

CHILI PLANNING BOARD
November 14, 2017

A meeting of the Chili Planning Board was held on November 14, 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.

MICHAEL NYHAN: I want to -- for those that might be here tonight for the application of Taouk Holding LLC, owner; P.O. Box 52, Spencerport, New York 14559 for revised preliminary site plan approval to erect 54 townhouse units to be known as Mayflower Estates at property located at 4201R Buffalo Road in R.M. zone, that has been tabled until our December meeting, so that will not be heard tonight.

INFORMAL:

1. Application of University of Rochester, owner; 601 Elmwood Avenue, Rochester, New York 14642 for referral from Town Board requesting recommendation on incentive zoning at property located at 1420 Scottsville Road in G.I. zone.

Ashley Champion was present to represent the application.

MS. CHAMPION: Thank you. Good evening. My name is Ashley Champion. I'm an attorney with Nixon Peabody here tonight on behalf of the University of Rochester. Joining me tonight are several University of Rochester representatives to help answer any questions you all may have on this application.

So this application relates to the ancillary offsite parking facility that the University currently owns and operates located at 1420 Scottsville Road. That project is currently permitted pursuant to an incentive zoning agreement that was entered into with the Town Board in 2007. That incentive zoning agreement is expiring at the end of this calendar year and the current application is seeking renewal of the incentive zoning agreement on the same terms and conditions for an additional five-year period with a five-year renewal similar to the prior agreement.

The only material difference between the amendment and the current agreement is rather than the fixed \$30,000-a-year-amenity payment that the University is currently making, there will be an annual 2 percent year over year escalation. So no current improvements or modifications are proposed on the site at this time. It is simply a continuation of the existing use of the parking facility under the proposed terms of this incentive zoning agreement amendment.

So we're here procedurally. Last month we appeared before the Town Board. You know the incentive zoning process requires Planning Board referral recommendation and input. There is no different process for a renewal versus a new incentive zoning application so -- even though this is an existing project and we're only seeking a renewal of the process the same.

So last month at the Town Board they deemed this will be an application worthy for further consideration, so we were referred to this Board for review and comment which we're hoping to receive tonight and then be back before the Town Board tomorrow so they can set the Public Hearing for December and we can get this hopefully new amended agreement entered into with the Town prior to the end of the calendar year. So we're happy to answer any questions that the Board has on the application.

MICHAEL NYHAN: Thank you.

DAVID CROSS: Just one question for the side table. Paul (Wanzenried) maybe. Were there any complaints on file with the Building Department?

PAUL WANZENRIED: Nope.

DAVID CROSS: That's all I have.

MICHAEL NYHAN: Not a lot of questions when nothing changes.

MS. CHAMPION: That's the way we like it.

MICHAEL NYHAN: Have you received a letter from the Town Engineer with some recommendations?

MS. CHAMPION: Yes. We received the letter and reviewed it. We're generally agreeable with the comments if the Board wanted to incorporate them into their report. The one sort of

clarification we had made was there was a request for the updated plan. There was reference in our application to the 2007 plan. That was slightly revised with the Town up through 2008, but there is no new plan because there is no new contemplated development. So there is no updated site plan. Just still referencing the prior plans from the 2007 agreement.

But otherwise, the comment on incorporating the 2 percent escalated payment schedule, rather than just stating the escalation, that is all fine. Obviously the Town Board has to be agreeable because they're a signatory, as well, but we're okay with all those comments.

MICHAEL NYHAN: It just said preliminary site plan -- or site plan -- or a site plan that was dated October 19th, 2017. I haven't seen a plan with that date on it.

MICHAEL HANSCOM: 2017? No.

MS. CHAMPION: I think the confusion is my cover letter referenced a plan, the MRB plan dated October 19th, 2007, and it probably just, you know, a quick read -- assume we're talking currently, but it was actually reference to the prior plan in 2007. So there is no updated 2017 plan.

MICHAEL NYHAN: So final site plan was submitted in 2008, correct?

MS. CHAMPION: Yes.

MICHAEL NYHAN: There is no changes to that?

MS. CHAMPION: Nope.

MICHAEL NYHAN: There is no SEQR on this. The Town Board will declare themselves lead agency. At this point we're just voting to recommend or not recommend this application to the Town Board.

So with that, the application of the University of Rochester, 601 Elmwood Avenue Rochester, New York for referral to the Town Board requesting recommendation on incentive zoning of property located 1420 Scottsville Road in G.I. zone.

DECISION: Unanimously approved by a vote of 7 yes to recommend the incentive zoning of 1420 Scottsville Road. There are no physical changes to the layout of the site from the original and approved incentive zoning from 2007. The use of this site has been in operation without any issues on the property or surrounding properties as a result of this use. The use of the site as a surface parking lot is related to other uses in this area. The adjacent properties are auto service and towing agencies, warehouse, and distribution type businesses.

The Town Board will be notified of the Planning Board's decision by copy of their decision letter.

PUBLIC HEARINGS:

PAUL BLOSER: I have to recuse myself from this application.

ERIC STOWE: The reasons for your recusal? Just in case.

PAUL BLOSER: It's a neighboring property and I am familiar with the family.

1. Application of Tom Albano, owner; 40 Marsh Street, Rochester, New York 14619 for resubdivision approval of 3 lots in the Albano Estates Subdivision with site plan approval on proposed lot AR-1A-1 at properties located at 1540 and 1550 Davis Road in R-1-15 zone and 1560 Davis Road in R-1-15 & G.I. zone.

Paul Schreiner and Tom Albano were present to represent the application.

MR. SCHREINER: Good evening. I'm Paul Schreiner from Parrone Engineering in East Rochester, New York. I'm here on behalf of Tom Albano and Tom (Albano) is here with me tonight should there be any need to ask him any questions.

We're requesting from the Town Planning Board a proposed three-lot subdivision of an existing parcel of land. The resubdivision will be primarily land and the -- with the intent to build on one of the lots. The zoning is -- as you said, is R-1-15 along the frontage on Davis Road and General Industrial to the rear. Site is located approximately 3700 feet to Union Street and we're seeking, I guess, subdivision approval and site plan approval for the individual R -- AR-1 lot.

I would like to go over a little bit of history with this site. Let's take us back to 1992. Tom (Albano) had a piece of land here (indicating), from this line over, 16 acres of land where in '92 they split it into two lots of equal size, approximately seven acres apiece. They got site plan approval for both of those parcels. Septic system approved. Water service. Everything was approved for those two lots. Didn't build on those lots. They passed it in '92.

In 1994, they acquired this rear portion of land which is approximately 48 acres of land, so now you have got one big 64-acre parcel. They re-subdivided again to create three lots. So they had one lot, one lot and this access -- this accessed the rear portion of the property.

Well, everything was approved in '92 and '94 re-subdivided and come to present time, the land is still there. In the time since '94, they have built a storage building in the rear of the property. They built the access road, the -- they have electricity back to this backing. Now they want to build the house on this lot AR-1A-1. The -- the number is getting longer as time goes on. But we are looking for the resubdivision of that resubdivision, I suppose.

We're going to have three lots. One AR-2 would be 7.4 acres. R -- AR-1A-1 would be 15

acres. And it would be now as -- L-shaped. And then the remaining of the land would access Davis Road at this point where the original access road was proposed back here and then we'll have access back to this rear property. Access to Mr. Albano's house will be off that access road with a cross easement. Access and utility easement so he can get back here (indicating).

The unique thing about this is we got -- we requested Monroe County Health Department to take a look at it to make sure their approval was still good for this lot. It is still good for two years. They finally put a number to it and say, "Okay, you can build it within two years."

