

CHILI PLANNING BOARD
October 8, 2013

A meeting of the Chili Planning Board was held on October 8, 2013 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: Richard Brongo, David Cross, John Nowicki, Paul Wanzenried and Chairperson James Martin. Karen Cox and John Hellaby were 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.

This is a draft only and has not been filed according to Section 106 of the Public Officers Law. These are not certified verbatim minutes; they are a summary of the meeting. These minutes have not been approved by the Chili Planning Board, and therefore, are subject to change.

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 Roberts Wesleyan College, owner, 2301 Westside Drive, Rochester, New York 14624 for preliminary site plan approval to erect a 43,617 square foot science and nursing building at property located at 2301 Westside Drive in PID zone.

JAMES MARTIN: One announcement tonight. There a small change in the agenda. At the request of Roberts Wesleyan, the Item Number 3 under Public Hearings, preliminary site plan -- I'm sorry.

I take that back. Item Number 1 under Public Hearings, the application for the new science and nursing building, they have asked to have that taken off the agenda tonight and moved to the November meeting, so we will not be hearing that tonight.

DECISION: Withdrew from the agenda the above described application at the applicant's request. This application will now be heard at the November 12th Planning Board meeting.

2. Application of Roberts Wesleyan College, owner; 2301 Westside Drive, Rochester, New York 14624 for preliminary subdivision approval to combine five lots into one lot to be known as Roberts Wesleyan College subdivision at properties located at 15, 17, 21, 23, 25 Orchard Street in R-1-15 zone (conditional PID rezone).
3. Application of Roberts Wesleyan College, owner, 2301, Westside Drive, Rochester, New York 14624 for preliminary site plan approval to install a campus parking lot at properties located at 15, 17, 21, 23, 25 Orchard Street in R-1-15 zone (conditional PID rezone).

Ed Martin and Rich Grier were present to represent the applications.

JAMES MARTIN: The reason I read "conditional PID zone" is that -- bear with me for a minute. At the time the project, the rezoning of the project was approved by the Town Board, the rezoning itself would not take place until the lots were put into a one-lot subdivision, which is the purview of this Board. So the rezoning was conditional upon that actually happening. So that is the reason for that conditional PID in parentheses for that application.

MR. ED MARTIN: Good evening. For the record, my name is Ed Martin. I'm an engineer with LandTech, here tonight representing Roberts Wesleyan College and their applications before you.

As Mr. Martin stated, the proposal is to construct a parking lot out here. It's a 1.6 acre parcel comprised of five individual lots at this time, which have -- as Mr. Martin explained, been conditionally rezoned to PID, subject to your approval with this site plan.

Since we last came before this Board, we have obtained that conditional rezoning. We did appear before the Conservation Board last week and I can touch on that momentarily. And today, I have spoken to both Mr. Lindsay and Mr. Hanscom regarding the comments by the Town Engineer.

Going back to the Conservation Board last week, um, at the risk of speaking for the Conservation Board, I think the plan was well received. There was one question raised that we didn't have an answer to and I will raise it to you tonight. There was a question about a reference to required landscaping per every ten spaces for a parking lot. I wasn't able to find that in the code. I haven't seen that. So I just kind of throw that out there. I made a commitment to the

Conservation Board I would raise that with this Board.

JAMES MARTIN: I believe, David (Lindsay), correct me if I am wrong, somewhere in our code under parking, there needed to be some sort of an island or something every ten parking spaces in a parking lot. I believe that's what he is referring to, and I think we have waived that requirement under previous site plans such as Wegmans and Target and some of the larger parking lots in Town where we have not required that island separating every ten spaces.

DAVID LINDSAY: Yes. That's correct. I think there was maximum distances to doors that we waived in the past, as well. I -- I don't recall. I know it wasn't in the old code. I would have to double check to make sure it was in the current code. I think you're right. I think it is in there, but I would want to double-check for sure.

JAMES MARTIN: So if -- if you could make a quick check of that, if we need to do something to waive that requirement or whatever we need to do, I would appreciate that.

Thank you.

MR. ED MARTIN: If that is the case, we would request our waiver. I think you can appreciate our efforts to maintain a significant buffer to the property surrounding us. You will note the proposed planting of 27 new evergreens. We have made every effort to also preserve existing trees on site.

