

CHILI PLANNING BOARD
September 12, 2017

A meeting of the Chili Planning Board was held on September 12, 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; 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.

PUBLIC HEARINGS:

1. Application of Cornerstone Urgent Care, owner; c/o Peter Morse, 875 East Main Street, Rochester, New York 14605 for revised final site plan approval for urgent care center at Property located at 2968 Chili Avenue in NB zone.

Peter Morse and Doug McCord were present to represent the application.

MR. MORSE: I'm Peter Morse, architect, and I have Doug McCord with me this evening. Most of the stuff is site-related in terms of the requests here we're seeking for this evening, so I will have Doug (McCord) make most of the presentation. I will comment on any of the other architectural items that supersede this, but this is more -- more of Doug (McCord)'s report.

MICHAEL NYHAN: Okay.

MR. MCCORD: Hopefully everybody has the drawing submitted.

MICHAEL NYHAN: Uh-huh.

MR. MCCORD: Since you got that drawing, we got some comments from Mr. Hanscom and it involves site work, so I have a revised drawing which we presented yesterday at the Conservation Board, and I have the signed drawing from them also. They were fine with the drawing. So let me pass out that drawing. So this is the stamped drawing. I think we're supposed to keep the stamping.

MICHAEL NYHAN: Yes.

MR. MCCORD: Okay. So the issue -- well, there -- there are several issues. The landscaping in front -- the building is complete, other than the site and the landscaping. The owner is ready to open the doors and start business. So he has a temporary C of O and is waiting for this to be completed.

The ramp at the front of the building which is facing Chestnut Ridge, we call that the front -- is quite a bit different from what was on that original site plan. I don't know if you have the original site plan with you.

MICHAEL NYHAN: Just go through the change.

MR. MCCORD: Originally it was going to ramp up from the north end of the building to the center entrance where this little cut-out is. The elevation of the first floor --

MR. MORSE: I just want to speak to that. There was an existing front stoop that we modified and made that as the front entrance. It -- it was actually higher than what was in -- in reality than what we had originally designed.

So we wanted to go to a Plan B. So the stoop was -- the entrance to it was moved halfway down so you could enter in. We shifted some of the parking just to make it more comfortable. It was not working out with the way we had it designed.

So we moved it halfway to the middle of the ramp and then the main entrance for handicapped purposes is at the end of the ramp as it was originally.

MR. MCCORD: So the main entrance is still -- is right here?

MR. MORSE: Yes.

MR. MCCORD: So where we were showing landscaping on the approved site plans, some of that is ramp now. Steps and where we have handicapped parking, um, the area around the ramp was paved so that people can get to the end of the ramp. That was the logic behind the asphalt paving along that front.

What we proposed to the Conservation Board and what they approved yesterday was adding terracotta planters, one on each side of the main entrance of the stoop and one on each side of the stairs. They asked us to add one more down at the end of the ramp which I said we can do.

Um, and so that's -- that's where we stand with the front of the building. In the back, um -- and the rest of the landscaping, um, this row of shrubs on the end of the parking lot that was screening the parking, that's in and done according to the plan.

The shrubs here (indicating) that were screening the neighbor to the west were installed. Those are fine.

Um, there is an HVAC unit in the back of the building with pipes that stretch up about 10 feet.

Is that about right?

MR. MORSE: Yeah. Yeah.

MR. MCCORD: And so the original plan was to add a screen fence, 8 feet high to help screen that HVAC unit. Mr. Hanscom looked at the drawings and said, "Let's add the Arborvitae."

It's called Emerald -- Emerald Green Arborvitae which grow to 15 plus feet in height and those would screen the HVAC plus the piping that's actually higher than the screen fence would be.

So we have added those -- the plan that you got today is different from the original plan because we added those Arborvitae in this location, screening the HVAC unit.

That's the difference with the plan that you originally got.

Um, one thing we would like to request is that since we're now putting the landscaping in, maybe we don't need the screen fence. We're trying to save costs wherever possible on the project. It's been quite -- quite a bit more expensive than Mr. Ogbonna planned on, so we would just like to make that request.

The -- we also on that plan are showing the -- a screen fence that is reversed because we had the unanticipated elevation in the building that wasn't recognized in the site -- original site plan.