Well, we would like to build that lot. So hence we want to get everything in -- in -- in step, I should say, and put this all -- all to bed so we can go ahead and build his house. So those are the three lots. Not intending to build on Lot AR-2 or do anything with AR-1-B. And -- are we following me to this point?

And as far as improvements for AR-1A-1, the existing access is there. We show it on our -- on our original site plan as 9 foot wide, but our surveyors didn't notice that there is a little bit of overgrowth on the roadway, but it was installed as a 15 foot road as originally proposed. And that's -- that will be the access. We'll have to get a water service to that building. And electric is already run. So it's ready to build. And our major portion of the work is actually right where the house is located. So there is no new road cuts or anything like that. We would have to get a permit on the -- on Davis Road for the water service. So everything is in place to do that.

I will give you a brief look at the -- at the R -- of the lot. We have all this in your packages at this point. But here is the access road (indicating), and right here with the -- with the proposed house, driveway and septic system with all of the grades shown to that location. It's very -- we didn't want to go through the re-approval process with the Health Department. We didn't have to. So we just kept the same location of that septic system that is there. So that's the long and the short of it. With that, I will just conclude my presentation. It's a fairly re-carve up of land and we want to build the one house.

Now, just for the record, I have received copies of the DRC comments from the County and the Town Engineer's comments. I don't see any -- anything that is -- we can't get -- work out as far as completion of plans and such. So with that, I will end my presentation.

MICHAEL NYHAN: Thank you.

RICHARD STOWE: If there is no intent to build anything on the additional lots that the resubdivision would provide, why both?

MR. ALBANO: Thomas Albano. The intent is to sell the remaining portion of the land to possibly a developer for the back areas. I spoke to a couple developers already. And the other approved lot for R-1A-2, I believe it is. 7-acre lot. It's been in the family since '92. Probably saw my dad selling vegetables outside of Colombini's. We have been in the area for a long time.

RON RICHMOND: Are there plans in the works right now or potential opportunities right now for the resubdivision to be sold?

MR. ALBANO: I have talked to some developers. There is nothing solid yet. Basically we're just using the access road, which is a part of the larger lot in the back that we -- we are looking at easements in order for us to use that access road to the proposed home location.

MATT EMENS: So the comment in here about the 15 foot that you're saying is -- your surveyors are showing it in currently because it's overgrown.

MR. SCHREINER: When we went out there, we located the existing gravel road which was -- what was originally approved and we showed it as -- they said well, it's about 9 foot wide. They didn't go that little bit extra because it's -- they have used the road to get access back to the barn, but -- but you know, there is just that extra couple feet on either side that they didn't get. You know, so -- but the 15 foot width is there and it was always intended to be 15 foot as was required on the original application. I think the edges need to be just dressed up, you know. And that was -- that was our intent to do that.

JOHN HELLABY: Have you seen the letter from Lu Engineers?

MR. SCHREINER: Yes, I have.

JOHN HELLABY: November 8th. I know a lot of it is just cleaning up lawn details and such, but comments?

MR. SCHREINER: Yes. Have it right here.

JOHN HELLABY: One of the things here is that there is apparently a creek that flows across that property. And --

MR. SCHREINER: There is a creek that goes -- I will just point to it. It -- it comes across here and -- in two substantial size culverts and comes this way (indicating). Because when the original subdivision happened, um, they were to build a -- I believe the driveway to this lot here (indicating). And the creek is just on the other side. So it -- so it kind of bisects its property.

JOHN HELLABY: So I'm assuming that that is going to be whoever wants to possibly develop that in the future?

MR. SCHREINER: That will be their issue to tackle.

JOHN HELLABY: All right. But you don't see any other issues on this, then?

MR. SCHREINER: No. I don't think there is any -- any quote, you know, show-stoppers, but -- but it is just normal issues that come up. We'll have to address. We have to address -- for example, why our surveyors have a line that's X and the previous survey was X plus 2/10 of a foot. It's things like that. Why the numbers aren't the same. And I'm not a surveyor so I can't explain it. But it's all the same parcel.

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

JOHN NOWICKI: Going back to the letter he is talking about, have you addressed every issue in this letter with the Town Engineer?

MR. SCHREINER: I have not yet at this point. We wanted to come and hear -- hear from the Board first and then we'll make all of the changes and coordinate that with the Town Engineer. That's normal, correct?

JOHN NOWICKI: There are a lot of items in this letter that require changes on the drawings.

MR. SCHREINER: I'm sure there are. There will be necessary changes. But I don't think there is any substantial changes to -- in any great extent.

JOHN NOWICKI: I certainly would feel more comfortable if they were addressed before the meeting. Thank you.

DAVID CROSS: Paul (Schreiner), is there any variances going to be required for the three lots that are being created?

MR. SCHREINER: No variances.

DAVID CROSS: That's all I have.

MICHAEL NYHAN: There was an easement that ran between your neighbor's property and the property you're looking for site plan approval; is that accurate?

MR. SCHREINER: Yes.

MICHAEL NYHAN: Is that where the access road would go to the back lot?

MR. SCHREINER: You're talking here (indicating)?

MICHAEL NYHAN: Correct.

MR. SCHREINER: Very narrow easement, 18 foot wide that stays with the property. I think that -- it's to the -- to the Sampson property.

Is that right, Tom (Albano)?

MR. ALBANO: I believe so.

MR. SCHREINER: There is an easement giving him rights to access their land through -- at this point.

MICHAEL NYHAN: Any other easements that go all of the way back to the plat itself? Sewer, utility?

MR. SCHREINER: There will be an access easement along that -- along that driveway for access and utilities and -- yes. Utilities, for example, electric.

MICHAEL NYHAN: Okay.

MR. SCHREINER: But that would be -- this lot would be granting it to Lot AR-1A-1.

ERIC STOWE: I want to go back. The ingress/egress that says ingress/egress from Lot 3 to Lot R1 --

MR. SCHREINER: Yes.

ERIC STOWE: Which one is Lot 3 and which one is Lot R1? You have to walk me through the numbering here.

MR. SCHREINER: Um, this -- this -- this strip of land through here (indicating) is owned by let's say -- I think this is Lot 3.

ERIC STOWE: Okay.

MR. SCHREINER: The numbers don't compare to the -- to the actual survey map. But this easement will be right over the top of that same strip to benefit the proposed lot.

ERIC STOWE: The middle parcel of 1A-1?

MR. SCHREINER: Yes. I think the Town Engineer requested that be extended a little further. We have no problem doing that.

ERIC STOWE: You're not putting a driveway on Davis Road or 1A-1? You will use that --

MR. SCHREINER: Yes. It will be a common driveway.

PAUL WANZENRIED: That strip is the common way in for 1B and 1A-1?

ERIC STOWE: That will be the sole access for the 40-acre industrial parcel you intend to develop?

MR. SCHREINER: I don't think we said we were intending to develop it. Somebody may own that. I don't know what they would do for that -- with that piece of property in the future. But they would be --

RON RICHMOND: I thought the property owner did state that there were thoughts of potentially selling that to be developed down the road.

MR. ALBANO: That's correct, yes. I didn't say industrial.

ERIC STOWE: Well, a good chunk -- most of the back chunk is zoned Industrial.

MR. ALBANO: Or Residential.

ERIC STOWE: Industrial.

MR. SCHREINER: Any development on that would be subject to Planning Board scrutiny.

ERIC STOWE: I'm just trying to understand the logistics of the bulk of or a good portion of the back lot, 1B-1 is zoned Industrial and it's going to share the access road with the driveway of a residential lot?

MR. SCHREINER: Yes.

RON RICHMOND: You're talking, Eric (Stowe), primarily the potential of the traffic?

ERIC STOWE: On somebody's driveway.

