

CHILI PLANNING BOARD
October 9, 2018

A meeting of the Chili Planning Board was held on October 9, 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, Matt Emens, Glenn Hyde, John Hellaby, and Chairperson Michael Nyhan. David Cross and Ron Richmond were excused.

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; Brad Grover, Traffic Safety Committee Representative.

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: Tonight there are five applications all for the same location. You can present all of the applications at once and I will open the Public Hearing and we'll have the Public Hearing on all five of those applications for that location. Then we will close the Public Hearing portion, conduct SEQR and then we will vote individually on each one of the applications with any conditions for that application.

PUBLIC HEARINGS:

1. Application of Chili MZL, LLC, owner; 810 Paul Road, Rochester, New York 14624 for preliminary site plan approval for a proposed ATM Kiosk, and overall site improvements to include additional parking, lighting, and dumpster enclosures, and façade renovations at property located at 800-810 Paul Road in G.B. zone.
2. Application of Chili MZL, LLC, owner; 810 Paul Road, Rochester, New York 14624 for preliminary site plan approval for a change of use in proposed Suite #T3 to allow a grocery store (formerly department store) at property located at 800-810 Paul Road in G.B. zone.
3. Application of Chili MZL, LLC, owner; 810 Paul Road, Rochester, New York 14624 for special use permit to allow a grocery store in proposed Suite #T3 at property located at 800-810 Paul Road in G.B. zone.
4. Application of Chili MZL, LLC, owner; 810 Paul Road, Rochester, New York 14624 for preliminary site plan approval for a change of use in proposed Suite #T2 to allow a pet store (formerly department store) at property located at 800-810 Paul Road in G.B. zone.
5. Application of Chili MZL, LLC, owner; 810 Paul Road, Rochester, New York 14624 for preliminary site plan approval for a change of use in proposed Suite #T4 to allow a variety store (formerly department store) at property located at 800-810 Paul Road in G.B. zone.

Betsy Brugg, Stan Glantz, Dave Cox, Dustin Welch and Doug Levey were present to represent the applications.

MS. BRUGG: Members of the Planning Board, pleasure to be here tonight. My name is Betsy Brugg. I'm an attorney with the firm of Woods, Oviatt Gilman. I have a whole team here to present.

Stan Glantz is here for the property owner.

Dave Cox is our Project Engineer from Passero.

We also have our architects. Dustin Welch is doing the architecture on the plaza as a whole and Doug Levey is here for the Aldi.

I'm going to just quickly summarize what you're here for. I have a number of items. Then I will turn it over to Dave (Cox) to talk about architecture and I think Stan (Glantz) would like to tell you what the plans are for the plaza.

They have been working very hard to repurpose the vacant KMart building. As you know, it's kind of a unique piece of property with some unique elements which we'll get into.

MR. GLANTZ: Good evening, Mr. Chairman and fellow Planning Board members. My name is Stan Glantz. I'm Vice President of Development and Construction with Katz Properties, LLC located at 254 West 31st Street, New York, New York. Very pleased to be here tonight.

What we have been doing for the last year is working out an early termination agreement with KMart. We knew their lease was coming up in early '19 and we had interest from tenants to

replace them. So we have negotiated leases, signed agreements with Aldi and they're represented here this evening.

We have a signed lease with Dollar Tree. They are at approximately 11,000 square feet. To back up, Aldi is a little over 20,000 square feet and a signed lease for Pets Supplies Plus is just under 8,000 square feet. We also have a signed LOI with a 35 square foot variety discount store. We can't disclose the name of the tenant yet, but we hope to do so in the coming months. That 38,000 square foot tenant in the order that which you see that in front -- and Dave (Cox) will be good enough to point it out -- to the left of that 38,000 square feet we have vacant space and to the far right we have vacant space. That vacant space could be chopped up into anywhere from one, two, three, five tenants. Really depends on the type of tenant that ends up taking that space. We're talking to an Urgent Care. We're talking to restaurants. We're talking to service providers, fitness operators and the like.

Next to that space is Pets Supplies Plus and Aldi right smack in the middle followed by Dollar Tree.

The other tenant we're working with is a bank ATM. We have located them out in front. It is really the only location that all of the other tenants we have leases that will allow it because they're concerned otherwise the circulation and the footprint that takes up the parking spaces would have an impact on their business. And it is most appropriate to have it along the street where it is visible and convenient to the users.

So with that, I will be here all evening. If you have any questions, feel free to ask and I will turn it over to Dave (Cox).

MR. COX: David Cox with Passero Associates. So to start, um, when you look at the Comprehensive Plan, it references orderly growth and bringing additional retail to the area. If we think about Chili as a whole, um, possibly the number one area you want to target for additional retail is a vacant retail plaza. So you don't need to go someplace new until a vacant piece is filled up. So this is the right place and the right location for what we want to do.

So we have the old KMart building which is sitting there vacant. Not -- architecture of the '70s or later. Doesn't look, you know -- it's not very modern. Doesn't look really great so we want to dress that up.

So things you can do with a vacant big box building. Um, one thing is you can look for another big box company to move in. The problem is that most big box, they want -- they have an exact floor layout. They don't want to move into an existing building. They want a new building. Trying to have that happen is really -- doesn't happen and doesn't work.

Another option would be to demo the building, but the problem with that is if you pay all of the cost to demo the building and build a brand new building, it is more expensive than building a brand new building on a green site so that doesn't really work out. So the option you see happening all across America is repurposing the building typically with smaller multi-tenant spaces. So that is exactly what we are proposing to do here.

In addition to obviously breaking the building up and adding some new facade, we're going to do some site enhancements. So right now all of the lighting is metal halide. We'll upgrade that to all brand new LED lighting so more energy efficient, better light coverage. We're adding some additional poles in some darker areas. Back here where Aldi is coming in, they need a loading dock so we're actually cutting out a portion of the existing KMart building so that the Aldi can have their loading dock here (indicating). We're adding some additional parking over here (indicating) on the east side and adding some additional -- screened, completely enclosed dumpster enclosures. One here in the back (indicating). This the back for Aldi and also there is a current dumpster that is unscreened and unenclosed near the bank here (indicating). We'll enclose that.

We're proposing an ATM here (indicating). One thing to note, when we originally did this, we had this drive aisle continuing to go right through as it is today which would provide stacking for one to two cars.

We met with Town staff, and they brought up, you know, they would like to see some additional stacking there. So what we're proposing to do is kind of block this off and redirect this aisle over to this aisle (indicating) and recreate a longer stacking distance so we can get four to five cars in there which is more than enough space for any -- for the ATM there. And we're going to dress up the storm water management area, clean it up a little bit. We'll add some additional screening and landscaping to block the rear area here (indicating) and block the proposed dumpsters.

Then also re-dressing up the facade. As you can see, the old KMart not too great looking. We'll give it a nice, unified front here while still allowing each individual store to have some of its own unique features but still tying it in so it looks like one unified plaza.

