

CHILI PLANNING BOARD
March 8, 2011

A meeting of the Chili Planning Board was held on March 8, 2011 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: Karen Cox, David Cross, John Hellaby, Theresa Reilly, Paul Wanzenried and Chairperson James Martin. John Nowicki was excused.

ALSO PRESENT: Michael Hanscom, Town Engineering Representative; Keith O'Toole, Assistant Counsel for the Town; Pat Tindale, Conservation Board Representative; Brad Grover, Traffic Safety Committee Representative; James Ignatowski, Architectural Advisory Committee 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.

JAMES MARTIN: I will change the agenda slightly tonight. We'll go ahead and do the discussion item first. The first item that we will talk about tonight is the Genesee Valley Regional Market proposed industrial use at 1861 Scottsville Road in L.I. and FPO zone.

FOR DISCUSSION:

1. Genesee Valley Regional Market - proposed industrial use at 1861 Scottsville Road in L.I. & FPO zone.

MR. HOTTO: Good evening. My name is John Hotto of Lu Engineers, representing Genesee Valley Regional Market Authority.

We're here to informally present the Genesee Valley Regional Market project at 1861 Scottsville Road, which is south of Ballantyne Road, um, and just west of the Genesee River, the -- the river is right across the street from Scottsville Road at that location.

The site is currently 80.3 acres roughly. Based on what we've determined, it was previously a gravel and topsoil stripping quarry. It's actually the -- the north end of a drum land geologically, so there's a lot of gravel that they hauled out of there. It's very well drained. Successional vegetation has covered the site over the years. We believe as part of the quarry operation, wetlands were created in the past. The site has about 25 acres of wetlands which we're preserving for all practical purposes. We have to -- we're impacting just a small -- like under .1 acres of wetlands at the northeast corner of the site to provide an entrance driveway.

But Genesee Valley Regional Market is proposing approximately 70,000 square feet of warehouse buildings, four individual buildings. Each building is about 20,000 square feet. In fact, two of them are 20,000. Two of them are 15,000 square feet.

That's the initial Phase 1 venture, but they would also like to entertain the possibility of a Phase 2 portion of the project at the rear of the site, west end of the site, of about 60,000 square feet. Getting approvals for that, as well, now in anticipation of future development in that area, if the market will bear it.

So we've got -- we're proposing about 3,000 square feet -- or 3,000 lineal feet of road to access the rear of the site, and we're proposing private water main service and private sanitary sewer service to reach the facilities in the back of the site.

Phase 1 utilities, we'll probably just serve Phase 1, and we would not put the full extension in all of the way to Phase 2 until a later date.

We're in the process of getting a driveway permit, and analyzing the traffic situation, and we anticipate submitting for preliminary plan approvals for the April meeting. And we have -- Mr. Bill Mulligan here is the general administrator of Genesee Valley Regional Market. He might be able to shed some light on the basic business plan of the project.

BILL MULLIGAN: Thank you, John (Hotto).

Bill Mulligan at 900 Jefferson Road in Henrietta, zip code 14623. I've managed the market for the past 26 years. We have about 130 acres on the property. There's 170 companies with about 2,000 employees. Basically, we came over and bought the land in Chili about a year and a half ago because everything in Henrietta is pretty much built out. I've also served for about the last 28 years on the Town Board in Henrietta.

The only industrial land available in Henrietta is, you know, 200, 250,000 an acre. The Barbatos brothers owned this land for a number of years and we were able to pick it up for a little over \$2,000 an acre. I would guess the construction cost will be somewhere in the neighborhood of 20,000 an acre, and we have four major tenants right now that would like to be on the property. One is American Filtration Corporation.

We're pretty much doing it exclusively agribusiness. We recently have had some dealings

with New York State, and have turned over a lot of our surplus cash, about \$14 million to help the State with some of their projects, but the market is very profitable. We run it for about \$0.20 on a dollar, so the profit each year is about \$3 million.

The filtration company basically does filtering for wineries and breweries, and then we're looking at Hillside Meat Packing. It would not be a slaughter type deal, but a frozen product would come in and then be distributed from the site.

The third use would be a soup commissary, which we're talking very seriously with right now. And then the fourth one is Agrium, which is a large seed company. They do about ten billion a year, have about 12,000 employees. This would be their first effort in Western New York.

But we're very optimistic about pursuing this proposal, and hope the Board looks favorably upon it. If there are any questions I can answer on it, I would be happy to.