RON RICHMOND: Right.

RICHARD STOWE: That's just my comment.

MR. SCHREINER: It could come in the future. Who knows what is going to happen there. And if that comes to pass and if there is some -- some huge development here, they want a road here, well, we -- we don't want to mix the two uses. Maybe they will have to end up

building a parallel driveway for this lot.

RON RICHMOND: Is there a reason he can't create his own driveway coming off Davis?

MR. ALBANO: It's too long.

RON RICHMOND: I understand the length of it.

MR. ALBANO: It's a common drive, right? There is no intent to sell industrial for that back lot.

RON RICHMOND: I understand there is no intent, but to the point that has already been it, intent means everything right now but doesn't mean anything five years from now. So you have to take it into consideration the potential.

MR. ALBANO: I understand.

ERIC STOWE: Just that -- I mean the dual zoning on the parcel gives me pause, as well. On why we have -- it's a small portion of that 1A-1 lot that has zoned General Industrial, immediately very small. But there is dual zoning on that parcel. Those are my only comments.

MICHAEL NYHAN: Paul (Wanzenried)?

PAUL WANZENRIED: I have no comments.

MICHAEL HANSCOM: This is just a curiosity question.

MR. SCHREINER: Sure.

MICHAEL HANSCOM: I was curious as to why he is running the utilities for his house on the easement as opposed to on his own property.

MR. SCHREINER: Well, the major reason why I showed it like that is because there is the drive, let's build -- the only utility that we need to construct at this point is -- is the water service and it would just be a more or less disturbance of the lot that -- that the water service be constructed adjacent to and parallel to the existing driveway. I mean could it be put in his lot? Yeah. That's -- that's a possibility.

MICHAEL HANSCOM: Just --

MR. SCHREINER: I know you did raise a point in your review letter about that. If -- if that roadway is ever expanded, it will be underneath the pavement. Well, if -- if -- if the pavement ever widens out to a major development, well, I think there is a lot more -- there is a lot of things that are going to be -- that will come up. So -- but -- but majorly just to be -- to -- to have construction happen along that drive, just off the pavement -- or off of the gravel drive.

MICHAEL HANSCOM: Just raising these points to try to prevent issues for the property owner in the future.

MR. SCHREINER: Understood. Understood.

MICHAEL NYHAN: Paul (Wanzenried), is 38, 40 foot frontage requirement for that back lot to Davis Road?

PAUL WANZENRIED: They got it.

MICHAEL NYHAN: Is there?

PAUL WANZENRIED: He is 77 feet wide.

MICHAEL NYHAN: Okay.

RON RICHMOND: How far off of Davis will the house be built?

MR. SCHREINER: 600 feet. 560 foot from the right-of-way. So...

JOHN NOWICKI: Just have you reviewed the Department of Planning and Development --

MR. SCHREINER: Yes. Yes. And most -- most of those comments were related to the -- to the highway permit that we need to get.

JOHN NOWICKI: You need to get.

MR. SCHREINER: We have to have a highway permit for the water service.

JOHN NOWICKI: So you will answer all those questions?

MR. SCHREINER: Oh, yeah.

JOHN NOWICKI: And take care of those questions?

MR. SCHREINER: Yeah.

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: Any further discussion? Common use of the driveway.

RON RICHMOND: That is a potential issue that may never come to pass, but...

MICHAEL NYHAN: Eric (Stowe), Paul (Wanzenried) -- John (Nowicki) brought up the question about signs. It is not required for resubdivision, I understand?

ERIC STOWE: For subdivisions, no. The best way to handle it would be to ask the applicant if they would be willing to consent to a tabling of the site plan and that would allow, if necessary, any future posting.

MICHAEL NYHAN: Okay. So it's required for the site plan but --

ERIC STOWE: If necessary.

MICHAEL NYHAN: Okay. All right. Do you -- did you understand that?

MR. SCHREINER: I wasn't --

MICHAEL NYHAN: Is there -- we didn't notice any sign posted on the land for this Public Hearing.

MR. SCHREINER: I was told we didn't have to post any sign for this.
MICHAEL NYHAN: One is required -- it's not required for your resubdivision. It is required for a site plan approval.
MR. SCHREINER: Okay. That was -- we -- I specifically asked that and --
ERIC STOWE: If necessary.
MICHAEL NYHAN: If necessary. All right. So if you want to move forward tonight, we would have to separate that and just hear the application for resubdivision and not for the site plan approval.
MR. SCHREINER: Okay.
MICHAEL NYHAN: You would need to get it separated from the initial application.
MR. SCHREINER: Okay.
DAVID CROSS: Would the nearby -- were the neighbors notified, does anyone know, with the mailings?
PAUL WANZENRIED: Wouldn't have been because it's a resub.
DAVID CROSS: What about the site plan?
PAUL WANZENRIED: No.
DAVID CROSS: They weren't.
MICHAEL NYHAN: So would you like to move forward with the resubdivision and not the final -- or the site plan approval?
MR. SCHREINER: Well, we would like to move ahead with both, I think.
MICHAEL NYHAN: We can't move ahead with both. We would have to table it to the next meeting so the land gets posted with proper signage for site plan approval.
MR. SCHREINER: Okay. I wish -- I wish I would have known this, you know, a while ago.
MICHAEL NYHAN: I understand. I'm not sure why it wasn't or what happened.
MR. SCHREINER: I specifically asked if it needed a sign to be posted, so.
MICHAEL NYHAN: It doesn't for a resubdivision. It does for a site plan approval.
MR. SCHREINER: Yes. We want to move ahead.
MICHAEL NYHAN: So move ahead with the resub?
MR. SCHREINER: Yes.
MICHAEL NYHAN: Any further discussion in this application will just be for resubdivision of the land, not site plan approval.
ERIC STOWE: There was confirmation that was a mailing was done.
PAUL WANZENRIED: There was a mailing. Sorry.
DAVID CROSS: And there is nobody here to speak to the application from the public. I would be willing to go forward with both.
MICHAEL NYHAN: Legally, I don't think we can. It is in the code we have to do it.
ERIC STOWE: Just push it out.
MICHAEL NYHAN: We need to separate it out. We'll separate it out. The application will be for resubdivision and not the site plan approval.
JOHN HELLABY: In all honesty, with the six pages of the engineer comments, I would like to see all that cleaned up when it came back next month.
JOHN NOWICKI: Exactly.
JOHN HELLABY: So that will kill two birds with one stone.
JOHN NOWICKI: Town Engineer and the Department of Planning and Development.

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 vote on the motion was 6 yes to 1 no (John Nowicki).

MICHAEL NYHAN: On application of Tom Albano, owner; 40 Marsh Street, Rochester, New York 14619 for resubdivision approval of 3 lots in the Albano Estates Subdivision -- there will be no site plan approval -- property located at 1540 and 1550 Davis Road in R-1-15 zone and 1560 Davis Road in R-1-15 & G.I. zone.

MICHAEL NYHAN: Any conditions of approval for the resubdivision?
JOHN NOWICKI: Any concerns about that General Industrial property?
MICHAEL NYHAN: Concerns?
JOHN NOWICKI: Down the road.
MICHAEL NYHAN: That is why we're not approving any site plans tonight. Just subdivision of the land. No site plan is being reviewed tonight.
JOHN NOWICKI: Would you consider putting that into Residential?
MICHAEL NYHAN: I don't know if they will consider that or not.
PAUL WANZENRIED: What is the question?
MICHAEL NYHAN: Not part of this application.
JOHN NOWICKI: Go ahead.
MICHAEL NYHAN: So for the resubdivision, this does need approval of the Town Engineer.
Mike (Hanscom), you still want that approval based on the fact we have separated it?
MICHAEL HANSCOM: Um, sure.
MICHAEL NYHAN: So for conditions, I have approval is subject to final approval by the

Town Engineer and Commissioner of Public Works.