Um, the entrance into that is actually from the back of the building. This is all asphalt paved back here also.

I -- I thought it actually works better the way it is, and that got installed. It's not the white vinyl screened fence and that might have been my error. It's actually a -- a wood -- 6 foot wood stockade fence. I don't -- was that called out on the plan?

MR. MORSE: It looks fine. It's not -- oh, it's not that, but it's an enclosure for the totes.

MR. MCCORD: Right. For the totes, it's the same sizes as what is shown on the plan. Like I said, it's a wood stockade fence, 6 foot in height.

MR. MORSE: I -- I want to say I also acknowledged that email, too. With the Arborvitae, I think that might be a much better solution than us putting in a privacy fence. If you would be willing to consider that, as opposed to us building a privacy structure. It just looks more natural and it -- it's a maintenance issue. There is a cost associated, but I think it would just do the job more -- much more better than a fence for privacy. Or -- or just for -- it is actually for viewing. Not so much privacy, but for that piece of equipment as a screen.

MICHAEL NYHAN: What size Arborvitae did the Conservation Board recommend or are you planning on putting in?

MR. MCCORD: 5 to 6 foot in height when they're planted.

MICHAEL NYHAN: Okay.

MR. MCCORD: So ultimate height, like I said, 15 foot plus.

MICHAEL NYHAN: Okay.

MR. MCCORD: One more thing we can -- if we don't put in the screened fence, we can move those shrubs a little further from the property line so they're not right on top of the neighbors' landscaping. He has a couple -- he or she has a couple lilacs right on the property line and these would be kind of growing -- a couple of them would be growing kind of up next to the lilacs, so it just allows a little more room for the landscaping.

MICHAEL NYHAN: Anything else?

MR. MORSE: That's it.

RON RICHMOND: For starters, I don't have a problem with the natural screening as opposed to removing the fence screen. I think just like it says, it's more natural. So if the recommendation was to go the Arborvitae, I don't think that's a bad idea at all. You mentioned the handicapped parking and I don't see an ADA designated stall.

Am I missing something on there?

MR. MORSE: There is two on the -- on the end -- I don't know if that cut up or not. They're shown -- they're in place out there. There is, I believe, two of them.

MR. MCCORD: Two. Right. I think there is one here (indicating) -- I -- I wasn't redesigning the site and parking. It was really just for those three or four issues.

MR. MORSE: You noted that, right, Paul (Wanzenried)?

PAUL WANZENRIED: Say that again.

MR. MORSE: The handicapped parking spots, you saw those?

PAUL WANZENRIED: They're there.

RON RICHMOND: That's all I have.

MATT EMENS: So if you remove the fence, I guess the only issue or question I would ask is the one that fronts Chili Ave., would you add another Arborvitae or two to kind of trim that corner? Otherwise you will still see a flash of that ductwork and --

MR. MORSE: I know. It was design/build, so kind of surprised us, too. We have asked the contractor to go in and spray it, take some of that tinge off it from that silver, and you will still see it a little bit, but it's not -- won't be as pronounced. Eventually with the maturity of the Arborvitae, it will disappear.

MR. MCCORD: He was asking can we add more --

MATT EMENS: When you eliminate the fence, you have taken care of the screening for

the neighbor which is probably the most important one if you could add another Arborvitae or two.

Doug (McCord), like you said, you would slide those east to get them off the property line if you move the fence. So maybe one or two more Arborvitaes or whatever would make the most sense there.

MR. MCCORD: We can do that.

MATT EMENS: I'm fine with the fence going away if you were going to add those.

JOHN HELLABY: I agree with Matt (Emens) and the location of the additional one. I am a little confused on the front ramp, though. The steps that are coming in off the parking lot, are they coming into a flat spot in that ramp?

MR. MORSE: Yes.

JOHN HELLABY: Is that correct?

MR. MORSE: It is, Al (Hellaby). It's coming into a flat part in the midway of that ramp. That ramp originally was anticipated as -- not as a handicapped ramp but just an improved -- it is less than 1 on 20, so it got it moved up above that so we have handrails on both sides now.

JOHN HELLABY: Once I walk up these steps, to that flat spot, if I turn to go down the main entrance, am I going up in that direction?

MR. MORSE: Yes.

JOHN HELLABY: How big a difference?

