

CHILI PLANNING BOARD  
June 12, 2018

A regular meeting of the Chili Planning Board was held on June 12, 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; David Lindsay, Commissioner of Public Works/Superintendent of Highways; Eric Stowe, Assistant Counsel for the Town; Paul Wanzenried, Building Department Manger.

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

**MICHAEL NYHAN:** Only change is Application Number 2 will not be heard. They will be rescheduled to the July meeting.

**PUBLIC HEARINGS:**

1. Application of Anthony Ardillo, 1421 Scottsville Road, Rochester, New York 14624, property owner: Phildom, LLC for preliminary site plan approval to erect a 30' x 70' addition to repair shop at property located at 1421 Scottsville Road in G.I. zone.

Joseph Kellenberger, Anthony Ardillo and Matt Newcomb were present to represent the application.

**MICHAEL NYHAN:** Good evening. My name is Joseph Kellenberger from Passero Associates and I'm here tonight to represent our client, Mr. Anthony Ardillo. As stated, he is the owner of Gates Towing. Also with me is Mr. Matthew Newcomb, a fellow co-worker.

We're here to receive preliminary and final site plan approval. Obviously this is contingent upon the Zoning Board on the June 28th, which we're scheduled for and there will be a...

So Mr. Ardillo's business can be said one of many hats. He operates a small dealership which today I learned deals in golf carts. He operates a towing service and a small vehicle maintenance garage. It is located on 1421 Scottsville Road which can be found between Paul Road and Old Beahan Road on the airport side.

In recent years, he has experienced an increase in patrons that facilitated a definite need for a maintenance garage to service his fleet of trucks. This proposed addition totals 2,770 square feet and it will be at its peak 24 feet high. It consists of one garage as stated with rear and front overhead doors for drive-through access. And it has one bathroom and one employee lounge. All utilities for this project or addition will be plumbed internally to existing.

As you notice, I have received -- or handed out a new site plan. It is not expected that this proposed addition will generate further patrons or employees as it is for currently stored outside and maintained tow trucks, so I don't see that bringing any more in. However, per Town Engineer's comments, we have provided a plan which contains 15 spaces and then the 19 long and 9 1/2 wide Town Code spaces.

We also, as I stated, are on the June 28th Planning Board -- or Zoning Board of Appeals meeting. This is for three bulk area variances, the first of which is an 8 foot high fence which is existing. I believe a degree of hazard can be proven, that this can be validated, as it is in a General Industrial area and it is a towing facility with machines and moving vehicles. I believe it is definitely warranted.

The second one is a 35 foot side setback. We're at 5.1 feet. As you can see, it's a very narrow lot. To put it on the other side would ultimately still require a side area variance, and as such, we wanted to keep the maintenance bays in line with each other and out of the way of potential pedestrian traffic to the northeast side of the building.

In general, it made sense to put it on the southwest side. It would also eliminate destruction of existing traffic flow to the rear of his lot.

And finally, there is a 75 foot front setback because it is a State Road. Currently, the existing building is 49.6 feet. Because of this, we wanted to maintain the flush appearance so we put the building addition at the exact distance.

Just to recap, we are here for preliminary and final Planning Board approval pending the June 28th Zoning Board of Appeals meeting. At this time I am open to any comments or questions from the Planning Board.

**RON RICHMOND:** Will the striping plan that is on page 1 of the updated site plan be implemented? It will be put in, the striping plan?

**MR. KELLENBERGER:** Mr. Ardillo had it striped.

MR. ARDILLO: Brand new pavement and striping.

RON RICHMOND: I'm good.

MATT EMENS: So you answered the first question I had which was did you look at the other side?

As you pointed out, you would still need a variance and it looks like you would get to keep the fence and gate in this layout.

The only question I have is in regards to the overhead door and the flow through there, with the parking spaces in the front, how that will get navigated? You will have trucks coming in from the back or try to figure out how --

MR. KELLENBERGER: Should there be a blockage, my understanding is they could easily back out the rear. It's an open lot without any obstruction. I don't believe the two overhead doors provide for this. When I talked to Mr. Ardillo today, he made it clear that oftentimes patrons when they do leave their vehicles there, they are immediately taken to the rear. So it would be very infrequent those spots would be occupied.