Town Engineer Commissioner of Public Works shall be given copies of other correspondence with other approving agencies.

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

Any previous conditions imposed by this Board still pertinent to the application remain in effect.

Copies of all easements associated with the project shall be provided to the Assistant Town Counsel for approval and filing information; i.e., liber and page number shall be noted on the mylars.

I also have as a condition provide in response to each of the items on the letter dated from our Town Engineer, Michael Hanscom, dated 11/8/17 regarding this application.

Which I think you already said you would be doing, correct?

With those conditions, could I have a vote on application for resubdivision of these lots?

JOHN HELLABY: Second.

DECISION: Approved by a vote of 4 yes to 2 no (Ron Richmond, John Nowicki) with the following conditions:

1. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
2. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
3. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
4. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
5. 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.
6. Provide written response to each item on letter dated 11/8/17 regarding this application from Michael Hanscom, Town Engineer.

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

2. Application of Ignazio Battisti, owner; 227 Golden Road, Rochester, New York 14624 for recommendation to rezone 6 properties (approximately 22 acres) from R-1-15 to R-1-15 with incentive zoning at properties located at 231, 225, 227 and 229 Golden Road, 29 and 31 Stone Board Road and 1 property (approximately 31 acres) from RA-10 to RA-10 with incentive zoning at property located at 219 Golden Road.

Amy Kendall, Ignazio Battisti and Joe Ardieta were present to represent the application.

MS. KENDALL: Good evening. My name is Amy Kendall. I'm an attorney with Knauf Shaw. I'm here tonight representing Ignazio Battisti and 221 Golden Road, LLC which are the owners of the properties that you just listed out. I am here tonight with Mr. Battisti and with Joseph Ardieta of Vanguard Engineering who will be providing an overview of the project in a moment.

I'm here to provide some background. Just a couple of points. We are in the same procedural posture as the University of Rochester was here this evening. For some reason this has been noticed as a Public Hearing, but at this point, um, we are in -- looking for the Planning Board's approval of incentive zoning, the application of incentive zoning to this project.

Also, the public notice indicates that there is a rezoning at issue, and technically it's an application of incentive zoning to the current existing zone.

So with that, as I mentioned, we're seeking approval of incentives for the construction of up to 52 townhomes clustered on approximately roughly 22 acres of a 53-acre site. So the plan as -- has been presented. Hopefully you have all of the application information. There would be a deed restriction or a conservation easement of some type put on approximately 32 acres. I'm just going to go up and kind of outline that if I may.

MICHAEL NYHAN: Sure.

MS. KENDALL: So the conservation easement or deed restriction would be on this portion here (indicating). And this is the 22 acres that I was just mentioning. So the amenities would include the construction of townhomes, a change in density and a slight rear setback on one of the buildings. Hopefully you received today an overview that was requested showing the relationship between that setback and the adjoining property. If not, we can certainly make sure that you received that.

So the proposal concerns these properties and so that's Golden Road going -- I believe it's north/south and then Stone Barn Road which travels east and west. The properties at issue --

where the construction will be happening would be zoned R1. 1 -- 1-15, I believe. And then the larger parcel that will have the conservation easement is zoned RA-10. There is currently an approved single-family subdivision for these parcels.

And as background, a couple of the properties were previously used for the disposal of hazardous -- I'm sorry. Not hazardous waste -- solid waste. We don't know anything about hazardous waste.

As a result, the Monroe County Health Department previously advised that a Soil Management Plan would need to be in place for the properties. And realistically what that means for a single-family home -- I own a single-family home here in Chili. If there was a Soil Management Plan on the whole subdivision, what that would mean for me is before I had any utility work done or -- I couldn't plant a garden, I would have to make certain arrangements. That's really unworkable for single-family subdivisions.

So since that time, since the Monroe County Health Department issued that -- a decision, the State Legislature enacted the Brownfield Cleanup Law. What that does is supports the development of contaminated properties such as these.

The applicants would have to apply for the Brownfield Cleanup Program in order to get some assistance with the investigation of the property and the costs of remediation associated with the property. So there will need to be some level of cleanup and protection of -- of public health and safety. Because of the possibility that there is a Soil Management Plan that might need to be in place, um, it's preferable to have a single owner for the whole property. So that is what we're proposing, is a single owner with overall compliance with any plan, so that applicants will propose at a later time to -- resubdivision of the property so there is one.

Um, it's also preferable -- as I mentioned, with the Soil Management Plan, it's -- it's preferable to have a multi-unit development, because in the context of like a rental or apartment complex, um, they control whether or not you can put in a garden or, you know, you're obviously not digging your own utilities.

So at this point, the applicant is requesting a decision on the applicability of incentive zoning in order to allow us to move forward with the Brownfield Cleanup application.

The applicant has prepared sketch plans which hopefully you have the mylars for that. And with that, I will turn it over to Mr. Ardieta.

MR. ARDIETA: Good evening. What you see before you is a concept plan for the multi-residential application. We show 13 4-unit buildings which we believe will be townhouses. It's on a private road with two connections for dual access for fire apparatus, if needed. Which actually addresses one of the comments made by the Town Engineer regarding putting in a cul-de-sac. We thought that Town staff, especially the Fire Chief, would prefer two access points.

So that is what this layout is for. It would be a private road since it would be a single-owner project, rather than a Town road, which would have to take place if it was a single-family residential subdivision. That's really the gist of it. The grading would be substantially less on this project than it would in a single-family residential and the impact on the wetlands. There would certainly have to be a wetland permit for the single-family residential. It's yet to be seen if this layout would require such, because the plan -- the plans that were given to you show a draft boundary. It's not coordinated or approved yet by either of the federal, Army Corps of Engineers or DEC. The boundaries would have to be finalized before we did a finalized layout of the site, but this is the gist of the layout.

MICHAEL NYHAN: This is a concept that you intend to use for this piece of property should you get the incentive zoning; is that accurate?

MR. ARDIETA: That's accurate.

MICHAEL NYHAN: Anything else?

MR. ARDIETA: Nope.

MICHAEL NYHAN: Okay. So tonight what we're hearing is just whether or not to recommend or not recommend to the Town Board whether incentive zoning should be used for this piece of land in the -- and then in the future if that is approved, they would have to come back for site plan approval to this Board for final site plan approval.

So with that, Ron (Richmond), any questions?

RON RICHMOND: Just in reference to the Town Engineer's comment about the cul-de-sac, would you consider taking that into a plan proposal and putting it out just in case?

MR. ARDIETA: Well, I could always go back to the applicant and ask if they would be willing to consider a cul-de-sac, but I think the question really should be posed to the Town's Fire Department, would they be willing to accept the cul-de-sac and the single entry for 52 units.

RON RICHMOND: That would be a separate question, but my question would be would the applicant consider the cul-de-sac based on the Town Engineer's recommendation.

MR. ARDIETA: If we could fit the 52 units, I think they would accept it because it would end up being less road.

RON RICHMOND: If they couldn't fit it in with the 52 units, it wouldn't be a consideration?

ERIC STOWE: If I can just chime in for one second. For the purpose of this hearing -- sorry. Lost the section -- we're really recommending -- it's not a full-blown site plan review. We are looking at the adequacy of the amenity and incentive and their fit to the site and how they relate to adjacent uses and structures. There will be a full-blown -- you will see an opportunity for a site plan review, but just with respect to the amenities and incentives and their situation on the site, and how that affects neighboring properties.

RON RICHMOND: Okay.

