

**CHILI PLANNING BOARD**  
June 9, 2009

A meeting of the Chili Planning Board was held on June 9, 2009 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:** George Brinkwart, John Hellaby, Dario Marchioni, John Nowicki, Jim Powers and Chairperson James Martin.

**ALSO PRESENT:** Ken Hurley, Town Engineering Representative; Chris Karelus, Building Department Manager; David Lindsay, Commissioner of Public Works/Superintendent of Highways; Keith O'Toole, Assistant Counsel for the Town; Brad Grover, Traffic Safety 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 recognized Paul Bloser, Chairman of the Zoning Board of Appeals in the audience tonight.

**OLD BUSINESS:**

1. Application of Tiffany Transportation Services, 1436 Scottsville Road, Rochester, New York 14624, property owner: 1436 Management Inc.; for renewal of special use permit to allow motor vehicle repairs at property located at 1430, 1434 & 1436 Scottsville Road in G.B. zone.

**JAMES MARTIN:** We had expected to hear an application tonight regarding the 1436 Management Corporation operation over on Scottsville Road. For everybody's information, Mr. and Mrs. Evans came in, had a meeting with myself and Mr. Karelus from the Building Department.

Upon looking at the site plan that they are currently operating under, and listening to what they are proposing to do in the future as far as business operations, there was obviously a lot of incongruence between the current site plan and what their proposed future operations activities would be.

We felt it would be a waste of time to hear this application tonight since there is no conformance at all with the existing site plan. Therefore, they have requested a 30-day continuance.

I would make a motion at this point in time to the Board that we grant that 30-day continuance to the July meeting, at which time they should be before us with a revised site plan reflecting what they are proposing as far as their business operations go.

So at this point in time, I make a motion that we accept that request for a 30-day continuance.

Do I have a second?

**JOHN HELLABY:** Second.

**JAMES MARTIN:** It has been seconded. On accepting the 30-day continuance?

The Board was unanimously in favor of the motion.

**JAMES MARTIN:** Just again for the record, and I want the Board to hear this, I have drafted a decision letter on this particular matter. I will read it at this point in time. If there is anybody that feels I need to modify this or correct this, please let me know.

The applicant is granted a 30-day extension from the 6/9/09 hearing date in order to prepare an updated site plan which will reflect their current business operation.

The Building Department shall conduct a site inspection prior to the 7/14/09 Planning Board meeting to determine if the site is in compliance with the revised site plan and that all outstanding previously imposed conditions have been met.

So that is the letter that I will be sending to the Evanses.

Are there any things you want to add to that?

**JOHN NOWICKI:** You have it covered.

**KEITH O'TOOLE:** If you could, Mr. Chairman, I believe you used language "to comply with" or "conform with their current business operation." If you could add the words, "and the code of the Town of Chili," that would be sufficient.

**JAMES MARTIN:** And the code of the Town of Chili.

**KEITH O'TOOLE:** Thank you.

**DECISION:** The Chili Planning Board, at their June 9, 2009 meeting, unanimously granted by a vote of six, a 30-day extension from the June 9th meeting on the above-described application. The extension was granted to allow the applicant to prepare an updated site plan that reflects their current business operation. The Building Department shall conduct a site inspection prior to the July 14, 2009 Planning Board meeting to determine if the site is in compliance with the revised site plan and the Code of the Town of Chili. In addition, the inspection will determine whether all previously imposed conditions have been met.

**INFORMAL:**

1. Application of TRM Architecture Design & Planning, P.O. Box 507 Getzville, New York 14068, property owner: M. Vamvakitis; for final site plan approval for a change of use to convert existing building to a United Uniform business, including a new 4,100 sq. ft. addition at property located at 1132 Scottsville Road in G.B. zone.

Barry Muskat was present to represent the application.

**MR. MUSKAT:** Thank you. My name is Barry Muskat. Just to refresh your memories, or if you weren't here at the last meeting, my position is President of United Uniform. I'm here on behalf of Taksim (phonetic) Associates who is developing this property for United Uniform as the tenant.

United Uniform has been in business since 1949. It's our 60th year of business. We have been in the Rochester market for about 16 years, and we're anxious to see this, um, project come to fruition and be in business in the Town of Chili.

We were here on May 12th when you granted preliminary Planning Board approval. You gave us lots of positive feedback which we appreciate and we feel welcome.

On the May 19th, we presented to the Committee of Adjustment for a variance for 65 foot setback instead of the 75 foot setback, and that was granted.

We also received a variance for the height of fencing to 8 feet. It was granted to be 4 feet, step to 6 feet, to 8 feet. We may not even use the 8 feet.

The architect had frankly put that in prior to discussing with us what -- in case we needed it. So, um, the -- the variance we really cared about was the 65 foot setback which allowed us to make the proper footprint for the use we need.

Matt Moscati is the lead architect on this from TRM architects. Matt (Moscati) had a baby this morning at 5 a.m. For the record, I would like you to note the baby's name is Lucio, L-U-C-I-O.

So Matt (Moscati) wasn't able to attend, but he sent his able associate, Chris Colantino, so I would like to turn this over to Chris (Karelus), and then I'm available for any questions if they have to deal with me.