And then as far as utilities go, um, all of the utilities are remaining pretty much essentially the same except for sanitary. We do need to extend a new line since we do have all these new tenants who have bathrooms, so you have individual laterals for all of those. And then truck turning. Just wanted to say that we did -- we did run a truck turning through the plaza to make sure that trucks can get -- go both directions without any issues or problems there. We did go before the Conservation Board on Monday, and they were generally pretty happy with the proposal. One of their -- one of their few comments or really their only landscaping comment was about if we could add some small planters along the sidewalk in front of the building to kind of dress it up and make it look nicer, which we have agreed to do that.

We have responded to Town Engineer and staff comments. Just responded yesterday, so don't know if you had a chance to digest those, but they were very technical in nature. Nothing --

nothing too big there. So to kind of wrap up, we're taking something that is vacant, not looking nice and we'll repurpose it and bring some great business to this area that the Chili residents can really be excited about. And every time I talk to anyone in Chili and they find out I'm working on the Aldi's, they get excited and say, "When is Aldi coming? When is Aldi coming?" So I know people are very, very excited for that prospect. I can take any questions.

MICHAEL NYHAN: Thank you.

MATT EMENS: So, Dave (Cox), you had mentioned the engineer's comments and you said you did respond. I don't have that yet, but there is a couple things on here I would like to get your response to if --

JOHN HELLABY: Can you briefly go through the entire thing? Have you got your response with you?

MR. COX: Yeah. Hold on a second.

I can run through these starting with the Town Engineer comments. He had some comments on the ATM. That was the older set of plans before we had extended these islands to create additional stacking. And also we trimmed this island back here (indicating) so that people could exit out without having to really drive into oncoming traffic. So we did a re -- reconfigured this to take into account his concerns on the ATM.

Parking, any new parking spaces proposed will meet the Town Code of 9 1/2 by 19.

The lighting plan has been updated. There was one existing pole right down here that was missed that was added. That actually needs to get relocated slightly with this new ATM configuration.

We have submitted the variance applications that are required. Dumpster enclosures. We'll make sure they're one foot higher than the top of the dumpster. Typical ramp detail. There is some notes on some -- on the pond and some different plans that he wanted to add. We'll add those.

They wanted a -- us to look at -- there is actually an access right here (indicating) to the development to the west. That has a ramp, asphalt sidewalk and some railing. We're just going to take a look at that, if there any upgrade or anything that needs to be made to that, we can make those adjustments there. Had a comment on the EAF which we'll update. And then he had a couple minor comments on our parking analysis which we can update that on our plans.

Bunch of no response -- or no response required. Some notes. Really about the change of use and -- so pretty much wraps up the Town Engineer comments.

The other one was just Monroe County Development Review Committee comments. Which we're not proposing any subdivision right now. So that takes care of comment Number 1.

Number 2, we have submitted to the Monroe County Department of Health for the new sanitary sewer. We don't have any proposed work near any Monroe County monuments. There is no proposed work in the County right-of-way or the DOT right-of-way.

And then we have sent plans to Monroe County Pure Waters for review. That pretty much wraps that up. And I forgot to mention as part of the proposal, we also are adding two additional monument signs. One down here off of Chili Ave. near the Chili Ave. entrance and then off the Chili Center Coldwater Road entrance. That will have all of the tenants listed.

MICHAEL NYHAN: Which one is which?

MR. COX: They're the same. Same sign.

MICHAEL NYHAN: Same on both entrances.

MR. COX: Same exact sign.

MS. BRUGG: I will just point out because it is not obvious on the plan. But the grade at Chili Center Coldwater Road -- this building sits below grade, so the feeling was it needs some better identification. These tenants are in a disadvantaged position as far as visibility from the road and access to the site.

MATT EMENS: So when I look at that plan and the plan in front of me, the -- the stacking looks about the same on the ATM.

What is the date on the drawing?

MR. COX: I think the plans that the Town Engineer was reviewing was before -- was the original submission.

MATT EMENS: Understood. So this now extends -- because it sounds --

MR. COX: Right.

MATT EMENS: You described what I'm looking at.

MR. COX: Yes. Correct.

That was at a DRC meeting. There was just the one line of parking was taken for and now there is two.

How many cars can you stack at the ATM now before anybody is in the driving lane?

MR. COX: Four safely and probably five.

MICHAEL NYHAN: Thank you.

MATT EMENS: And could you speak a little bit to the parking? It's a little --

MR. COX: Sure.

MATT EMENS: It's a little confusing and I would just like to make sure before I ask any dumb questions maybe you could help me through that.

JOHN HELLABY: And if his question on parking -- if you can explain how this 9 foot 6 inches would impact the overall. If they're presently at 9 foot, you will lose something somewhere.

MR. COX: So first to talk about the -- the parking size, so any of the existing spaces are going to remain existing as is. Any new proposed parking -- so we're adding some -- currently is

not striped down here. We're adding new striping in here (indicating). This is all new over here (indicating).

So these new parking areas will be the 9 1/2 by 19, but the existing lot is remaining as is. And then -- so there was a variance granted back in 2004 for a parking variance for the site, for back when it was KMart and that was granted for 460 spaces.

Currently right now, there is 453, so it is actually sort of that. So our plan is proposing to add additional, so it is bumping it up to 490 parking spaces so we're adding additional. So we're still above the -- the variance that was granted.

And then the other thing I did was I just wanted to make sure that we were comfortable with the amount of parking that was on the site. So we looked at, you know, the tenants we know and possible tenants and I used ITE, which is Institute of Traffic Engineers. They look at plazas all over the US for different uses and they say how much parking does that use need. I broke it down for each of the uses to determine how much parking do we really need. And when I applied all those, I came up with 446 spaces would be needed based on ITE. And as I mentioned, the variance is for 460 and we're providing 490, so we do have additional parking above. So we feel very comfortable that we have adequate parking on the site.

MATT EMENS: Okay. So the location of the sign, on Chili Center Coldwater Road, is that -- okay. It is right here. So it is set back far enough, because I was worried about sight lines.

MR. COX: Yes. Because the right-of-way is pretty wide at that point. It is quite a ways off the road.

MATT EMENS: Okay. And just real quick to touch on the elevation, I know you guys came preliminarily before the AAC tonight and it sounds like you will be coming back. So we did look at that tonight so everyone does understand that. And gave a little bit of feedback. The group is -- the team will be looking at that.

MS. BRUGG: Would you like us to go through --

MATT EMENS: Yes. I think one of the things that was helpful for me that might be good to touch on is the -- I had asked the question about if the intent was to do the entire facade in one phase, based on the fact that you only have three -- currently three tenants, possibly four and just kind of how -- if you guys can talk a little bit about that and the timing on that.