ERIC STOWE: Just to keep it on what we're looking at at this stage of the proceeding.

RON RICHMOND: Understood. Okay.

MS. KENDALL: Just want to add, just for point of clarification, the contamination that we have identified to date is here (indicating). So part of -- part of the idea is to use paving and the infrastructure to both remediate that contamination and protect it from children playing or a playground structure or anything -- something of that nature. So whatever it -- and frankly, this is going to go before the Department of Environmental Conservation and they may have a completely different idea. But the -- but that was our thinking, in making the road in this way.

RON RICHMOND: I'm good.

JOHN HELLABY: One of curiosity, I guess, for Amy (Kendall). At one point -- maybe I am misunderstanding something here, but at what point does the clean-up cost outweigh the development cost? There has to be some give and take here.

MS. KENDALL: The Brownfield Cleanup Program provides tax incentives for developers to remediate contaminated property. And that gets less and less over time. And a developer has to be willing to take on the responsibility of the remediation as well as it -- it is a long-term process with the Department of Environmental Conversation.

JOHN HELLABY: So the only reimbursement say is from tax incentives to the government? They don't come say, "Okay, we'll -- we're going to pay this to help clean this up." Correct?

MS. KENDALL: Partially, yes. And it's depending -- without getting into a description of the whole Brownfield Cleanup Program, you get incentives, um, based on the actual remediation, but the Legislature wants to make sure that a project actually gets built. So you don't get any of the tax credits until the end and something is built and there is actual economic benefit to the Town and the --

JOHN HELLABY: You fully don't understand the extent of this today. You still have more investigation to do?

MS. KENDALL: We would be required to do some additional investigation at this point.

JOHN HELLABY: At one time there were barrels of this stuff. They're all gone, I assume?

MS. KENDALL: Yes. Yes.

JOHN HELLABY: That's all I have.

JOHN NOWICKI: How long will that investigation take?

MS. KENDALL: It depends on the -- so some preliminary investigation was done quite some time ago. We have to apply to the department for -- to be -- for entry and then that will take some time and they have to approve and we have to sign an agreement agreeing to move forward with an investigation and depending on the nature and extent of the contamination, the Department will propose an investigation plan. The Department will either approve it or not approve it. Um, if -- or, you know, we would work with the Department on the -- on the nature and scope of the investigation. And then at that point, we do the investigation, whatever that may be. And in this case, we're talking about metal. So we're not talking about petroleum-based compounds or semi-volatile compounds that would spread. So we don't have a concern about movement off the property. We just have to delineate the extent basically so that we can get a good grasp on that.

JOHN NOWICKI: Which you would remove it?

MS. KENDALL: There might -- yes. In the context of construction, there will be removal. In the -- we -- we wouldn't need to remove everything. That's incredibly disruptive to neighboring property owners and probably -- I don't want to say it's probably not necessary. It may not be necessary.

Because, you know, from our perspective, when we go into towns and propose these kind of projects, um, a lot of the concerns about truck noise, if you have to truck stuff out, you know, the -- you know, kicking up the dust and that type of thing, we want to minimize all of that -- all those things. So that would all be done in concert with the approvals with the Department of Environmental Conservation.

JOHN NOWICKI: So you will have all that information if you come back again?

MS. KENDALL: Yes. It will be in the context of the site plan and also in the context of the Brownfield Cleanup Program that's all a public program, so there -- there is public notice and hearing requirements associated with that. There are, you know, opportunities for public comment, all of those types of things.

DAVID CROSS: Amy, I guess with all of the approvals lined up very nicely, I guess what is your best case schedule? Like what -- when would you -- be into construction?

MS. KENDALL: Really varies depending on the nature and extent of contamination as well as the Department of Environmental Conservation's feeling about the project and, you know -- obviously we're hopeful that given the amount of contamination that we know about, that it -- that it's not going to extend out indefinitely. Obviously we would rather move -- you know, from a development costs alone, it would be better for us to move now. But there is a public process. There is site plan approval process. There is a resubdivision process. There's a variety of things involved in the process.

DAVID CROSS: Okay. As far as townhomes, is there a thought they would be owner-occupied or rentals?

MS. KENDALL: They would likely be rentals.

DAVID CROSS: That's all I have.

MICHAEL NYHAN: What was the size of the developed -- the area that will be developed? I thought it was 52 acres, but I thought I heard you say less than that.

MS. KENDALL: The total amount is about 53 acres, and then the part to be developed is about 22. I think it's a little less than 22.

MICHAEL NYHAN: Okay.

MICHAEL HANSCOM: No additional comments.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

SI HULSE, WEATHERWOOD LANE

MR. HULSE: I live on Weatherwood Lane and it backs on the corner of Stone Barn Way. I will be affected by this project once it goes in. To the best of my knowledge, there is a Monroe County sewage lateral that runs down that rear property line, and I think that some of the construction is going to affect that easement back there.

And the other thing is that isn't -- how does townhomes fit into an R-1 -- R-1 -- let me see. The R-1-15 classification? Doesn't that change classification?

MICHAEL NYHAN: That is what we're asking is an incentive zoning for that. This is a hearing just to provide the Town Board with a recommend or not recommend incentive zoning to permit this to be developed outside of that requirement.

MR. HULSE: So the incentive zoning is what now?

MICHAEL NYHAN: That's what we're requesting is incentive zoning to develop this piece of property outside the normal requirement.

ERIC STOWE: Incentive zoning provides relief from the zoning code in exchange for amenities to the Town. Whether it's parkland, dedicated --

MR. HULSE: Some of that stuff they want to donate as parklands is swamplands.

ERIC STOWE: Those are potential. Not necessary for every project. And the statute, New York State even allows cash in lieu of amenities and the Town Board makes that determination. This Board is only giving a recommendation on the adequacy of the relief they're seeking from the zoning code, that being setbacks, height determinations and anything else and this does not approve any project. It's merely a recommendation to the Town Board for the rezoning purpose.

MR. HULSE: So this will not warrant the project can go forward?

ERIC STOWE: This does not give any approvals whatsoever to the project.

MICHAEL NYHAN: Okay.

MR. HULSE: All right. Thank you.

PHILLIP ZUBER, 231 Golden Road

MR. ZUBER: Phillip Zuber, resident of 231 Golden Road. I understand why we are here now is -- but I would like to voice my opinion. I lived in that house for three years. My property taxes have gone up every year since and I just don't know how this is going to benefit me at all. But I understand why we're here. And the entrance will be right next to my house. That's all.

MICHAEL NYHAN: Thank you.

JOHN BUCK, 20 Province Drive

MR. BUCK: John Buck, 20 Province Drive.

And just when does the impact on the environmental part of it come into play? Not at this meeting obviously.

MICHAEL NYHAN: No. If this is approved --

MR. BUCK: Federal wetlands impact currently on -- actually, I'm getting ready to go to a drainage meeting here the next couple of months and I have been actually at a couple of them over the last 25 years for that particular plot. It shows nice and green there, but obviously there is a huge lake in the back there.

MICHAEL NYHAN: Sure. So there is no approval for this tonight to move forward with any type of investigation or development of the lot. All that would be completed if the Town Board were to approval incentive zoning at a future date.

MR. BUCK: Okay. Thank you.

MICHAEL NYHAN: You're welcome.

BILL BRENT, 19 Stone Barn Road

MR. BRENT: Bill Brent, 19 Stone Barn Road.

I'm just asking if I'm seeing this right. He -- they're asking to take a look at this, what they're going to have to do -- nothing is approved yet and they're going to have to come up with a plan and then come back to you folks to see if you will approve it at a later date after they get the State to say what has to be cleaned up, what doesn't, et cetera.