**MR. COLANTINO:** Hello. My name is Chris Colantino. Can I -- I kind of come at this blindly here picking up for Matt (Moscati). I have been working on the project a little while now.

I don't know if I can just answer your questions, or how do you proceed here? To your responses?

**JAMES MARTIN:** Okay. The Town Engineer, Mr. Hurley, did a review based on the -- you know, the drawings we had in hand. Had several comments. I see that you have responded to those comments with a letter, I believe, dated June 1st, 2009. If you could go through those briefly, I want to be sure that we have got all of the "I"s dotted as far as the issues that were raised by the Town Engineer, and just insure that, again, we have got good communication and linkage between your organization and the Town Engineer.

So if you wanted to go through that briefly, I would appreciate it.

**MR. COLANTINO:** Okay. Item Number 1 was "No new lighting is proposed for the site. The provided survey is not clear on the location of existing site lights. With the removal of the front half of the building and no new lighting proposed, it is unclear whether the site will be adequately lit from a safety and security standpoint."

Um, we respond to that, there is no existing exterior site lighting and the new exterior lighting proposed that has been provided are two building-mounted exterior wall lights, one above the south exit door and one above the east exit door.

**JAMES MARTIN:** You feel this is adequate from a safety perspective as far as the site goes?

**MR. COLANTINO:** Yes.

**JAMES MARTIN:** You feel the same way?

**MR. MUSKAT:** Yes. Actually, I would just note our hours are very few -- only one evening hour a week to 7 o'clock, so mostly we operate in daylight.

**JAMES MARTIN:** Thank you.

**MR. COLANTINO:** Item Number 2 is "An ADA compliant handicap ramp detail must be provided on the plans to insure the proposed ramps will be constructed in compliance with the ADA."

The response to that: The site grading has been revised so that no sloped pedestrian area exceeds a 5 percent slope. So we have no ramps proposed whatsoever.

Item 3, "Fence details showing proposed footings, footing material and depth, along with the dimensioned post spacing, cross bracing, fence height, et cetera should be added to the plans."

We added detail per the manufacturers's instructions.

JAMES MARTIN: So you have a cut sheet that shows the details at this point?

MR. COLANTINO: Yes. I have drawings.

JAMES MARTIN: We haven't seen that yet.

MR. COLANTINO: Okay. Do you have no projection? I thought there was a projector.

JAMES MARTIN: I just want to be sure that it gets provided to the Town Engineer and the Building Department, all right, the details on the cut sheet provided, the fence configuration. Thank you.

MR. COLANTINO: Item Number 4, "The consultant response states that the existing water service will be relocated to avoid the new additional footprint. It appears that the water service runs through the new addition as shown on the utility plan. As it is anticipated that the water service will be relocated, details for the water service shall be added to the plans. The water service trench detail should provide minimum depth to service, service material and proposed bedding and backfill. The standard 10 foot minimum water service/sanitary sewer separation note should be provided to insure that the modified service will be installed within compliance of the New York State Health Department regulations."

In response to that, the available information regarding the existing water service is suspect, as it indicates the water service entering the footprint of the existing building at the northeast corner of the building while the existing meter is at the southwest corner of the building.

The new meter is also proposed in the southwest corner of the building and notes have been added -- added to the drawing to stipulate that the existing service is to be modified as required to keep the line outside the building footprint and within the excavated areas to the new meter location. Trenching details and notes stipulating requirements for distance separations and crossings have been added to the documents, which we have.

JAMES MARTIN: Once again, are these drawings available at this point in time, or are they in a process of being modified?

MR. COLANTINO: No. I have -- I have a small copies with me.

JAMES MARTIN: Okay. And you will be providing full-sized --

MR. COLANTINO: Yes.

JAMES MARTIN: -- documents to the Building Department.

MR. COLANTINO: Correct.

JAMES MARTIN: And to the Town Engineer?

When will that happen?

MR. COLANTINO: I can probably send them tomorrow, I guess. I was under the assumption you already had these, but I can --

JAMES MARTIN: I understand you're subbing, but I'm just trying to pin down a couple of details here on when the updated drawings, meeting all these requirements are going to be furnished to the appropriate parties in the Town.

MR. MUSKAT: Weren't they furnished already? I was just asking if they were furnished already.

Chris (Karelus), do you know if they were furnished?

CHRIS KARELUS: We were given plans that pretty much covered with maybe the exception of the fence -- the fence post details which will be per manufacturer specs, which the State code requires.

JAMES MARTIN: But we don't have these yet?

MR. COLANTINO: Not the fence details, yet.

CHRIS KARELUS: No. Those are usually as they install them, we get them from the manufacturer. They call it a manufacturer spec. In order for us to inspect it, we have to have the specification of the manufacturer.

JAMES MARTIN: This drawing was in my box the other day (indicating). This doesn't show all of the stuff that we're talking about; is that correct, or does it? I didn't think it did.

CHRIS KARELUS: I don't know what is missing. I go line item by line item.

GEORGE BRINKWART: It does not contain those items. It is my understanding the comments were issued based on this plan that we have in our mailbox.