KAREN COX: Just a question about the business. The facility that you have now over in Henrietta is more -- it started out kind of as a warehouse type thing that has turned into having more retail area like -- people like myself would go to. Is that going to be the same type of use here? Is it mostly just warehousing?

MR. MULLIGAN: I see this pretty much warehousing because of the location, and it's back off the road. You know, that front portion, I think back about 300 feet is pretty much wetlands so you wouldn't be able to see this from the road. But, you know, having worked with Planning Boards for a number of years, there's a lot of natural screening, but if there were additional that were required by this Board, we would do that.

The State also, in this new role they're playing -- you know, for 26 years I never had anything to do with New York State. They basically identified us as one of the few authorities -- there's about 700 of them in New York State that actually make money. Authority debt in New York is like 170 billion. We haven't had any debt since I went over there back in '85.

And they want pretty much agriculture, and that's why I'm on the phone every day with these seed companies, produce companies. They can live with food distribution, but, you know, Jefferson Road, you're talking land that's valued over a million dollars an acre. This land even with the infrastructure and improvements will be valued at 40,000 an acre. We may do some land leases. I talked to a company today that's a produce company out of the Carolinas, and they are thinking about maybe leasing two acres and then putting up their own building.

But as you can see by the renderings, since I went over to the market in the middle '80s, we put up 27 warehouses. We do them out of block, they're very attractive. We paint them every three years. We put a couple hundred thousand each year into the blacktop. And I think the market -- I've looked at hundreds of markets around the county. I think this is as attractive as any. Back in the '50s and '60s it really struggled. It was almost sold at one time. There were no tenants there. But we went down to Albany and got the legislation changed to allow restaurants, hotels, banks and it works. And it employs a lot of people. The market in Henrietta pays about a million two a year in taxes, and it creates jobs. And in the end, in this area, it's all about jobs.

JOHN HELLABY: Pre-engineered type buildings or --

MR. MULLIGAN: We've done some pre-engineered buildings, John (Hellaby). I think -- you brought some photos? I think everything you're seeing there are block buildings.

JOHN HELLABY: So those would be similar to what you're proposing?

MR. MULLIGAN: Yes. A pre-engineered building you can save about \$10 a foot. So instead of the building -- we use prevailing wage to keep the Unions happy. Instead of spending, you know, \$50 a foot, you might do it for 40. But, you know, all of the original buildings at the market have been replaced. Everything is basically brand new. About ten years ago I put in a new 12-inch waterline replacing the six. I put in a 10-inch sewer line replacing the 4. So although the place opened up in '55, it's basically a brand new facility. And I think that's why people stay there. We don't have any vacancy. And I have 25 companies looking for space.

JOHN HELLABY: Single story, I assume?

MR. MULLIGAN: That's what we've done historically, yeah.

JOHN HELLABY: Looking at the layout you have here, it doesn't look like -- there isn't an awful lot of truck dock type space here. You've talked about a couple of businesses that might have quite a bit of truck traffic coming and going. Has any thought been given to that configuration there?

MR. MULLIGAN: I don't think we've actually done any architectural work on buildings yet. But having put up, you know, a couple dozen buildings, you've got to have at least 125 foot, you know, for these big tractor-trailers. You might want to respond to that.

MR. HOTTO: The preliminary engineering plans will incorporate truck movements. This basic layout is a circulation where trucks will access the site. The entrance driveway will be designed for wheel base 67 trucks. It's very heavy warehouse-oriented truck traffic. The road section will be heavy duty, built to Town specs. Like -- as Bill (Steimer) said, once we determine the exact customer or tenant needs, then the truck access to the back of the building will be more refined.

JOHN HELLABY: Closed storm sewer system, I assume, would you say?

MR. HOTTO: Yes. We're going to, um, adopt the current New York State storm water management regulations, which is heavy green infrastructure. Basically sheet drainage, um, into infiltration swales in the back of the building. You know, probably dry swales, where you recharge the groundwater, and -- instead of having it just sit as an open body of water. So that's kind of what we're looking at right now.

JOHN HELLABY: And there is a sanitary sewer that runs down Scottsville Road, I

believe?

MR. HOTTO: That's correct, yeah.

JOHN HELLABY: Be very sensitive to the lighting issue, because I know you back up to Riverdale down there. I'm sure a lot of the homes back in there don't want it looking like the sun is coming up in their backyard. So I'm sure they will have a lot to say about that.

MR. HOTTO: It looks like we'll have streetlighting. I think that will be -- for safety reasons, but it will be dark sky compliant, fully down lit with shields, the whole bit. The preliminary plans will propose what we're thinking about.