MICHAEL NYHAN: Correct. Site plan approval will be down the road if it moves forward.

MR. BRENT: You can always say nay later on?

MICHAEL NYHAN: Correct.

MR. BRENT: Okay.

MR. HULSE: This is not the first time this stuff has come before the Planning Board.

MICHAEL NYHAN: I understand.

Your name again, sir?

MR. HULSE: Hulse. Si Hulse.
MICHAEL NYHAN: I understand.
MR. HULSE: There was different designs on this before, so.
MICHAEL NYHAN: Okay. 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.

DAVID CROSS: With this decision are we locking ourselves into 52 lots?
ERIC STOWE: It's the relief being sought. If that is in conformity with the neighboring properties. So setbacks, density, I believe height was the other one -- right?

MS. KENDALL: No.

ERIC STOWE: There was no height.

PAUL WANZENRIED: Not on this application.

ERIC STOWE: Just setbacks and density?

MS. KENDALL: One is setback -- minor setback, density and the construction of townhomes, yeah.

ERIC STOWE: And if that is in conformity.

MICHAEL NYHAN: The Application of Ignazio Battisti, owner; 227 Golden Road, Rochester, New York 14624 for recommendation to rezone 6 properties (approximately 22 acres) from R-1-15 to R-1-15 with incentive zoning at properties located at 231, 225, 227 and 229 Golden Road, 29 and 31 Stone Board Road and 1 property (approximately 31 acres) from RA-10 to RA-10 with incentive zoning at property located at 219 Golden Road.

DECISION: Approved by a vote of 6 yes to 1 no (John Nowicki) to recommend the incentive zoning of the above captioned properties. The proposal is to use the site as a multi-family townhome complex. The adjacent properties are currently single-family homes and open space with a major railway and expressway to the south.

The Town Board will be notified of the Planning Board's decision by copy of their decision letter.

3. Application of Taouk Holding LLC, owner; P.O. Box 52, Spencerport, New York 14559 for revised preliminary site plan approval to erect 54 townhouse units to be known as Mayflower Estates at property located at 4201R Buffalo Road in R.M. zone.

MICHAEL NYHAN: The next application has been tabled of Application of Taouk Holding LLC.

4. Application of Kevin Daley, C & M Forwarding, 45 Jetview Drive, Rochester, New York 14624, property owner: 3457 Union Street LLC; for preliminary site plan approval to erect three industrial buildings totaling 900,000 sq. Ft. At property located at 3457 Union Street in G.I. zone.

David Cox, Kevin Daley, Karl Schuler and Tim Harris were present to represent the application.

MR. COX: Good evening. I'm David Cox with Passero Associates. Also with me is Kevin Daley of C&M Forwarding and Karl Schuler with Taylor, the builders, and Tim Harris also with Passero associates.

Tonight we're seeking preliminary site plan approval for this project, but since it is a Type I action, we are requesting the Planning Board to declare its intent to be lead agency so it can start the SEQR timeframes and the SEQR routings for that.

C&M Forwarding has been experiencing a lot of growth. They're a really growing business here in Chili and they're kind of running out of room in their current facilities so they have been on the hunt looking for some additional property to purchase and they need some large land, zoned Industrial, close to interstate and preferably with rail access. So when you kind of take a look at those requirements, there is not a lot of those properties out there. So they have been looking high and low all over the place into -- most people when they look at this property it's not very pretty but to C&M Forwarding it's a perfect site for them so they're very, very excited.

The property is 3457 Union Street. It's approximately 79 acres. It's completely vacant except there is still one small residential house on there that no one lives there currently right now. So we don't need any variances except for parking. Parking is based on square footage and since we have large warehousing buildings, it would require 2500 parking spaces or something like that and we don't need anywhere close to that, so that is the one variance we're going for.

To kind of get your bearings of the site, 490 is right down here (indicating). Union is running north/south. There is two railroad tracks. There is one up here (indicating), the main line and then there is a spur that comes down this way (indicating).

So the site is really located right in between two of the railroad tracks in the Industrial

zoning district. To the north it's Limited Industrial. To the west is General Industrial and then just to the south is also General Industrial. We have the FedEx building over here. We have Boon & Sons, tool and die, Byrne Dairy, the scrap yard.

As you can see, this is really an industrial corridor and this site is -- is perfect for industrial. If you tried to put residential here in between two railroads, not going to fly. You try to put retail down here, it's way down the hill. The road goes way up over the overpass of the railroad tracks, has poor visibility. Doesn't work for retail. Industrial is really the only use that fits this property.

To give you a quick run-through, right now for the overall plan, we're proposing 3 300,000 square foot warehousing buildings. There will be two access points from Union. The main one, there is already an existing curb cut here (indicating), right off of -- on the west side of Union Street. That will be the main access into the property and then it will split around to the north to feed the rest of the buildings.

But then there is also a road that loops around on the east side, going under the overpass and serves as a secondary access. That is where that existing house is. So that road just serves that existing house down here. There -- that will be a second means of egress and access but not the major one.

So Phase 1 is here (indicating). So right now, C&M Forwarding plans to take the first building number 1. Buildings 2 and 3 we don't have any users as of right now. So that is why it is going to be preliminary overall and then we'll come back for final for Phase 1 and as we figure out a user for these, then we'll come back for final for each of these buildings. So overall, just preliminary and then we'll come in for final just for Phase 1.

So Phase 1 will have two storm water ponds that are going to treat the storm water for Phase 1 and then as Phase 2 and 3, there is additional storm water ponds here in the back.

The site does have some wetlands located kind of scattered over the property. The majority of the wetlands are in the rear of the property here so we have had a wetland biologist go out there and field delineate them and we'll be submitting our -- he will be submitting his wetland report to the Army Corps of Engineers and then subsequently we'll submit a report to the Army Corps of Engineers for some of the wetland fills that we are proposing. And the mitigation area will happen in the back area here (indicating).

Since there is kind of some spaced out wetlands, what we'll do is kind of fill in these gaps and create one larger, nicer wetland for that. That is kind of a quick overview of the site there.

So some other SEQR items is the project is in an archeo-sensitive area. So that means we have to do a Phase 1 archeo study which is underway right now. He is working on finishing up the report and that will be submitted to SHPO and SHPO will comment back on that.

Traffic, we did all our reports here. So here is our traffic study that we did for this project. And to say you don't -- so you don't have to read through that all and fall asleep because there is a lot of engineering technical traffic jargon in there, is Phase 1, we -- what we did is we got C&M Forwarding and we got their exact usage, found out every car, every truck that is turning into their facility every single half an hour. So we were able to do a tally and find out, you know, how many cars are coming in at -- throughout a 24-hour period.

What we found out was that it's really spread out over a large part of the day, over almost 18 hours. So traffic, during the peak hour is when there is really an issue, and because of how spread out everything is, that there is not a lot of huge increase. For instance, in the morning, there is only an additional 19 trips during the peak hour in the morning. And then in the afternoon, there is just 11 trips. So that really helps the way they have their business model set up to spread things out. So there won't be with Phase 1 a large increase in traffic.

The other thing is since it is warehousing and distribution, and a lot of their customers are from Chicago or along the east coast, that they wanted something right close to 490 where they can get on the Thruway and head east or west. So the majority of traffic flow is all onto Union, head south, get on 490. So there is very little, um, traffic heading north and -- or past 490 heading south. So it is really just that little stretch. So that's -- that really helps out for traffic.

So Phase 1, because of their traffic being spread out, there isn't any proposed mitigation that is required.

