

CHILI ZONING BOARD OF APPEALS
January 24, 2017

A meeting of the Chili Zoning Board was held on January 24, 2017 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 Adam Cummings.

PRESENT: Mark Merry, Fred Trott, James Valerio, James Wiesner and Chairperson Adam Cummings.

ALSO PRESENT: Eric Stowe, Assistant Town Counsel; Paul Wanzenried, Building Department Manager.

Chairperson Adam Cummings declared this to be a legally constituted meeting of the Chili Zoning Board. He explained the meeting's procedures and introduced the Board and front table. He announced the fire safety exits.

ADAM CUMMINGS: Any issues with the signs other than that poor roadway, those telephone poles really didn't hold up well. There were four on there. I saw them throughout the two weeks, but --

JAMES WIESNER: I went back and peeled one back. It was a sign. It just fell over on itself.

ADAM CUMMINGS: It's a tough road.

1. Application of American Packaging Inc., 100 APC Way, Columbus, Wisconsin 53925, property owner: 100 Beaver Road LLC; for variance to allow front parking per plan submitted (no front parking allowed), variance to allow 660 parking spaces (1,000 spaces req.) for proposed warehouse at property located at 100 Beaver Road in L.I. zone.

Jerry Goldman and Matt Tomlinson were present to represent the applications.

MR. GOLDMAN: My name is Jerry Goldman. I'm the attorney and agent for American Packaging Corporation. With me tonight on the applications are Matt Tomlinson, the Project Engineer from Marathon Engineering. We're here this evening for two variances in conjunction with the American Packaging facility which was proposed adjacent and a little bit down the road from QCI on Beaver Road. The proposed development is ultimately a 400,000 square foot building and it is a flexographic printing center. American Packaging does actually packaging bags for all sorts of products.

What is being done at this facility would be the actual printing of the outside of the bags themselves. Our proposal is to construct this 400,000 square foot building in two phases. First phase is 215,000 square feet which would be in the front, in the darker brown on the picture you have in front of you, and the second part is 185,000 square feet which is in the lighter brown, in the rear of the site. The variances that we are applying for deal with parking in the front yard and the number of spaces under code.

With regard to front yard parking, front yard parking is not allowed in the Light Industrial District where this property is located. However, we do have a number of locations where it does exist in Town. But in this particular case, there are specific reasons why it is logical to have front-yard parking.

As you will notice, at the very top of the page, at the north end of the site there is a rail spur which will come onto the site and which will be delivering materials primarily as we get to Phase 2 of the project. What that does is it makes it impractical really to have parking between the rail location and the actual delivery point of the building.

In addition, as you can see on the site plan, we are substantially back on the site. The site is about 1700 feet in depth. We approximate that the nearest parking spots are 500 feet off of -- off of Beaver Road and the building itself is about 950 feet off Beaver Road.

For those reasons and taking a look at the legal standards that we have in our letter of intent that we aren't going to go into in depth, we believe this is an appropriate case for the granting of the variance for front-yard parking.

In addition, we're requesting a variance for parking on the site itself. 400,000 square feet under code would require 1,000 parking spaces. We certainly don't have a need for 1,000 parking spaces and I don't think that the code was necessarily contemplating a 400,000 square foot building. I think most people understand as a building gets larger, the ratio in which your needs are go down. So for our particular use, we are proposing six -- 660 space parking field of which we are land-banking 396 of those spaces. We have taken a look in our first phase. We anticipate having 84 employees in our full build-out, 194 employees, and when you take the employees, when you take shift changes into effect, um, the occasional visitors, the amount of spaces that we are proposing to build out is more than sufficient for our need on the site.

In order to demonstrate that, in fact, we do have the ability to provide a greater ratio, in

case something changes with regard to the need for parking, we have demonstrated on our site plan in the area in green, on the eastern end of the site, um, the full build-out of parking which we would not contemplate ever to need. So that area would remain as green space on the site, which we think is -- is something which is important.

