

CHILI PLANNING BOARD
October 14, 2014

A meeting of the Chili Planning Board was held on October 14, 2014 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 Paul Wanzenried.

PRESENT: Paul Bloser, David Cross, John Hellaby, John Nowicki, Michael Nyhan and Chairperson Paul Wanzenried. Karen Cox was excused.

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; Pat Tindale, Conservation Board Representative.

Chairperson Paul Wanzenried 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.

PUBLIC HEARINGS:

1. Application of Buckingham Properties, owner, 259 Alexander Street, Rochester, New York 14607; for resubdivision approval of two lots into two lots in the Paul Road Industrial Park Subdivision at properties located at 465 Paul Road and 300 Aviation Avenue in LI with ADATOD zone.

Aaron Malbone was present to represent the application.

MR. MALBONE: Aaron Malbone from Buckingham Properties. We are asking for a resubdivision of two lots located at 465 Paul Road.

There was a pause in the meeting for a passing train whistle.

MR. MALBONE: We're asking for a resubdivision of two parcels at 465 Paul Road and 300 Aviation Way. The existing lot line cuts through a portion of 465 Paul Road in an existing building there. We would like to get that moved further to the south so we don't have to move the building. And in order for the other part of the application for Master Halco for outside storage on the parcel.

PAUL WANZENRIED: Mike (Jones), no objections if we hear these at the same time?

MICHAEL JONES: No, absolutely not.

PAUL WANZENRIED: Excellent. Forgive me, Aaron.

2. Application of Buckingham Properties, owner, 259 Alexander Street, Rochester, New York 14607; for preliminary site plan approval for change of use in portion of building to allow a fence manufacturing and distribution business, including a new 30' by 60' storage building at properties located at 465 Paul Road and portion of 300 Aviation Avenue in LI with ADATOD zone.

MR. MALBONE: So for that application, we would like Master Halco to take approximately 18,000 square feet in the existing 465 Paul Road building, in the southeast corner of the building, but in order to do so, they are requesting we give them three acres of outside fencing, outside storage for their materials storage. We have a lease with them, but it is all contingent on getting approvals from the Town for that use.

PAUL WANZENRIED: Okay.

MICHAEL NYHAN: So just so I understand the first proposal, or the request is the Lot AR-1 and AR-2 you want to -- that is one lot now. You want to divide that into two lots.

MR. MALBONE: There are currently two lots. We want to move the lot line further to the south.

MICHAEL NYHAN: All right. That access then would be from Aviation Avenue?

MR. MALBONE: Correct.

MICHAEL NYHAN: Rather than 465 Paul Road?

MR. MALBONE: Correct.

MICHAEL NYHAN: Any intention or any use of that land at this time or just asking for the subdivision?

MR. MALBONE: Just asking for the subdivision.

MICHAEL NYHAN: No other questions.

JOHN NOWICKI: No use of that second parcel, right?

MR. MALBONE: Right.

JOHN HELLABY: I think the Town Engineer did an excellent job pointing out all of the

issues, so I will dispense with that. I got a more curiosity question, though.

The van guy that installs the things in these --

MR. MALBONE: Graphics.

JOHN HELLABY: Is he still there?

MR. MALBONE: This occupies their space. They're no longer in the building. They're no longer a tenant.

JOHN HELLABY: They're gone. My only concern was six, eight months ago he had several hundred vans in there and he was parked clear down Paul Road.

MR. MALBONE: They sold their business and they're no longer a tenant. That space is vacant then.

JOHN HELLABY: That answers the parking situation then. That's all I got.

JOHN NOWICKI: Did we get County Comments?

PAUL WANZENRIED: Yes, we did.

JOHN HELLABY: Yep. Did you see them?

JOHN NOWICKI: No, I didn't, no. I just -- my question is, have you reviewed them? Are they --

JOHN HELLABY: I mean, they're pretty cut and dry.

JOHN NOWICKI: That's all right. As long as they're boilerplate. Everything is -- has been addressed in the September 15th letter from Buckingham Properties. That has all been taken care of.

MR. MALBONE: Correct.

JOHN NOWICKI: Mike Hanscom should be satisfied. That's all I got.

DAVID CROSS: Just one question, with the resubdivision, will you require any variances for the new lot?

MR. MALBONE: We shouldn't.

DAVID CROSS: Not on lot frontage around that cul-de-sac?

MR. MALBONE: The setbacks are there that the Town is asking us to do are incorporated in that subdivision lot line move.

DAVID CROSS: I assume, Mike Hanscom, you will check that out, too, right? Okay. That's it.

PAT TINDALE: I'm just -- they suggested a 1 percent donation.