Now, once Phase 2 and Phase 3 come along -- we didn't know the exact use so we just used standard ITE warehousing numbers to generate traffic for that. As Phase 2 and 3 came on, then would it require a left-turn lane into the major project entrance and possibly a traffic light for 490 Eastbound off ramp. So there is one on the -- on the other intersection on 490, but there is not one on that eastbound off ramp. So it might require a light there. And all that traffic study would need to be updated once we find out exactly what would go in Phase 2 and we would come back for a Phase 2 final, update the traffic study, work with the DOT again to find out exactly if they want a light or not want a light or what the exact details of the mitigation that would be required.

And we have set our -- sent our traffic study to the New York State DOT. We have not received any comments back yet, but we hope to soon.

Endangered species.

JOHN NOWICKI: Can we just interrupt for a moment? Based on that traffic study, um, back in the year 2003, the -- the Building Department and the elected officials of this Town, there was a -- there was a Ballantyne Corridor Study, Union Street, Chili Avenue, Ballantyne, Beaver Road. Okay? The impact on the -- on those roads has increased tremendously. So I would be very careful myself in looking at this, because the number of trucks that you're going to be looking at here, um, I think the -- the -- the Ballantyne Corridor Study should be revisited and updated to the impact that this is going to have on Chili Avenue, Ballantyne, Beaver Road. It's --

it's -- you're talking a lot of trucks and cars.

MR. COX: Yes. That is why we scoped this project with the New York State DOT, you know, what intersections do they want us to study. They came back and told us the six intersections they wanted us to study. Then we run -- run all of the traffic numbers through our SQL software and give it to the New York State DOT to do the full review and comment on.

JOHN NOWICKI: Because I don't know about the rest of the Board, but you -- I would want to see an updated study on that corridor. So that's my point. Thank you.

MR. COX: Um, on to the next SEQR topic is endangered species. Most of New York State is under, you know -- has a northern long-eared bat coverage area. So as long as you are -- when we're not within five miles of a known hibernaculum, so we do tree clearing in timeframes out of June 1st to July 31st, we're okay. If you want to clear within that timeframe, we would need New York State DEC approval, but we plan to do our clearings outside of those timeframes.

There is no flood plain on the property so we're good there. Drainage and erosion control, the site will have multiple green infrastructure practices all surrounding the project for storm water quality treatment and as I mentioned, we had -- have some large storm water detention ponds that will be used for storm water quantity -- or quality.

Per our calculations, we're reducing the peak runoff rates by around 80 percent. And we have prepared a SWPPP report as well as engineering plans that helped -- help to control runoff and meet New York State DEC guidelines and we will be obtaining a SPDES coverage through the New York State DEC for storm water coverage.

Utilities, there is -- there is adequate utilities to service the property. There's a 16-inch water main along Union Street, so we have plenty of flow. The pressures are a little bit low, so we will need to have fire pumps in each of the buildings. But with the fire pumps, we have adequate flow and pressure to service all three buildings, so that's not an issue.

There is a sanitary sewer pump station on the west -- or on the east side of Union Street. We have been in contact and discussions with Monroe County Pure Waters and there is adequate capacity in that pump station for us in -- in this project here.

Lighting, all of the lighting will be LED full cutoff fixtures so very energy saving. And as well as in all of the interior lights on the buildings will be on sensors so when people are not in the warehouse, the lights are off to save additional lighting. The building -- I got some -- some renderings for you guys. If you can take one and pass it down.

So there is a -- the architects came up with a -- with the elevation view. That's the front of the building there. That will be facing Union Street. That is what you will see as you drive by Union. You would have to look down because Union Street is up a good 30 or 40 feet. But not your typical industrial building.

C&M Forwarding really wanted to have something a little nicer. I mean Chili is their home so they want things to look nice. This looks very nice for an industrial building. As you can see, the building has lots of windows. One of the benefits of that is windows provide a lot of natural light. So when you have a lot of natural light into the building, it requires a lot less lighting. So a lot of the warehouse, um, during the day, you don't even need to have the lights on because so much natural light can come in. C&M Forwarding is very excited to get a little more space to expand and they're very excited they found a home in Chili. They were looking all over the place. They really want to stay in Chili. This site just provides great opportunity with being so close to 490, zoned Industrial, rail access, and just many, many benefits so they're very, very excited.

I can take any questions.

RON RICHMOND: So there's three buildings that are proposed here. C&M will occupy Building 1 and the intent to lease out the space in 2 and 3, down the road when potential --

MR. COX: Correct.

RON RICHMOND: It's not -- just for the sake of conversation, it's not to do a relocation out of their current location and it's growth. It's expansion which a good thing --

MR. COX: Their current building they would move completely out of. They have been in discussions, you know, with other people that are interested.

RON RICHMOND: This relocation is intended for C&M in its entirety to move?

MR. COX: Yes.

RON RICHMOND: Because it's a forwarding company, merchandise comes in and then gets redistributed out to whatever points locally or geographically within their operating area? It's a 24-hour operation?

MR. COX: Not quite a 24-hour operation. It's more around the 18-hour range. Starting around 4:30 or so in the morning until 11 o'clock at night.

RON RICHMOND: From 11 o'clock at night to 4:30 in the morning is there complete shutdown or still traffic coming in that is going to be distributed during the day?

MR. COX: There could be some internal warehousing stuff going on, but there is no trucks or delivery stuff coming.

RON RICHMOND: Is it tractor-trailers primarily or box trucks?

MR. COX: Tractor trailers primarily but there could be some box trucks, as well.

MATT EMENS: Just want to make sure I understand if we're looking to go declare ourselves lead agency tonight --

PAUL WANZENRIED: No. Your intent.

MICHAEL NYHAN: Intent to be lead agency, but it will need a 30-day review.

MATT EMENS: Right. So I guess my point is we don't have full comments back from the engineers on the plans.

PAUL WANZENRIED: Right.

MATT EMENS: So we're not doing a deep dive tonight.

MR. DAILY: But if there were any comments or anything that you saw or would want more information on, you know, giving that to us now would give us time to gather more information.

DAVID CROSS: To be clear, is the applicant looking to table this application tonight pending further comments from the DOT and other agencies?

MICHAEL NYHAN: As part of SEQR, it will be tabled for a 30-day review.

PAUL WANZENRIED: Starting the review period.

DAVID CROSS: I get it.

ERIC STOWE: You can't issue any approvals or anything. We can't even make a SEQR determination.

PAUL WANZENRIED: All you're looking at is if something jumps out at you and you want to ask a question.

MICHAEL NYHAN: They want us to bring everything up tonight so they have time to address it before the next time they come in front of us. So if there are some things you would want to raise --

MATT EMENS: I just think it understands things a little better. The traffic report that came in to -- as part of this application shows attachments that obviously we didn't get that. There are some concerns on the traffic study. 18-hour-a-day process or -- or business, you are looking at -- I can appreciate the fact that we're showing, you know, 900,000 square foot of building here. And -- so just, you know, I guess those I would like to see. I don't know if we get that from our department, the Building Department or if we're going to get that summary. I do appreciate the fact that it is a large document. Other than that, I don't have any general comments.

JOHN HELLABY: Jetview Drive goes away you stated, correct? After this is constructed?

MR. COX: Yeah. C&M Forwarding would --

JOHN HELLABY: My real concern right now is the fact is the only trailer parking shown on these drawings is backed up to overhead doors. There is no additional parking for any boxes anywhere on that site that I can see right at this moment. Um, and I'm going to tell you, I'm still not happy with the way things are over at Jetview Drive because there are constantly tractor-trailers out there in the middle of the street. You're not going to get away with that on Union Street. I'll tell you right now.

MR. COX: So the great thing about this site, you know, Jetview Drive, as long as you pull off the road, you're at the warehouse. This, there is 700 feet of road from -- from when you pull off Union before you even hit right here. So this provides a lot more stacking. There is just a lot more land here to provide for stacking and trucks that -- absolutely no way will trucks be backed out here.