MR. MORSE: Less than 1 on 12. So it is very, very shallow.

JOHN HELLABY: All right. That's all I got.

JOHN NOWICKI: I agree with the plantings, that -- they are necessary to hide that huge, ugly, piping that's going up the wall. Spray painting it might help, but I think the fencing should stay. Period. That's all I have.

DAVID CROSS: I echo John (Nowicki)'s comment about the fencing. I -- it looks awful. I mean it's not just the aesthetics of it. It's the noise that that HVAC unit is going to put off.

You have a neighbor to the west that is what, about 12, 15 feet away? Um -- these things put up noise and I would be -- I would be very concerned if I was that neighbor.

And actually, I would ask the question about noise mitigation? Have you -- have you thought about doing anything with that -- that condenser to mitigate the noise? Anything like that? They're loud. You probably have a bedroom about 15 feet away.

MR. MORSE: Well, from day one, we originally had it on a steel frame and we took it to the ground because the -- the -- that's a 7-ton unit. And it's -- this is not a little doctor's office. This is a medical facility. It's Article 28 New York State approved as an Urgent Care. So the air changes are significant.

I guess we could look at something in the future for some sort of a sound deadening. I don't know. A fence may help. At least between the neighbor and that site. I don't know if there is going to be any benefit of -- maybe it is. Maybe if we came up with an 8 foot fence that would contain some of that noise.

Either way, I really don't care. Just -- in fact, if you need to, we'll put a fence in and we'll put the Arborvitaes in front of it if that is what you need to have done.

DAVID CROSS: I would say no to getting rid of the fence and have the additional Arborvitaes. I would even -- I would even say lose the Arborvitaes, keep the fence. That way in the future if you have noise complaints, you could put baffle blankets inside the interior of that fence. The noise concern is a big concern.

MATT EMENS: The fence will probably just shoot the noise up. There is no back side to the fence like shown on the site plan.

DAVID CROSS: The fence wraps around the side of it.

MR. MORSE: We had that -- it on the Chili Avenue side and then we were going to take it back. It will deaden some of the noise.

DAVID CROSS: It will. And I guess I like that. I would say no to getting rid of the fence.

PAUL BLOSER: That was going to be my concerns. They are noisy from my experience working with them over the years. And it is close to the house. I have looked at it as you have been doing the modifications and renovations on the building. The first thing that sticks out is that unit on the side of the building.

MR. MORSE: It is what it is.

PAUL BLOSER: I know it's a necessary evil, but certainly with the residential, we want the minimal impact.

MICHAEL NYHAN: Anybody -- I'm thinking the Arborvitaes will be a better sound barrier versus the fence.

DAVID CROSS: Vegetation doesn't do much at all.

MICHAEL NYHAN: Okay.

MICHAEL HANSCOM: No additional comments.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Michael Nyhan 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: We did approve this originally with the differences on the ground.

It is large ductwork which is now visible. It was going to be direct ducting, but so now is -- the only change is the large ductwork that is visible, so I think the screening of that is the important piece here.

So with that being said, any other discussion? You're requesting the fencing stay, the fencing go?

MATT EMENS: Belt and suspenders and the fencing.

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: Only conditions that I will place are one, all previous conditions imposed by this Board are still pertinent to the application and remain in effect.

PAUL BLOSER: The only comment I want to add, Mike (Nyhan), is that that ductwork is painted the color of the building to match.

JOHN NOWICKI: It's on the drawings.

PAUL BLOSER: Stays in the notes.

JOHN NOWICKI: Part of the agreement.

MICHAEL NYHAN: All previous conditions and the ductwork painted to match the building.

Any other conditions?

JOHN NOWICKI: The fence stays, right?

MICHAEL NYHAN: Right. As the drawings indicate.

JOHN NOWICKI: Landscaping was added?

MICHAEL NYHAN: Correct.

JOHN NOWICKI: Good.

MICHAEL NYHAN: So we'll have the two conditions. All previous conditions and the painting of ductwork. With that, yes.

PAUL WANZENRIED: Is that landscaping running east and west and north and south?

MICHAEL NYHAN: Which one?

PAUL WANZENRIED: You're talking landscaping in front of the building or are we still doing landscaping around the fencing out back?