Anyway, in the material we got from you, a suggestion was made of 1 percent going to the landscape fund instead of in lieu of landscaping and we just agreed because we can't see any place where you can do anything there. That is what we suggested they do. That's about it.

MICHAEL NYHAN: I did have one more question. I'm sorry. The fenced-in area is going to occupy the south side of the parking lot?

MR. MALBONE: Southeast corner of the parking.

MICHAEL NYHAN: To the west there is an existing fence that has shrubbery around it. What will happen to the existing line?

MR. MALBONE: Around the RG&E equipment.

MICHAEL NYHAN: Past RG&E equipment, right around the parking lot, there is a fence line that runs, pretty much covered by brush, but you can see parts of it that runs along the property line.

MR. MALBONE: We can clean it up. We weren't planning on doing anything additional to it.

MICHAEL NYHAN: So there would be a space then between the two fences is the way would you leave it?

MR. MALBONE: Correct.

MICHAEL NYHAN: And the store -- it will be a 6 foot fence. What will the fence be made of?

MR. MALBONE: Chain link fence.

MICHAEL NYHAN: Opaque? Will we be able to see through, slats in it?

MR. MALBONE: We weren't planning on slats, but we could do that.

MICHAEL NYHAN: How high would the outside storage be?

MR. MALBONE: I don't know. I assuming 6 feet they don't want anything taller than the fencing in there. No barbed wire.

MICHAEL NYHAN: The access to the fenced area would be controlled by the one point in at the front where the new tenant space is.

MR. MALBONE: Town also asked for access on the south drive of the building. There will be a gate there, as well.

MICHAEL NYHAN: There is monitored equipment in the back that is accessed from that parking lot now. There will be an access road.

MR. MALBONE: The tenant will maintain a surrounding or distance off that fence so people can't go in there. If they can't get in there, they can always walk across the parcel in there. We have to keep that open as part of the agreement in purchasing the building.

MICHAEL NYHAN: Those are the only questions I had. Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: What kind of fencing will this company sell? What --

PAUL WANZENRIED: Plastic vinyl, I believe.

MR. MALBONE: They sell chain link, vinyl, um, wood and ornamental fencing.
MS. BORGUS: They will have three acres of storage? Did I hear that?
PAUL WANZENRIED: No. I don't think anyone said three acres.
MR. MALBONE: It is three acres of outside storage.
MICHAEL NYHAN: It's in the letter.
MS. BORGUS: Three acres of outside storage. And also did I hear that present property line goes through a building?
MR. MALBONE: Sorry?
DOROTHY BORGUS: What did you say about a present --
JOHN HELLABY: Existing.
MS. BORGUS: Existing property line goes through an existing building?
PAUL WANZENRIED: That's correct.
MS. BORGUS: How does that happen?
PAUL WANZENRIED: Before my time.
MS. BORGUS: How long has it been like this? This isn't that old -- this doesn't predate zoning.
PAUL WANZENRIED: I --
MS. BORGUS: Maybe the building --
PAUL WANZENRIED: Don't have an answer for that.
MS. BORGUS: Nobody is here from the Building Department.
PAUL WANZENRIED: David (Lindsay) is on an errand right now.
MS. BORGUS: That is a little odd.
PAUL WANZENRIED: Odd, but we're cleaning it up.
MS. BORGUS: I wonder how many more of this -- could this happen over -- other times?
I -- I'm -- I'm just shocked. I never heard of such a thing.
Do we know when that building was built?
PAUL WANZENRIED: No.
MS. BORGUS: What was it originally? Do we know that? What was in it originally?
PAUL WANZENRIED: Aaron (Malbone), do you have --
MR. MALBONE: It was a storage building for Bausch & Lomb when they were there.
MS. BORGUS: So Bausch & Lomb must have built it across a property line.
PAUL WANZENRIED: It would be safe to assume.
JOHN HELLABY: It does occur from time to time, Dorothy (Borgus). Just as an example, Wegmans' store in Henrietta has a variance because there is a property line problem in the rear of the store. It does occur.
MS. BORGUS: Wouldn't it be logical to move -- move the property line --
JOHN HELLABY: But if you can't get the property, you're sort of straddled with what you got. It's not common, but it does occur.
MS. BORGUS: Quite amazing.
MICHAEL NYHAN: We are moving the property line.
JOHN HELLABY: It will correct the situation.
MR. MALBONE: Yes.
PAUL WANZENRIED: It is correcting the situation tonight.
MS. BORGUS: Thank you.

Paul Wanzenried 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.