JOHN HELLABY: I wouldn't want to see 700 feet of tractor-trailer trucks stacked in that road. All you're doing is leading into situations where somebody will get hurt or killed eventually out there.

MR. COX: 700 feet would provide a lot. We're not projecting anywhere close to that. The other thing that is not entirely clear here, these are not all overhead doors. There is just a portion of overhead doors and then there is just parking along the building. So this is for the -- majority of this is for tractor-trailer parking. There is no overhead doors here (indicating).

JOHN HELLABY: Like I said, that is just my concern. Again, it is great that the business is doing that well and that that there is that much volume going through there. Just something to keep in mind. That's all I got right now.

MICHAEL NYHAN: Would the other two buildings still be owned by C&M Forwarding with C&M operations or are you looking to lease it out to anybody else doing warehouses?

MR. DAILY: They're open to options to -- I -- it could be that, you know, maybe they grow and they need a second building. Or maybe they find, you know, a tenant that would want to move in there. But they're open to options.

MICHAEL NYHAN: With the same type of operation?

MR. COX: Yes.

JOHN HELLABY: I assume the square footage could be adjusted. In other words, if somebody came to them and said, "I want a quarter of the building, not all of it" -- but there would be some movement there, I would assume?

MR. COX: Oh, yes.

JOHN NOWICKI: The traffic issue is a big issue for me. The intersection of Chili Avenue and Union Street is a mess right now. And I think -- and additional truck traffic -- in this corridor is going to be a disaster. For everybody living over there.

MR. COX: That's one of the good things. The truck traffic won't be going through that intersection. They will get on 490 before they hit that. That is one of intersections that we did study in our traffic report and one of the recommendations I made is that with some timing modifications, it could actually improve the level of service --

JOHN NOWICKI: Well, the --

MR. COX: -- of that intersection.

JOHN NOWICKI: The construction of that intersection was a disaster. The -- the tractor trailer trucks going through there they don't have enough room to make the turns and they're blocking all kinds of traffic. It's a mess.

RON RICHMOND: And it will increase traffic there, because I mean if there is -- there is trucks that are going into the Henrietta area or whatever, they will jump down to Chili Avenue and hang a left and pick up Beaver at 252. There will be an increase in volume there.

MR. COX: The majority of there is -- is further away.

DAVID CROSS: It seems like an appropriate use for the property. I guess I have particular concern over, you know, traffic. So I mean if we get a copy of the report in the meantime, that would be great. I guess concern over traffic heading south on Union Street in -- in the proximity of the curb cut, which is going where the existing curb cut is on Union Street, cars come flying down that hill, right? And -- that seems close to me. So I guess I would like to hear a little bit more about the access road that goes under the bridge and around to the west side of Union Street. Is it contemplated that that be one way out and one way in to the south here or -- could you talk about the circulation a little bit?

MR. COX: Yeah, sure. We are moving the intersection about 50 to 75 feet further to the south, so we're moving it a little bit, but we are pinched by this property here (indicating) and not grading on that. So we are moving in slightly to pick up more. We have done the appropriate site distances to make sure we do have adequate site distance, which we do. We meet all New York State DOT requirements on that.

Um, one-way is a possibility. We can't do two-way because of the road isn't wide enough and the turn is so sharp that trying to get two tractor-trailers across there would be an absolute nightmare. There is a little bit of concern from C&M that it's a little weird that here is the property but you're telling people to turn this way, drive all of the way around here and go around here. But it's not out of the question to have, you know, maybe some more traffic maybe that is headed northbound, you know, to be able to hop off here so they could take a right in and enter the project and then when they're coming back out they would just make another right to avoid left turns.

RON RICHMOND: If that entrance is being moved 50 or so feet to the south, how close does that put you to the entrance across from Boon Drive? I can't picture how -- how far off it is.

MR. COX: It's down here (indicating). It's probably.

JOHN HELLABY: Quite a ways.

MR. COX: It's quite a ways.

DAVID CROSS: I guess I -- I hear what you're saying, but -- you do have the proper site distances. That still seems like a tough one to me. Traffic heading south. Having a tractor-trailer pull out. Has there been any thought about using the existing curb cut that is on adjacent properties to the south. I think it is now formerly Nina Ball's property. There a curb cut there that kind of goes into nothing, if you will. I was just wondering -- that would be a couple 100 feet south of there. I guess that's all I have for now. I'm interested in seeing what the comments are from New York State DOT. That's all.

PAUL BLOSER: I was just basically going to address the same thing. Traffic was my concern. Um, just coming in and out of that driveway, that hill. I'm on that road many times a day. And people southbound on 259 come off that hill at a pretty good clip. Come wintertime if they have to start breaking and we have ice on the road, it just -- it's going to be a tough area. An the other question I had, do you have a flavor for how much truck traffic will be northbound coming out of there?

MR. COX: It's very, very small. Almost -- almost zero. You know, they're -- they may have one, you know, person that they currently serve that they might have one truck in a day that -- that most likely is not during the peak hour. But it's very, very low. You know, almost all their -- all their -- all of the people that they're serving, all their customers is from 490.

PAUL BLOSER: Access to 490.

MR. COX: Yeah.

PAUL BLOSER: It just puts a lot of truck traffic on 259 right now between FedEx and this and across the street from them is Union Processing. Fair amount of trucks in there on a days' basis. It just really slows stuff down at the 490 bridge. The eastbound traffic exiting on Union Street is always a problem. I have seen trucks back up to the expressway, trying to get left off there.

MR. COX: That's one of the things that as Phase 2 and Phase 3, that intersection becomes a major, major problem and that's where the light would most likely come into play.

PAUL BLOSER: That's all I have. Traffic would be a real concern.

MICHAEL NYHAN: Did anybody receive a summary or any part of the traffic study?

JOHN HELLABY: I haven't received any.

MICHAEL NYHAN: I thought we normally did get a copy of the traffic studies. I don't know that we need the entire traffic study, every number, but I think it is clear we would like to see what was studied and what the results of that study was or is at this point. And then at any comments from the New York State DOT, so we could get copies of that to the Planning Board.

MR. COX: Okay.

MICHAEL NYHAN: In enough time before our next meeting so we could look at it and answer a lot of the questions that everybody has.

Another thing that would be helpful is sight distances. Once you have given elevation of your building, but sight distance as truck pulls up to Union Street to pull right or left, the distance looking north.

MR. COX: Yep.

MICHAEL NYHAN: So we would be able to have a good visual what that distance would look like when somebody is pulling out of that entrance you're proposing. I think that might be

helpful for the Board to see when they're considering approval on that.

All right? With that, I will open the Public Hearing? Any comments or questions from the audience?

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

MICHAEL NYHAN: I will leave the Public Hearing open because we're going to be receiving comments from SEQR determination once we have that, so at the next meeting we'll have comments and then move forward from that point.

MICHAEL NYHAN: Any other Board discussion? No? Okay.

At this point, I would make a motion that the intent of this Planning Board is to make itself lead agency and we'll initiate --

ERIC STOWE: Declaring the intent.

MICHAEL NYHAN: Declaring the intent. Excuse me. To be lead agency and we'll start the 30-day review notification to other interested agencies.

Do I have a motion on that?

JOHN HELLABY: I will second that motion.

DECISION: Unanimously tabled by a vote of 7 yes to table to the January 9, 2018 meeting for the following reason:

1. SEQR input is incomplete or missing.

Note: The public hearing has been kept open. Therefore, new signs must be obtained to post and maintain as per Town Code.

The meeting ended at 8:34 p.m.