The Town Engineer has asked us to remove the existing driveway aprons from the homes that used to exist along Orchard Street that have since been demolished.

I did fail to mention as part of the rezoning process, we did hold a public informational meeting with the neighbors along Sunnyside. It was well received. I didn't -- I didn't bring notes for you or anything like that, but there was Town Board membership in attendance, and they relayed the outcome of that public information meeting at the Town Board meeting when we received the rezoning.

Utilities are very simple on this project. We simply have site lighting, which is dark sky compliant. You will note on Sheet 2, lighting contours in the left view port.

The -- the only other utility is a storm connection to the Orchard Street storm sewer system. And that's for a discharge of an infiltration basin located along the western edge of the parking lot. We have sized that infiltration basin to take 1 inch of runoff from the parking lot. That is 1 inch of runoff assuming no infiltration occurs during the rain event. That's a green practice that we're applying to that.

Secondary flows that are greater than 1 inch will enter the catch basin by two orifices both on the north and south side of the catch basin and flow through the storm connection I referenced earlier. And then flood waters would enter the top of the catch basin. We have sized this to contain the 100-year event and all post-development discharge rates are less than existing.

As I said, I did speak with the Town Engineer and Mr. Lindsay regarding comments that would summarize them to be detailed in nature, engineering-oriented. I think at the risk of speaking for them, I think can work out the -- the comments off line from this meeting.

With that, I would be happy to answer any questions you may have.

I did fail to mention that Mr. Grier from the College is in attendance this evening. Should you have question about the operation, he is better to answer that.

JAMES MARTIN: I -- in reviewing, um, preparing for this, there were two letters, I think, from the Town Engineer regarding several technical aspects on the project, itself. And at this point, I guess I will go to the side table and find out if Mr. Lindsay, and Mr. Hanscom are okay working through this. Obviously any approval granted tonight would be conditioned on their final approval of the plan itself.

So, David (Lindsay), and Mike (Hanscom), are you okay with the responses so far from the engineer, and if we condition this upon final approval, do you believe that all those issues will be worked out satisfactorily?

MICHAEL HANSCOM: I do believe that we can work all of these out probably between us. One of the major things is to try to determine whether the SWPPP is needed. It's so borderline, that I need to sit down with Mr. Martin and go over his look at the area that he is -- is stating is within the -- within the 1-acre limit.

Everything else appears to be more, you know, just details of trying to make sure everything works, with the -- but the overall layout and stuff is fine.

JAMES MARTIN: So certainly an approval would be subject to your and Mr. Lindsay's final approval of the plan, as far as all of the questions and issues that are raised in your letters, assuming that those are worked out satisfactorily, okay.

As far as Fire Marshal, there were no comments on these two applications from the Fire Marshal.

I'm sorry.

DAVID LINDSAY: Mr. Chairman, I think in response to your question about the Town Engineer addressing the comments, certainly if in the course of our review we find ourselves making a significant change to the plan, that is beyond what you approved here tonight or may approve here tonight, we may ask them to come back for revised site plan, too, at that point, so.

JAMES MARTIN: Okay. I will -- any significant changes to the proposed plan ascertained by the Town Engineer and Commissioner of Public Works will require the applicant to reappear before the Planning Board.

DAVID LINDSAY: In regards to the parking question, I would suggest that you just waive it -- if you desire to waive it, go ahead and waive it. If it is not in the code -- I can't find any language that references it any more. There is language around the 250 foot spacing between the door and most extreme parking, but I can't find anything in there about the ten contiguous spaces

yet.

JAMES MARTIN: Okay.

PAUL WANZENRIED: Mr. Martin, there is currently houses on this -- those properties?

MR. ED MARTIN: No, sir. They have been demolished.

PAUL WANZENRIED: The basement is removed?

MR. ED MARTIN: I believe so.

MR. GRIER: Yes.

JAMES MARTIN: It's all filled in.

PAUL WANZENRIED: I have nothing further.

DAVID CROSS: I guess I'm interested in hearing what the Conservation Board might say. I -- I think there is probably some opportunity to provide some berming up front along Orchard Street between the right-of-way and the edge of the parking lot. I know you have some existing trees in there, but even some -- some simple 3 foot berms. Not that they need extra vegetation or plantings on them, but provide some screening from Orchard Street, because I think the -- the community would appreciate that.