JAMES MARTIN: I -- I think we touched on this at DRC, but under our current code, Limited Industrial, is -- this is going to require a special use permit, which you should incorporate in your plan and application for Planning purposes.

Warehousing distribution is permitted, but is only in the Airport Overlay District, which would require going for a zoning overlay on this -- on this parcel.

Based on your description of what, you know, you're planning to put in there, it -- it doesn't sound too similar to some of the things that are permitted, except this warehousing has this kind of glitch in the zoning code where you need the airport overlay in order to permit it. So I would plan that you're to go forward with the special use permit application on this project. Okay?

MR. HOTTO: Okay.

DAVID CROSS: Appears like a great use for this Limited Industrial property.

MR. MULLIGAN: Thank you.

LeFrois actually back in 1990 tried to do something with this. LeFrois Builders who have done a lot in Henrietta, Florida, the Carolinas as well as the Midwest. He spent a couple years on it, and walked away from it.

Then it's been pretty much the Barbatos brothers, the Don and Bob's people have owned it for the last 20 years, and they're not really developers, and, um, some real estate people brought this to the Market's Board of Directors's attention a few years ago, and it kind of fits in with what we want to do. And we've got people that especially in this agribusiness area want to be in Western New York.

DAVID CROSS: Great. You're in a Flood Plain Overlay zone. How much of the 100-year flood plain comes into the property?

MR. HOTTO: Actually at the northwest corner, which is probably the lowest area, that whole area back there is zoned Flood Plain Overlay, so I think it's more in the northwest corner, beyond the DEC wetlands there.

DAVID CROSS: Is that something to show more in detail on advanced plans? Okay. And then I will echo the dark sky standards. It is very important in this area. That's all.

THERESA REILLY: I like the green initiatives. When you were talking about leasing the land, were you looking at doing that in Phase 2, as part of Phase 2 or over in another part --

MR. MULLIGAN: Because, you know, for years we had, you know, 15, 20 million in the bank -- that's not the case any more. Now there's a million in the bank. So I see this, you know, as probably one building a year. I would see this as a -- a 6 to 10-year plan. And crowding 60 in a couple months, that won't be under my watch. There will be somebody else to do that.

My hope this year would be to get the utilities in, the road in, and I do have a tenant that has a -- the people with the filtration company, they sell this filtration company to wineries and breweries, as I mentioned. They would like to be in there by fall. That would be my hope, to get the one building up. If that went well, we would try to do another building in 2012. I would see this as a 6 to 10-year plan.

THERESA REILLY: The infrastructure for all of Phase 1 done in the initial time or building by building?

MR. MULLIGAN: I would want to do the road and the -- we probably would go at least for the first four buildings, but I would probably do in the advertisement for bids -- because I would guess somebody like Monroe Roadways or Pooler, one of the major site people would get this contract -- I would probably add as an alternate if they were willing to run the road and run the water and sanitary for a few \$100,000. The economy is still very soft. These companies are hungry. A lot of the rents I'm getting on the market, \$5 a foot are the same rents I got 25 years ago. There's no real pressure on rents. And if you look at your C.P.I., it's averaging one -- 1 percent a year. If you put your money in the bank, if you get a half point, you're fortunate. So.

THERESA REILLY: Lastly, where you have it in green over there as the abandoned gravel mines, since we can't see the topography of it, is that leveled and available for future development, or is that something that is not level and developable?

MR. MULLIGAN: We did an environmental study on it with the company over on Brighton-Henrietta -- Day Engineering. Came back clean. That -- I walked it a couple of times, and it almost looks like the moon surface there. There's a little bit of gravel but nothing really grows there. If you get a chance when the weather breaks, you should walk it. I would think, John (Hotto), that might be a possibility to do something there. I don't know.

MR. HOTTO: Well, the steep slopes kind of restrict access to that area in terms -- especially in terms of truck access. It's just so darn high that we can't get trucks up there safely without just really leveling the site. Of course, that would be associated with, you know, getting rid of the spoil, the extra dirt.

But just -- just to mention that we still have available space on the site for build out, if -- if there's ever a need for that, where we've got about 87 percent green space here, and 60 is required. So we've got a little bit of play there. Not much, but a little bit.

DAVID CROSS: One more question. Can you explain this parked banking concept?

MR. HOTTO: Sure.

Well, we've laid out the parking based on the Town Code requirements of one space per 400 square feet of warehouse space. It seems like a lot to us, and Mr. Mulligan feels that it's a lot, too. So we would like to reduce the -- you know, he -- we're proposing to be -- to bank parking where we provide the space. We have the space. It's graded out, but perhaps we leave it as lawn or natural space now. If we need the parking for a specific tenant, that we could build it out into the parking.