MATT EMENS: The three spots on the side, okay. That's all I have right now.

JOHN HELLABY: Out of curiosity, why isn't this thing directly behind the existing building and flowing the traffic -- in other words, in one side, out the other and back down? It would seem to me the whole lot would be a lot more navigable than it is right now.

MR. KELLENBERGER: Understandable.

So you are saying to put it directly to the rear of the building?

JOHN HELLABY: Centered in the setback area. Then you wouldn't have to be nutsing around with all of the variances. You could come in one way, come in -- I'm looking for a reason, a better reason why you did figure that was the best spot for it.

MR. KELLENBERGER: We figured to keep the building up front to reduce the hardship. He operates a towing and impound lot back there. That would drastically reduce his storage capacity of impound vehicles. We wanted to reduce that. There is not any property for expansion at that point. He is situated between Old Beahan and to the southwest.

JOHN HELLABY: The other issue I have goes to storage. I can remember when Joe Benson was in there, he got an okay through the Power Authority or whoever to use that right-of-way there for additional storage. I recall for years not being able to see anything in there.

Now, all of a sudden, I drive by there and it all opened up. There is a mess bulldozed up in there. What are we doing with that?

MR. ARDILLO: So you are right. When I purchased the property -- Anthony Ardillo.

MICHAEL NYHAN: Thank you.

MR. ARDILLO: So when I purchased the property, somebody had hacked out all of the trees that were there. It is not on my property. When I got there, all of the trees were leveled.

So what I have been doing is not using it for anything other than customer parking or employee parking, to try to get it a better aesthetic. We don't put impound cars in there. Unless -- the only time they go in there is if they're leaving to go to salvage. We just might move them out there in the bull pen and then they go. That is mostly employee parking and overflow of service.

JOHN HELLABY: You're saying all that whatever was there -- I don't recall if it was a fence and some shrubs.

MR. ARDILLO: Looked like some pretty good-sized trees. It looks like pine trees there at one point. You might be able to see in Google Earth. I never saw them. All I have is the stumps left.

JOHN HELLABY: Do you have written agreement with these people to use that space?

MR. ARDILLO: Yep. I rent it, I think, for \$100 for the year.

JOHN HELLABY: Do you have plans of trying to dress up the front of that somehow?

MR. ARDILLO: I would love to, and even at my expense that -- if that can be part of the improvement, I have no problem putting trees in there.

JOHN HELLABY: I would like to see it.

MR. ARDILLO: It would look great. The trees that were there looked like they were at least 10 or 15 years old. It is terrible. They have a nice stump. But somebody hacked them down. You can look in the Google Earth, you can see that they were gone before I got there.

Then, of course, we got the skidster over there to try to clean some of the weeds up and just kind of level it out a little bit, but it is not the best-looking property. And I don't -- honestly, I have to call them. I don't know what rights I have to do anything on their property. You know what I mean?

JOHN HELLABY: Exactly. I think if you investigate it --

MR. ARDILLO: It would be good for me, too, because I don't like to see it from Scottsville Road either.

ERIC STOWE: That would be an ideal and not a condition of any approval based on lack of ownership, right?

JOHN HELLABY: Unless the Board feels otherwise.

ERIC STOWE: We can't compel him to improve someone else's property.

JOHN HELLABY: Trust me. I understand that.

DAVID CROSS: So the colors of the building addition, you will match the existing?

MR. ARDILLO: So what I would love to do is see where the costs come in here. What I would like to do is brick the bottom half and steel the top half to modernize it. I have to see where I come in. Worse case scenario is vinyl siding like now.

DAVID CROSS: It will tie into the existing?

MR. ARDILLO: It will tie in and look like the existing building. I would like to do cultured stone on the bottom just to dress it up a little bit.

ERIC STOWE: Concerned with the parking and how we're counting spaces that are also a drive lane for the overhead door. If we need 15, and those -- that's 3 of them, how are we counting it as a drive lane and a -- or parking spaces?

MR. ARDILLO: So I might be able to answer that, too. Sorry. So, that -- there is going to be two doors in the front. One door will be accessed for an alignment machine. It is presently there, just going to be moved over.

Then that other door will only be if we have to have it. Mostly they will be coming in the back door and that side. So that space will -- I'm trying to eliminate using that unless I have to.

