

CHILI PLANNING BOARD
July 10, 2018

A meeting of the Chili Planning Board was held on July 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, Glenn Hyde, John Hellaby and Chairperson Michael Nyhan. Ron Richmond was excused.

ALSO PRESENT: Michael Hanscom, Town Engineering Representative; Eric Stowe, Assistant Counsel for the Town; Paul Wanzenried, Building Department Manager.

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.

ERIC STOWE: With respect to the Gates-Chili Post, I believe they sent the notice to the Brighton Messenger and notice was published in the Democrat & Chronicle as a fall-back paper.

MICHAEL NYHAN: Okay. Just to clarify.

Is that permanent now or just this meeting?

ERIC STOWE: I believe this meeting only.

I don't believe it was a Town issue sending it there. It was a publisher.

MICHAEL NYHAN: Got it. So it was published in the Democrat & Chronicle and Brighton.

ERIC STOWE: Would have been published in Brighton but that would not be effective.

MICHAEL NYHAN: Right. I agree.

PUBLIC HEARINGS:

1. 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 4332 Buffalo Road in G.B. zone.

Kelsey Lunt was present to represent the application.

MS. LUNT: So I have a couple of documents for you. The first is a letter from my landlord allowing an easement for the property next door for more parking spaces. It's currently stoned. He is planning on paving it, but that will allow an additional five parking spaces for my building which was pretty much the main concern when it came to the change of use both the first time and this time.

And I also have a Google map for you guys to look at so you can see where the spaces are to be allocated.

MICHAEL NYHAN: Thank you.

MS. LUNT: Basically we're just applying for a change of use from retail to professional to allow me to expand my business. I was here a few months ago and we're quickly growing and so far everything has been fine. I have patients parking both in the road and in the back lot. There hasn't been any issue so far.

The other property next door will also allow us a separate entrance and egress which is something they were also looking for and would definitely help with traffic flow. The space is going to allow me to add one more chiropractor to my business which would allow for another two patients per hour when they got busy, but I don't anticipate anybody being very busy initially.

MICHAEL NYHAN: Hours of operation are the same as your current business?

MS. LUNT: Yes.

JOHN HELLABY: Curiosity question. That driveway that goes back there that is 9 1/2 foot wide or whatever, that was a real concern when you were originally in here.

Has it been a problem?

MS. LUNT: It hasn't been a problem. My landlord had it lined and painted so patients know where they're supposed to walk, but again, the property next door does have a separate driveway, so that is going to allow for separate traffic flow out and in.

But yeah, that was just a preexisting condition, so he has widened it as much as he possibly can and it hasn't been an issue so far. We don't normally have two people at once. They're staggered appointments.

ERIC STOWE: Only thing I would ask for is to see the easement that has a condition or whatever the agreement is, if it is not an easement, just to be able to review that.

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. All Board members voted yes on the motion.

MICHAEL NYHAN: I have so far building permits shall not be issued prior to the applicant complying with all conditions.

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 sign permits.

And applicant shall provide an easement.

ERIC STOWE: Or access agreement, if it is not a recorded easement, given that the ownership is under the same company. Right? It would be difficult to grant oneself an easement, but an access agreement would be fine, too.

MICHAEL NYHAN: So applicant shall provide an easement or access agreement with property owner for the additional parking on the adjoining property.

That cover it, Eric (Stowe)?

ERIC STOWE: That's fine.

MICHAEL NYHAN: Any other conditions?

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 4332 Buffalo Road in G.B. zone.

DECISION: Unanimously approved by a vote of 6 yes with the following conditions:

1. Building permits shall not be issued prior to applicant complying with all conditions.
2. Application is subject to all required permits, inspections and code compliance regulations.
3. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
4. Any signage change shall comply with Town Code, including obtaining sign permits.
5. Applicant shall provide the easement or access agreement with the property owner for the additional parking on the adjoining property.

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

2. Application of Mauricio Hernandez, 1857 Penfield Road, Penfield, New York 14526, property owner: BAPA North Chili LLC; for preliminary site plan approval for a change of use in portion of building to allow a restaurant (formerly approved for retail space) at property located at 3249 Union Street in G.B. zone.

Mauricio Hernandez was present to represent the application.

ERIC STOWE: Mr. Chairman, if I could interject, previously I have done some work for Itacate Restaurant. Just disclosing that to everybody involved.