DAVID CROSS: Leave a reserve area.

MR. HOTTO: Yes. We can get the parking in there, but we -- functionally we don't need -- each building at 20,000 is about 50 spaces. We really don't need that many. With the automation of new warehouses, how many employees will you have in a building? 5 or 10 or something like that.

MR. MULLIGAN: I think you might have as many as 20, but more in the 10 range. Where there used to be 20 guys in a warehouse, now there's 3. Part of your high unemployment. Just technology is great, but it eliminates jobs.

PAT TINDALE: I guess I'm going to be the party pooper. I just -- what bothers me is it's in a Flood Plain Overlay and you have an awful lot of impervious soil going to be there with all of this building. And -- it just bothers me in a Flood Plain Overlay area. I noticed in your notes you had something about impervious pavement.

MR. HOTTO: The flood plain zone is actually beyond our area of development. It might -- I can clarify this on the preliminary approval plans, but the Flood Plain Overlay district is actually -- based on the zoning map, is back in this area (indicating). And this is quite low topographically. So it's back here (indicating). We cannot by -- really do any development in these DEC wetlands. We're limited right up in here. And this site, this is the highest part of the site here that keeps going up (indicating). This is a gradual slope here and this is almost flat, but it's not in the flood plain.

PAT TINDALE: Is that up to the -- does that butt up to the Genesee Valley Greenway?

MR. HOTTO: Yes.

PAT TINDALE: That is my only hesitation. Everything else sounds good, but it bothers me to see that much building and paving in a flood plain area. You say that is the only area that is the Flood Plain Overlay?

MR. HOTTO: Yes.

PAT TINDALE: That's all I have.

MR. HOTTO: We would be more than happy to reduce the parking.

PAT TINDALE: I noticed that.

JAMES MARTIN: Anything else from the Board? Okay. Well, thank you very much for coming and sharing the plans with us. We look forward to you coming back in April. Is that your current plan?

MR. HOTTO: Yes. Thank you very much.

DECISION: The Board thanked the applicant for sharing the details of their proposed development. The Board looks forward to continue to work with the applicant as the application process moves forward.

PUBLIC HEARINGS:

1. Application of Leo McKinney, 513 Whittier Road, Spencerport, New York 14559, property owner: Helen McKinney; for renewal of special use permit to allow a motor vehicle service station with minor repairs at property located at 4210 Buffalo Road in N.B. zone.

Leo McKinney was present to represent the application.

JAMES MARTIN: The first time you were here, we kind of beat you up a little bit. I've been over to look at the property since then. It looks as though you've done a lot of work to get it cleaned up, so I'll listen to anything you have to say at this point.

MR. McKINNEY: Jim (Martin), I can't really take credit for that. My -- Rob Howell (phonetic) is here tonight and he's the one who told -- removed a lot of vehicles that were sitting around there for a while and did the clean-up work after the storm there from the last meeting.

And I know we have -- we have to replace some of the plants, which we'll do in the spring, and I know when the -- when he goes into work, there's like three -- a couple employees there when his mom comes in, so he has three additional cars to get to and from work, so during the day there is a few extra vehicles there. And -- and we have brought this to Rob's attention. He got right on it and removed the vehicles that were there that -- that didn't have the plates on, and we'll try to stay on top of things. And hopefully, when you folks went by, it -- checked it out, it -- it came up to standards, and I know the plantings will be done in the spring. I don't know if there's anything else you noticed or want to address or whatever.

JAMES MARTIN: Ed (Shero), I'm assuming that the inspection has been satisfactory as far as the Building Department goes?

ED SHERO: That's correct.

JAMES MARTIN: Thank you.

PAUL WANZENRIED: Other than complying with the Conservation Board's requests, I

don't have anything.

JAMES MARTIN: Ed (Shero), make a note that when spring gets here, that there's plantings needed over there for landscaping purposes, and the expectation is that the Building Department will inspect and make sure that takes place.

PAUL WANZENRIED: Can we set a date for that? Give them a time, i.e., by July meeting, something like that?

JAMES MARTIN: I would say by June 1st.

MR. McKINNEY: Okay, Jim (Martin). I -- I can get a hold of Pat (Tindale) or somebody over here after we get the things in and let them know it was taken care of.

JAMES MARTIN: All right. I think June 1st is reasonable.

MR. McKINNEY: Okay.

