

CHILI PLANNING BOARD  
January 14, 2014

A meeting of the Chili Planning Board was held on January 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 James Martin.

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

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

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.

PUBLIC HEARINGS:

1. Application of RG&E, owner; 89 East Avenue, Rochester, New York 14649 for preliminary site plan approval to erect a 164' by 40' truck storage building and 60' by 65' pipe storage building at property located at 1300 Scottsville Road in GB zone.

JOHN HELLABY: Mr. Chairman, I request to be recused from this applicant as my wife is the Assistant to the President at RG&E.

JAMES MARTIN: Mr. Hellaby, you are recused.

JOHN HELLABY: Thanks, Buddy.

Mike Schaffron was present to represent the application.

MR. SCHAFFRON: Good evening. My name is Mike Schaffron with Labella Associates with offices at 300 State Street. We're here this evening on behalf of RG&E, which is a tenant at the facilities located at 1300 Scottsville Road. The owner of the property is the Shops of Hillsboro, and we have submitted application from Alan Singer that we may speak on this project on his behalf.

Um, the site is somewhat unique in that it fronts on several public highways, Scottsville Road, Airpark Road and Widener Road to the -- to the rear. As was indicated, we're proposing to do two buildings. One building is the pipe storage building, and that's going to be located within the current fenced area that other gas piping materials are stored on the eastern portion of the site.

The truck storage building will be located behind the larger building which fronts on Scottsville Road, and that building, while it is in the back, it won't be seen from Scottsville Road. You can have a view path to that building from Widener Road.

Um, both buildings will be metal-sided buildings and they're going to be constructed in the General Business zone. The proposed location of those two structures meet all setbacks.

We do have a landscaping plan here tonight that was not submitted in time for the Board's review. But to fill the requirements having a minimum of 1 percent of the project cost associated with landscaping materials, we're going to put additional landscaping in the front area that fronts along Scottsville Road. When that building was developed, there was quite an extensive landscaping plan developed for that. Some of those materials have not survived, and considering that that is the major view shed of the project, we felt it would be best to put the plant material there rather than hiding it around the back of the building.

So we are going to in-fill areas that did not take to kind of restore the original plan. Nine deciduous and nine conifer trees will be located. In general the conifers -- excuse me, the conifers will be located in front of the storage area as that area really merits some kind of year-round screening from Air Park Road.

The deciduous trees would be located predominantly in the parking area in front of the major building.

With these 18 plantings, we feel we have about 1.45 percent of the project cost in landscaping.

Um, I would also like to talk for a moment regarding lighting. On the plans submitted to the Board, there was indication that there would be three power poles with light fixtures relocated. In further review of that, those poles will be removed, not relocated. And there will be wall-pack units installed on both structures.

For the structure that will be within the pipe -- within the material storage area, there will be two wall-pack units located in front of the overhead doors, one facing north, one facing east.

For the truck storage building, um, there would be three wall-pack units to the north side,

which is basically the back side of the major structure fronting on Scottsville Road, and then three wall-pack units facing southward, as there is a work area behind there that's closer to Widener Road.

These wall-pack units will disperse light in that area necessary for safe passage of the vehicles and some personnel. We do have an isocontour map which indicates that the tenth of a foot candle contour does not leave the site. So there will not be any light spillage onto adjacent properties with this.

Um, if it is the Board's desire, I could review the comments from the Town Engineer at this point in time and their response to them.

JAMES MARTIN: You're talking about the detailed comments or the general comment sheet?

MR. SCHAFFRON: The comments from Lu Engineers dated December 4th.

JAMES MARTIN: December 4th. If you want to go down through them quickly for our information.

MR. SCHAFFRON: The first comment dealt with the project data table in that the -- the pipe storage building should actually be measured on its frontage from Air Park Road. We have made that modification to the table.

On drawings C102, we did label the silt fence and call for inland protection around those catch basins. That would be maintained until surface restoration is complete.

Similar notes were added to C103, as well. On both drawings we did add the note requested by the Town Engineer indicating that the asphalt pavement adjacent to construction areas will be cleaned at the end of each day to prevent tracking of mud onto the public highways.

Um, and I think the latter notes deal with the relocated poles, which I've stated are not going to be relocated. They're going to be removed. And we do have plans now with the wall-pack units indicating the isocontours for the lighting levels.