MR. HERNANDEZ: This is a restaurant on the east side, so now we're bringing it to the west side. We get a lot of people from the west side driving every weekend to come see us. So we come in to -- pretty much found a place, the right place and just changing it from retail to the restaurant with the coding that has to be done.

MICHAEL NYHAN: So this will be a sit-down restaurant, correct?

MR. HERNANDEZ: Yes. It will be more like a take-out. Like go in, make your order. You can either stay -- there will be about four to six tables for sit down, but other than that, it is more like an in and out. Pretty quick.

MICHAEL NYHAN: No drive-up window on this, correct?

MR. HERNANDEZ: No.

DAVID CROSS: Hours you will be open?

MR. HERNANDEZ: It will be open 8 o'clock in the morning. Operations will start -- at 9 o'clock we just start to prep and cook everything. Operations be 11 o'clock to 10 o'clock at night.

With that being said, pretty much from Monday to Thursday. Probably closed around 8 or

9, since that is the way we do it in Penfield. But yeah, the hours should be, you know, the latest to 10.

DAVID CROSS: Very good. That's all I have.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

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: Question number 2 of the Short Form Environmental Assessment Form is answered "no." I will change it to "yes." Building permit will be required.

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

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.

Any other conditions from the Board?

Paul (Wanzenried), any other conditions?

PAUL WANZENRIED: No. I think that is good.

MICHAEL NYHAN: Okay. With those conditions.

Application of Mauricio Hernandez, 1857 Penfield Road, Penfield, New York 14526, property owner: BAPA North Chili LLC; for preliminary site plan approval for a change of use in portion of building to allow a restaurant (formerly approved for retail space) at property located at 3249 Union Street in G.B. zone.

DECISION: Unanimously approved by a vote of 6 yes with the following conditions:

1. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
2. Building permits shall not be issued prior to applicant complying with all conditions.
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.

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

3. Application of Ronald Pattison, Western Realty LLC, owner; 949 Bay Road, Webster, New York 14580 for recommendation to rezone approximately 5.8 acres from L.I. (Limited Industrial) to L.I. with ADATOD (Limited Industrial with Airport Development Area Transportation Overlay District) at property located at 30 Airline Drive.

Joe Ardieta was present to represent the application.

MR. ARDIETA: Good evening, ladies and gentlemen. My name is Joe Ardieta of Vanguard Engineering tonight representing Western Realty, the application on this project.

The ultimate intent of this project is to construct three warehouses to house Western Concrete who looks to relocate from the City to the Town and also to build two additional warehouses for colleague contractors to lease. So he is going to own one of -- he will own all three. He will house his business in one and he will rent out the other two to other construction businesses. That's the intent.

It's roughly a 5. -- 5.8 acre site and it's within the Airport Overlay District which requires us to rezone to ADATOD.

MATT EMENS: So Joe (Ardieta), you mentioned the other buildings that he will build to lease, is that --

MR. ARDIETA: The intent, yeah.

MATT EMENS: No one lined up yet?

MR. ARDIETA: He hasn't told me that he has others lined up.

MATT EMENS: The intent would be they would be phased and they will build their building, get in there?

MR. ARDIETA: Yeah. He -- right now, honestly, this is conjecture because he said, "I think I'm going to do this."

But he would construct the building on the west side. We would construct the -- the loop road, because the truck traffic requires it and we would construct the parking lot but build the western building. That is the intent right now.

And then as the tenants arrive, he would construct the building on the south and then finally the building on the east.

MATT EMENS: And the business itself, um, I think you described it in here, but maybe talk a little more -- what is the truck traffic like for that business on a daily, you know, Monday through Friday and Saturday through Sunday?

MR. ARDIETA: His business is Western Concrete, so there is a lot of truck -- construction vehicle traffic that is to be used. The warehouse is really to house the equipment. So it -- beginning the day, you know, at 7 a.m., they take off from -- from the site. You know, the employees will arrive before that. They will fire up the engines. Once the vehicles are warm, they will head out and the trucks will come back -- you know, typical construction is like 3 o'clock.

MATT EMENS: 3 or 4 o'clock?

MR. ARDIETA: Yeah. Depending on the schedule. But on -- but on a typical project, you're talking about 3 o'clock, they start coming back and then the employees go home.