MR. GLANTZ: Stan Glantz again. As I mentioned earlier, at the AAC meeting and tonight, we have three signed leases, fourth at an LOI stage and working very aggressively to lease up the rest of the center. Our anticipation is we'll be under construction first quarter of '19 with those three leases and shortly thereafter, we'll be back to the Board with any changes to the facades from what you're seeing tonight that we have already proposed for those vacant spaces, with any other changes we may need for additional tenants.

What we're hoping is that our construction process will probably take -- the first six months of 2019 we'll be back here before you asking for additional approvals and be able to start construction on the balance of the facade so it will all run throughout 2019 and complete the entire building all in one shot. There could be a short period of time where we're holding off because we're still negotiating with a tenant or two and we know we may end up splitting a space that is currently shown with one canopy and really we should have two or the facade should be changed. Our intent, though, is to try to wrap it up as quickly as we can.

Did I answer your question?

MATT EMENS: Yes, thanks.

MR. GLANTZ: Thanks for asking again.

MR. COX: One of the things I will mention with a few of the signed leases we have, there is a deadline that they need to be open. So that is why we're here before you and there is -- time sensitive on these approvals to make sure that we can meet that.

MATT EMENS: The comments from the Traffic and Safety Board, did you see that, Dave (Cox)? Do you have that?

MR. COX: Yes.

MATT EMENS: Because your truck turning shows the truck traversing the site, but then making a left back out to head towards 490.

MR. COX: Yes.

MICHAEL NYHAN: So if I could just mention that, Matt (Emens), Brad (Grover) is here to probably talk about it more, but the Traffic Committee looked at that, and that being a tractor-trailer entrance and exit, they would need to make a left-hand turn. I think it is more a recommendation that the plaza needs to look at in the future because we really don't know exactly what the volume will be, but in the event -- in the future you may need to take a look at that to see if you need to start limiting left-hand turns. That a good summarization? Is that acc --

BRAD GROVER: Also, we were not aware that was the truck and trailer entrance and exit to the complex there. I just found that out tonight when you brought it up. So that makes a big difference because they do need room to make the turn.

MICHAEL NYHAN: Okay. So I think at this point that's a recommendation that we may look at in the future but doesn't need to happen for the preliminary final site plan approval for this project.

MATT EMENS: I don't have anything else right now. Thank you.

JOHN HELLABY: Um, I'm not sure what the general consensus is on this ATM drive-up yet. I know there are a lot of concerns. I'm -- not only the Town Engineer, but the Traffic Committee has concerns about where it is placed. I know it is -- you said you will do a few things that will hopefully mitigate some of the problems, but I don't know how the rest of the Board will feel. I personally still think it is going to be an issue where it is sitting right now, just

because of the way that traffic enters there. I think you're asking for a potential problem. Somewhere along the lines. To be honest with you, I'm not sure I can pinpoint another location in this plaza where it is going to work better.

So -- the Commissioner of Public Works has requested that that holding pond gets cleaned out.

MR. COX: We'll do that.

JOHN HELLABY: Will that trigger the SWPPP in any way, shape or form?

MICHAEL HANSCOM: No. It shouldn't. It would still be less than an acre of disturbance.

JOHN HELLABY: All right. Location of refrigeration units, particularly with Aldi's, are they all roof mounted?

MR. COX: All on the roof.

JOHN HELLABY: Is there a way of screening those?

MR. COX: So part of the facade, you can see on Aldi, we are raising the facade in the front there and it will screen those units back there.

JOHN HELLABY: Will they all be tucked in the front? I mean, because you still got quite a lot of open spaces between the store fronts? I guess that's the point I'm trying to get at. Will it screen them 100 percent or do sort of a 50/60 percent job here?

MR. COX: I don't know if we get 100 percent screening but definitely higher than 50/70 percent.

JOHN HELLABY: Do they operate with a refrigeration house with all the units and stuff on the roof?

MR. LEVEY: Douglas Levey with ABD representing Aldi. We usually have one rooftop unit, a CO2 with new stores that is mounted approximately 6 feet wide by 20 feet long.

JOHN HELLABY: That houses all of the compressors and everything?

MR. LEVEY: Yes. Uh-huh.

JOHN HELLABY: I think that's it for right this minute.

MICHAEL NYHAN: Just to follow up on that, when you come back in front of the Architectural Committee, is there a way to show what will be visible from the roof?

MR. COX: Yes.

MICHAEL NYHAN: That will be rather important and if it is possible, could you raise the front of that a couple feet? Would that be enough to cover whatever is there in?

MR. COX: We are raising the entire parapet across the building so that will screen it additional over what is -- you see the KMart. But what we can do is throw all of the rooftop units on there, on that elevation you can see.

MICHAEL NYHAN: If you could, if you will raise it and you only need an extra half or foot, we would like to see all of the units on the roof screened.

MR. COX: Sure. We can do that.

MICHAEL NYHAN: You also did a traffic analysis from the existing traffic when KMart was there and the existing other businesses --

MR. COX: Yes.

MICHAEL NYHAN: -- and proposed traffic based on standards and it looks like 19 trips is all this is proposed to increase.

MR. COX: Correct.

MICHAEL NYHAN: Less than 2 percent increase over what was currently previously, I should say; is that correct?

MR. COX: Correct.

MICHAEL NYHAN: So that's all of the questions I have for now.

PAUL BLOSER: In your redesign, what are your plans for the rear of the building? Facing the residents that are -- that backs up to that.

MR. COX: There is not any facade upgrades to those, to the rear of the building.

PAUL BLOSER: Nothing at all? The back?

MR. COX: No. That will remain as is. There is an existing fence here and there is a lot of trees, dense vegetation. Which does a pretty good job of screening the building.

MICHAEL NYHAN: You are making some changes to the back of the building with the loading dock.

MR. COX: Loading dock, correct.

MATT EMENS: With the change in those -- that facade back there, how are you going to treat that?

MR. COX: On -- on the Aldi piece?

MR. LEVEY: We would -- Doug Levey again. We would tend to match the existing materials out there. We are pulling the face of the building back into the structure and removing a portion of the existing building to get the dock in to work for the turning and loading. But you're only -- the loading dock itself is going to be lowered into, so we get dock height. And then the remaining portions of the wall we would do masonry or something to match what is out there.

MATT EMENS: So colored CMU?

MR. LEVEY: Yeah.

MR. GLANTZ: The other thing I would like to point out, as part of the Dollar Tree improvements, we're enclosing a portion of the existing KMart dock with masonry walls to separate the Dollar Tree loading from the adjacent 38,000 square foot tenant so that they have exclusive dock areas to work within. Those materials similar to what Douglas just mentioned

will be just CMU painted to match the back. The backs are showing their wear and tear. The side is. They will be repainted, repointed wherever the block is.