And the last comment was that if the Planning Board granted approval, that it would be contingent upon the Town Engineer and the Commissioner of Public Works approval, which we would certainly agree with.

JAMES MARTIN: I had a note from the preliminary meeting that we had, the Design Review Committee. One of the buildings is 38 feet high; is that correct?

MR. SCHAFFRON: I believe that is -- is correct. It was brought to my attention that -- um, that that is not conforming to the zoning height. We had a little discussion prior to the meeting. As I had noted in the General Business -- General Business section of the zoning code there was a footnote there that that passage was changed as a result of Local Law 4 of 2008. I couldn't find that, but it was clarified tonight that the passage that was altered was -- it was removed, that it could be 2 1/2 stories in height or 35 feet. So I think the way it reads now is solely that it's 35 foot in height.

JAMES MARTIN: So based on that, there will be a variance required for the height of the building. So that will have to be handled by the ZBA, which if this goes forward, would be a condition of approval, that you get that approval from the ZBA.

MR. SCHAFFRON: Yes.

JOHN NOWICKI: That's for the truck storage?

MR. SCHAFFRON: That would be the main building that is currently on the site and basically occupies our Engineering Offices.

JOHN NOWICKI: Oh. A variance for that building?

JAMES MARTIN: Yes.

MR. SCHAFFRON: The proposed buildings are well below 35 feet.

JOHN NOWICKI: Yeah.

JAMES MARTIN: As far as the truck storage facility, is there any planned maintenance to be done as -- you know, in that particular building on the vehicles themselves?

MR. SCHAFFRON: Very good question. No, there is not. The purpose of this building is really to get their current vehicles out of the elements. And this would allow them quicker response time, particularly in the winter time. As you can imagine, middle of the night, somebody goes off the road, hits a utility pole. They call the crews out, but the first thing they do is either sweep off all of the snow from the vehicles, or if it's an ice storm, you're there for an extended period of time chipping ice off until you can actually use the vehicles safely.

So this will allow them to have quicker response time during inclement weather, as well as just be able to load the vehicles during inclement weather, as well. It's not meant to be a maintenance facility at all. So there is not going to be a maintenance job, maintenance or repair shop in that area. I will note --

PAUL BLOSER: It is a heated building?

MR. SCHAFFRON: No, it's not. I should have mentioned that. Thank you, Paul (Bloser). It's an open structure building. So it is more or less or a canopy, so they would pull in and pull out from the north side of the building, but it's not intended to be enclosed. It's not intended to have permanent staff there where you would need heating, sanitation or water facilities.

JAMES MARTIN: Thank you.

As far as the landscaping plan, do you plan to go to the Conservation Board for approval of your design?

MR. SCHAFFRON: Yes. That's -- that's correct. We feel that it -- it meets the Town requirements, but we did not have this for the Conservation Board, so if any approval is granted this evening, I'm sure it will be contingent upon meeting the Conservation Board's comments. We feel we have sufficient plant material, the height and caliper of the plants meet the Town

requirements.

PAUL WANZENRIED: Did I hear you currently in saying that you are replacing existing plants that did not take?

MR. SCHAFFRON: We're -- well, I guess we could wordsmith "replacing," but the plants that did not take have already been removed, so we would be putting an additional plant back into the spot that that area was vacated when that plant died.

PAUL WANZENRIED: Were those plants part of the original approval with the landscape plan when the parcel was originally approved?

MR. SCHAFFRON: Yes, they were.

PAUL WANZENRIED: So you're not -- how should I word this?

PAUL BLOSER: That was going to be one of my questions. What percentage of this is new proposed and what percentage is you're replacing what died out?

PAUL WANZENRIED: Thank you, Paul (Bloser).

MR. SCHAFFRON: I would say the vast majority of them -- I think out of the 18, I know one is new that wasn't proposed, and I believe the others are replacement for those that, you know, over the 10, 12 year period of time succumbed.

PAUL BLOSER: I guess that would be my only thing, because one of the -- the 1 1/2 percent figure is kind of a -- not a real number of additional vegetation. It's -- you're replacing what's died off from what was originally required, and whatever, you're going to put a couple in extra. I guess I would like that number defined for Conservation before you get there, because that is probably something they will ask.