MICHAEL NYHAN: Should we consider no storage above the 6 foot fence?
JOHN HELLABY: I would support that.
MICHAEL NYHAN: As a condition.
JOHN HELLABY: I would say outside storage only directly related to the business. If the fence is built, so the lot doesn't end up full of stuff that is not supposed to be there, cars, boats, the owner's whatever.
PAUL WANZENRIED: Okay. Only storage pertinent to business.
This will not be lit, is it, Aaron (Malbone)?
MR. MALBONE: Just the existing.
PAUL WANZENRIED: Just the existing lighting there now?
MR. MALBONE: Yes. The existing parking lot lights out there.
PAUL WANZENRIED: Do you know what the hours of business are? They're a wholesaler, correct?
MR. MALBONE: Monday through Friday, 7 to 5.
PAUL WANZENRIED: Okay.
JOHN NOWICKI: Waive final?
PAUL WANZENRIED: Yes.

Paul Wanzenried 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.

PAUL WANZENRIED: With regards to Application Number 1, the resubdivision approval of two lots into two lots in the Paul Road Industrial Park.

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

1. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
2. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
3. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
4. Copies of all easements associates with this project shall be provided to the Assistant Town Counsel for approval, and all filing information (i.e. liber and page number) shall be noted on the mylars.
5. Application is subject to all required permits, inspections, and code compliance regulations.
6. Subject to approval by the Town Fire Marshal.

PAUL WANZENRIED: With regard to the application for preliminary site plan, waiving final for a change of use in the portion of the building to allow fence manufacturing and distribution business, including a new 30 by 60 storage building at properties located at 465 Paul Road and a portion of 300 Aviation Avenue in Limited Industrial with ADATOD zone with the following conditions: That no storage be above 6 feet, and that only storage pertinent to the business be allowed.

Anything else you wish to add quick?

JOHN HELLABY: Complies with anything on the County Comments. I mean like you said, it was mostly boilerplate, but I'm not sure about that Ag Statement.

JOHN NOWICKI: What about the Conservation Board?

PAUL WANZENRIED: Conservation Board is the 1 percent. Well, the approval is subject to final approval by the Town Engineer and Commissioner of Public Works, okay?

Applicant shall comply with all pertinent Monroe County Development Review comments.

The Town Engineer, Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.

Um, let's see. I think that's just about it. Application is subject to all required permits, inspections and regulations and subject to the approval of the Town Fire Marshal.

Um, that's about it. Upon completion of the project, applicant to submit a landscaping certificate of compliance to the Building Department. Landscape architect certifying that any --that would be just the 1 percent that we talked about. Okay? With regards to this application and the aforementioned conditions.

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

1. In lieu of landscaping, applicant to make a donation to the Town's tree planting fund in the amount equal to 1% of the total project cost.
2. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
3. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
4. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
5. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
6. Building permits shall not be issued prior to applicant complying with all conditions.
7. Application is subject to all required permits, inspections, and code compliance regulations.
8. Subject to approval by the Town Fire Marshal.
9. Any signage change shall comply with Town Code, including obtaining

sign permits.

10. No product to be stored above 6'0" height.
11. Storage items only pertain to business.

Note: Final site plan approval has been waived by the Planning Board.

3. Application of Open Door Baptist Church, owner; 350 Chili Scottsville Road, Churchville, New York 14428 for preliminary site plan approval to erect a 22' by 38' addition to church at property located at 350 Chili Scottsville Road in RA-1 zone.

PAUL WANZENRIED: We'll take a five minute recess.

There was a recess in the meeting.

PAUL WANZENRIED: Due to the fact that we do not have County Comments, we will go as far as the Public Hearing. At that point, we'll need to table our vote until the next meeting. And that has been accepted by the client -- or the applicant, excuse me.

Steve Thompson was present to represent the application.

MR. THOMPSON: Good evening. Thank you. My name is Steve Thompson from Clark Patterson Lee and I represent the Open Door Baptist Church this evening.

Thank you first of all for hearing my presentation this evening. I understand the decision can't be rendered pending County Comments, but at least hopefully I can answer any questions that you may have so that we can expedite the decision when we do get the County Comments.

Open Door Baptist Church would like to put an addition onto the front or the west facade of their existing building to expand their ability for a nursery.

It's about a 22 by 38 foot addition onto the building and it does require and we did obtain a variance for a front setback.

Um, we have also been before the Conservation Board with a landscape plan and have received approval from them. I did receive Town Engineer's comments on our submission and have responded to those comments, as well.

I do have a revised site plan that you can look at this evening, based on those comments.

PAUL WANZENRIED: Okay.

MICHAEL NYHAN: Have you distributed the revised site plan? I think I still have.