PAT TINDALE: The one thing I guess I wanted to ask is maintenance. That's the main thing. That's probably how you lost some of the plants. But just maintain the plantings that you have, and the ones that are going in. Keep it neat and weeded and all of that good stuff.

MR. McKINNEY: Okay. Okay, Pat (Tindale).

PAT TINDALE: That's it.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

James Martin 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.

James Martin 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 the Board all voted yes on the motion.

JAMES MARTIN: As far as time frame, things got a little bit out of hand over there since the last time we renewed the special use permit. I'm of the mind to maybe look at a two-year timeframe on this to be sure we stay in compliance with everything. If everything stays good, then we can give you a much longer special use timeframe at that point in time, but that's my feeling.

PAUL WANZENRIED: I agree with that.

The Board indicated they agreed with that statement.

JAMES MARTIN: Certainly all previous conditions that the Board imposed on this approval remain in effect.

James Martin went over the proposed conditions of approval with the Board.

DECISION: Unanimously approved by a vote of 6 yes with the following conditions:

1. All previous conditions imposed by this Board remain in effect.
 2. New plantings to update the landscape plan shall be completed by June 1, 2011.
 3. The special use permit is approved for a period of two years.
2. Application of George Eastman House, c/o Mike Viggiani, 49 Hidden Valley, Rochester, New York 14624 for renewal of special use permit to allow a storage warehouse for motion picture films at property located at 3511 Union Street in G.I. zone.

Michael Viggiani was present to represent the application.

MR. VIGGIANI: Mike Viggiani, with the George Eastman House, 900 East Avenue, to renew our special use permit.

JAMES MARTIN: No change in the operation since last time?

MR. VIGGIANI: No change.

JAMES MARTIN: I think you've been maintaining the place very nicely over there. Every time I drive by, it looks like it is well kept.

MR. VIGGIANI: Very expensive.

JAMES MARTIN: I will certainly -- it looks quite nice.

Any plans for any changes in operation, any -- in the future here? Is it going to continue to just be a film vault now?

MR. VIGGIANI: It's pretty filled right now. We just built another vault in Gleason Works in the City, so we're filling that vault. So -- I hope not in my lifetime.

JAMES MARTIN: All right.

JOHN HELLABY: Curiosity question. Do you know how long those cellulose film reels last in the warehouses?

MR. VIGGIANI: Yes. I designed the vault. With air changes, three changes per hour at 48 degrees and 30 percent, it could last a thousand years.

JOHN HELLABY: Really?

MR. VIGGIANI: Yep. But if it's not the right conditions, it could deteriorate within a year.

JOHN HELLABY: The original Wizard of Oz is still in there?

MR. VIGGIANI: That's correct. Held it in my hand.

DAVID CROSS: Original Sound of Music is in there?

MR. VIGGIANI: Wizard of Oz. Gone With The Wind originals, yes.

DAVID CROSS: That's all I have.

KAREN COX: You're going to break in there. David (Cross)?

MR. VIGGIANI: You have to have a projector to show them. (Laughter.)

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

James Martin 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.

James Martin 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 the Board all voted yes on the motion.

JAMES MARTIN: I went through the record, but anything in place remains in place. There are no new conditions identified tonight.

As far as the time period goes, since you've basically indicated that there's going to be no change in operation or anything like that, I -- it would seem to me we should look at an indefinite time period.

Keith (O'Toole), I just need your help. I wrote out a motion that we would give this an indefinite time period but the Planning Board would reserve the right to review this special use permit should conditions warrant said action.

KEITH O'TOOLE: We have a provision in the code that says that we can have a hearing in order to revoke a special use permit, so even those permits that don't have time -- time-based conditions, we're allowed to do that.

JAMES MARTIN: Okay.

KEITH O'TOOLE: So if what you're trying to say is you want to make the special use permit permanent, we can certainly do that and still have that level of control.

JAMES MARTIN: Okay. That is what I wanted to basically do. All right. So the time period would be permanent. So you wouldn't need to keep coming back every five years for renewal. It doesn't make any sense.

MR. VIGGIANI: Right.

James Martin went over the proposed conditions of approval with the Board.

DECISION: Unanimously approved by a vote of 6 yes with the following conditions:

1. All previous conditions imposed by this Board remain in effect.
2. The special use permit timeframe shall become permanent.
3. Application of John Perna, owner; 3785 Chili Avenue, Churchville, New York 14428 for special use permit to allow a U-Haul business at property located at 3785 Chili Avenue in G.B. zone.

John Perna was present to represent the application.