MR. ED MARTIN: Would you consider plantings alone? The reason I ask that, the tightness of the SWPPP threshold that Mr. Hanscom talked about earlier, if we put in a berm that is considered soil disturbance and would increase -- our goal from the outside was to stay under one acre. I think we would be okay with planting additional evergreens which would not be subject --

DAVID CROSS: I think some additional screening by virtue of additional plantings would be adequate. You have made such an effort around the other three sides. Why not just close the loop?

MR. ED MARTIN: Understand.

DAVID CROSS: I saw a comment from the Town Engineer regarding the pedestrian striping across Orchard Street. You saw that and you're aware of that and you're okay with that?

MR. ED MARTIN: Yes, sir.

DAVID CROSS: That's all I have.

PAUL WANZENRIED: Does that create a security issue, the berming and the screening?

DAVID CROSS: I -- certainly any time you enclose a parking lot with fencing or berming or plantings, it -- I think so.

PAUL WANZENRIED: I mean, I will assume that the College will provide security and patrol that parking lot, correct?

MR. GRIER: Correct.

PAUL WANZENRIED: I get where you're coming from, Dave (Cross), but if you close it off, are we opening it up to something else?

DAVID CROSS: I'm assuming you will be able to see through there to some degree but some additional plantings in the front. It doesn't have to be 50 of them, but some attempt to provide some --

MR. ED MARTIN: Happy to do that.

RICHARD BRONGO: Is this going to be a gated parking lot or somebody needs a pass or something to get in and out of?

MR. ED MARTIN: No, sir. The plan is to keep it open.

RICHARD BRONGO: Do you feel that just one entrance, exit, is sufficient for the amount of cars that you have there?

MR. ED MARTIN: You know what? It's -- it's close to the threshold where I would say that two entrances would be required. Typically when we go over 100 is when I start getting really serious about it. But we're also talking about limiting the access points to Orchard Street. So limiting it to one can actually create a safer environment because it is one point of ingress and egress for vehicles versus two, especially when we have pedestrians crossing right there. So it our thought was to keep it at one.

PAT TINDALE: No, but I agree with David (Lindsay), the point we didn't think of. That's all.

JAMES MARTIN: If I put that in as a condition to provide additional landscape plantings along Orchard Street, um, I'd like to put this in to a phrase that would, you know, kind of -- I don't want to limit it, but on the other hand, I don't want to have it over done. You understand what I'm saying? I would like to have something that says where they can do this, they should -- they can do it. Okay? If you understand what I'm saying.

In other words, you know, we don't want an anecdotal row of big pine trees or something along there.

DAVID CROSS: I would say, even a half dozen evergreens. So whatever -- the Conservation Board should look at it and sign off -- you know, it would be in concurrence.

JAMES MARTIN: Provide additional landscape planting along Orchard Street per agreement between the Conservation Board and the applicant.

Are you comfortable with that?

PAUL WANZENRIED: Could you say with the Conservation Board's directive?

JAMES MARTIN: Well, I kind of said that.

PAUL WANZENRIED: Yes, but it gives that -- that phrase puts the onus on the Conservation Board as guiding the engineer, not the engineer guiding the Conservation Board.

JOHN NOWICKI: Who will determine the type of plantings?

DAVID CROSS: I think Ed (Martin) can propose something and then the Conservation Board can concur one way or the other.

MR. ED MARTIN: Sure.

JAMES MARTIN: Well, if I say per agreement between Conservation Board and the applicant --

PAUL WANZENRIED: Okay.

JAMES MARTIN: -- that will work.

That's the way it is going to read.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

JAMES MARTIN: We're dealing with two separate applications tonight. Preliminary subdivision. Most of the conditions we have talked about really apply to the site plan per se. I don't know of any significant conditions on the subdivision itself. But I will certainly -- we have talked about what will be pertinent to the site itself. So at this time, on the subdivision, the preliminary subdivision, they have paid the fee for final.

Consensus on waiving final?

The Board indicated they would waive final.

On subdivision, 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.

DECISION ON APPLICATION NUMBER 1: Unanimously approved, by a vote of 5 yes with no conditions.

Note: Final subdivision approval was waived by the Planning Board.