But the other thing as Dave (Cox) mentioned, the green, even though it is very narrow on our property, is a very wide band of evergreens that have grown quite tall and very dense. They have collected together. The residential development, Pumpkin Hill, lies probably 10 feet below grade of our area, so those trees do a very good job of screening that area.

PAUL BLOSER: I understand the trees in there. I have seen them. My thing is for coming in and doing the building, I would like to see the full perimeter of the building addressed because buildings have a way of -- property owners have a way of letting the rear sides go and when they border residential, I -- I find that offensive.

So with respect to our -- it's a great project. Don't get me wrong. But I think for the neighbors, be a good neighbor. I would like you to at least paint it and point it and have those items taken care of.

MR. GLANTZ: Exactly.

PAUL BLOSER: The only other thing, Mike (Nyhan), for conditions long-term would be not to have overnight truck storage running in the -- in the parking lots. They stage themselves, pull in at 2 o'clock in the morning and they have to wait until 6 to unload. But not overnight.

Most often now trucks are at the ramp, unloading, the trucks are turned off other than possibly refrigerators.

MR. GLANTZ: Right. That is generally how it works.

MICHAEL NYHAN: Is there any -- what are the plans for deliveries? Do you know what those stores take for deliveries, the times?

MR. GLANTZ: It varies. I will let Doug (Levey) respond to Aldi's. They're probably the more common deliveries. But the other retailers are getting tractor-trailers generally once, twice, three times a week. Those are smaller stores. Some of the stores today get box truck deliveries as well UPS and FedEx sometimes dropping to the front and not even going to the rear. So it does vary.

MR. LEVEY: Doug Levey again.

Aldi has a distribution warehouse in Syracuse that will do daily runs to the Rochester area which is fitting one or two deliveries per day. And anywhere from 5 in the morning until closing at night. But it depends on how they will fit in with the other stores in the area.

MICHAEL HANSCOM: No additional comments. I just want to verify what David (Cox) said, my review comments are based on the original plans submitted and not the revised plans.

MICHAEL NYHAN: Okay. Thank you.

BRAD GROVER: The ATM that is there, our concern was where it is positioned, there will be a lot of traffic in and out of that due to the traffic patterns that have occurred over the year. Now the median that runs down there, you said something about cutting that back --

MR. COX: Correct.

BRAD GROVER: -- to open that up a little bit? I know the way the traffic pattern developed over the years, people go down both sides of the median to get out and come the wrong way. Maybe if you cut that back with one-way signs up there to show people exactly what way to go, that might alleviate the problem and maybe the ATM would work okay there. We were just concerned with that position so close to that entrance there because a lot of people turn in and go right to go to the bank, stop there and do their last-minute check filling out before they get in the bank and so on.

JOHN HELLABY: If I could just jump in. If you cut that island back, then is that light pole going to be relocated that is presently on the end of that?

MR. COX: The existing light pole is back a little further. We're cutting it back. We're not cutting it back as far as the light pole.

JOHN HELLABY: Just to the light pole?

MR. COX: Yes. Just to the light pole.

MICHAEL NYHAN: Is the intention to have the vehicles exit the ATM and be able to turn left or right?

MR. COX: Correct.

MICHAEL NYHAN: Is that back far enough for that to happen?

MR. COX: Yes.

MICHAEL NYHAN: Looks like it lines up.

COMMENTS OR QUESTIONS FROM THE AUDIENCE,

LAURA SCHRANG, 48 Sleepy Hollow

MS. SCHRANG: Hi. I'm Laura Schrang and I live at 48 Sleepy Hollow in Pumpkin Hill. I'm the President of the Pumpkin Hill Homeowners' Association. Our community runs from Coldwater Road all of the way down to Paul Road. We are the largest adjoining area to the KMart property. Many of our homes back up to directly to the KMart property. We have 172 residents in our community and we are happy to see the property being redeveloped and reused.

However, we do have concerns about the maintenance and the use adjacent to our property along our fences.

Um, will material or items be stored along our property lines?

MICHAEL NYHAN: We'll ask that.

MS. SCHRANG: Okay. So you will do all of the questions. We have concerns about the dumpster location and trash removal from businesses, especially food stores. I'm glad to see --

love to see Aldi's come in, but the -- but the food issue, dumpsters is a problem. How often will the dumpsters be issued? And how will these dumpsters be maintained and cleaned? And what will be the location of the dumpsters? Will they be up against our property line? In the past, there were problems with rodents scavenging the trash and coming onto our property and we would like to avoid this problem in the future.

On the lighting issues on the back of the buildings, um, is there any way so the lighting -- I realize it is there for security -- but that can be blocked so it doesn't shine into our bedroom windows? There are several houses all along the top and the lighting, um, presents a problem going into the second-floor windows.

Um, also, with the trees you mentioned, there are trees on there. There are some pine trees, but the power company came last spring and cut a lot of them, topped them down because of the power lines there so -- that blocked a lot of our security or view of KMart. We really have been exposed to that now.

And you mentioned a retention pond. Um, is that going to be up to its -- the front I couldn't tell from the map. Is that -- up towards the front or will it be back near our property, the Pumpkin Hill property? So -- and with regard to the trucks, how many delivery trucks will be coming onto the property and what hours? I think you briefly mentioned that, 5 to closing. But that is a concern and also trucks returning all night long or when they come in in the middle of the night and their motors run, that has been an issue when KMart was there. And I personally live along that fence so many a night, I have had to call. You know, I had the police respond to have them move. And we would just like to make sure that all these issues are addressed.

MICHAEL NYHAN: Thank you.

DAVE BALDO, 24 Ravenwood Drive

MR. BALDO: I just want to elaborate --

MICHAEL NYHAN: Your name?

MR. BALDO: Dave Baldo. 24 Ravenwood. My property -- my townhouse backs up to the west side of the KMart building. You removed all of the trees in my backyard and now I have no privacy, from the -- from the trucks and traffic there. It's noisier and it looks terrible. Pure and simple. Looks terrible.

The other thing, onto something else, trash blows back there and we don't know if anybody is going to be picking up trash. KMart didn't do too good a job of picking up their bags and such down there. Our property, we have a -- maintenance guys that pick up all of the trash on our side, but we would like to see -- just an eyesore there, too.

The last thing is, there's two lights out on that side of the building that have been out for years. Nobody has addressed having lights there. The fixtures are there, but there is no light. Three lights on that one side. One works, two of them don't. That is all I have to say.

MICHAEL NYHAN: If I could ask, the trees, there is a section where there is brand new fencing. How close -- to Paul Road Square. Is that the area you're talking about or is it more --

MR. BALDO: I'm talking about the west end of KMart, my property goes up against that fence. The fence hasn't been replaced. Sections of it are but not the whole fence. When the windstorm came, some of the fence fell down and they repaired or replaced part of it. But it's been there for -- since 1978, I guess.

MICHAEL NYHAN: And the trees were -- the trees that were along the side of the building; is that right?