MR. JOHN HELLABY: Correct.

JAMES MARTIN: Correct.

So if there -- so if there have been changes, based on Ken (Hurley)'s comments, to the drawing we had in our mailbox, we do not have, you know, what -- what -- what I would consider to be the most up-to-date plan at this point.

CHRIS KARELUS: What you have gotten is the most recent plans I have gotten from the consultant.

JOHN HELLABY: We do not have that.

JAMES MARTIN: We do not have what he is talking about at this point.

I'm sorry. Go ahead and finish up.

MR. COLANTINO: Item Number 5, "The plans do not show how roof drainage from the building will be addressed. Roof drain discharges should be designed in a manner that does not create a hazard, such as ice build-up on the sidewalks or on the pavement between the parking spaces and sidewalk, which will affect pedestrian traffic."

In response to that, the roof drainage is proposed to continue to be discharged to grade to the south of the building and surface drain to the perimeter. The small roof area, 35 square feet, over the projecting entry is covered by the building cornice and overhang and should collect very little or no water. The small area is sheet drained to both sides of the entry, but it is not expected to be of significance.

JAMES MARTIN: Okay.

MR. COLANTINO: Item Number 6. "Proposed pipe bollards are shown on the site grading and utility plan. A detail of these bollards should be provided, showing material, height and buried depth, concrete footing, color, et cetera."

In response to that, the details concerning the proposed pipe bollards have been added to the documents. Furthermore, that is in the same sheet with the fence posts.

Item number 7, "Concrete handicap ramp should be provided at the northwest corner of the building instead of an asphalt ramp. All proposed handicap access ramps should have a detachable warning strip provided."

In response to that, again, the grades throughout the site are proposed to create slight positive drainage away from the building and will not necessitate an accessible ramp. No slope exceeds 5 percent in pedestrian areas.

Item Number 8, "Utility note 1 should specify distances and encasement requirements for crossing utility lines. Noting that the contractor should know local laws and be responsible is not an acceptable substitute."

Response to that: The details and notes which have been added to the water service articulate the 10 foot horizontal distance separation and the mitigations for crossing events.

Item Number 9, "The utility Number 3 should remove reference to the 'City of Buffalo' and revise accordingly."

Note has been revised also.

JAMES MARTIN: Okay. All right. So those are basically written comments in response to the Town Engineer's letter?

MR. COLANTINO: Yes.

JAMES MARTIN: Is there -- you're aware of them, but we haven't seen them yet, revised plans, which essentially cover in detail the items you have talked about in detail before us?

MR. COLANTINO: Correct.

JAMES MARTIN: I think, once again, um, assuming that what you have said, you have covered all of these issues that were brought up by the Town Engineer, we would still hold this subject to final Town Engineer approval, as far as I'm concerned. He has got to see these revised plans to be sure that they conform with comments that he made, all right, based on these plans. Okay?

So at this point, um, I -- I have one -- one comment regarding the bollard design, okay?

We have asked for and have gotten in -- from previous applicants, you know, sometimes they put these in and they put yellow and black stripes around there or something like that. There are decorative sleeves that will go over these bollards to make them obviously much better appearing as far as the site itself goes, and I would like to see some sort of decorative sleeve as opposed to the barber pole striping that goes on these things added, all right, to the site plan and to the -- to the bollard design itself, all right, as far as that goes.

I don't think it is an extremely expensive item, but I think it dresses up the appearance of the building quite a bit.

Okay.

JOHN HELLABY: I don't have any questions either as long as all of the Town Engineer comments and concerns are addressed.

I would, however, as I stated last time you gentlemen were in here, if you plan on doing any additional work down in this area, please review our code book as to what is required on these drawings.

That's all.

JOHN NOWICKI: No. I see the Conservation Board is all set. The Fire Department is all set. Zoning Board passed. You -- we have engineer's comments. We can address that on the vote, and I think I'm satisfied with all of the other issues.

GEORGE BRINKWART: All my questions have been addressed.

DARIO MARCHIONI: No questions.

JAMES MARTIN: Ken (Hurley), you okay if we get you all of the updated plans?

KEN HURLEY: Sure.

JAMES MARTIN: All right. We did SEQR at preliminary, so there is no SEQR required tonight for this application. I will -- okay.

I'm just going to say pending final Town Engineer approval of modified plan.

Chris (Karelus), I'm going to assume that no building permits are going to be issued until you and Ken (Hurley) are satisfied that all of these issues have been addressed?

CHRIS KARELUS: Well, we have to have final site plan signed off. If he is not satisfied, he won't sign them. So we can't issue a permit until the sign-off is done.

JAMES MARTIN: Okay. So we'll leave that one off.

Have you made application for inclusion in the Consolidated Drainage District?

MR. MUSKAT: I think that was done before the last meeting.

JAMES MARTIN: Has that been done?

CHRIS KARELUS: Yes.

JAMES MARTIN: I should add all previous conditions remain in effect.

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

1. Pending final Town Engineer approval of the modified site plan per his letter dated May 28, 2009.
2. All previous conditions remain in effect.

The meeting ended at 7:30 p.m.