In addition, to our west is -- our industrial uses. There is some residential to our east. Some of it is in the industrial district. Some of it is further along in the Residential District and we thought that it would be best to have that green space more on the eastern end of the site as opposed to the western end of the site. The development of the overall site was defined, even though it was a big-sized site, by the wetlands that we have, which are in the front of the site and which are shown on the site. We only have one small crossing for which we will get Army Corps of Engineers permit approval. We're disturbing less than a tenth of an acre on that, and we're providing a storm water management facility in the front and it's a natural drainage pattern. But at the same time, it also provides some nice opportunities for landscaping, green space and essentially some blue space on the front part of the site itself.

Um, we do appreciate the fact you have come out on a nasty night like tonight, so I guess unless, Matt (Tomlinson), you have anything to add, we'll stop here and be able to answer any questions that you may have.

ADAM CUMMINGS: Thank you, Jerry (Goldman).

JAMES WIESNER: So when both buildings are complete -- and I think I saw it somewhere -- I'm not aware -- how many people will be working here?

MR. GOLDMAN: 194. We have 73 -- they're 12-hour shifts. 73 people on -- on each 12-hour shift, so there's going to be overlap. So we count 146 spaces. There will be 48 salaried people who are going to be -- they're all salaried, but 48 people will be there during the working day, as well. So our peak capacity for employees is a total of 194 employees on site.

JAMES WIESNER: And that is when both buildings have been built?

MR. GOLDMAN: That's correct.

JAMES WIESNER: That many people.

MR. GOLDMAN: In our first phase we anticipate 66 plus 18. 66 and 33 on each of the 2 shifts, 18 during the day, so that would be 84 in the -- in the first -- the first tranche.

JAMES WIESNER: That's all I have.

MARK MERRY: Mr. Goldman, can you tell me what the intent of American Packing Corporation is? Are they going to be here for the next 50 years, 75 years?

MR. GOLDMAN: They're a long-standing company. They have been in operation, I believe, for about -- for about 100 years. They already have a footprint in Rochester. They have a facility on Driving Park Avenue. They have also had facilities which are in Wisconsin and Iowa. They're -- after a long site selection process, they decided they would put this facility here. They're a very stable company. I don't see this business evaporating by any means, so I anticipate they will be with us for the long haul.

MARK MERRY: In regard to the land banking, why are you not land-banking additional spaces that you have indicated this evening?

MR. GOLDMAN: The spaces that we have allow us to accommodate all of our employees as well as potential visitors to the site. There are people that will be coming onto the site for business purposes. So to that extent, that's what our intention is. Matt (Tomlinson), you look like you want to get up. I will not deprive you the opportunity.

MR. TOMLINSON: Matt Tomlinson from Marathon Engineering. One of the things that this layout and the number we selected allows is kind of a natural ending point at the midpoint of the layout of the parking spaces. So while we could play some games and get down a few more spaces, from an efficiency in construction, as well as as Jerry (Goldman) mentioned, available overlap for visitors, they will have quite a few principals out here visiting as things get going, and then it gives them the flexibility even since we have started going through the design process, they have modified what they anticipate their operations to be from three shifts to two, so it gives them some additional flexibility and operation of the warehouse, as well.

MARK MERRY: Does the design itself, though, preclude you from land banking additional spaces?

ADAM CUMMINGS: I would like to jump in, just to clarify, we're here -- are you trying to minimize how much front parking or how many quantity? Because their variance -- they should actually be providing more parking, not less. So I just want to make sure --

MARK MERRY: I just want to make sure we're not maxing out the site for the size because the variance stays for the site itself and not just the usage.

ADAM CUMMINGS: Is the question is there a possibility to land bank more?

MR. TOMLINSON: Oh, to show additional. I apologize. Yes, there -- we could get to the 1,000 spaces on the site. This is a 47-acre site. There is plenty of room in the back along the road that goes back towards the unloading area and the railroad spur. We could show another 4 to 500 spaces on this site. It would take some work, some additional storm water management practices to show that, and again, to Jerry (Goldman)'s point, they're making a substantial investment and they have a proven track record with their two other facilities similar to this to not need the additional spaces, but the room is available to do it if it is required.

MARK MERRY: Okay. Thank you very much.