MICHAEL NYHAN: Landscaping around the fencing in the back. As the drawing shows. We're keeping all of the landscaping as is on the drawing.

PAUL WANZENRIED: Okay. Thank you.

MICHAEL NYHAN: Fall.

PAUL WANZENRIED: Reference -- then reference to the Conservation -- or the landscape plan as approved by the Conservation Board.

MICHAEL NYHAN: Okay. So the three conditions I will have is all previous conditions remain in effect for this application.

Ductwork painting to match the building colors.

And the approval of the updated landscaping plan as approved by the Conservation Board.

Anything else? With those conditions, application of Cornerstone Urgent Care, owner; c/o Peter Morse, 875 East Main Street, Rochester, New York 14605 for revised final site plan approval for urgent care center at property located at 2968 Chili Avenue in NB zone.

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

1. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
 2. Ductwork to be painted to match building color.
 3. Complete updated landscaping plan as approved by the Conservation Board.
2. Application of Forest Creek Equity Corp., owner; 3240 Chili Avenue, Rochester, New York 14624 for recommendation to rezone Carriage House Estates Section 3 consisting of 14 lots from R-1-15 to R-1-15 with incentive zoning at properties located at #7 through #24 Carriage House Lane.

John West was present to represent the application.

MR. WEST: Good evening, Board, Chairman. My name is John West. I'm with Forest Creek Equity Corp and I'm with Rich Battisti with Faber Homes.

Our application tonight is for a slight revision on the final approval that this Board gave back in July of last year for the Section 3 of Carriage House, which is a 14-lot single-family subdivision.

We're asking the Board to make a recommendation to the Town Board for incentive zoning and we're asking -- the relief that we're asking for is from the downspout conductor requirement and design and criteria standards for the Town of Chili.

One of the motives for asking for this is the -- the DEC's most recent SPDES permit which we're currently under over there for our SWPPP permit is -- they do require and do prefer to have discharge, especially roof runoff discharged slowly and naturally over the ground and earth as opposed to directly into the storm sewer system, which, you know, creates a sudden impact on the drainage and the runoff.

We believe this is consistent with the New York State DEC's most recent permit as well as this Board's action in previous subdivisions, namely the Rose Hill Estates off Beaver Road and Vista Villas.

So our -- so our request tonight is a revision of the final subdivision approval from last July to allow incentive zoning for this condition and a recommendation from the Board -- the Town Board to approve it.

MICHAEL NYHAN: Okay.

DAVID CROSS: Side setback? What is the minimum side setback? You have a variance for an 8 feet side setback. Is that right?

MR. BATTISTI: Yes, I believe so. I don't have --

DAVID CROSS: I'm looking at your zoning map. That's all.

ERIC STOWE: Just procedurally, this is just a recommendation to the Town Board. We're not approving it nor are we considering the incentive being offered. Just, "Hey, does this make sense from an engineering standpoint, from a Planning standpoint?"

Just a resolution and no SEQR.

MICHAEL NYHAN: Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Michael Nyhan 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: This is just a recommendation to go to the Town Board. As Eric (Stowe) mentioned, there is no SEQR. Application of Forest Creek Equity Corp., owner; 3240 Chili Avenue, Rochester, New York 14624 for recommendation to rezone Carriage House Estates Section 3 consisting of 14 lots from R-1-15 to R-1-15 with incentive zoning at properties located at #7 through #24 Carriage House Lane.

DECISION: Unanimously approved by a vote of 7 yes to recommend rezoning of the above captioned properties from R-1-15 to R-1-15 with incentive zoning. The Town Board will be notified of the Planning Board's decision by copy of their decision letter. Applicant should be advised they 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.

3. Application of Dr. Kelsey Lunt, 209 Westside Drive, Rochester, New York 14624, property owner: Michael Stagnitta; for preliminary site plan approval for a change of use in portion of building to allow a medical office (chiropractic), at property located at 4332 Buffalo Road in G.B. zone.

Michael Stagnitta and Kelsey Lunt were present to represent the application.

MR. STAGNITTA: We're making application to go from retail to professional offices. It's going to be less traffic and staggered appointments to get a new business in there.

MICHAEL NYHAN: How much of the building will you be using? How many offices will you have?

