

CHILI PLANNING BOARD  
July 11, 2017

A meeting of the Chili Planning Board was held on July 11, 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 Michael Nyhan.

PRESENT: Paul Bloser, David Cross, Matt Emens, John Hellaby, John Nowicki, Ron Richmond and Chairperson Michael Nyhan.

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

Chairperson Michael Nyhan 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.

OLD BUSINESS:

1. Application of Kamco Supply Corp., 28 Industrial Park Circle, Rochester, New York 14624 for preliminary site plan approval to erect a 33,750 sq. ft. warehouse with 3,750 sq. ft. office area at property located at 100 Trade Court in L.I. w/ADATOD & FPO zone.

Sara Gilbert, Bill Hennessy and Sue Lewis were present to represent the application.

MS. GILBERT: Good evening. I'm Sara Gilbert with Pinewoods Engineering here to represent the Kamco application. We are here tonight asking for SEQR determination and a preliminary approval.

I know I have been in front of this Board many times. You're very familiar with the project at this point, so if it is okay with you, I will just go through a few quick updates where we stand in the process.

We have submitted a revised EAF form you have all been given a copy of. It just has some minor updates for the enlarged parcel and some of the parking and the banked parking that was provided.

We also have submitted the Phase 1 report. It was complete. It was submitted to Parks, Historic Preservation, and they did issue a no impact determination letter on the project.

Um, we have also given you a copy of the wetland delineation report that was done and the conclusion section, it confirms that the DEC did come out and review the flagging. It has been sent to the DEC for a jurisdictional determination. The plans do assume that they will accept jurisdiction and they have provided the 100 foot wetland buffer.

We are in receipt of some comments from the Town and the County on the plans. We received a response letter. We still will be submitting these plans to the Town, but this is the responses that we will be providing with those plans. In essence, we take issue with very few of them. A lot of them are procedural type comments, telling us we have to get a variance from the Zoning Board and submit certain items along the way. We did have the plans reviewed by the Fire Marshal. He had some comments, minor stuff and we take no issue with addressing those comments.

Probably the one issue that has been slightly contentious is the recommendation for gutters on the building. The Kamco has agreed to a compromise in which they will install the underground piping that would collect the downspouts, but they at this time would still not choose to put them on the building. The piping would be there so they could be installed easily in the future.

That's about where things are at this moment. The rest of the comments we take no issue to and the responses are that we'll be providing them as recommended.

MICHAEL NYHAN: So just to summarize, Sara (Gilbert), we were here last month. We had our Public Hearing, presented the proposal and when we got to the environmental impact, you were in need of -- you received a declaration verbally, but you didn't have it in writing from the State, which you now have.

MS. GILBERT: Yes.

MICHAEL NYHAN: You have provided that to the Board members.

MS. GILBERT: It is in your packet here, at the end of the letter, the third to last page. So they say the project will have no impact.

MICHAEL NYHAN: Okay. Very good.

You have also submitted to us an amended EAF which outlined the parking spaces as you mentioned and the total acreage which is larger now as a result of the subdivision.

MICHAEL HANSCOM: No additional comments.

MICHAEL NYHAN: We do have the County Comments letter which you have

referenced. You have that, as well, as our Town Engineer comments.

MS. GILBERT: Yes.

MICHAEL NYHAN: Based on the environmental studies that have been done, they show there is a no impact determination that was made by the State on the form we just received. That was a summary.

Any other discussion on this application? They have been here several times.

MATT EMENS: She asked for preliminary and I know we'll do SEQR first, but are we waiving final?

MICHAEL NYHAN: No. I don't believe they have paid or requested final. Plus they have to go in front of the Zoning Board for some variances, so we'll be doing preliminary tonight.

Michael Nyhan 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 John Hellaby seconded the motion. The Board all voted yes on the motion.

MICHAEL NYHAN: On conditions, I have the standard conditions which I will read. We talked about one other condition, and -- I thought we did any ways. But let me look at the standard conditions we have already discussed.

One is upon completion of the project, the applicant shall submit a landscape certificate of compliance to the Building Department. The landscape architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.

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

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

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

Copies of all easements associated 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 in the mylars.

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

Application is subject to all required permits, inspections and code compliance regulations.

Pending approval of the Zoning Board of Appeals of all required variances.

Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.

And also is subject to approval by the Town Fire Marshal.

Are there any other conditions for this?

MATT EMENS: Just checking the letter.

JOHN HELLABY: Hours of operation?

MICHAEL NYHAN: I think they have already stated that they will be the normal business hours. I think the -- the thought of having a condition for the size of the storage, the height, not to exceed the roof line, but I'm not sure if that will be a condition of the Zoning Board. Do we want to do that? Any thoughts on that?

PAUL BLOSER: I would like to throw it in ours. I was going to bring that up also.

MATT EMENS: Yes. We talked about that the last time.