JAMES MARTIN: On preliminary site plan. Conditions I have got so far are that it's contingent upon final approval by the Town Engineer and Commissioner of Public Works. That if in the process of evaluating the comments from the Town Engineer, any significant changes to the proposed plan occur, that the applicant will be required to reappear before the Planning Board.

Provide additional landscape plantings along Orchard Street per agreement between the Conservation Board and the applicant.

Upon completion -- this one we didn't talk about before, but it's one of the kind of standard boilerplate, that upon completion they would supply a landscape Certificate of Compliance to the Building Department.

That's what I have got, those four conditions.

Anything else that anybody wants to put in there? Preliminary site plan.

On the site plan, 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: They have paid the fee for final on this. Consensus?

The Planning Board indicated they would waive final on this application.

DECISION: Unanimously approved by a vote of 5 yes with the following conditions:

1. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
2. If the Town Engineer and/or Commissioner of Public Works determines that a significant change from the original plan has occurred, the applicant shall reappear before the Planning Board for further approval.
3. Applicant to provide additional landscape plantings along Orchard Street per agreement between the Conservation Board and the applicant.
4. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.

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

INFORMAL:

1. Application of Hoagies Deli & Pizza, c/o Frank D'Angelo, 1615 Scottsville Road, Rochester, New York 14623 for approval to amend special use permit granted on 8/14/12 to expand business to the rear building which will be used in conjunction with the use of the front building (deli/pizzeria/convenience store) at property located at 1615 Scottsville Road in GI and FPO zone.

Tom Solomon and Frank D'Angelo were present to represent the application.

MR. SOLOMON: Tom Solomon for Hoagies, and I have never appeared informally. I don't know if I have to take my coat off and tie. (Laughter.)

JAMES MARTIN: No. Don't worry about that.

MR. SOLOMON: Well, we -- what we're trying to do here in this situation is explain the role of the other building on the property in relation to the front building, which is where the restaurant or the deli actually is where the food is prepared, and we what want to explain to the Board is that a second building, which is a larger one, is to be used only in conjunction with the deli itself. It's not a separate enterprise that you can come in and just rent and have whatever you want to do in there. Anybody that wants to use that building has to use it in conjunction with obtaining food from the deli.

I mean, it will be part of the rental or they can order al a carte. But it's not available for rent or use independent of the -- the deli. I was hoping that clarified whatever questions you guys had.

JAMES MARTIN: Just, Mr. Solomon, for the record, I do have a letter from you dated September 11th -- must be 2013, I'm assuming. The date -- it says 2011.

MR. SOLOMON: Okay. That's what happens when you use a template.

JAMES MARTIN: And the -- in the -- in the letter -- I'll read it in for the record, that, "The purpose of this request to amend the special use permit to -- to indicate that the second building on the property can be used in conjunction with the deli which is being operated in the front building. The purpose of the second building was to make a space for meetings and/or parties whose attendees would be required as part of their rental of the building to order food from the deli. It is not intended to operate as a separate business for meetings and/or parties."

So in other words, somebody goes there, buys 10 pizzas and has a party of 20 people, they can go out to that building and eat the pizzas. That is my understanding.

MR. SOLOMON: That's correct. They can eat the pizza or not, but they have to order them.

JAMES MARTIN: But somebody cannot come in there --

MR. SOLOMON: No.

JAMES MARTIN: -- and have it catered by some -- some other organization --

MR. SOLOMON: Right.

JAMES MARTIN: -- and use the building?

MR. SOLOMON: Or they can't just go in and not order food. They can't just have a meeting there and go in and out.

JAMES MARTIN: So the use of the building is associated with food being provided by the deli itself. Okay.

JOHN NOWICKI: The last two paragraphs make sense.

JAMES MARTIN: I didn't read the last one, but...

Again, for the record, the last paragraph of the letter that I previously stated, "The approval should indicate that the use of this second building must be in conjunction with the deli business so that anyone using it must have purchased food from the deli either separately or in conjunction with the price of the rental of the building."

MR. SOLOMON: That's correct.

JAMES MARTIN: It just goes along with --

JOHN NOWICKI: Ties it right in there.

JAMES MARTIN: Just clarifies that issue, and -- so obviously, you know, this letter will become part of the record. Anything else?