MR. STAGNITTA: Suite 1, it is about 850 square feet and there is ADA compliance. Everything that the inspector has asked for was installed. This is the -- the Master Plan for that -- those parcels are to be commercial, so.

DR. LUNT: I think the main issue -- Dr. Kelsey Lunt.

I think the main issue that was being brought up most of the time in -- you know, in the Town Engineer and also with the Inspector was with the handicapped accessibility and the driveway width which is a preexisting condition. But the point I wanted to make in that is that that is actually, um -- I feel more an argument for a professional office to be there as I feel the traffic would be less due to the fact that I can only accommodate four patients per hour; whereas, if you were to even have a coffee shop in there or something, a retail store is depending on foot traffic, so the more successful the business, the more foot traffic there will be.

MICHAEL NYHAN: Okay. Have you reviewed all of the comments from the Town Engineer?

MR. STAGNITTA: Yes.

MICHAEL NYHAN: Can you answer those or meet those?

MR. STAGNITTA: Yes.

DR. LUNT: The Number 1 from the Town Engineer, first point that was made was -- dealt with that was handled. For the parking requirements, the -- the Town Engineer had talked about requiring 12 spaces, including four of the vacant use of the -- the other half of the downstairs of

the building. That is vacant right now and it is completely under construction so there is no way for business to occupy that space at this time.

The other point we wanted to make about the parking requirements is I can only accommodate a certain number of people per hour in what I do. Four is the maximum number of patients and with two employees of camp -- excuse me -- Lunt Chiropractic, it would be myself and my Office Manager and then, you know, a maximum of two other patients at the same time and possibly one with overflow. So five spaces maximum per hour is what I would require, you know, with staggered appointments I have in my business.

And there is also street parking allocated out front. I know we cannot use those as spaces for the building because they are public, but they are available for use. Um, as well as one handicapped available space in the back lot. And the two tenants upstairs only provide two cars. So they never have more than two cars in the lot at one time.

So based on those standards, at this time, I believe there are plenty of parking spaces in the back and, you know, an application can be made to the Zoning Board for a diminished number of parking spaces once the other half of the downstairs of the building is ready to be utilized, I believe.

Um, there was a new floor plan drawn to scale of the proposed office that was provided. That is the third point that was made by the Town Engineer. So that is -- been drawn to scale.

The -- the fourth point is it ADA accessible from the parking lot. There is ADA access from the parking lot and there is no New York State minimum for a parking space to a handicapped accessible building. The lot has been approved to be paved in early spring, but we plan to have it done in October, sooner than that, so it will make ease of transition from the back lot to the handicapped accessible entrance that much easier. The -- the inspector and/or ADA accessibility compliance people were recommending a possibility of a ramp being put in the back, but that actually, um, I believe would make this application pointless, because that would knock out my office space which is necessary for me to run a business as I need to be able to make phone calls to insurance companies and such.

So a lot of square footage would be lost in the back if a ramp were to be installed into that location, as well as, you know, again that would -- that -- and it's a preexisting condition there.

The fifth point we wanted to make was the width of the driveway. That was the engineer's -- also a concern. It starts at 11 feet wide near the street and extends to 16 feet towards the back. I think they had written down it was 9. That does include an egress for a car and pedestrians to be passing simultaneously with a width of 6 inches maintained along the entire side of the building for a passenger or pedestrian along with the 5 feet for the car. And then again, it widens as you get into the back. There has been a lot of signage that has been put up to be aware of pedestrians crossing and based on the former use of the space, I'm aware that bus loads of children were being dropped off and transported in and out of that location.

So again, I believe the traffic at this point would be a lot less than it ever has been in that building, so I think, you know, publicly there is no -- possibly, you know, they have to be careful there.

There's also -- has been driveway markers installed to caution drivers. There has been stakes installed to caution drivers, as well. It has been lined as of today. There is pictures of that. So that pedestrians are aware where they can walk versus where vehicles are to drive.

And, um -- for his purposes, the building's foundation and driveway has exceeded the limits how far it can legally be built out based on the survey lines. So we would accommodate more room for the driveway if at all possible, but it's just not possible right now.

RON RICHMOND: Depiction we have of the first suite, are there other runs that available for the second suite?

MR. STAGNITTA: There are not right now.