MR. SCHAFFRON: It's a good point to ask.

DAVID CROSS: Conservation will get our comments from this meeting.

JAMES MARTIN: Obviously they will ask for definitive numbers, new plants, versus where you were, and so basically there will be some monetary obligation if they feel it's appropriate.

MR. SCHAFFRON: After the warranty period is it an obligation of the tenant to keep those plants still there for --

JAMES MARTIN: Well, I'm assuming when you build a new structure, the cost of that must have been astronomically higher than what you are proposing to build now, so whatever percentage or money you put into the landscaping at that time was a fairly substantial amount.

MR. SCHAFFRON: Uh-huh.

JAMES MARTIN: That's my assumption.

MR. SCHAFFRON: Yes. And certainly the construction was must larger, as well.

JAMES MARTIN: Obviously it was. So it would seem to me that, again, I think it's going to be up to Conservation Board -- are they going to judge you on the cost of the new construction, or are they going to judge you on the fact that you are replacing something that died off from the original plan, okay? I'm not going to speak for them. I'm going to let them make a decision as to whether or not they feel it would be appropriate, all right, to say okay, your cost of construction for your truck storage and your pipe storage is X, okay, and we will go with the percentage of that. I don't -- they can't penalize you, I think, because of the original building cost, in my mind, anyways.

So I think you need to be prepared to address it from that perspective, okay?

MR. SCHAFFRON: Okay. We'll point that out, the ratio that you had requested, Paul (Bloser).

PAUL WANZENRIED: How many trucks are you going to park in there?

MR. SCHAFFRON: I believe there is space for ten trucks. Each bay is about 33 feet wide and able to get two trucks in each bay.

PAUL WANZENRIED: And you can only access this from Scottsville Road, back through the property?

MR. SCHAFFRON: Yes, that's correct.

PAUL WANZENRIED: There is no Widener Road access?

MR. SCHAFFRON: That's correct. I don't know if you have seen it, but they basically have remote control gates in the front from Scottsville Road, and they're monitored by TV cameras. The guard at the front desk allows people in and out as necessary. So this would be accessed from Scottsville Road.

PAUL WANZENRIED: Okay. I don't have any further questions right now.

KAREN COX: Ten trucks is not the full RG&E fleet, correct?

MR. SCHAFFRON: No.

KAREN COX: So this would -- that may sound like a dumb question.

MR. SCHAFFRON: There is truck storage there now, and not every truck will be able to be pulled in.

KAREN COX: The idea would be to have a fleet of trucks that would be ready to go in a moment's notice and not have to deal with the weather.

MR. SCHAFFRON: Yes.

KAREN COX: Okay. And you -- this -- the way you have described it, you said it's like a canopy, but it has four walls, right?

MR. SCHAFFRON: Well, I would say it has three walls. A wall on the east side, the west side, south side. Because of so many bays, to the north side, it's open.

KAREN COX: Just wide open. Okay.

And the pipe storage, is that -- that is going to store gas pipe?

MR. SCHAFFRON: Yes.

KAREN COX: And is -- that's not going to store their entire inventory of gas pipe?

MR. SCHAFFRON: No, not by any means, but it is intended to store a small amount of the various sizes that could be used in a short-term. It would be predominantly the -- their metal pipe, so get that out of the elements. There would probably also be some valve storage and fittings that it's best to get them out of the elements versus just laying in the yard until they need them.

KAREN COX: Okay. All right. That is what I wondered. That's all I had.

JOHN NOWICKI: The lighting that you -- does that meet our codes?

JAMES MARTIN: It's going to be just the wall packs. It has to be compliant with our dark sky.

MR. SCHAFFRON: It's a partially shielded fixture. We will provide a catalogue cut of this to the Town Engineer.

JOHN NOWICKI: So it will be down around the buildings?

MR. SCHAFFRON: Yes. It is going to be substantially around the buildings.

JOHN NOWICKI: Want to make sure of that.

Any fuel storage going to be associated with this truck storage?

MR. SCHAFFRON: No.

JOHN NOWICKI: No fuel storage. I know you have security in place, but in the back there, is it secure from the Widener Road area back there? Do they have cameras or facilities?