Before we go too far, John (Perna), there was a letter generated by the Town of Chili to you on January 12th, 2011, requesting several things to be done on the site, several other issues that were either outstanding or in violation of Town Code. And I'm going to ask Mr. Shero at this point in time, has the Town, from your perspective, received satisfactory responses to all of the issues that were raised in this letter?

ED SHERO: No. We have not received the drawings showing all of the signs on the property. There was still an unlicensed vehicle earlier today, and we have not given a C of O on the addition from 1988.

JAMES MARTIN: So we still have several things that need to be done.

MR. JOHN PERNA: The vehicle that is unlicensed on the property belonged to my tenant who decided to abandon my location a week ago Monday. So until I can get in communication with him and find out if there is an owner to it or what the situation is, I can't really do anything with that.

As far as the C of O from 1988, I wasn't aware that -- of that situation, that I had to respond

to that right away or something, because back in 1988, it was a long time ago.

ED SHERO: That's why we brought it up in the letter.

MR. JOHN PERNA: I didn't see it on the letter.

ED SHERO: On page 2 --

MR. JOHN PERNA: I don't have it in front of me right now.

ED SHERO: If you just schedule it with the Building Department, either myself or my assistant will come out and look at it.

JAMES MARTIN: So there are some outstanding issues at this point from your perspective that need to be satisfied --

ED SHERO: Yes.

JAMES MARTIN: -- in order for this Board to be moved ahead --

ED SHERO: Yes.

JAMES MARTIN: -- in looking at this special use permit?

John (Perna), what I will ask you to do is work with Mr. Shero to be sure you're in total compliance with this letter. At that point in time you won't have to reapply. Your money is already in. But I don't see any alternative except to table this tonight until we have a satisfactory answer from the Building Department that all of these issues have been completed satisfactorily.

MR. JOHN PERNA: That's fine.

JAMES MARTIN: So that is what I'm going to make a motion to do, that we table this application to be determined when you have finished working with Mr. Shero to get these things done, and at that point in time we would be happy to hear your request for your special use permit. So I will make a motion at this time that we table this application until a point to be determined or a date to be determined.

JOHN HELLABY: Second.

DECISION: Unanimously tabled by a vote of 6 yes to table the above-described application until a date to be later determined. The applicant has been instructed to continue to work with the Building Department to complete all aspects of a letter sent to the applicant on January 12, 2011 outlining several issues in need of correction.

OLD BUSINESS:

- 1. Application of Family Video Movie Club, Inc., owner; 2500 Lehigh Avenue, Glenview, Illinois, 60026 for preliminary site plan approval for a change of use in portion of building to allow a Subway restaurant at property located at 4369 Buffalo Road in G.B. zone.

Joe Franch and Mr. Atwal were present to represent the application.

MR. FRANCH: Good evening. My name is Joe Franch. I'm with Subway Development of Western New York. I'm here to represent the application. Family Video has asked that I also speak on their behalf. It was a scheduling conflict.

JAMES MARTIN: Do you have any diagrams or anything that --

MR. FRANCH: They were submitted to the Town, I believe.

JAMES MARTIN: Actually, since it's a public hearing, we really need something up in front of the public. You can either use the overhead projector or put it up on the bulletin board.

MR. FRANCH: My understanding of the outstanding issues I believe we've corrected in the revision on the plans that we have resubmitted, and from what I understand, those concerns were -- were the refrigeration being placed on the outside or exterior of the building. We have now moved the refrigeration inside the building, so there's not going to be a need for any setback or changes on that.

We also were asked to change the swing of the front door to be more accommodating for handicapped access. That change was made. The -- the side door that was proposed for the location has been removed. There really was no need for it, being we had to alter the configuration of the store to accommodate the coolers being moved back inside. So we've eliminated that side door, as well.

And we are installing a rear door for access to removal of the garbage through the rear of the premises. I believe that was also requested.

And the last thing, the replacement of the landscaping -- it has died off. We have a letter from Family Video, which I believe is also sent to the Town, that confirms that they will be replacing all of the landscaping that has died off, and conform back to the original landscaping plan that was approved for the building, so that will all be done. They have committed that that shall take place no later than 6/15/11 or as weather permits.

The application was basically for Subway to occupy approximately 1200 square feet of the premises. There has been -- going to be no change outside, very minor change to the building in terms of the additional door being set on the front.

I believe there's also site plans that were submitted by Family Video showing the overall layout of the building, now the new elevation.