RON RICHMOND: Because it needs to be built out?

MR. STAGNITTA: Yeah. It is just not finished, so. It would be a separate entrance. I mean there is front entrance -- I wanted to do a ramp in the front but because of right-of-way, I couldn't do that. But there is two doors leading into each suite and then there is going to be a rear entrance on that one.

DR. LUNT: Currently there are three entrances to the office that I would be utilizing.

MICHAEL NYHAN: You'll be practicing on the second floor?]

DR. LUNT: First floor.

RON RICHMOND: I guess first floor suite Lunt Chiropractic, 800 square feet, but then that is actually under Suite 2 which is the one you're building up there? I'm confused.

MR. STAGNITTA: They're side by side. Suite 1, Suite 2 and upstairs is just apartments.

RON RICHMOND: Okay. What do you see the business going into the other suite?

MR. STAGNITTA: Suite 2.

RON RICHMOND: I know that is assuming office, but...

MR. STAGNITTA: Nothing yet. It would be something that is going to work. I don't want to just put anyone in there.

DR. LUNT: There is a possibility for me to expand, you know, the medical practice to bring in a massage therapist or physical therapist in the future.

RON RICHMOND: What do you think about vehicle traffic at that point?

DR. LUNT: It is still appointment times as opposed to retail space, so I believe professional use in that location would be less traffic than a retail business.

RON RICHMOND: Then you also mentioned about ADA accessibility for Suite 1. There will be ADA accessibility or does there need to be for the upstairs?

MR. STAGNITTA: Does not need to be.

MATT EMENS: I guess I was confused so -- so I'm looking at the original drawings for submission and the one that was handed out tonight. Suite 1 is where the chiropractic suite will be. Suite 2 is the 592 square feet. What is the garage or --the rest of everything back there that is staying as is?

MR. STAGNITTA: Yeah, for now. I do plan on taking it down, but I just don't have the funds or -- to do that yet. Really to make more parking.

MATT EMENS: I was going to say if -- if it seems like you would get rid of that, you would solve part of your parking issue, your ramp and it also might change the way Dr. Lunt's space gets laid out here so that you don't lose -- lose the office but still be able to use that back entrance.

MR. STAGNITTA: If Dr. Lunt does take over Suite 2, there would be a rear entrance, which is AD -- which will be ADA. So it would be off of that side driveway.

DR. LUNT: Oh, I don't think I mentioned in the parking either that the Town Engineer did not include the two garage spaces that are currently in existence for -- for parking purposes for the tenants.

MR. STAGNITTA: I did redraw -- that's the one I handed out.

RON RICHMOND: They're functional and being use right now?

MR. STAGNITTA: Yeah. They're cleaned. They're cleaned out.

MICHAEL NYHAN: What is the size of those? How many parking spaces per garage? Two?

MR. STAGNITTA: Two ports, one car each.

MICHAEL NYHAN: One car in each garage?

MR. STAGNITTA: Correct.

MATT EMENS: So the tenants on the second floor have use of that or who has use of those spots?

MR. STAGNITTA: I will give one to Kelsey (Lunt). I haven't really assigned them yet, but I will for the use of parking.

JOHN HELLABY: Did I hear somebody say that driveway is 11 foot wide at the road? The problem being is that driveway is not on your property, according to the map.

MR. STAGNITTA: That was existing.

JOHN HELLABY: You had 9 foot and that's it.

MR. STAGNITTA: Yeah.

JOHN HELLABY: Do you think there is adequate space in the back for these people that will utilize these three back spots back here?

MR. STAGNITTA: Yes.

JOHN HELLABY: And literally turn around back out there?

MR. STAGNITTA: The tenants use those the most. They park back there all of the time.

DR. LUNT: The lot is quite large. I have had construction in the office with a lot of big trucks and vans that have been in and out of that back lot and they're able to turn around and everything just fine.

JOHN HELLABY: I assume most of these renovations are done in this space.

DR. LUNT: It's completely ready to open for business tomorrow should you guys approve the change of use of my space.

JOHN HELLABY: How did we get to this point? How did we get to this point? Because I don't remember this coming in here.

MR. STAGNITTA: I have had --

PAUL WANZENRIED: It's a change of use. Therefore, it requires your approval.

