

CHILI PLANNING BOARD
April 10, 2018

A meeting of the Chili Planning Board was held on April 10, 2018 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, Glenn Hyde, 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 Faber Builders, 3240 Chili Avenue, Rochester, New York 14624, property owner: Forest Creek Equity Corp., for special use permit to erect a single family dwelling with an in-law suite at property located at 16 Flinton Run in R-1-20 with incentive zoning.

Jeremy Smith was present to represent the application.

MR. SMITH: Good afternoon, Mr. Chairman, and members of the Board. I'm Jeremy Smith, here on behalf of Faber Builders, Inc. The application we submitted is for an incorporation of an in-law suite into a single-family detached home.

MICHAEL NYHAN: Any other information on that?

MR. SMITH: It kind of speaks for itself. Pretty much speaks for itself. Not this meeting, but the prior meeting.

DAVID CROSS: I have my standard question. Do you need any variances to make this work?

MR. SMITH: No variances. Just Special Use Permit and the building permit.

DAVID CROSS: Very good.

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 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: I will read the conditions and then we'll vote.

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

Special use permit is granted for use by in-law only and shall cease to exist when the in-law ceases to use it.

The in-law apartment may not be used as a rental unit.

The applicant's attorney to file a decision letter in the book of deeds in the Monroe County Clerk's Office.

And provide proof of filing for the Planning Board Attorney and Town of Chili Building Department prior to issuance of the C of O.

When filing decision letter, shall be indexed against property owner's name.

And it is pending approval of the Building Inspector.

Any other conditions?

With those standard conditions, the application of Faber Builders, 3240 Chili Avenue, Rochester, New York 14624, property owner: Forest Creek Equity Corp., for special use permit to erect a single family dwelling With an in-law suite at property located at 16 Flinton Run in R-1-20 with incentive zoning.

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

1. Application is subject to all required permits, inspections, and code compliance regulations.
 2. The special use permit is granted for use by in-law only and shall cease to exist when the in-law ceases to use it.
 3. The in-law apartment may not be used as a rental unit.
 4. Applicant's attorney to file decision letter in book of deeds with the Monroe County Clerk's Office and provide proof of filing to Planning Board Attorney and Town of Chili Building Department prior to the issuance of the Certificate of Occupancy. When filing, decision letter shall be indexed against property owner's name.
 5. Pending approval of the Building Inspector.
2. Application of Reid Petroleum Corp., 100 West Genesee St., P.O. Box 987, Lockport, New York 14095, property owner: Getty NY Leasing Inc.; for special use permit to allow a convenience store with fuel pumps at property located at 3774 Chili Avenue in G.B. zone.

Lou Terragnoli and Tariq Mehta were present to represent the application.

MICHAEL NYHAN: I understand this is a renewal, correct?

PAUL WANZENRIED: That is correct.

MR. TERRAGNOLI: Good evening. My name is Lou Terragnoli, Director of Real Estate for Reid Petroleum representing the request tonight.

The permit is a renewal of a special use permit to be granted to put the property back in service so the C Store could be operated. An operator has been identified. It would also have fuel at the facility. The building is approximately 6,000 square feet. Half is the C Store and there are two other tenants occupying the property right now.

If you have any other questions, I would be happy to try to address them.

MICHAEL NYHAN: What would the petroleum be? What is the name of station? Arrow? Or C Store?

MR. TERRAGNOLI: This is Mike Mehta, the operator of the C Store.

MR. MEHTA: My name is Tariq Mehta. And I'm thinking to buy that property. So the -- we would bring either Sunoco gas there or either a Gulf gas station. There are no other changes. Just put the coolers back in and turn on the power and we are in business.

MICHAEL NYHAN: Okay. Thank you.

RON RICHMOND: Proposed hours of operation?

MR. MEHTA: 6 to midnight.

RON RICHMOND: Seven days?

MR. MEHTA: Seven days.

GLENN HYDE: Are any of the other tenants changing?

MR. TERRAGNOLI: No other tenants are changing at this time.

PAUL WANZENRIED: Other than I would have them submit any and all signage to us prior to putting it up and opening so that we may do a review to the side road to determine any variances that may be needed.

MR. TERRAGNOLI: Certainly. Would be happy to comply.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

PETER WIDENER

MR. WIDENER: Good evening. My name is Peter Widener. I live at 4280 Union Street, North Chili.

My concern about the property is the rental house that goes with that. Are we addressing that in any way tonight at all?

PAUL WANZENRIED: Mr. Widener, that rental house is subject to demolition.

MR. WIDENER: Well, thank you.

Because I used to operate the cemetery right next to it and the tires and the small tractors and the cotton candy wagons from the carnivals have avalanched onto the cemetery plot and I know that house is very close to the cemetery, 6 inches off the one corner. But that was the way it was back in 1890.

And my concern was could we get that cleaned up, because I have ancestral family buried there and it is kind of tough to see a tire laying on top of their grave. If the house is under demolition or to be -- then I think the clean-up would be okay. I have no other concern then.

Thank you for hearing me.

MICHAEL NYHAN: Thank you.

Michael Nyhan made a motion to close the Public Hearing portion of the application and John Hellaby seconded the motion. The Board was unanimously in favor of the motion.

MICHAEL NYHAN: Any further discussion?

ERIC STOWE: Just with respect to the SEQR comments from the engineer's comment.

MICHAEL NYHAN: Sir, on the SEQR form that was submitted by, um -- there are a couple unanswered questions we can answer before we make a determination.

On page 2, question Number 8. Question B and C need to be answered. Are you prepared to answer those? Is there public transportation available near the site?