MATT EMENS: The loading docks, um, it looks like the depth -- I guess the angle on it is tricky to tell without measuring. So the intent is the loading dock is -- gives some flexibility for --

MR. ARDIETA: For deliveries of construction material.

MATT EMENS: Would that be full semis?

MR. ARDIETA: No. He said he does not require the length for a full semi.

MATT EMENS: Then you said the construction vehicles are stored inside the warehouse?

MR. ARDIETA: Yeah.

MATT EMENS: So there is no like parking of the equipment outside and -- and storage outside?

MR. ARDIETA: No. Although the site plan doesn't show that. There -- there will be -- the intent is to have overhead doors that are flush in the middle of the building. So these vehicles will drive right in. The sawtooth loading docks on the ends are for deliveries and those will be recessed. He hasn't decided whether the saw tooth will be part of the building or it will just be a platform, but the intent for the sawtooth was space. I mean the reason for -- not the intent, but the reason for the sawtooth shape was to gain space. If we make it perpendicular, we wouldn't have space for an interior parking lot.

MATT EMENS: That's all I got right now.

JOHN HELLABY: Seeing you're in here just for a recommendation on rezoning, once -- if, in fact, that is approved by the Town Board, what do you think the timeframe is that you're back in front of us with all your submissions?

MR. ARDIETA: As soon as humanly possible.

JOHN HELLABY: So he is in a hurry?

MR. ARDIETA: He is.

JOHN HELLABY: Would he like to try to get construction under way this year?

MR. ARDIETA: I'm sure he would like to start construction yesterday, but, you know, I'm giving him my professional opinion. With the process that has to take place, he most likely will not start this year.

JOHN HELLABY: Sometime in the spring probably.

MR. ARDIETA: You know. If plan approval starts in -- or if plan approval occurs in late October and the weather is 50, he may -- he may commence. It's sketchy to do something like that, but he knows more than I do, you know, if he wants to take that risk and commence site construction at that time. He will not get a building up in time and enclose it to work in the winter, so I will recommend to him he just wait for the spring.

JOHN HELLABY: Final buildout would depend on lease agreements and finding the tenants?

MR. ARDIETA: Finding the tenants.

JOHN HELLABY: There is no way of saying we'll do the whole thing in a year's time or two years' time?

MR. ARDIETA: At this time, the intent is to build one of the three buildings and phase it. But he doesn't want to pay me three times, so we'll come in with the full site plan for all three buildings and our drawings will represent the phasing. We'll show how the phasing is to occur.

GLENN HYDE: In terms of the traffic, how many trucks in the morning take off and how many come back around 3 or 4? What is the volume?

MR. ARDIETA: Well, I visited his current building. He actually had less traffic than I anticipated. But that was a snapshot in time. I don't have an answer for you specifically. I can tell you from what I saw, it was less than ten vehicles that -- that had employees that left in the time that I was there at his office, and they brought in no trucks.

So like I said, I -- I would expect it to be higher than that, but I don't have the answer as to

how many.

MICHAEL HANSCOM: I had a number of questions. I will wait until they submit for site plan.

MICHAEL NYHAN: Okay.

MR. ARDIETA: I will state that we were very rushed to get this plan in, and you can tell by -- what the bar scale is, for example. Those are the things that we will correct for the site plan submission.

MICHAEL NYHAN: Out of curiosity, where is he moving from?

MR. ARDIETA: Lexington Ave.

MICHAEL NYHAN: Lexington.

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: SEQR will be handled by the Town Board.

Application of Ronald Pattison, Western Realty LLC, owner; 949 Bay Road, Webster, New York 14580 for recommendation to rezone approximately 5.8 acres from L.I. (Limited Industrial) to L.I. with ADATOD (Limited Industrial with Airport Development Area Transportation Overlay District) at property located at 30 Airline Drive.

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

DECISION: Unanimously approved by a vote of 6 yes to recommend rezoning of 30 Airline Drive to L.I. with ADATOD.

The Town Board will be notified of our decision by copy of this letter. Please be advised that you must now petition the Town Board, through the Town Clerk's Office, to set a public hearing before the Town Board on this rezoning application.

Michael Nyhan made a motion to accept the Chili Planning Board minutes, and David Cross seconded the motion. All Board members were in favor of the motion.

The meeting ended at 7:25 p.m.