FRED TROTT: I had a question. As far as where the parking -- I see that you said it was like approximately 500 feet back.

MR. GOLDMAN: Yes.

FRED TROTT: Where would that be as compared to the QCI, where their parking lot

starts and like the Town of Chili Highway Department? Would it be comparable? Further back?

MR. TOMLINSON: Um, relative to the QCI, I think QCI is about 250 feet back. So we're roughly double that. And I apologize. I missed the second half of your question.

FRED TROTT: The next parcel.

ADAM CUMMINGS: The next parcel, the --

MR. TOMLINSON: If you give me a couple minutes, I have an aerial in here and I can show you guys that.

ADAM CUMMINGS: Pretty sure that one is fairly close to QCI. And this is all going to be landscaping in that 500 feet? You have got the storm water management facilities, but that is all new landscaping.

MR. TOMLINSON: That's correct. I don't have the Town of Chili on here, but you can see the QCI building off there so you can see we're about 200 feet.

PAUL WANZENRIED: Town of Chili building -- building sits in front of the QCI building. The front of the Town -- is well in front of the QCI building.

ADAM CUMMINGS: Closer to Beaver Road.

PAUL WANZENRIED: That's correct.

MR. VALERIO: How soon do you expect to build the future building?

MR. GOLDMAN: Um, the outside target is three years. We're -- the way things are going, we anticipate maybe sooner.

MR. VALERIO: And by the look of the map, do you anticipate that once this new landscaping is complete, you won't really from the roads be able to see the parking lot that much?

MR. TOMLINSON: That's correct. We had some conversations with the Conservation Board as well as the Planning Board relative to that. They requested in the conditions of the Planning Board approval that we add some berms to some of that front landscaping to further screen that area and the landscaper has put some larger trees up front so you get a visual back into the site and then some smaller ornamental trees back in the parking lot area to try to create some layers back through there. Not that owners want the building to be invisible, but they recognize that it's a large warehouse and there's a subdivision going across the street, so from an intensity standpoint, they did not want it to be overwhelming to the residential subdivision to the south.

MR. GOLDMAN: I just want to add, by the way, and just for the Board's background, we have met with the Town's Traffic Safety Committee as well as the Conservation Board as well as Town staff. We have gone through the Planning Board process and part of the Planning Board process was dealing with the State Environmental Quality Review Act, SEQR. It was a coordinated review. This Board signed off, agreeing that the Planning Board could be lead agency as far as SEQR. Last week they made a determination that the project will not have a significant adverse environmental impact. They issued a negative declaration. So from a SEQR point of view, there is no need for this Board to do anything further with regard to that.

Also, this matter has been referred to County Planning because Beaver Road is a County road, I believe.

MR. TOMLINSON: State.

MR. GOLDMAN: Sorry. It's a State Road. And -- and the County has returned it as a local matter, which means that they have no comments in addition to the ones they have provided to the Planning Board.

ADAM CUMMINGS: Correct. And to expand on that, I do have the County's -- I was going to read that when we got to the Board discussion. They did review it during both site and resubdivision of this parcel, so the County did provide me in a timely fashion the checklist that it is a local matter.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Mark Merry made a motion to close the Public Hearing portion of this application and James Valerio seconded the motion. All Board members were in favor of the motion to close the Public Hearing.

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

ADAM CUMMINGS: Condition of approval as we typically put on these, you will have to get a building permit. Other than that, you've already spoken to it. There is no SEQR determination and that statement I usually read, we don't have to tonight because Planning already took care of it. They were lead agency.

And is there any other conditions that anybody would like to see for these two requested variances? If not, I'll go ahead and ask for a motion to adopt this application with the one condition of approval.

James Wiesner made a motion to approve the application with the following condition, and Fred Trott seconded the motion. All Board members were in favor of the motion.

Fred Trott made a motion to approve with the 12/20/16 Zoning Board minutes as modified, and James Valerio seconded the motion. The Board was unanimously in favor of the motion.

Adam Cummings made a motion to adjourn the meeting and Fred Trott seconded the motion. The Board was unanimously in favor of the motion.

The meeting ended at 7:19 p.m.