JOHN HELLABY: Which I understand, but how did all these renovations take place before -- they just went in and did them?

PAUL WANZENRIED: It was done at -- at one point he had a retail customer.

JOHN HELLABY: Oh, all right.

PAUL WANZENRIED: He did the renovation, had a retail customer and retail/retail requires none of your approval. When it became evident he was going to lease to a chiropractic or a professional office, it thereby kicked in the change of use and Planning Board approval.

JOHN HELLABY: All right. Does it have to go to the ZBA for the required parking spaces?

PAUL WANZENRIED: Even if he factors in the garages, he will be short by a couple of spaces, I think.

MR. STAGNITTA: One.

PAUL WANZENRIED: One?

MR. STAGNITTA: Well, then Suite 2 you allocated for parking spaces which are vacant right now.

PAUL WANZENRIED: Right. But in the event -- even if Dr. Lunt expands, that still kicks that four in.

MR. STAGNITTA: Can we cross that road or bridge when we get there?

RON RICHMOND: It has to be taken into consideration now.

PAUL WANZENRIED: They have to take it into consideration as worse-case scenario. They would base their approval on you getting a variance for the four parking spaces. This is a preexisting condition. You can't stop.

DR. LUNT: The business tomorrow wouldn't change anything.

MR. STAGNITTA: I have really expanded as much as I possibly could as far as parking

and lot line to lot line. I mean everything is just built right on the edge, all of the way around really.

JOHN HELLABY: That's all I have for right now.

JOHN NOWICKI: Where do you put all of the snow?

MR. STAGNITTA: Um, there is space, um, all of the way to the back and then also to the right in front of the parking spaces, that's all just vacant property right now.

JOHN NOWICKI: The --

MR. STAGNITTA: There is probably 10 feet of pushing that I could do.

JOHN NOWICKI: Can you turn around back there then with a plow?

MR. STAGNITTA: Yes. I have had it plowed all last year.

JOHN NOWICKI: And the tenants that live on the second floor, use the same entrance -- do you go up a set of stairs?

MR. STAGNITTA: Correct. It's a separate entrance, though. They have a door entrance upstairs and then Dr. Lunt has her own separate door into the first suite.

JOHN NOWICKI: Based on this --

MR. STAGNITTA: Correct. And there is pictures, too. The colored pictures.

JOHN NOWICKI: So the pictures you showed us with the yellow stripe, that is assuming that is where the people walk down to get into this place?

MR. STAGNITTA: Correct.

DR. LUNT: Or --

MR. STAGNITTA: There is also a front entrance.

RON RICHMOND: That's hashed out as no parking.

MICHAEL NYHAN: You're showing there is enough space to walk down with a car driving past it.

JOHN NOWICKI: You said there was a front entrance.

DR. LUNT: And street parking out front.

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

DAVID CROSS: Is there any -- do we have any comments from the Fire Marshal? That is my biggest concern, is the fire access --

PAUL WANZENRIED: The only Fire Department comment, Mr. Cross, is that Ms. Lunt -- Dr. Hunt, excuse me, needs to obtain an operating permit.

DR. LUNT: I did it today.

PAUL WANZENRIED: Which they did today.

DAVID CROSS: His only comment.

PAUL WANZENRIED: He did go over and he did visit the site. But he is okay with it.

DAVID CROSS: Okay.

PAUL WANZENRIED: It's important to note this is pre-existing, nonconforming and that parking use for retail is the same as what Dr. Lunt is doing. It's one --

DAVID CROSS: This is by appointment only, so it is --

MR. STAGNITTA: Lesser.

DAVID CROSS: -- less intense and the renovations look beautiful, by the way.

MR. STAGNITTA: Thank you.

DAVID CROSS: That's all I had.

ERIC STOWE: I would just echo Paul (Wanzenried) and say that the parking -- I mean they're stuck with the confines of what they have and it meets the same requirements that were in existence for the prior business.

PAUL WANZENRIED: I have said all I need to say.

MICHAEL NYHAN: Just to follow up because it's a preexisting condition, you're saying that ZBA approval will not be required?

ERIC STOWE: Correct.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

HEATHER HILL

MS. HILL: My name -- my name is Heather Hill. I am a former Spartan Class of '97 and I now live at 59 Cassandra Circle so I have pretty deep roots in Chili and I did not know Dr. Kelsey until she was my chiropractor. I don't know anything about zoning or boards or anything that she said.