And the arrangement basically, we're looking to do this with a partner like Family Video, because our day parts are very different in terms of traffic. When they would be busy, we would not be busy, and when we're busy, they're traditionally not busy. We have done this in several hundred stores around the country and it has worked very well for video stores in general

because -- because of new technology, they have had to reduce the size, the footprint, because it's just not required. There's just a lot less demand on having, you know -- having actually a brick and mortar video store, and this helps them on their viability on an ongoing basis and it certainly helps us as far as being able to capitalize on each other's traffic and convenience for the customer.

JAMES MARTIN: Anything else?

MR. FRANCH: I think that's it. I'm sure, you know, if the Board has questions, I can -- I'm prepared to answer.

DAVID CROSS: You said the cooler and freezer have been shifted inside the store. Is that what these --

MR. FRANCH: Yes, that's correct.

DAVID CROSS: So there's a building expansion outside the existing footprint of the building?

MR. FRANCH: No. That is going in Family Video's existing space.

DAVID CROSS: Oh, it's actually existing space?

MR. FRANCH: Yes.

JOHN HELLABY: Where are the cooling units for those two --

MR. FRANCH: Mounted on top.

JOHN HELLABY: Still internal to the building?

MR. FRANCH: Yes. They will be inside, yes.

JOHN HELLABY: I guess the only other question I got is the rear sidewalk you're proposing in the back, why would you put brick pavers back there and not a standard concrete sidewalk?

MR. FRANCH: What -- they had suggested, and what they have used at other locations is concrete pavers. You know, however, that -- they have indicated to me that if that is an issue, that they would certainly do poured.

JOHN HELLABY: I'm thinking you would be better off -- because it's not like it's something that's out in the public, and I think you would be a lot better off with a poured sidewalk. Over three or four years, those pavers will shift all over the place and you will have a mess back there.

MR. FRANCH: Absolutely. That wouldn't be an issue at all.

PAUL WANZENRIED: You said the refrigeration coolers are inside?

MR. FRANCH: Yes.

PAUL WANZENRIED: Refrigeration units are mounted on top?

MR. FRANCH: Yes.

PAUL WANZENRIED: Overall height, what is the height of the inside of your building?

MR. FRANCH: It's, I believe, 10 feet. It's pretty standard. For us, we don't go in excess of 10 feet. We try to keep it at 8, a little lower. It gives it a nice feel to the space, a little vertical height.

PAUL WANZENRIED: They will have enough clearance to get up there and service if need be?

MR. FRANCH: Yes, sir.

JAMES MARTIN: Did you receive the letter?

PAT TINDALE: Yes.

JAMES MARTIN: I did not get a copy, so hopefully you did.

PAT TINDALE: Yes. As long as they do the landscaping like they say they will do, no comments.

MR. FRANCH: I do have a copy for you.

JAMES MARTIN: For the record, "To whom it may concern, Family Video agrees to update the landscaping at 2369 Buffalo Road, Chili, New York and make the approved landscaping plan on file -- on file with the City -- should be "Town" but that's okay -- "when Family Video was issued a certificate of occupancy, Family Video will have no later than 6/15/11 as weather permits.

Anything on the elevations?

JAMES IGNATOWSKI: Didn't get any elevations.

JAMES MARTIN: Oh, you didn't get them?

JAMES IGNATOWSKI: No.

JAMES MARTIN: Basically the building looks the same except they have another door.

JAMES IGNATOWSKI: No need for us to look at them.

MR. FRANCH: I do have a copy of those elevations, as well. I was informed they were submitted. However, I do have them available.

JAMES MARTIN: We do have the elevations.

MR. FRANCH: Oh, you do.

JAMES MARTIN: The Board has those, yes. The Architectural Advisory didn't get them for some reason. I'm not sure why at this point.

We brought this up when the applicants were here before, Mr. Atwal was here. He has a trailer with some sort of logo sign on it that he moves around, and it is a condition of approval that that trailer will not be parked on the premises.

MR. FRANCH: That's not a problem. Mr. Atwal is in the audience.

JAMES MARTIN: That is a condition of approval, assuming this moves ahead. I just wanted to emphasize that before we move ahead with the SEQR.

MR. FRANCH: Absolutely.

James Martin 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 the Board all voted yes on the motion.

JAMES MARTIN: It has been brought to my attention, in the letter that I sent out after we initially heard this and tabled it, we did ask that the Architectural Review Committee review those elevation changes and you did not get copies of the elevations?

JAMES IGNATOWSKI: No, sir.

JAMES MARTIN: I'm going to add a condition, all right, to the process tonight that the Architectural Advisory Committee must review the elevations and approve them prior to any building permit being issued. Okay?

