

CHILI PLANNING BOARD  
July 14, 2015

A meeting of the Chili Planning Board was held on July 14, 2015 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, Matt Emens, John Hellaby, John Nowicki, Michael Nyhan and Chairperson Paul Wanzenried.

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

1. Application of Steven & Melanie Carozza, owner; 22 Beauclaire Lane, Fairport, New York 14450 for special use permit to allow a paving and landscaping business (previously approved in 2005 & 2008 but not renewed) at property located at 271 Paul Road in L.I. zone.

Melanie and Steven Carozza were present to represent the application.

MS. CAROZZA: Good evening. I'm Melanie Carozza. This is my husband, Steve Carozza. I submitted paperwork and we're asking for a Special Use Permit for this property located at 271 Paul Road over by the airport.

Presently the property is used as a paving business. We do residential paving and commercial paving and also commercial landscaping. We house dump trucks there. I'm sure have you driven by. The old ServPro building on Paul Road.

We're here to answer any questions that you have.

MICHAEL NYHAN: Do both businesses work out of this one facility?

MS. CAROZZA: Yes.

MICHAEL NYHAN: What type of equipment is parked outside overnight?

MS. CAROZZA: Most of it is dump trucks. Some plows, I think, for some of the plow work.

MR. CAROZZA: Just dump trucks and the backhoes.

MICHAEL NYHAN: Is any of the equipment parked in the front asphalt area?

MR. CAROZZA: No. All in the back behind the fence area.

MICHAEL NYHAN: Occasionally cars for sale out front, or a car for sale out front, is that personally owned?

MR. CAROZZA: No cars for sale out front.

MICHAEL NYHAN: There was a car for sale --

MR. CAROZZA: Maybe it is one of the -- could potentially be an employee that is throwing a "for sale" sign on it when they're at work, but we don't have any cars for sale.

MATT EMENS: It seems like this -- I guess the letter says this lapsed.

MS. CAROZZA: Yes. I have to be honest. So what happened is, I'm -- I'm a lawyer and also the wife of this company, and this got buried in my emails until we needed to refinance this property and we needed all permits. So -- an email did come through from the office to me and I was in the middle of stuff, a lot of stuff, no excuse, and it lapsed. And I think it was my fault that I never -- I told the girls in the office I would take care of it and Laurie said to me, "You said you were going to do it," and I looked back and she was right. So that is my fault. It lapsed. I really have no other reason other than it got lost in law office failure. Not his fault. Trust me. I'm also the wife.

JOHN HELLABY: The only thing I got is for Mr. Lindsay. Any complaints or problems?

DAVID LINDSAY: We have no record of any complaints.

JOHN NOWICKI: I would assume all previous conditions would continue to exist?

PAUL WANZENRIED: Funny you mention that, because I'm just reading the condition letter from the 2005. Any reason why we can't maintain these conditions? Do you want to see what these conditions are?

MS. CAROZZA: I don't even remember what they are. That would be helpful.

DAVID LINDSAY: They all seem relevant and prudent. I don't see any reason why we can't reapply those.

I think Number 3 is no longer necessary, though. That is provide a copy of the deed of sale to the Chili Building Department.

PAUL WANZENRIED: That's correct. I wouldn't include that one, but the rest of them seem rather...

DAVID LINDSAY: You might consider changing Number 7, the timing.

PAUL WANZENRIED: Yes. We're going to change Number 7.

MS. CAROZZA: Okay. Sounds reasonable on our end.

PAUL WANZENRIED: Then to answer your question, John (Nowicki), then yes.

JOHN NOWICKI: Thank you.

PAT TINDALE: Seeing you're in the landscaping business, that berm that is out front there on Paul Road and your sign, our Board thought it would be nice if we saw some salt-resistant plants, some sort of landscaping put in there to enhance the appearance.

MR. CAROZZA: Yes.

PAT TINDALE: Being a landscaping place, I think it would sort of draw attention to that.

MR. CAROZZA: We actually did have some stuff planted, but it was not salt-resistant.

PAT TINDALE: Yes. It's not easy.

PAUL WANZENRIED: Is there any reason you can't get a rough landscaping plan in front of their Board on August 3rd?

MR. CAROZZA: No. I can sketch up a little something.

PAUL WANZENRIED: Is that all right with you, Pat (Tindale)?

PAT TINDALE: That would be good.

PAUL WANZENRIED: That would be great if you could do that.

MS. CAROZZA: To whom do I submit that, the little landscape design?

DAVID LINDSAY: Submit it to the Building Department and we'll make sure that we get that to the Conservation Board. To Kathy Reed in the Building Department.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Could you tell me how long the 2008 permit was for?

