spots is going to make a tremendous amount of difference. And plus with what my daughter has done with her schedule. I just talked to my daughter before I left, and I said, "How's it been?"

She said, "Dad, it's been great, but we still have a couple, you know, spots."

I have been there on Thursday nights. Thursday night is the worst. It's when the restaurant is busy, my daughter is busy and I sit on the patio and I look around and say, "Boy, there is not one spot left."

We see two cars pull in; they pull out. I said if I had 11, I would have two more spots available and maybe two more. So it's going to make a big, big difference.

KAREN COX: So the dance studio is not open in the summer?

MR. BIVONE: Dance studio closes when school closes, so she is closed June, July, August. She opened -- actually, she closes the first week of June, after the rehearsal. She is closed -- restaurant gets busy because the patio opens.

My daughter opens the first week of September and the restaurant sort of fades out, the patio sort of dies. So it is working out quite well, but it's just that 11 would really, really help out.

And if it doesn't, if they get busier and busier, then they will have to go eat elsewhere. My daughter -- I built the plaza for my daughter, not the restaurant. So my biggest concern --

KAREN COX: Not a bad problem to have, I suppose, when you see other places that aren't doing well.

MR. BIVONE: Right.

JOHN NOWICKI: Sheet 2, you show a fence detail, 8 feet high, and on the Sheet 1, you have got 6 feet.

MR. SINACOLA: It should match what is out there. It should match what is out there.

JOHN NOWICKI: So 6 or 8?

MR. SINACOLA: It should be 6.

JOHN NOWICKI: Sheet 2 says 8.

MR. SINACOLA: Okay. That's a typo. That's a typo. It will be 6.

JOHN NOWICKI: Okay. That's all.

DAVID CROSS: Lu Engineers comment Number 4 was my big concern, but I -- but I think I'm satisfied with the way you have it, Matt (Sinacola), and Lou (Bivone). I think a couple signs would really help there. Just what we talked about.

So my only question would be for the side table -- so 17 new parking spaces, are they going to have to put a handicapped spot in or, no?

MICHAEL HANSCOM: I don't think so. I think the four spaces they have is good.

JOHN CROSS: It is 1 per 20, 1 per 25?

MICHAEL HANSCOM: I think it is 4 up to 75 or something like that.

DAVID CROSS: That was my only other comment. Sounds like we're okay.

MICHAEL HANSCOM: I believe so.

RICHARD BRONGO: All my questions were answered, so I'm good.

MR. JONES: I don't have anything further. Although, I would like a copy of the easement that was discussed per the engineer's comments.

PAUL WANZENRIED: Is there a light pole in that area?

MR. BIVONE: No, there isn't. That question was brought up at the Zoning Board. There is enough light from the patio. The patio lights are on every night that shine across that parking to light up the other 11 spots. That was a concern that was brought up in our last meeting. So we have addressed that.

PAUL WANZENRIED: I didn't notice a pole there. All right. Thank you.

JAMES MARTIN: Just again, for the record, um, they did apply for a variance on the side setback, and that was approved at the September 24th, 2013, Zoning Board meeting.

Michael Jones, we did SEQR at the original site plan approval. Do we have to reaffirm that tonight or just not do SEQR?

MR. JONES: No. We're fine with SEQR because at the ZBA meeting, I recall the ZBA made themselves lead agency and made a declaration there, so without objection from this Board, that SEQR continues, as well, so we're fine.

JAMES MARTIN: Okay. So we don't have to do SEQR.

Thank you.

In the Town Engineer's letter there was a request that this approval was subject to final approval of the Town Engineer and Commissioner of Public Works. That's basically a condition that I believe was appropriate to impose on this.

Otherwise, I don't have anything written down as far as other conditions at this point in

time. I think I would like to have you post that "Employee parking only" sign.

MR. BIVONE: In that little road.

JAMES MARTIN: In that area.

On the application then for the revised site plan with that -- the two conditions, approval of the Town Engineer and the Commissioner of Public Works, posting "Employee only parking" sign on those six spots.

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

1. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
2. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
3. The applicant shall post a sign indicating employee only parking for the six parking spaces located between the existing storm water management areas.

Note: A SEQR determination was completed at the time the original site plan was approved.

JAMES MARTIN: Good luck. I hope this solves the problem.

The meeting ended at 7:07 p.m.