PAT TINDALE: I have given them to the Town Engineer and Kathy Reed, yes.

MICHAEL NYHAN: Anybody else receive those?

JOHN HELLABY: No.

MICHAEL NYHAN: All right. There is an existing nursery it looks like from the photos, at the front corner of that church. Is that the area where this addition will go?

MR. THOMPSON: Exactly.

MICHAEL NYHAN: So it will extend beyond the front of the church?

MR. THOMPSON: Exactly.

MICHAEL NYHAN: How far in front of the church?

MR. THOMPSON: 12 feet.

MICHAEL NYHAN: Any outside nursery, or will that be eliminated?

MR. THOMPSON: No. That will be eliminated.

MICHAEL NYHAN: What is the current nursery size?

MR. THOMPSON: About 20 by 20.

MICHAEL NYHAN: So you're more than double the size?

MR. THOMPSON: Right. Actually, we're displacing the current nursery with interior bathroom renovation and because that nursery is being displaced, this addition needs to occur.

MICHAEL NYHAN: The old nursery will completely be displaced by restrooms and the new nursery will be 32 by 38 rather than 20 by 20?

MR. THOMPSON: Right.

MICHAEL NYHAN: It looks like the -- the other -- the engineer made several comments. You will be addressing all of the comments --

MR. THOMPSON: Yes. You should have a response letter to those comments.

MICHAEL NYHAN: Okay. I didn't get a response letter.

Did anybody else?

PAUL WANZENRIED: No.

MR. THOMPSON: I have copies if you would like.

PAUL WANZENRIED: Could we?

MR. THOMPSON: Sure.

MICHAEL NYHAN: We'll be open for questions at the next meeting, correct?

PAUL WANZENRIED: Public Hearing will not be closed, yes. You can still ask questions.

MR. THOMPSON: The letter is formatted to follow the comments by the Town Engineer and you can see the responses are in bold.

MICHAEL NYHAN: Okay. Thank you.

Any other considerations been made to the placement of this so it doesn't project out in front of the existing building? The building is rather balanced in the way it looks from the main highway, and I think this is going to completely change the look of that building by having a structure in front of it, especially the way this building is tiered, as it goes to the building.

Has there been any consideration made to extend this out to the side of the building rather than the front?

MR. THOMPSON: There has. There has. There is quite a grade drop off to the south side of the building that would be prohibitive to that. And there is also a septic system that sits out there in that south lawn.

MICHAEL NYHAN: Where is the septic system located? That was another question on the engineer's --

MR. THOMPSON: On the south lawn, it's been updated here on the plan. It sits here (indicating) in this green space, just to the south of the main building.

MICHAEL NYHAN: Okay.

MR. THOMPSON: You can see that. We didn't want to encroach upon that.

MICHAEL NYHAN: Okay. I have no other questions. I shall review the comments and maybe next month I will have some more.

MR. THOMPSON: Sure.

JOHN HELLABY: By looks of the sections, this is just a slab-on-grade addition, correct?

MR. THOMPSON: Correct.

JOHN HELLABY: Um, I'm not -- just a point, again, I think the Town Engineer did an excellent job of reviewing everything. Just a point of clarification, though, I see you're not carrying any rigid insulation down the face of that footing system, which is common practice.

MR. THOMPSON: There will be. Those drawings are very preliminary. Construction documents aren't completed yet, but obviously yes, we have.

JOHN HELLABY: Timeframe as far as all of the approvals are received, what your construction schedule might be?

MR. THOMPSON: The church would like to begin construction this fall.

JOHN HELLABY: I think you can do it. Even though you have been delayed now a month.

JOHN NOWICKI: Architecturally, is it complimenting the existing building?

MR. THOMPSON: It will match the building materials and color and things like that, yes.

JOHN NOWICKI: Thank you for your letter with the -- with the comment and the Town Engineer's. Thank you very much for that.

DAVID CROSS: I'm good. I just had a question for David Lindsay.

Any unresolved complaints on the project?

DAVID LINDSAY: No. We don't have any unresolved complaints. Just to clarify, we did receive the comments but they were received late today about 4 o'clock after Kathy (Reed) went home, so that is why they're not in the boxes.

PAUL WANZENRIED: Still doesn't change the way I have to run the meeting, though.

MR. JONES: No.

DAVID LINDSAY: No.

PAUL WANZENRIED: Thank you.

PAUL BLOSER: No questions.

PAUL WANZENRIED: Does the increase -- you're increasing the bathrooms, correct?

MR. THOMPSON: Correct.

PAUL WANZENRIED: By a couple of water closets. Does that have any impact on the existing septic system?