MICHAEL NYHAN: Okay. But I had -- what I had written down was outside storage against the building shall not exceed the height of the roof line where the gutter would be located.

Does that sound accurate? All right.

And the outside storage not against the building cannot exceed the height of the 6 foot fence, which is the storage that is along the back parking lot. I don't believe the Town permits storage above a fence line.

Is that accurate?

PAUL WANZENRIED: Is he looking at me?

MICHAEL NYHAN: I'm looking for some confirmation.

PAUL WANZENRIED: Are you looking at me? I can't tell if he is looking at Cross and Bloser or over here.

MICHAEL NYHAN: I was looking over there for code confirmation.

PAUL WANZENRIED: What was the question again? My apologies.

MICHAEL NYHAN: Outside storage to be below the 6 foot fence line that isn't against the --so there is storage against the back parking lot and there is going to be a 6 foot fence beyond that, I believe. I don't believe we normally permit that storage above the fence.

PAUL WANZENRIED: That's a dumpster enclosure requirement that the dumpster does not exceed the height of the fencing.

MICHAEL NYHAN: Okay.

PAUL WANZENRIED: And that the fencing is 1 foot above said dumpster.

MICHAEL NYHAN: Got it.

PAUL WANZENRIED: That's the dumpster requirement. But there is nothing regarding outside storage height that I know of.

MICHAEL NYHAN: Okay. Okay. So I just have the one. Other than the standard conditions, I have the one outside storage against the building shall not exceed the height of the

roof line where the gutter would be located. I think that was a 24 foot high gutter and storage rack you're recommending is going to be 18 feet, I believe.

JOHN NOWICKI: I just have a question for the Conservation Board. The landscaping plan was approved and accepted by them at the -- I think they were going to look at the intensity to protect the view from Paul Road.

MICHAEL NYHAN: Right.

JOHN NOWICKI: They were going to look at the berm and increase the size of the berm and the plantings so you won't see any of this stuff from Paul Road.

MICHAEL NYHAN: They did submit a plan. I believe that plan was approved.

PAUL WANZENRIED: That's correct.

JOHN NOWICKI: Oh, it was. I have it right here, the approved Conservation Board.

MICHAEL NYHAN: Okay. So that will be a condition that they conform to that approved plan.

MATT EMENS: So can I just ask the question to the applicant about the height of the storage that is against the fence, what is that? How high does that typically -- is that pallet racking --

MS. LEWIS: Yes.

MATT EMENS: -- against the fence?

What is the height of that?

MS. LEWIS: 18 -- well --

MS. GILBERT: Should I call them up so they can introduce themselves?

MICHAEL NYHAN: Please state your name and provide the answer.

MR. HENNESSY: Thank you.

MICHAEL NYHAN: The storage against the building we understand is 18 foot along the back of the building. Then there was storage on the southeast corner of the parking lot and beyond that was a 6 foot fence. How high is that storage that is along that southeast corner?

MR. HENNESSY: Thank you, Mr. Chairman. My name is Bill Hennessy from Hennessy Engineering. That is also 18 feet.

MICHAEL NYHAN: Okay.

MR. HENNESSY: That is in the far corner. And the landscape plan has two trees that are aligned a little bit with the side road from Paul Road and that storage for a buffering in that rear parking area. But that storage would be above 6 feet. Yes.

MICHAEL NYHAN: And you buffered that with landscaping --

MR. HENNESSY: Yes.

MICHAEL NYHAN: -- in your plans.

MR. HENNESSY: The landscaping would not sit next to it. The landscaping is further up next to the storm water ponds, but it is in alignment. The Conservation Council requested trees in that area.

MS. GILBERT: The rendering is pretty close to the trees that are shown.

MICHAEL NYHAN: Does that answer your question, Matt (Emens)?

MATT EMENS: Yep. Thank you.

MICHAEL NYHAN: With that, I will make a motion for preliminary site plan approval with the standards conditions mentioned as well as the outside storage against the building shall not exceed the roof line.

We have a second?

JOHN NOWICKI: Yes.

DECISION: Unanimously approved by a vote of 7 yes with the following conditions:

1. Outside storage against building shall not exceed the height of the roof line where gutter would be located.
2. 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.
3. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
4. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
5. Applicant shall comply with all pertinent Monroe County Development review Committee comments.
6. Copies of all easements associated 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.
7. Building permits shall not be issued prior to applicant complying with all conditions.

8. Application is subject to all required permits, inspections, and code compliance regulations.
9. Pending approval of the Zoning Board of Appeals of all required variances.
10. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.
11. Subject to approval of the Town Fire Marshal.

Michael Nyhan made a motion to accept the 6/13/17 Chili Planning Board meeting minutes, and John Hellaby seconded the motion. All Board members were in favor of the motion.

The meeting ended at 7:15 p.m.