We have already touched on no trailer parking --

MR. FRANCH: Absolutely.

JAMES MARTIN: -- which is in a letter I wrote initially. I'm reemphasizing that tonight.

The Board requests that you change the proposed concrete paver sidewalk at the rear of the building to be poured concrete.

MR. FRANCH: Absolutely.

JAMES MARTIN: The Architectural Advisory Committee shall review all elevations and approve the elevations prior to the building permit being issued.

Any other conditions previously imposed by this Board will remain in effect.

MR. FRANCH: Thank you.

DECISION: Unanimously approved by a vote of 6 yes with the following conditions:

1. The trailer containing Subway advertising will not be allowed to be parked on the property.
2. The proposed concrete paver sidewalk at the rear of the building (east side) shall be changed to a poured concrete sidewalk.
3. The Architectural Advisory Committee shall approve the proposed building modifications prior to final approval and a building permit being issued.
4. Landscaping updating to be completed by June 15, 2011, per letter dated March 8, 2011 from Todd Bezenah, Regional Director of Family Video.

The meeting ended at 7:55 p.m.

CHILI PLANNING BOARD
April 12, 2011

A meeting of the Chili Planning Board was held on April 12, 2011 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: Karen Cox, David Cross, John Hellaby, John Nowicki, Theresa Reilly, Paul Wanzenried and Chairperson James Martin.

ALSO PRESENT: Michael Hanscom, Town Engineering Representative; David Lindsay, Commissioner of Public Works/Superintendent of Highways and Building Department Representative; Keith O'Toole, Assistant Counsel for the Town; Pat Tindale, Conservation Board Representative; Brad Grover, Traffic Safety Committee Representative; Mark Merry Architectural Advisory Committee 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.

JAMES MARTIN: I will recognize Paul Bloser in the back of the room, Chairman of the Zoning Board of Appeals.

Just as an administrative reminder, on Monday, 4/18/11, there will be a Public Hearing on the -- the update of the Master Plan, the 2030 Master Plan for the Town of Chili. So anyone interested in attending that hearing, that is the date, 7 p.m. in this facility.

I may adjust the agenda a little bit tonight.

Is Mr. Solomon here?

No one responded.

Seeing as he is not here at this time, we'll go ahead.

PUBLIC HEARINGS:

1. Application of Buckingham Properties, 1 S. Washington Street, Suite 200, Rochester, New York, 14614, property owner: Paul Road Industrial Center LLC; for preliminary site plan approval for a change of use in portion of building to allow a warehouse for modifications to commercial and fleet vehicles at property located at 465 Paul Road in LI with ADATOD and FPO zone.

MR. DAILY: Good evening. My name is Bill Daily with Buckingham Properties. The purpose of my presence here is to introduce a change of use for a tenant that is existing at 465 Paul Road, formerly known as the Bausch & Lomb building. The tenant's name is AutoCrafting Solutions. Previously occupied by Ceva Logistics (phonetic). The square footage of the occupancy by Ceva and Auto Crafting Solutions is a approximately 18,800 square feet.

The use of the space is to modify vehicles such as -- when Frontier purchases new vans, they bring them to AutoCrafting Solutions and they put on ladder racks on the vehicles and put on graphics. They do this work inside the building in the space, but they stage the vehicles before and after they do their work in the parking lot outside their space.

Their need for parking outside their space ranges from anywhere from 200 to 302 vehicles. The plan shows 302 vehicles. The letter of intent indicated 200 vehicles, but we would go with the maximum of 302 vehicles which is indicated on the plan.

There will be no modifications required to the exterior of the building. We do have a permit and we're currently under construction to install new restrooms within their space. That work should be done in approximately two weeks.

There are approximately 800 spaces available on the -- on the west side of the building. This would be the west side of the building (indicating).

AutoCrafting Solutions' maximum demand we're forecasting is 302 spaces, which is indicated by the area that is highlighted in the corner of the plan.

That would leave them approximately -- remaining available parking spaces of 498 spaces for the remainder of the occupants on the west side of the building.

The total tenant parking demand for the west side of the building is 63 spaces. I have a parking demand summary based upon the tenants that are in the building and their employees associated for each tenancy. Lifetime Assistance is in 17,280 square feet with 40 employees.

AutoCrafting as 18,800 square feet with four employees.

And Kayex is in 69,000 square feet. They have two employees.

And Pierce Industries is in 58,000 square feet, and they have 17 employees.

That is where we came up with the 63 spaces for the west side of the building.

So there is definitely a surplus of parking available for the intended use of Auto Crafting