I do know good people, and she was my fourth chiropractor over at the business that she was in. And nobody put down roots. She actually purchased a home in this area. Really interested in her clients. Not only is she personal and reliable, but she is the kind of person I would want to set up business in my community. So in Chili -- who I want my kids to go to school with her kids. By the way, I have six kids who all sit in her office while I get adjusted. So to me, that speaks volumes for the kind of people you want in your area.

And what would be going into this space? I couldn't think of anything better than a professional doctor in that space. Like I said, I don't know anything about zoning or anything like that, but I know the harder you make it, the -- you know, you will get different kinds of people and I can't think of anybody better to be in there right now. That's all I wanted to say.

LINDA GREENFIELD MUNGER

MS. GREENFIELD MUNGER: My name is Linda Greenfield Munger and my husband and I used to own the building and I ran the Chili Doll Hospital at that site and Victorian Doll

Museum.

By having it by appointment basis is really the best scenario. A retail store like we had, you can have a large influx of people and the parking would have been an issue. As I got close to retirement, I found that I was doing things on an appointment basis, and parking was not an issue at that time. We had back parking. And at that time, there was less. I think Mike (Stagnitta) has expanded the backyard parking, pushed it right out as far as he can possibly go. And there is plenty of room in the back for, you know, quite a few cars to turn around. That wouldn't be an issue.

So I think given the space that is there -- we were there for 45 years and ran the business that was very, um, popular in its day. Years ago we had a lot of people and then it kind of trickled down and seeing it over that time period -- we used to have tour buses out front, Girl Scout Troops and everything else. There was a lot of people. And I was very proud to be -- have a business in this Town.

But I think with her business being appointment basis only, a limited number of people, I really think that's the best usage for that -- for that space. That's all I have to say.

MICHAEL NYHAN: Thank you.

Michael Nyhan 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: We're a couple parking spots shy, but it sounds like we have the ability to pass this without Zoning Board approval due to the preexisting, nonconforming condition at this location.

DAVID CROSS: ADA accessibility.

MICHAEL NYHAN: What do you mean?

DAVID CROSS: Do we just put a condition that they have to maintain ADA accessibility? Not ---

MICHAEL NYHAN: That's required, correct?

PAUL WANZENRIED: That's federal law, so that's -- we would -- it is a requirement of the building permit he pulled, we would have to inspect and conform -- confirm that.

MICHAEL NYHAN: Any other comments, questions? Issues? There is parking out front. I did notice that. Not their parking. We can't consider them, but I think I have seen worse conditions than this application.

Any conditions? I was going -- on here all previous conditions imposed by this Board still pertinent to the application remain in effect.

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

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

Subject to approval by the Town Fire Marshal.

And any signage change shall comply with the Town Code including signage permits.

Any other conditions? If not, with those conditions, application of Dr. -- we need SEQR on this. So let me back up.

PAUL WANZENRIED: She has paid for final, too, Mike (Nyhan).

MICHAEL NYHAN: So there is a waiver of final.

On your short form environmental assessment, page 1, Question Number 2, "Does the proposed action require a permit approval or funding from any other governmental agency? If yes, list the agency's name and approval."

I will change that to "yes." It requires Town Board approval -- or Town Planning Board approval. So I will change that.

And with that change, I make a motion to declare the Board lead agency as far as SEQR.

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: So with the conditions previous, application of Dr. Kelsey Lunt, 209 Westside Drive, Rochester, New York 14624, property owner: Michael Stagnitta; for preliminary site plan approval for a change of use in portion of building to allow a medical office (chiropractic), at property located at 4332 Buffalo Road in G.B. zone.

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

1. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
2. Building permits shall not be issued prior to the applicant complying with all conditions.
3. Application is subject to all required permits, inspections, and code compliance regulations.

4. Subject to approval by the Town Fire Marshal.
5. Any signage change shall comply with Town Code, including obtaining sign permits.

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

Michael Nyhan made a motion to approve the 8/8/17 Planning Board meeting minutes and John Hellaby seconded the motion. The Board was unanimously in favor of the motion.

The meeting was adjourned at 7:55 p.m.