MR. TERRAGNOLI: I do not believe there is.

MICHAEL NYHAN: No.

And are there pedestrian accommodations or bicycle routes near the location?

MR. TERRAGNOLI: I believe there are not.

MICHAEL NYHAN: Then question number 9, "Does the proposed action meet or exceed the State Energy Code requirements?"

MR. TERRAGNOLI: I believe it does.

MICHAEL NYHAN: It does. You will need to describe the technologies that will be used to exceed the State requirements.

MR. TERRAGNOLI: I don't have that -- that information with me.

JOHN HELLABY: This is exceeding. But if it meets.

MATT EMENS: I would say preexisting.

MICHAEL NYHAN: You will not change it, will you?

MR. TERRAGNOLI: No, sir.

MICHAEL NYHAN: I think that was the own --

MATT EMENS: 16.

MICHAEL NYHAN: I'm sorry. Number 16, on the same page? Is the project located in 100-year flood plain?

MR. TERRAGNOLI: I was advised it is not.

JOHN HELLABY: I think it probably should be noted that that westerly most driveway is an exit only, correct? The way it was designated? It was through here in 2011. I think there is a sign that we have up there, as well. Didn't you make that westerly exit out of there one way?

MICHAEL NYHAN: 2011?

JOHN HELLABY: Yeah.

PAUL WANZENRIED: Not that I'm aware of. I could be wrong.

Exit only or enter?

JOHN HELLABY: Exit only on the west drive. The one closest to the intersection. We made it -- I think their attorneys agreed to it back in 2011.

MATT EMENS: Always said that.

JOHN HELLABY: I would think you would just want to note that that is the way it is.

PAUL WANZENREID: Your standard Board conditions are all previous conditions apply, so based on previous Special Use Permit conditions --

JOHN HELLABY: Okay.

PAUL WANZENRIED: -- it should follow through. So long as the applicant understands that.

MR. TERRAGNOLI: I understand.

PAUL WANZENRIED: Okay.

MICHAEL NYHAN: Any other comments or discussion?

MATT EMENS: Just back to Mr. Widener's point, Paul (Wanzenried) said the house is being demolished. Um --

PAUL WANZENRIED: I have a demo permit.

MATT EMENS: Okay. So I guess just to be clear, though, I want to make sure we close this out for him. Is that -- that doesn't necessarily include they're going to pick up the trash on the property, does it?

PAUL WANZENREID: No, it does.

MATT EMENS: It does?

PAUL WANZENRIED: Yes. The property has to be -- all of the items on the property would be removed and fill is brought in to fill the excavation because the base is being removed, demoed out. So it is brought up, seeded, graded and so we would -- it would make sense and we would enforce that the -- all extraneous items, rubbish and refuse is taken away, as well.

MATT EMENS: Fair enough. Thanks.

MICHAEL NYHAN: Anything else?

PAUL WANZENRIED: Yes. To have been -- it has been the practice that no outdoor sales and storage is put on this condition of these -- we did it at the Fastrac. We have done it to other businesses. We have tried to eliminate that.

DAVID CROSS: Was that a previous condition?

PAUL WANZENRIED: We did it to a previous condition to Fastrac which, I believe, was the last gas station that came through here.

DAVID CROSS: Let's do it with this one.

PAUL WANZENRIED: We do it with a lot of other businesses, not just gas stations. I don't want to pigeon hole it with gas stations.

MATT EMENS: Narrows the sidewalk.

MICHAEL NYHAN: So no outdoor storage of retail goods?

PAUL WANZENRIED: Any material, be it packets of wood for campfires, um --

MICHAEL NYHAN: No outdoor sales or storage of goods.

PAUL WANZENRIED: Merchandise, yeah.

MICHAEL NYHAN: And then you -- you also had applicant submit all -- is it signage?

MR. MEHTA: Yep.

PAUL WANZENRIED: Yes. Proposal of all signage to the building that includes pumps, the whole 9 yards.

MICHAEL NYHAN: So applicant shall submit a proposal of all signage for the property. Any others?

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: For conditions, I have Town Engineer and Commissioner of Public Works shall be given copies of any correspondence --

ERIC STOWE: Did you do SEQR? I didn't catch it. Yes? Okay.

MICHAEL NYHAN: Yes. We just voted on it.

For the conditions, the applicant's Town Engineer and Commissioner of Public Works will be given a copy of any correspondence with other approving agencies.

All previous conditions imposed by this Board that are still pertinent to the application remain in effect.

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

Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.

Any signage change shall comply with the Town Code including obtaining sign permits.

Applicant shall submit proposal of all signage for the property.

And no outdoor sale or storage of merchandise.

With those conditions, the vote on the application of Reid Petroleum Corporation, 100 West Genesee St., P.O. Box 987, Lockport, New York 14095, property owner: Getty NY Leasing Inc.; for special use permit to allow a convenience store with fuel pumps at property located at 3774 Chili Avenue in G.B. zone.

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

1. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
2. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
3. Application is subject to all required permits, inspections, and code compliance regulations.
4. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
5. Any signage change shall comply with Town Code, including obtaining sign permits.
6. Applicant shall submit proposal of all signage for the property.
7. No outdoor sales or storage of merchandise.

Michael Nyhan made a motion to accept the Planning Board meeting minutes from the special meeting on 2/28/18 as modified and John Hellaby seconded the motion. The vote on the motion was 6 yes with 1 abstention (Michael Nyhan abstained).

Michael Nyhan made a motion to accept the Planning Board meeting minutes from the 3/13/18 meeting, and John Hellaby seconded the motion. All Board members were in favor of the motion.

The meeting ended at 7:19 p.m.