MR. THOMPSON: No, it does not. I have included the Town Engineer in the calculations for the design of the existing septic system.

PAUL WANZENRIED: Okay.

MR. THOMPSON: Along with the original design drawings of the septic system. That system was designed for 1,000 gallons per day and I have also included to the Town Engineer a historic water use of the facility and we're well below that. So we are adding four new water closets and two new sinks, but we're still not going to reach the capacity of the septic system.

PAUL WANZENRIED: Where -- there's gutters on this, correct?

MR. THOMPSON: Yes.

PAUL WANZENRIED: Where did they disperse at bottom? Splash blocks?

MR. THOMPSON: Currently they're splash blocks out to the south lawn, and like I said, there is quite a grade drop off there. They make the way to the drainage swale to the back of the building.

PAUL WANZENRIED: The drainage swale is on the back of your property?

MR. THOMPSON: Yes.

PAUL WANZENRIED: Okay.

PAT TINDALE: Just one comment. That one tree, we would like you to try to save.

MR. THOMPSON: Yes.

PAT TINDALE: That's all.

PAUL WANZENRIED: Which tree is that, Pat (Tindale), the one in the front?

PAT TINDALE: There is an oak that was going to come down and it was not too large and it was capable possibly of being replanted, so we just ask if they can replant it, please do so.

PAUL WANZENRIED: Okay. I will take any comments from the audience at this time.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: First off, I have a question. How do these County Comments come to the Town? By messenger?

PAUL WANZENRIED: I believe so, yes. One might say pony express the way they have been getting here.

MS. BORGUS: I'm just wondering how you get County Comments delivered at 4 p.m.

DAVID LINDSAY: If I can clarify, the County Comments come via email, but that was not the comments I was referring to. The comments that I was referring to was a revised letter from the applicant and a new set of plans that came in at 4 o'clock today.

PAUL WANZENRIED: Thank you for that clarification.

DAVID LINDSAY: Also by email.

MS. BORGUS: Well, all I can say is the Church doesn't get to do what they want to do this fall, then I guess maybe part of the blame lies with themselves. You can't -- everybody can't operate with a half an hour to spare. So, all right. I would -- I would appreciate having County Comments open and by all means --

MR. THOMPSON: Can I clarify? The comments went to the Town Monday. I'm sorry, yes -- Monday afternoon. I did forward a drawing this afternoon at 4 o'clock because it was too big to forward with the other email. And I think you got yours Monday, as well, correct?

I understand people were out yesterday because it was a holiday.

MICHAEL HANSCOM: I wasn't in the office in the afternoon.

PAUL WANZENRIED: It happens.

DAVID CROSS: Not germane to the application. We'll move forward.

PAUL WANZENRIED: We're not -- okay. Do you have a question?

DOROTHY BORGUS: No. Not a very satisfactory arrangement.

PAUL WANZENRIED: It's not.

MS. BORGUS: And coming to these meetings I see so many applicants in here, you know, bemoaning the fact they're held up and the months are going by and -- or they're -- their financing is -- they're losing that because -- they make it sound like it is this Board's fault and if they don't get on the stick and give you a little extra time, I guess then they shall have to bear the brunt of the situation.

Thank you.

PAUL WANZENRIED: Duly noted.

At this time -- I don't vote on this, do I?

DAVID LINDSAY: No.

PAUL WANZENRIED: Just close it up.

MICHAEL JONES: Mr. Chairman, I would recommend keeping the Public Hearing open until the next meeting so that the public has the opportunity to comment on once the County Comments are revealed.

PAUL WANZENRIED: But it's not a vote.

DAVID CROSS: You want us to make a motion.

PAUL WANZENRIED: Just a motion to table, right?

MICHAEL JONES: Yes. That's --

PAUL WANZENRIED: Is that what you said?

MR. JONES: Yes. That is what I said.

PAUL WANZENRIED: Sorry.

Paul Wanzenried made a motion to table the application until next month and John Hellaby seconded the motion. The Board was all in favor of the motion to table the application.

DECISION: Unanimously tabled by a vote of 6 yes to table until the November 18, 2014 meeting for the following reason:

1. Monroe County Development Review Committee comments have not been received.
2. Comments from applicant to Town Engineer comments and revision submitted too late for Board to review.

Note: The public hearing remains open regarding this application.

David Cross made a motion to adopt the 9/16/14 Planning Board minutes, and John Nowicki seconded the motion. The Board was unanimously in favor of the motion.

PAUL WANZENRIED: Next month's meeting is on the 18th due to Election Day.

The meeting ended at 7:34 p.m.