MR. SCHAFFRON: I don't know as I can speak to their security measures. I know there is a -- multiple cameras there. I won't necessarily go into locations, but I have been in the front lobby many times and there is a display of multiple views throughout the site.

JOHN NOWICKI: Thank you. That's all I have.

DAVID CROSS: Not to beat a dead horse, but to go back to the landscaping real quick, we would like to see them replace or rehab what didn't work, with the original construction, because a lot of that -- I drive past it a lot and a lot of it needs work. So fix what didn't work and then provide 1 percent of the new construction on top.

PAUL WANZENRIED: Yes.

DAVID CROSS: So just to summarize that.

And I do like the way you -- you're concentrating your efforts up towards Scottsville Road. That is the main corridor, what people see. So I'm in full agreement with that.

MR. SCHAFFRON: Now, the original landscaping plan was pretty robust. I mean, basically they landscaped just about any areas out there you would want landscaped. Um, if we have to put 1 percent additional landscaping, um, we're going to be searching for locations. And I think to some degree they're going to end up behind the building.

DAVID CROSS: Well, you can also donate to the Town fund also, so there is another mechanism to take care of that. I would suggest taking a walk-through with somebody from the Conservation Board and maybe agree and disagree on each -- each tree.

MR. SCHAFFRON: You know, I think that's an excellent idea that maybe I should propose to the Conservation before their evening meeting when it will not be conducive to do that. With perhaps one or two members of the Conservation Board, we could do a walk-through during the daytime and come to some better conclusions for the project.

JAMES MARTIN: They're generally more than willing to do that.

MR. SCHAFFRON: That's a great idea, Dave (Cross). Thanks.

PAUL BLOSER: Um, just a couple of questions on the building. Forgive me, because I wasn't here for the first round, and this is my first Planning Board meeting. So I didn't get the full package of everything. But the construction of this building is what?

MR. SCHAFFRON: Metal frame.

PAUL BLOSER: Steel sides?

MR. SCHAFFRON: Yes.

PAUL BLOSER: Because you kept referring to it as a canopy, and sometimes I think a canopy as a soft shell, dome.

MR. SCHAFFRON: I have seen those.

PAUL BLOSER: I just wanted to be clear on that.

Is there any type of fire system in there? Dry system at all?

MR. SCHAFFRON: No.

PAUL BLOSER: Just checking.

And, you know, without seeing the plans, you're saying you're entering the building from the north side?

MR. SCHAFFRON: For the truck storage building, yes.

PAUL BLOSER: I apologize.

Is -- is exiting the same doorway? Is it a drive-through out?

MR. SCHAFFRON: It's not a drive-through.

PAUL BLOSER: So they're parking, backing into slots on one side then?

MR. SCHAFFRON: I'm not sure they're going to back into those slots or pull in forward, if that is your question. But either way --

PAUL BLOSER: I'm looking at that and just wondering how their parking arrangement is. 164 foot doesn't put a lot of big trucks in, and I have seen the size of your trucks and I know what we have in our Highway Department. So -- and I understand your concept is you just want to have a battle ready crew to go out so they can hit the streets quickly.

MR. SCHAFFRON: I think that's it. You're struggling to make some balance between how much money can you afford and can you afford a structure for every vehicle in the fleet.

The answer is probably not.

PAUL BLOSER: Probably not.

MR. SCHAFFRON: TSC would not look favorably at that, but I think with a reasonable number considering the size of the service area and their intent there to have a -- like you say, a battle ready group to go out.

PAUL BLOSER: Is this for gas and electric trucks or just gas?

MR. SCHAFFRON: Um, I believe it's for -- for both.

PAUL BLOSER: Okay. Not that it matters to me. I'm just curious, because I know you have got a variety of vehicles. But I envisioned the bucket trucks going in there mostly because of --

MR. SCHAFFRON: They're more --

PAUL BLOSER: Mechanically.

MR. SCHAFFRON: -- worried about ice and buildup on everything.

PAUL BLOSER: Cleaned up to go. That's all I have right now.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Um, first I had a comment, and I was sitting here listening to the same words as you did about the landscaping, and I'm glad that three, at least three members of this Board picked up on that. I don't think you can spend the same money twice, and I don't think you can use the same benefit twice.