So we shouldn't be using that as a normal basis. That should only be if we have something in there and we need to get it out and we can clear the space and move it out.

But the main door that will be used will be the one closest to the existing building. So there is two in the front, the one closest to the building that is already there. The one closest to Fleet Pride will probably only be open if we pull a flatbed in and we need to get it out or get one to go right through.

A lot of times if we tow in something, we might want to bring it in, drop it inside and then pull out the back. Everybody understand that?

PAUL WANZENRIED: I got it. I understand it. But I'm going to go one better. If you provide the parking agreement that you have next door, that Mr. Hellaby was just referring to, and you spoke about, that will allow for the proper parking spaces and more.

MR. ARDILLO: And more.

PAUL WANZENRIED: So all you need to do would be to give this gentleman a copy of that --

MR. ARDILLO: Agreement.

PAUL WANZENRIED: -- agreement and we would be satisfied. We'll, I'm sorry. Forgive me. They might be satisfied.

MR. ARDILLO: Well, there is room over there. As you guys know when you drive by, you could put 20, 30 cars comfortably and not look back as long as they're not smashed.

The bottom line, if anybody has driven by there, I try to keep it as clean and neat and organized as I possibly can to make -- it's a main concern of mine. Just how I am.

MICHAEL NYHAN: Even with the current parking spot, you can't operate your facility with the doors you have without using the doors in front of the parking spots.

MR. ARDILLO: Absolutely. Because usually what happens is when a car comes in or a vehicle comes in for fleet work, it immediately -- to free up spaces even now because we are busy, we just pull them around back and we stage them along the fence where Fleet Pride is in the back. Then they are out of the back.

One of the other things, if you drive by there at night, I'm very cautious about leaving a lot of things out front. So I have them bring whatever they can in or behind the fence just to make it look aesthetically better.

MICHAEL NYHAN: If you could just provide a letter to the Town Attorney per your parking agreement, that would be great.

MR. ARDILLO: Absolutely.

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: Conditions, I had in lieu of landscaping, the applicant make a donation to the Town's Tree Planting Fund in the amount equal to 1 percent of the total project cost unless, of course, they can find a way to landscape the property right next door with where the parking lot is.

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

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

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

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

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

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

Any other conditions?

ERIC STOWE: Mr. Chairman, can we remove the portion regarding the other parcel qualifying as the landscaping?

MICHAEL NYHAN: Sure. I will just remove that.

Leave it in lieu of landscaping, the applicant will make a donation to the Town's Tree Planting Fund in the amount equal to 1 percent of the project cost.

No other conditions?

With those conditions, application of Anthony Ardillo, 1421 Scottsville Road, Rochester, New York 14624, property owner: Phildom, LLC for preliminary site plan approval to erect a 30' x 70' addition to repair shop at property located at 1421 Scottsville Road in G.I. zone.

This is for waiver of final, as well.

Michael Nyhan made a motion to approve this application with conditions, and John Hellaby seconded the motion. All Board members were in favor of the motion.

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

1. In lieu of landscaping, applicant to make a donation to the Town's Tree Planting Fund in the amount equal to 1% of the total project cost.
2. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
3. Building permits shall not be issued prior to applicant complying with all conditions.
4. Application is subject to all required permits, inspections, and code compliance regulations.
5. Pending approval of the Zoning Board of Appeals of all required variances.
6. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.
7. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
8. Provide the Building Department with a copy of the parking agreement on adjacent land to the east owned by Niagara Mohawk Power Corp.

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

2. Application of Kelsey Lunt, 209 Westside Drive, Rochester, New York 14624, property owner: Stagnitta Properties LLC; for preliminary site plan approval for a change of use in Suite 2 to allow a medical office (chiropractic) at property located at 4322 Buffalo Road in G.B. zone.

As previously stated by Chairperson Michael Nyhan, this application will be heard at the July 10, 2018 Planning Board meeting.

MICHAEL NYHAN: Meeting minutes from the May 8th, 2018, meeting.

David Cross made a motion to accept the 5/8/18 Planning Board meeting minutes, and Glenn Hyde seconded the motion. All Board members were in favor of the motion.

The meeting ended at 7:19 p.m.