MR. BALDO: Yeah.

MICHAEL NYHAN: Just trying to get perspective.

MR. BALDO: The building and the access, and then there's a slope down there and there are trees there. They're all gone now. And like I said, I have no privacy. People can see in my upper bedroom from -- and bathroom from the road there. People walk their dogs, their cars, whatever. And like I said, the privacy is gone. It's noisy. It looks terrible.

MICHAEL NYHAN: Thank you.

MR. BALDO: Nobody -- I don't know what to do. Probably nothing.

JOHN GIFFEN, 41 Sleep Hollow

MR. GIFFEN: John Giffen, 41 Sleepy Hollow in the Pumpkin Hill Subdivision. I sort of face it.

As I heard the presentation given about the dumpsters, I think they pointed that the dumpsters would go into this location (indicating)?

MICHAEL NYHAN: That's correct.

MR. GIFFEN: That backs right up to our homes. You're within 50 feet of a house over here. That is totally unacceptable. The dumpsters when KMart were in Town were over in here (indicating). They also had their compactor for their cardboard and that stuff. This dumpster should not be in that area (indicating).

MICHAEL NYHAN: Okay.

MR. GIFFEN: The second thing is the lighting which he showed, are these going to be lighted signs? And if so, what is the height of them? Because that would have an adverse effect on the homeowners in there, too.

MICHAEL NYHAN: Okay.

MR. GIFFEN: I think the traffic situation, adding all these parking spots along the back side there, there you're going to have cars in there all evening long during busy times. That side over there, I don't think that should have parking. That's all I got to say. Thank you.

SALLY CONWAY, 11 Alder Bush

MS. CONWAY: I am Sally Conway and I live at 11 Alder Bush which is also part of Pumpkin Hill. My home is sort of at the -- I guess the best way to describe it would be between the corner of the north side and the west side of -- of what is now the still KMart building. And I back up to there, too.

So I don't really have too much there, but I'm concerned -- I'm -- my question would be about the pet store. Would this pet store have live animals or would it be strictly supply things, food, crates, beds, things like that? I would not be in favor at all for live animals, because we're not that far from the buildings over there and it could be a -- very annoying.

And now, when you are talking about Aldi's, is that sort of at the east end of the original?

MICHAEL NYHAN: It's towards the center east end, I guess you would say. Just -- just off of center towards the east end.

MS. CONWAY: Okay. So closer to Coldwater Road?

MICHAEL NYHAN: Correct.

MS. CONWAY: Then it would be ---

MICHAEL NYHAN: Correct.

MS. CONWAY: All right. That's all I had to say. Thank you.

GINA MARSHALL, 836 Paul Road Square

MS. MARSHALL: Good evening. My name is Gina Marshall. I'm the lone wolf representing 836 Paul Road Square. So my house does have that new fencing that you mentioned. And in front -- Paul Road Square is that cut-through from Paul Road into the parking lot.

So my concern is, the increased traffic. People don't stop at that stop sign now. And with pets and things like that, I'm concerned with the additional traffic.

Who would be responsible for taking care of the fence now? Because we have had reluctant KMart to come in and fix it. I have lost track of how many times it has fallen down. So who would be in charge of that now? Our -- the -- are there going to be any environmental impact studies? Will they be published? You mentioned adding shrubbery or things like that to the building. Will they be native to the area so it's reduced pesticides going into our storm water drains?

Thank you.

CHARLES RETTIG, Coldwater Road

MR. RETTIG: Just a couple of general questions. I'm not sure I caught the information specifically. Aldi Corporation for variety discount store was stated as -- was that 38,000 or 8,000 square feet?

MICHAEL NYHAN: I believe that was the 38,000 square foot to the west there.

MR. RETTIG: Okay. Thank you. And then the one to five tenants for vacant -- this now vacant square footage, what was -- what would that total square footage be?

MICHAEL NYHAN: Total square footage of the building?

MR. RETTIG: No, no. Total square footage what is now vacant according to your plans. You said one to five additional tenants. Do you have that square footage?

MICHAEL NYHAN: I don't think I understand you. So you want all of the vacant pieces right now of the building other than Vern's? Because that's the only thing in there right now, I believe.

MR. RETTIG: No.

MICHAEL NYHAN: Sorry.

MR. RETTIG: Let's see if we understand. They stated that there were additional one to five tenants possible that was vacant for now or not accounted for. What was that square footage?

MICHAEL NYHAN: Now I understand.

PAUL BLOSER: T6, T1, T2, that is what he is looking for, the square footage of those areas per your site plan.

MR. RETTIG: Do you have that information? Just square footage, please.

MICHAEL NYHAN: Do you -- Dave (Cox), do you have that or -- just -- maybe total amount and subtract what you propose and that would be your square footage. Just --

MR. COX: 32,000.

MR. RETTIG: Thank you. And then the building, I saw it up there, the building total square footage is what? Something like 110,000 or something?

MR. COX: Currently it's 114. And we're losing about 900 off it.

MR. RETTIG: Thank you for that clarification. Appreciate that.

The one comment I have, I would request that the truck entrance/exit issue be readdressed by the Traffic & Safety Board for public safety based upon the fact that the Chair of the Chili Traffic Safety Committee indicated that they this evening just found out that tonight -- just found out tonight that a specific exit/entrance was being allocated for truck traffic.

Without the Traffic Board knowing the specifics, I think that should rightfully be readdressed to this Planning Board and to this group just to make sure that we have that properly taken care. Thank you.

MICHAEL NYHAN: Thank you.

KAREN COX, Casandra Circle

MS. COX: Karen Cox, Casandra Circle. I just wanted to indicate that, you know, I'm pleased as a resident of Chili that this building which has been an eyesore for a long time -- even when KMart occupied the building -- is going to be dressed up and made to look a whole lot better.

I understand the folks in -- in Pumpkin Hill have concerns that they have -- or mentioned. I have a lot of confidence that the Board will address those comments as best they can. And I am happy to see this development coming to Chili.

Thank you.

MICHAEL NYHAN: Thank you.

Michael Nyhan made a motion to close the Public Hearing portion of this application, and John Hellaby seconded the motion. The Board unanimously approved the motion.

The Public Hearing portion of this application was closed at this time.

MICHAEL NYHAN: Dave (Cox), there has been a number of questions. Maybe you could answer some of these. The one question I do have raises a good point. Normally, there is only one dumpster back there and you have multiple tenants. Normally the larger department stores, grocery stores do have those compacting dumpsters.

Are those dumpsters proposed for the back of the building or how will you manage all of the trash for the building other than the one dumpster in the corner?

MR. COX: There is multiple dumpsters onsite. So there is the one in back in this corner (indicating). There is dumpsters here (indicating) for Pet Supplies Plus. In the loading dock area, there is a dumpster for Aldi.