JOHN NOWICKI: That's all.

RICHARD BRONGO: Is the second building attached to the first building?

MR. SOLOMON: No.

RICHARD BRONGO: They're not attached at all?

MR. SOLOMON: No.

RICHARD BRONGO: How far apart are they?

MR. SOLOMON: 50 feet?

JAMES MARTIN: Mr. D'Angelo, you can answer that.

MR. D'ANGELO: Maybe 40 feet.

JAMES MARTIN: 40 feet.

RICHARD BRONGO: Will you look to have some sort of a covered area going from one building to the other?

MR. D'ANGELO: No.

MR. SOLOMON: This is Frank D'Angelo. He is the owner. It's not that far.

MR. D'ANGELO: No, there is no plan to add on walkways and covered trails or anything like that. Just someplace for people to go sit down and eat.

RICHARD BRONGO: I would think it might be a little difficult in the winter going over from one building to the other.

MR. D'ANGELO: Not necessarily. I mean people order food all day long and sit outside right now, but the weather is starting to turn. I mean, it's a shorter walk than walking to their car if they're parked at the end of the parking lot to -- you know, sometimes they come in groups. I mean, there is really no space in the deli.

RICHARD BRONGO: So the deli itself is just a take-out?

MR. D'ANGELO: Pretty much.

RICHARD BRONGO: Okay.

MR. D'ANGELO: I mean we have --

MR. SOLOMON: One table.

MR. D'ANGELO: One, two tables for people to lean on while they're waiting for their food. There is really no sit-down.

PAUL WANZENRIED: So you operate this as more of a dining facility than a meeting or party room? Is that what I am understanding?

MR. SOLOMON: Could be both.

MR. D'ANGELO: Both, I guess. If --

JAMES MARTIN: My understanding is if you wanted to have a birthday party and buy pizza from the deli --

MR. D'ANGELO: They want to buy a bunch of pizzas and use the building for a couple hours. Someplace warm and dry for them to sit.

JOHN NOWICKI: Picnic tables in there? What kind of tables in there?

MR. D'ANGELO: We're probably going -- just for the sake of ease of cleaning and stuff, standard tables that can be moved around easy, maybe folding tables. You know, I don't plan to spend a whole lot of money on tables and chairs.

PAUL WANZENRIED: But if I, as the individual, come in there and order something, I can't just go back there and eat in that space?

MR. D'ANGELO: You could. You know, it's not like we're going to say you can go back there and you can't go back there. It will be open to whoever wants to go sit.

JAMES MARTIN: There is no restrictions based on the letter.

MR. D'ANGELO: If you're coming to the deli and you're ordering pizza and ordering sandwiches, you know, that's -- that is the reason why we're doing it.

RICHARD BRONGO: What happens if you have a party going on and somebody wants to take your sandwich over and eat it?

MR. SOLOMON: I would think not because of the exclusive use, unless they don't care.

MR. D'ANGELO: If there is a big enough group that needs it for a couple hours and they have already ordered food, it's no different than if they come to the deli and there is no place to sit, they will take it to the car and leave. All we're trying to do is just add a step for convenience, really.

JAMES MARTIN: You could post a sign, "Private party in session" or something like that.

MR. D'ANGELO: We'll have something.

JAMES MARTIN: Anything else?

MICHAEL JONES: Just one thing. Um, this is on the agenda as an informal review. Um, and Mr. Lindsay and talked about the determination was made that the adjustment in this case didn't really create any new considerations or significant or substantial changes to what the special use was and so forth.

So what is really before the Board is whether or not you agree with that determination by a consensus, because this was an informal review sent back to this Board as a courtesy so you would know what the adjustments were and to really see if you would agree. I wanted to advise the Board because it is informal, a consensus is probably all you really need to do instead of a formal vote.

JAMES MARTIN: So I guess at this point in time, we're being asked, I think, by consensus to amend the special use permit to allow this one accessory building.

JOHN NOWICKI: Yes.

JAMES MARTIN: Are we in agreement?

The Board indicated they were in agreement.

JAMES MARTIN: I think we're done.

DECISION: The Planning Board affirms the amended Special Use Permit requested by the applicant. The timeline remains the same as was originally approved.

The meeting ended at 7:31 p.m.