PAUL WANZENRIED: Three years.

MS. CAROZZA: I thought it was three years.

MS. BORGUS: So that would be 2011.

I guess my question would be not for the applicant because she says things got lost. But what excuse does the Building Department have for us?

MS. CAROZZA: Can I answer that? Because they stayed on top of us. Is it okay if I answer? I probably should ask that first. It's a good question. And she was right.

When I went to drop -- whoever the woman is that accepts all of the papers, um, she had all her ducks in a row. She had emailed us about three times and probably called us another four times. I wasn't aware of -- otherwise I probably would have submitted this a long time ago. In no way did they drop the ball in staying on top of us.

MS. BORGUS: Well, I can appreciate that opinion, but it's not my opinion. I think if this ran out in 2011, here we are four years later. It is nice to send emails and make calls, but when are we going to put the hammer down on some of these people -- not necessarily this lady, but anybody who doesn't respond? We don't ever seem to get on it. You know, then we complain everybody is so overworked. You're overworked because you're walking the same ground over and over and over because you just won't -- you won't end it. You won't do what the code and the law of this Town is for.

Again, I hope this is being videotaped, because I complain about this often, and here is another case, right here. Four years of somebody going back again and again and again and again trying to maybe somebody comply. That should never have gone on this long. And it is a very serious problem in the Building Department.

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: What timeframe are we thinking if it wasn't going to be --

PAUL WANZENRIED: Five.

JOHN HELLABY: At least five.

PAUL WANZENRIED: We'll start with five.

So condition for the Special Use Permit will be a duration of five years.

They will appear before the Conservation Board.

Here are the conditions from the 2005 condition letter. No cut brush or debris to be stored onsite.

Permit required from Fire Marshal for fuel storage tank.

Do you still have that, Mr. Carozza?

MR. CAROZZA: We do. Yep.

PAUL WANZENRIED: All right. Height of mulch, stone and topsoil piles not to exceed 5 feet nor radius of 15 feet.

Removal of stored seasonal material at end of season if required.

No storage of parking of vehicles not directly associated with the business are permitted.

And outdoor storage of anything not associated -- that is what I just said, isn't it? Yes.

Anything -- I just want to amend that and say outdoor storage of anything not associated with the paving and landscaping business is not permitted.

Right? Anybody want to add anything else?

PAUL WANZENRIED: We will apply the standard Planning Board conditions of the approval is subject to the final approval of the Town Engineer and Commissioner of Public Works.

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

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

All previous conditions imposed by this Board that are still pertinent to the application remain in effect.

Building permits shall not be issued prior to applicant complying with all conditions.

Applicant is subject to all required permits, inspection and code compliance regulations.

And subject to approval by the Town Fire Marshal.

You don't intend on changing any signage, do you?

MR. CAROZZA: No. As far as I think we went through some kind of sign thing for the Town that asked us to fill out some measurements and all that kind of stuff.

PAUL WANZENRIED: Okay.

MR. CAROZZA: We sent all that stuff?

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.

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

1. Applicant shall re-do landscaping at front with salt resistant plantings.
  2. No cut brush or debris to be stored on site.
  3. Permit required from Fire Marshal for fuel storage tank.
  4. Height of mulch, stone, and topsoil piles not to exceed 5 feet, nor a radius of 15 feet.
  5. Removal of stored seasonal material at end of season is required.
  6. No storage or parking of vehicles not directly associated with the business are permitted.
  7. Outdoor storage of anything not associated with the paving and landscape business is not permitted.
  8. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
  9. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
  10. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
  11. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
  12. Building permits shall not be issued prior to applicant complying with all conditions.
  13. Application is subject to all required permits, inspections, and code compliance regulations.
  14. Subject to approval by the Town Fire Marshal.
  15. Special Use Permit is approved for a period of 5 years.
2. Application of Grove Place Cemetery, P.O. Box 24381, Rochester, New York 14624; property owner: John Hartley Estate; for recommendation to rezone two acres from PRD (Planned Residential Development) to RA-10 (Rural Agricultural) at property located at 404 Chili Scottsville Road.

Brian Pelkey was present to represent the application.

MR. PELKEY: Good evening my name is Bryan Pelkey. I represent Grove Place Cemetery, the owners and operators of Westside Cemetery. Tonight with me I have Richard Ransom and Bruce Schwende, members of our Board.

We're seeking a recommendation to rezone -- it's about a two-acre lot on Chili Scottsville Road -- from a PRD to an RA-10 with the idea down the road here incorporating it into the Westside Cemetery.