And then for these two tenants here (indicating), they make use of this existing loading dock area for their dumpsters.

MICHAEL NYHAN: There is a dumpster outside the loading dock?

MR. COX: Yeah.

MICHAEL NYHAN: Okay.

PAUL WANZENRIED: Could -- Mr. Cox, do that again, only now do it so that the audience sees you. You're -- body-shielded the audience.

MR. COX: You calling me fat, Paul (Wanzenried)?

PAUL WANZENRIED: I heard some grumbling. I don't know.

MR. COX: There is dumpsters up here in this corner (indicating). There is dumpsters right here for Pet Supplies Plus. Dumpsters in this loading dock area for Aldi and dumpsters in this area for these two tenants here (indicating).

PAUL WANZENRIED: Thank you.

PAUL BLOSER: The dumpster to the far northeast corner, whose dumpster is that and what is the intent of that dumpster?

MR. COX: That would be for these tenants here (indicating).

PAUL BLOSER: Not food storage?

MR. COX: Correct.

MATT EMENS: Well, if you had a restaurant come in, that could be a dumpster so I -- I wouldn't rule this out yet.

MR. COX: Then we would come back to the Board for any additional changes.

MICHAEL NYHAN: Is there room for that dumpster along the back of the building where the other ones are?

MR. COX: It is somewhat tough due to the truck turning. You know, you don't want it sticking out too far around the corner. And then there's a loading dock here for Pet Supplies Plus, that would also interfere somewhat with dumpsters here. So it is a little bit of a -- difficult. And it is -- this dumpster -- dumpster is quit a bit lower than Chili Center and we're adding the additional landscaping to try to block that area as best as possible.

MS. COX: Where are the dumpsters?

MICHAEL NYHAN: Excuse me. Are the -- how far from the homes from the back lot line there where the fence is? Do you know?

MR. COX: Probably around 40ish feet.

MICHAEL NYHAN: Okay.

MS. COX: Were the dumpsters that were there when KMart was there inside an enclosure or were they open?

MR. COX: They were open.

MICHAEL NYHAN: Okay. You will redo all of the lighting in the front.

Do you intend to do the lighting in the back and making it dark-sky compliant so we don't have splash off the property line?

MR. COX: Correct.

MICHAEL NYHAN: All right. That's included on the current plan, I believe, isn't it?

MR. COX: Yep. There is no outdoor storage proposed.

MICHAEL NYHAN: And trying to go through these questions. I know Betsy (Brugg) was quickly writing them down. I don't know if you did, as well. In case I missed any.

The other was retention pond. Could you speak to that, an existing retention pond? We're not adding any retention ponds?

MR. COX: So here is the -- here is the existing retention pond. That is staying as is. No

changes to that besides cleaning it -- cleaning it up.

MICHAEL NYHAN: And your current plan shows that there are trees between the fence and the building on the west side.

MR. COX: Yes. So what we found out, it was actually just not that long ago the utility company, because there is a power pole and wires that run back through here (indicating) and this all under easement. The utility company came in and chopped all these trees down, which -- just very recently. So the problem being that those trees had grown up into their wires and there is an easement there. So if we planted new trees, when they grew up into the wires, they would get chopped down again.

MICHAEL NYHAN: How high are the wires above the fence? Like 10 feet, 15 feet?

MR. COX: The wires are pretty low. The wires are probably only 15 feet off the ground.

MICHAEL NYHAN: The fence is a 6 or 8 foot fence?

MR. COX: No. It's a taller fence.

MATT EMENS: I think it's 9 foot.

MR. COX: Maybe 9 foot.

MATT EMENS: Yep. Called out as 9 foot on the plans.

MICHAEL NYHAN: Anyway to address any of that landscaping with a tree that doesn't grow that height? I know there are many trees around that do not grow -- wouldn't grow up into the wires. Something to look at for your --

MR. GLANTZ: Dense evergreens keep growing.

MR. COX: Most of them, you would need to be over 9 foot tall, grow up to 15 or 20.

MICHAEL NYHAN: Okay. Can you address the lighting? Okay. The trash -- is that picked up regularly, daily, twice daily? How big are the dumpsters?

MR. LEVEY: Aldi's has about an 8 cubic yard dumpster that is emptied once or twice a week. I'm not exactly sure they have a maintenance program inhouse to keep it clean. And any damaged food and stuff is not thrown out. It is brought back to the warehouse, so there is minimal food. It's a lot of packaging, the cartons and that type of thing that gets baled up in store and recycled.

JOHN HELLABY: I would assume you guys have a pretty aggressive rodent control program?

MR. LEVEY: Yes.

JOHN HELLABY: Do you set bait traps out around the building?

MR. LEVEY: We don't. Most of our food is -- most of our food is packaged, canned goods. We do have some produce and cheeses, cold cuts that are, you know, normal packaging, so...

MICHAEL NYHAN: Do you know anything about the Petsmart tenant? Pet supply store? Are they selling live animals?

MR. GLANTZ: I don't believe they sell any live animals. Just supplies, foods, treatments grooming products and things of that nature. Small store.

The other thing I would like to address, I believe it was Ms. Schrang whom asked about outdoor storage and there is no outdoor storage.

And also about lighting in the rear and we didn't speak to that, but it will be full cut-off night sky.

Let's see. Also Mr. Baldo asked about trash blowing against the fence. When KMart was in the space, they did all their own maintenance which, you know, they did very little of it. Now that we're in control -- and we only got control literally, I think, two months ago -- we have started the regular process of maintenance. That's one of the reasons why the detention pond needs to be -- or retention pond needs to be cleaned. Some of the outlets have gained some sediment. They need to be cleaned out and we'll be doing all of that, as well.

Mr. Giffen asked about parking on the side of the building. I think it is important to address that. There is parking there today.

MICHAEL NYHAN: Chili Center Coldwater Road.

MR. GLANTZ: Exactly. There is parking all along this road here and this portion of the building (indicating). For the public's perspective, this portion of the building here (indicating) is wide open with overhead doors for Vern's. So you have an auto use there making quite loud noise where they change tires. That is all going away. We're not renewing that lease. They will be gone, I believe, the end of March.

So you will have more typical convenient-oriented tenants on that side that will range from medical to restaurant to services I mentioned earlier. And those tenants need parking. The first thing they ask, "Where will my customers park?" or "Will they have to walk all of the way to the front?"

Answer is no, with this layout there, there be some parking there.

MICHAEL NYHAN: Also, on that side of the building, you're removing all of that outdoor storage fenced area that will be gone, so no outdoor storage.

MR. GLANTZ: That is right. There's an outdoor storage enclosure that they use for tire storage. That will be removed and we'll widen that open. It is better access, cleaner and pedestrians can walk across that driveway in a safe fashion.

Person who lives at 8 Paul Road, I believe it was, they were talking about the fence and who is taking care of it. If is there a new fence, I don't believe we put up any new fences. So anybody can put up a fence. It is their obligation to maintain that fence.