So this will be a good solution -- Mr. Cross came up with a very good idea to solve the problem.

I do think, though, the Board needs to make it clear when they grant approvals -- maybe the Conservation Board needs to say it and this Board needs to back it up, that just because somebody gets a landscape plan and they see through the warranty period for whatever they plant, that if it dies after that -- you know, the applicants seem to think they're home free, they don't have to replace anything. And this Board should make -- I think make it very clear to them that that is an ongoing obligation.

You look around Town, and I agree with Mr. Cross. You see a lot of places that look pretty good when they were planted. Landscaping was good. Five years goes by, and if you were to compare pictures of then and now, you would see how bad it has gotten.

And I just think this Board is -- this is something this Board can pick up on, and -- and really let applicants know that they're not off the hook after a year or two or whatever their period is of -- of guaranteeing their plantings. This should have been replaced. The ones that died should have been replaced as they went along. It shouldn't have got to point whereas Mr. Cross says, it doesn't look very good.

The other question I had was, I -- on this building that exceeds the height limits for our code, that is not these buildings; am I correct?

JAMES MARTIN: You're correct.

MS. BORGUS: How did this get discovered now, that there is a building that exceeds height limits?

JAMES MARTIN: Mr. Lindsay, if you would care to answer that, you can answer it.

DAVID LINDSAY: I'll defer to Ed Shero, Building Inspector.

ED SHERO: It was discovered apparently the -- um, apparently at some point the -- they hired Erdman Anthony to either survey the property. I don't know for what reason. I think maybe for a mortgage. I'm not really sure.

But I would say about six weeks ago I got a phone call from Erdman Anthony that said, "We went out there and we're doing a survey and the height is 38 feet. Was there ever a variance granted for the property?"

And there was not. It seemed like there were several errors that were committed in 2002. Obviously, I wasn't there at the time, and trying to make sense of it, you're welcome to come in. I can show you the papers.

But erroneously it was recorded to be the maximum height of 40 feet. Also erroneously the architect on the plan review sheet said the maximum height was 34'6". If somebody would have bothered opening up the pages and looking at the overall height, it was at 38'6". So I think there is a lot of blame probably at the time to point the finger at, but my recommendation was just to correct it and apply for the variance. It's the only way I know how to correct it. Or to reduce the roof, which I don't think you want to do.

MS. BORGUS: Thank you. I don't think I have missed my point with this Board or with the Building Department. This is, again -- I will say it again, sloppy work. That building had to have been given a C of O. Right? They didn't just build it and move in and that was the end of it. And I only hope that we have got better standards now.

Thank you.

JAMES MARTIN: Thank you.

James Martin made a motion to close the Public Hearing portion of this application, and John Nowicki seconded the motion. The Board unanimously approved the motion.

The Public Hearing portion of this application was closed at this time.

JAMES MARTIN: Okay. Next step in the process.

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: During the discussion and question period, I picked up four conditions. Number 1, the applicant shall supply landscape plan drawn by a licensed landscape architect along with the required checklist for the Conservation Board's review and approval.

Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.

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

And it is pending approval of the Zoning Board of Appeals for all required variances.

And to be documented in a letter.

Did I miss anything?

PAUL WANZENRIED: You don't want to -- we don't want to explicitly state that -- or is that the role of the Conservation Board, that existing plantings should be replaced?

JAMES MARTIN: I think, Paul (Wanzenried), I prefer to let them sort that out and then come back to us if there is an issue.

PAUL WANZENRIED: Fine. Okay.

JAMES MARTIN: The applicant has paid their fee for waiving final. I will take a consensus on this.

JOHN NOWICKI: So moved.

JAMES MARTIN: Any objection to waiving final on this, Board?

The Board indicated they would waive final for this application.

DECISION: Unanimously approved by a vote of 6 yes with 1 abstention (John Hellaby) with the following conditions:

1. The applicant shall supply a landscape plan drawn by a Licensed Landscape Architect along with the required checklist to the Conservation Board for review and approval.
2. Approval is subject to final approval by the Town Engineer and the Commissioner of Public Works.
3. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
4. Pending approval of the Zoning Board of Appeals for all required variances.

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

The meeting ended at 7:31 p.m.