As indicated in our letter of intent, we have no immediate plans for the use of the property other than putting up a sign at some point to make passersby on Chili Scottsville Road aware of our location on Stryker Road.

Down the road, 20, 30 years from now, we hope that the cemetery will then have grown sufficiently as to warrant the need for another means of ingress/egress by virtue of this parcel we're acquiring or hoping to acquire from the Hartley Estate.

At this point in time we're seeking a recommendation to allow the rezoning. Are there any questions?

PAUL WANZENRIED: You said you're not having any sort of entrance there?

MR. PELKEY: Not at the present time, correct.

DAVID CROSS: I don't know about questions, but I wouldn't -- I'm not against the -- wouldn't be against the rezoning. It is really a more restricted use. You're going from PRD to RA-10, 10 acre minimum. I would have concern over future access on Chili Scottsville Road due to the fact that that is a State highway and you have plenty of room on Stryker Road. But I know it is 20, 30 years down the road. I don't know that signage really fits the intent of the zoning, particularly in that area. I know that is not the purview of our Board. I just wanted to go on record to say those things. But I personally wouldn't -- I wouldn't have a problem with the recommendation to rezone.

MR. PELKEY: Thank you.

ERIC STOWE: You don't own the property currently? The Cemetery is engaged to purchase the property?

MR. PELKEY: We're currently under contract to purchase it from the Estate.

ERIC STOWE: Contingent upon the rezoning.

MR. PELKEY: Contingent upon rezoning, State approval.

PAT TINDALE: I only have one comment. We just wanted to commend you on the landscaping and the upkeep of the property. You did a nice job. Our whole Board was impressed.

MR. PELKEY: These gentlemen right here are responsible for that.

PAT TINDALE: Thank you very much.

JOHN HELLABY: I do have one quick question. Just so you know, I'm not losing my mind, this was part of the discussion seven years ago when you guys were in here for approval. I totally recall it being in those discussions, and I thought that you actually were in the process of buying the property then?

MR. PELKEY: That's correct.

JOHN HELLABY: But apparently it never went through?

MR. PELKEY: That's correct.

JOHN HELLABY: Because I'm thinking tonight when I'm walking in here, something --

MR. PELKEY: Deja vu all over again.

DAVID CROSS: In your master planning then, didn't you show two entrances on Stryker Road?

MR. PELKEY: No. I don't recall that. There was always the one entrance with the circle. I don't think we ever had plans --

DAVID CROSS: Okay. All right. I'm good.

MR. PELKEY: Frankly, they're expensive.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

JEAN SKELLY (phonetic)

MS. SKELLY: And my property is adjacent.

MR. PELKEY: Right. I remember meeting you way back then.

MS. SKELLY: You're talking 20, 30 years in the time, but in the meantime, Mr. Hartley's property will be maintained at all, like cut once a year, or will it be allowed to grow into a forest like the space between the cemetery and Scottsville Road?

MR. PELKEY: Frankly, it will be allowed to just resume the natural progression that has been going on.

MS. SKELLY: Okay. 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.

PAUL WANZENRIED: Am I going through SEQR? No, that is not mine. That's the Town Board's, right?

JOHN HELLABY: Town Board's.

DECISION: Unanimously approved by a vote of 7 yes to recommend to the Town Board the rezoning of 404 Chili Scottsville Road from PRD to RA-10. The Town Board will be notified of this decision by copy of the decision letter. Applicant please be advised that it must now petition the Town Board, through the Town Clerk's Office, to set a Public Hearing before the Town Board on this rezoning application.

INFORMAL:

1. Application of Asif Hussain, 24 Osprey Drive, West Henrietta, New York 14586 for revised site plan approval granted on June 9, 2015, to convert existing building to a convenience store. Applicant is requesting that the condition regarding obtaining an ingress/egress easement to Air Park Drive be removed at property located at 1210 Scottsville Road in GB Zone.

No one was present to represent the matter.

PAUL WANZENRIED: We will take a ten-minute recess.

There was a recess in the meeting.

Paul Wanzenried made a motion to table the application of Asif Hussain, and John Hellaby seconded the motion.

ERIC STOWE: If I could, I think it would just be helpful to note, it's because the applicant did not appear due to confusion in the date. Just so it is clear that Mr. Lindsay did confirm that with the applicant's representative.

PAUL WANZENRIED: Duly noted.

DECISION: Unanimously tabled the above described application due to the applicant failing to appear. This application will now be heard at the August 11, 2015 Planning Board meeting.

Paul Wanzenried made a motion to approve the 6/9/15 Planning Board minutes, and David Cross seconded the motion. All Board members were in favor of the motion.

The meeting ended at 7:29 p.m.