We have -- all of the fences, as far as I know, were not put up by us. We have only owned the property for six years. But including the access to Pumpkin Hill Road, we haven't done

anything with it. We haven't installed it. I did notice that there was some improvements to it. I'm not sure who did it. We didn't. And I don't think KMart spent a nickel. Whatever is there needs some attention and we'll be happy to make the improvements to make it safe.

Let's see. What else?

MR. COX: Native landscaping, not invasive species.

MICHAEL NYHAN: That went to the Conservation Board, correct, so they reviewed that?

MR. COX: Yep.

MR. GLANTZ: That's it. Thank you.

MICHAEL NYHAN: You mentioned the tenants that you know you will have today, or there will be some, they do not stage their trucks onsite. They're made for deliveries during the day. They don't come in at night and park all night and wait for the doors to open in the morning?

MR. GLANTZ: We won't allow it. We don't allow people to drive into our shopping centers and park overnight. We'll either give the police the option of ticketing them if that is necessary in your community and if necessary, we can put up signs that say "No overnight parking."

GLENN HYDE: No current plan for any of the current tenants to use that northwest dumpster, correct?

MR. GLANTZ: That is correct. Because each of the tenants that we already have leases with have their own individual dumpsters located across.

GLENN HYDE: That dumpster is only for the new tenants?

MR. GLANTZ: Planned need, yes.

MATT EMENS: The cart corrals, you have them shown, David (Cox), on the -- the left-hand side of the plan we are building out, so Aldi's, the pet supply store -- Aldi's has carts. Did you say previously they were stored outside?

MR. LEVEY: Aldi -- Aldi has a unique approach to carts. They charge a quarter to take the cart out. It's a mechanism on the cart. Favor is returning the cart to the same location or handing them off and exchanging quarters between the customers. So our cart storage is actually underneath the front canopy at the entrance to the store.

MATT EMENS: Okay.

MICHAEL NYHAN: So that's what the cart corrals are out front.

MATT EMENS: The cart corrals are for the future --

MR. COX: For the 38,000.

MATT EMENS: So does Petco have -- or whatever they are --

MR. COX: Pet Supplies Plus does not need cart corrals.

MATT EMENS: So I guess to understand -- I'm not extremely familiar with Aldi's. I don't see anything depicted on the site plan that shows that. Is that something that takes up quite a bit of the front sidewalk?

MR. COX: It's under the canopy, so that is why you can't see it.

MICHAEL NYHAN: What is the total width of the sidewalk right now?

MR. COX: It's around 10 feet.

MATT EMENS: Sorry. That was -- the width of the sidewalk is 10 feet?

MR. COX: Yes.

MATT EMENS: So what is depicted here in the drawing you have handed us is too wide, so 78 carts. I don't see a dimension on this drawing. It's a building issue. I don't see a dimension.

So Doug (Levey), what is the width on the two-cart corral or the two-cart dispenser or whatever we call it?

MR. LEVEY: The cart itself is about 30 inches wide, so about 5 1/2 feet for the -- for the two rows of carts.

MATT EMENS: It will take up half the sidewalk issue?

MR. LEVEY: Yeah.

MICHAEL NYHAN: So about 4 1/2 -- 4 1/2 feet for walking?

MR. LEVEY: A lot of Aldi stores in this area have a cart enclosure. That location, because of the orientation, we're just going with the guide rails. So that reduces the impact on the sidewalk width also.

JOHN HELLABY: I guess Aldi's is going to be considered the anchor in this plaza?

MR. COX: Yes.

JOHN HELLABY: Should have asked earlier, what is their typical hours of operation? I know you guys aren't open 24 hours.

MR. LEVEY: No. Aldi's is open 9 to 8, 7 days a week.

JOHN HELLABY: 9 to 8.

MR. LEVEY: They might have, like we said before, a morning delivery before the store opens and then delivery during store hours and that's it.

MR. GLANTZ: The rest of the tenants would probably have varying hours that range from 8 a.m. to 10 p.m.

If we had a fitness use and that fitness use ended up wanting to be open later or earlier, when we come before you for that use -- because that is a change of use, as I understand it, going from retail to fitness, we would be able to tell you more about it at that time.

MICHAEL NYHAN: Any other additional questions?

You talked about you will maintain the rear of the building, as well, paint and point up the

concrete block. You will also be making changes to the elevations on back with the loading docks?

MR. GLANTZ: Yes.

MICHAEL NYHAN: When you come before the Architectural Advisory Committee, can you include the look of the back of the building as well as the improvements you will make with the painting and masonry block?

MR. GLANTZ: Yes. Sure.

MICHAEL NYHAN: We'll take a look at that, as well.

Any other discussion on the ATM?

MATT EMENS: I guess the one thing -- it just may be graphically, I know the footprint of it shown looks pretty big and it might be beneficial -- I know the thought was to lengthen to queue more cars, but it may be to pull it back for the sight plan line if the box that is depicted is actually the size.

MR. COX: Pull it further back from the --

MATT EMENS: You think about the length of a car and a length of the hood you will be sitting there. You will finish the transaction and start to creep out and your natural intention is to pull out, not to slowly creep out. That will be a bigger issue than the length of cars. That is my opinion.

MICHAEL NYHAN: Pull it over to the west or the east --

MATT EMENS: The east.

MR. COX: Yep.

MICHAEL NYHAN: Is that covered? Covered and lighted, the ATM?

MR. GLANTZ: We don't have the design yet because we're not that far along with the conversations, so I would just say it's a typical ATM. When we have more information, we can present that, as well. We're looking basically for approval of the layout and circulation so we can go back to them and say it's an approved use, now we need to come back here.

MR. COX: And the -- we did the lighting photometrics to make sure it meets the federal guidelines for specific lighting requirements for ATMs.

MATT EMENS: As a stand-alone ATM. Just unit, no canopy?

MR. COX: Right.

MATT EMENS: Okay.

MICHAEL NYHAN: Other discussion, Board discussion, comments? None?

So for SEQR, we'll be making a motion for all five of these applications for SEQR.

Michael Nyhan made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the applications to be unlisted actions with no significant environmental impact, and John Hellaby seconded the motion. The Board all voted yes on the motion.

MICHAEL NYHAN: Conditions? What I would like to do is condition for the overall site plan approval and then conditions for the change of use and do the standard conditions for that. If there is any additional ones, let me know.

This ATM for additional discussion, not really knowing what it will look like -- it will have a cover. It will not have a cover. The size of it. Rather difficult to say we're in favor of having an ATM when we don't really know what it will look like.

MS. BRUGG: I think if the ATM is a concern, we can postpone the review of the ATM.

MICHAEL NYHAN: What I would like to see is once you know --

MS. BRUGG: We can submit that later.

MICHAEL NYHAN: You can come back again for a preliminary site plan and final just to do the ATM.

MS. BRUGG: We can do that. We can request to withdraw the ATM and deal with that separately.

MICHAEL NYHAN: So request to withdraw -- we can request to withdraw the ATM from the application. Okay.

So for the first application, um, for the application request, we'll withdraw review of the proposed ATM, but for preliminary site plan approval, the conditions that I have are upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department certifying that all of the approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.

Approval is subject to final by the Town Engineer and Commissioner of Public Works.

The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence of other approving agencies.

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

Applicant shall submit building design elevations to the Architectural Advisory Committee for their review and recommendations. This should be done before final approval.

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 Appeals for all required variances.

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

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.
And no parking of running vehicles in overnight hours.

ERIC STOWE: Just with respect to the condition for the ATM, would that be prior to any submission of final site plan the ATM kiosk is to be removed?

MICHAEL NYHAN: Yes.

ERIC STOWE: I'm sorry, didn't catch it.

Did you vote on SEQR?

MICHAEL NYHAN: Yes, we did.

MS. BRUGG: What was the condition regarding signage?

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

MS. BRUGG: I will note we have an application into the Zoning Board.

MICHAEL NYHAN: Okay. And then I also did have pending approval of any Zoning Board recommendations.

MS. BRUGG: Thank you.

MICHAEL NYHAN: So the -- so the additional condition that I put on here is prior to any submission of final plans, the ATM proposal to be removed from the drawings.

Also, I know you came in, I believe, tonight for preliminary and final. However, because you have to go in front of the Architectural Advisory Committee, we'll be voting on preliminary only.

MR. COX: Okay.

MICHAEL NYHAN: And then after -- the next month, after the Architectural Advisory Committee, you'll need to be put on that agenda -- our agenda so we can vote on final after we see those drawings and recommendations from the Architectural Advisory Committee.

MS. BRUGG: I will ask if you will make a separate motion for the special permit?

MICHAEL NYHAN: We'll do all those separate for the other four applications.

But for this one, this is just for preliminary only. We expect you'll be back here next month for final after you go in front of Architectural Advisory Committee.

MR. COX: Correct.

MICHAEL NYHAN: So those conditions of approval, application of Chili --

ERIC STOWE: Mr. Chairman. I'm sorry. There was one other thing we have been routinely doing that Paul (Wanzenried) and I discussed. Outdoor storage of merchandise.

MICHAEL NYHAN: Yes. Thank you.

No outdoor storage of merchandise as a condition.

ERIC STOWE: Or sales.

MICHAEL NYHAN: So one additional condition, no outdoor storage of, sale or merchandise.

So with those conditions, application of Chili MZL, LLC, owner; 810 Paul Road, Rochester, New York 14624 for preliminary site plan approval without the ATM Kiosk, and overall site improvements to include additional parking, lighting, and dumpster enclosures, and façade renovations at property located at 800-810 Paul Road in G.B. zone.

Do I have a second?

JOHN HELLABY: Second.

DECISION: Unanimously approved by a vote of 5 yes with the following conditions:

1. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
2. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
3. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
4. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
5. Applicant shall submit building design elevations to the Architectural Advisory Committee for their review and recommendation. This should be done by final approval.
6. Building permits shall not be issued prior to applicant complying with all conditions.
7. Application is subject to all required permits, inspections, and code compliance regulations.
8. Pending approval of the Zoning Board of Appeals for all required variances.

9. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.
10. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
11. Any signage change shall comply with Town Code, including obtaining sign permits.
12. No parking of running vehicles during overnight hours.
13. Prior to any submission of final plans the ATM proposal to be removed from the drawings.
14. No outdoor storage or sale of merchandise.

MICHAEL NYHAN: First application is approved.

Second application is for change of use for proposed site of T3, which is Aldi's grocery store for the conditions. This is for waiver of final, correct?

MR. COX: Correct.

MICHAEL NYHAN: For conditions of approval on this application, is subject to all required permits, inspections and code compliance regulations.

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

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

With those conditions, application of Chili MZL, LLC, owner; 810 Paul Road, Rochester, New York 14624 for preliminary site plan approval for a change of use in proposed Suite #T3 to allow a grocery store (formerly department store) at property located at 800-810 Paul Road in G.B. zone.

Do I have a second?

JOHN HELLABY: Second.

DECISION: Unanimously approved by a vote of 5 yes with the following conditions:

1. Application is subject to all required permits, inspections, and code compliance regulations.
2. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.
3. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.

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

MICHAEL NYHAN: Third application of the special use for the grocery store. I have the same conditions.

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

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

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

With those conditions, application of the Chili MZL, LLC, owner; 810 Paul Road, Rochester, New York 14624 for a special use permit to allow a grocery store in proposed Suite #T3 at property located at 800-810 Paul Road in G.B. zone.

Do I have a second?

JOHN HELLABY: Second.

DECISION: Unanimously approved by a vote of 5 yes the above described application with the following conditions:

1. Application is subject to all required permits, inspections, and code compliance regulations.
2. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.
3. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.

MICHAEL NYHAN: Fourth application for change of use to proposed Suite T2. Pet

store. Same conditions.

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

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

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

With those conditions, application of Chili MZL, LLC, owner; 810 Paul Road, Rochester, New York 14624 for preliminary site plan approval for a change of use with waiver of final in proposed Suite #T2 to allow a pet store (formerly department store) at property located at 800-810 Paul Road in G.B. zone.

Do I have a second.

JOHN HELLABY: Second.

DECISION: Unanimously approved by a vote of 5 yes with the following conditions:

1. Application is subject to all required permits, inspections, and code compliance regulations.
2. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.
3. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.

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

MICHAEL NYHAN: Last application. Preliminary for T4 for variety store. Conditions of approval.

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

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

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

With those conditions, application of Chili MZL, LLC, owner; 810 Paul Road, Rochester, New York 14624 for preliminary site plan approval for a change of use with waiver of final in proposed Suite #T4 to allow a variety store (formerly department store) at property located at 800-810 Paul Road in G.B. zone.

Do I have a second?

JOHN HELLABY: Second.

DECISION: Unanimously approved by a vote of 5 yes with the following conditions:

1. Application is subject to all required permits, inspections, and code compliance regulations.
2. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.
3. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.

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

MICHAEL NYHAN: First application is approved preliminary. Final will be next month when you come in front of the Architectural Advisory Committee.

And for Applications 2, 3 and 4, both preliminary and final have been approved.

MS. BRUGG: Thank you very much.

MICHAEL NYHAN: Sorry. 2, 3, 4 and 5.

Michael Nyhan made a motion to accept the 9/11/18 Planning Board meeting minutes, and Matt Emens seconded the motion. All Board members were in favor of the motion with the exception of John Hellaby (abstained).

The meeting ended at 8:24 p.m.